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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

## HOUSE OF REPRESENTATIVES—*Friday, November 30, 2012*

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You so that, with Your Spirit and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people's House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

You know well the pressing issues facing our Nation. Grant our leaders, especially, the wisdom and magnanimity to do what is best, and may we all join in a common will for the benefit of all constituencies even though this will take some sacrifice.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SHIMKUS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. QUIGLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. QUIGLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### BOUDREAU PRESENTS QUESTIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in last Wednesday's The Post and Courier, a retired Foreign Service officer wrote a letter with questions regarding the terrorist attack in Benghazi, Libya. Retired Foreign Service Officer William Boudreau worked in the State Department Operations Center, which serves as a direct line of communications to all American missions.

Based on his service, Boudreau is confident that alerts from Benghazi were delivered to the White House during the attack. Boudreau believes the following questions must be explained:

Why the delay in labeling the attack as terrorism? Given prior threats, why did security personnel allow Ambassador Stevens to proceed to Benghazi? Why did the State Department refuse requests to enhance security? The American people deserve answers to these questions.

Additionally, I appreciate the service of Marty Johnson in promoting Snowball Express and on its success in

reaching out to the children who have suffered the loss of a parent serving in our Armed Forces since September 11.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### THE PREVAILING BUDGET PLAN DOES NOT PROTECT A DEMOCRACY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. You think cutting Social Security, Medicare, and Medicaid should be part of a budget deal?

America's economic collapse was fed by Wall Street greed in the form of a \$6 trillion housing bubble. This brought large budget deficits. Some who were at the center of the housing crash are pushing for deep cuts to social programs in order to cure the budget deficit. The CEO of Goldman Sachs, which received a \$10 billion direct bailout and tens of billions of loans at below-market interest rates, has preached about cutting Social Security benefits and increasing the retirement age.

While Wall Street was bailed out with tax dollars from Main Street, Main Street Americans have lost more than 40 percent of their wealth from 2007 to 2010. Nearly one in six U.S. residents is officially poor—the highest rate in 50 years. Twenty-two percent of American children live in poverty. We are facing an economic situation that resembles the years leading up to the Great Depression.

Now this prevailing budget plan calls for deep cuts in spending on education, environmental protection, Social Security, Medicare, and Medicaid while corporations and the top 1 percent would get tax cuts of nearly \$3 trillion over the next decade. This is not how to protect a democracy.

### GOVERNMENT GONE WILD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. POE of Texas. Mr. Speaker, the President has finally given us his balanced plan to allegedly avoid the fiscal cliff. He wants to raise taxes by \$1.6 trillion. He wants another stimulus package of \$50 billion. He wants the authority to raise the debt ceiling without asking Congress for approval.

Say it isn't so, Mr. Speaker.

This tax hike will hurt small businesses, which provide 67 percent of the jobs in this country. That may fund the government for a short time. Then what's the plan? Stimulus 2.0. Because the first stimulus worked so well? That was a disaster as well. We have a \$16 trillion deficit, and the President wants to spend more money. Are you kidding me? Spending is the problem. We don't need more of it. Lastly, he wants the power to raise the debt ceiling without congressional approval.

The administration cannot unilaterally issue an edict like a monarchy. Congress, Congress, Congress is in charge of the purse. The government has gone wild.

And that's just the way it is.

#### RECOGNIZING LOCAL FIRST CHICAGO

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, the impact that independent, locally owned businesses have on our communities comes as no surprise. The lasting economic, social, and environmental outcomes are essential to the growth and sustainability of our neighborhoods.

More than 7 years ago, a not-for-profit organization called Local First Chicago was formed with one purpose in mind: to educate citizens, community groups, and policymakers about the positive impacts of choosing locally owned businesses. It is a network of locally owned, independent businesses, community organizations, and citizens that has grown to more than 3,000 local business owners. Studies have shown that shifting just a small percentage of our shopping dollars to locally owned businesses could keep millions in our communities.

This is something to think about as the holiday season approaches. Instead of going to a chain, why not branch out and get your coffee at Safari cafe on Southport? Why not get a hot dog at Gene and Jude's in River Grove? Buy a few holiday gifts at a family owned shop as well.

Local businesses are what help build thriving communities. I am honored to have organizations such as Local First Chicago fighting for ours.

#### THE NEED FOR TAX REFORM

(Mr. BENISHEK asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BENISHEK. Mr. Speaker, the time has come for Congress to enact comprehensive tax reform and to reduce Federal spending in order to create jobs and boost the economy.

Our Nation is facing significant challenges—a weak economy, record deficits, and a Federal Government we can't afford. Many northern Michigan citizens fear for the future of our Republic. The American people deserve solutions to these problems, and comprehensive tax reform is a key part of these solutions.

President Obama has made it clear that his preference is to raise taxes on families and businesses, but that plan won't fix our national debt. It won't improve the economy. Instead, Congress should focus on tax reform and real significant spending reductions.

The American people have chosen divided government, and with that comes a responsibility for us to work together and fix the problems our Nation faces. So I urge my colleagues and the President to work together to resolve this fiscal crisis and to do what's best for the American people.

#### RENEW THE WIND PRODUCTION TAX CREDIT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, one of the many challenges that Congress will face during the ongoing negotiations of the fiscal cliff is whether or not to renew the wind production tax credit, which expires at the end of this year. Investing in renewable energy is key to creating new jobs, reducing our dependence on foreign oil, and promoting economic growth.

In Pennsylvania, the wind industry supports 4,000 jobs and powers 180,000 homes, including in the Pittsburgh area. The uncertainty surrounding the looming deadline to renew the PTC has already forced some companies to lay off employees, and if we let it expire thousands more hardworking Americans will be out of work. Two wind farm projects in western Pennsylvania were already canceled this year.

This is an issue on which both sides can come together to do what is right for our country. Letting the PTC expire would damage the competitiveness of the United States and the global economy, so I urge my colleagues to extend this vital job-creating tax credit before it expires.

□ 0910

#### SOCIAL SECURITY CRISIS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, back in 2007, then-candidate Obama said the Nation is facing "a Social Security crisis." And he was right. Unfortunately, 5 years later, as we deal with a looming fiscal cliff, some in the President's own party are denying the fiscal reality when it comes to Social Security. Here are the facts:

Social Security is the government's most expensive program. Since 2010, it has been bleeding cash, and over the next 10 years, it will do so to the tune of nearly \$1 trillion. As a recent USA Today editorial put it, Social Security is indeed contributing to our deficit. To say otherwise is to lie to the American people.

Mr. Speaker, all Americans want, need, and deserve that we work together to address our fiscal challenges. We owe it to current and future beneficiaries to secure this critical safety net. We can make Social Security solvent forever. Let's do it.

#### THANKING GENEVA B. STALLINGS FOR A JOB WELL DONE

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise today to honor Mrs. Geneva B. Stallings, an outstanding Augustan who has devoted over 50 years of service to the Richmond County school system. For six decades, Mrs. Stallings has been a leader in the educational community in Augusta. She understands that equal educational opportunity is equal economic opportunity, and she's worked to see to it that all children, regardless of economic circumstance, received a quality education.

Mrs. Stallings has served as a classroom teacher, as a reading coordinator, and as the longest serving director of the Title I pre-K department. In fact, the Board of Education recognized her service by naming the Title I Parent Information Resource Center the Geneva B. Stallings Title I Parent Resource Center.

I know I speak for all who know Geneva Stallings in thanking her for her commitment to the education of our children. Mrs. Stallings, you have the appreciation of many grateful Augustans and of this proud Congressman. Thank you for a job well done.

#### CONGRATULATING NATION OF GEORGIA

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, on October 1, the nation of Georgia successfully elected a new Parliament and then underwent the country's first peaceful transfer of power via an election since independence. I commend

President Saakashvili on his leadership in that transition.

The Georgian people are to be congratulated for a credible election. I am encouraged by Georgia's continued positive attitude toward NATO integration and its determination to be a modern democracy. However, the Georgian Dream coalition must be reminded that the most effective way for Georgia to join NATO is through continued development of democracy and the rule of law.

First, there has been increasing pressure on President Saakashvili to resign prior to the constitutional end of his term in October 2013. While the new majority may see this as a logical next step to finalizing the transfer of power, attempting to coerce a sitting head of state to give up their constitutional mandate before its expiration would run contrary to the principles of democratic governance and the rule of law.

Second, on November 7, the prosecutor's office arrested three members of the resigned government, charged with unspecified abuses of power.

Georgia has made enormous progress in its democratic and political development over the past 2 months, progress which very few predicted would or could happen so quickly and completely. In light of that, I would encourage the new leadership of Georgia to take these concerns seriously. It is incumbent upon the Georgian Government to ensure that the new Parliament consolidates the democratic process, not a political agenda.

#### AMERICA NEEDS A FARM BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, it's been 141 days. That's how long it's been since the House Agriculture Committee, on a bipartisan basis, passed the farm bill by a vote of 35-11. That's the high watermark of bipartisanship in this Congress. It represents something that is too lacking in Washington today: a serious attempt at progress through bipartisan work.

We need a farm bill. America needs a farm bill. Our farmers, our folks dependent on nutrition programs, our folks who are farming and want to conserve the land, they're entitled to have Congress act.

You know, it's one thing to vote "yes" and it's one thing to vote "no," but it is unacceptable not to vote at all.

The decision on whether we will vote on a farm bill is up to the leadership. They owe it to each one of us so we can be accountable to the people we represent and give America a farm bill. There is absolutely no excuse for Congress to not even try to do its job, which will occur when a farm bill is brought to the floor.

#### STEM JOBS ACT OF 2012

Mr. ISSA. Mr. Speaker, pursuant to House Resolution 821, I call up the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DOLD). Pursuant to House Resolution 821, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-34, modified by the amendment printed in House Report 112-697, is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### H.R. 6429

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "STEM Jobs Act of 2012".*

#### SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) **WORLDWIDE LEVEL OF IMMIGRATION.**—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) is amended by adding at the end the following:

"(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2014 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

"(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

"(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

"(ii) The number specified in this clause is 55,000, reduced for any fiscal year by the number by which the number of visas under section 201(e) would have been reduced in that year pursuant to section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) if section 201(e) had not been repealed by section 3 of the STEM Jobs Act of 2012.

"(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014.

"(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2015, but not used for the classes specified in para-

graphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2015 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2015.

"(v) Immigrant visa numbers made available under this subparagraph for fiscal year 2016, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

"(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

"(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

"(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2016.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2016 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2016.

"(vi) Immigrant visa numbers made available under this subparagraph for fiscal year 2017, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

"(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2017 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

"(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

"(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2017.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2016 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2017."

(b) **NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.**—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking "or (5)" and inserting "(5), (6), or (7)".

(c) **PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.**—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

“(6) ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

“(A) IN GENERAL.—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

“(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education; and

“(ii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States.

“(B) DEFINITIONS.—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

“(i) The term ‘distance education’ has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(ii) The term ‘field of science, technology, engineering, or mathematics’ means a field included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

“(iii) The term ‘United States doctoral institution of higher education’ means an institution that—

“(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

“(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

“(III) has been in existence for at least 10 years; and

“(IV) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.

“(C) LABOR CERTIFICATION REQUIRED.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

“(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

“(7) ALIENS HOLDING MASTER’S DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

“(A) IN GENERAL.—Any visas not required for the class specified in paragraph (6) shall be made available to the class of aliens who—

“(i) hold a master’s degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education that was either part of a master’s program that required at least 2 years of enrollment or part of a 5-year combined baccalaureate-master’s degree program in such field;

“(ii) have taken all master’s degree courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States; and

“(iii) hold a baccalaureate degree in a field of science, technology, engineering, or mathematics or in a field included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences.

“(B) LABOR CERTIFICATION REQUIRED.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

“(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

“(C) DEFINITIONS.—The definitions in paragraph (6)(B) shall apply for purposes of this paragraph.”.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking “(F)” and inserting “(F)(i)”;

(2) by striking “or 203(b)(3)” and inserting “203(b)(3), 203(b)(6), or 203(b)(7)”;

(3) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(4) by adding at the end the following:

“(ii) The following processing standards shall apply with respect to petitions under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

“(I) The Secretary of Homeland Security shall adjudicate such petitions not later than 60 days after the date on which the petition is filed. In the event that additional information or documentation is requested by the Secretary during such 60-day period, the Secretary shall adjudicate the petition not later than 30 days after the date on which such information or documentation is received.

“(II) The petitioner shall be notified in writing within 30 days of the date of filing if the petition does not meet the standards for approval. If the petition does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified petition.”.

(e) LABOR CERTIFICATION AND QUALIFICATION FOR CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8 U.S.C. 1182(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(ii) in subclause (II), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(III) holds a doctorate degree in a field of science, technology, engineering, or mathe-

tics from a United States doctoral institution of higher education (as defined in section 203(b)(6)(B)(iii)).”.

(B) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(C) by inserting after clause (i) the following:

“(ii) JOB ORDER.—

“(I) IN GENERAL.—An employer who files an application under clause (i) shall submit a job order for the labor the alien seeks to perform to the State workforce agency in the State in which the alien seeks to perform the labor. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

“(II) LINKS.—The Secretary of Labor shall include links to the official websites of all State workforce agencies on a single webpage of the official website of the Department of Labor.”; and

(D) by adding at the end the following:

“(vi) PROCESSING STANDARDS FOR ALIEN BENEFICIARIES QUALIFYING UNDER PARAGRAPHS (6) AND (7) OF SECTION 203(B).—The following processing standards shall apply with respect to applications under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

“(I) The Secretary of Labor shall adjudicate such applications not later than 180 days after the date on which the application is filed. In the event that additional information or documentation is requested by the Secretary during such 180-day period, the Secretary shall adjudicate the application not later than 60 days after the date on which such information or documentation is received.

“(II) The applicant shall be notified in writing within 60 days of the date of filing if the application does not meet the standards for approval. If the application does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.”; and

(2) in subparagraph (D), by striking “(2) or (3)” and inserting “(2), (3), (6), or (7)”.

(f) GAO STUDY.—Not later than June 30, 2018, the Comptroller General of the United States shall provide to the Congress the results of a study on the use by the National Science Foundation of the classification authority provided under section 203(b)(6)(B)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)(B)(ii)(II)), as added by this section.

(g) PUBLIC INFORMATION.—The Secretary of Homeland Security shall make available to the public on the official website of the Department of Homeland Security, and shall update not less than monthly, the following information (which shall be organized according to month and fiscal year) with respect to aliens granted status under paragraph (6) or (7) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as added by this section:

(1) The name, city, and State of each employer who petitioned pursuant to either of such paragraphs on behalf of one or more aliens who were granted status in the month and fiscal year to date.

(2) The number of aliens granted status under either of such paragraphs in the month and fiscal year to date based upon a petition filed by such employer.

(3) The occupations for which such alien or aliens were sought by such employer and the job titles listed by such employer on the petition.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date.

"Nothing in the preceding sentence shall be construed to prohibit the Secretary of Homeland Security from accepting before such date petitions under section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b) of such Act (8 U.S.C. 1153(b)) (as added by this section)."

### SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) **WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.**—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) **ALLOCATION OF DIVERSITY IMMIGRANT VISAS.**—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b).";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)."; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)."

(c) **PROCEDURE FOR GRANTING IMMIGRANT STATUS.**—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date.

### SEC. 4. PERMANENT PRIORITY DATES.

(a) **IN GENERAL.**—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

"(i) **PERMANENT PRIORITY DATES.**—

"(1) **IN GENERAL.**—Subject to subsection (h)(3) and paragraph (2), the priority date for any employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

"(2) **SUBSEQUENT EMPLOYMENT-BASED PETITIONS.**—Subject to subsection (h)(3), an alien who is the beneficiary of any employment-based petition that was approvable when filed (including self-petitioners) shall retain the priority date assigned with respect to that petition in the consideration of any subsequently filed employment-based petition (including self-petitions)."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall apply to aliens who are a beneficiary of a classification petition pending on or after such date.

### SEC. 5. STUDENT VISA REFORM.

(a) **IN GENERAL.**—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

"(F) an alien—

"(i) who—

"(I) is a bona fide student qualified to pursue a full course of study in a field of science, technology, engineering, or mathematics (as defined in section 203(b)(6)(B)(ii)) leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as de-

scribed in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I);

"(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution of learning or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

"(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

"(iv) who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico."

(b) **ADMISSION.**—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting "(F)(i)," before "(L) or (V)".

(c) **CONFORMING AMENDMENT.**—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking "(i) or (iii)" and inserting "(i), (ii), or (iv)".

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2013, and shall apply to nonimmigrants who possess or are granted status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) on or after such date.

### SEC. 6. EXPANSION OF THE "V" NONIMMIGRANT VISA PROGRAM FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

(a) **IN GENERAL.**—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) in the matter preceding clause (i), by striking "that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act,";

(2) in clause (i), by striking "3 years or more," and inserting "1 year or more,"; and

(3) in clause (ii), by striking "3 years or more have" and inserting "1 year or more has".

(b) **PROVISIONS AFFECTING NONIMMIGRANT STATUS.**—Section 214(q) of the Immigration and Nationality Act (8 U.S.C. 1184(q)) is amended—

(1) by striking paragraphs (2) and (3);

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "the Attorney General" and all that follows through "and" and inserting "the alien may not be authorized to engage in employment in the United States during the period of authorized admission as such a nonimmigrant; and"; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(3) by striking "(q)(1)" and inserting "(q)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2013, and shall apply to an alien who—

(1) applies for nonimmigrant status under section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) on or after such date; and

(2) is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before, on, or after such date.

### SEC. 7. EXTENSION OF GUARANTEE FEES FOR GOVERNMENT-SPONSORED HOUSING ENTERPRISES AND FHA.

(a) **GSEs.**—Subsection (f) of section 1327 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547) is amended by striking "October 1, 2021" and inserting "October 1, 2022".

(b) **FHA.**—Subsection (b) of section 402 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78; 125 Stat. 1289) is amended by striking "October 1, 2021" and inserting "October 1, 2022".

The SPEAKER pro tempore. The gentleman from California (Mr. ISSA) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6429, as amended, under current consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when it comes to STEM fields, this is long overdue. This is not the first time we have considered it, but as we go into the lame duck session, I'd like the American people to understand why this is so important. For more than 2 years, the national campaigns have talked in terms of jobs. STEM means jobs, Mr. Speaker.

Many years ago, Thomas Friedman wrote about an experience of being a speaker at a commencement, and he watched one after another individuals cross receiving their masters and doctorate degrees in science, in math, and in engineering. The amazing thing is, one after another had names that were almost impossible to pronounce in some cases, and, clearly, the majority of these engineers and scientists came from other countries and were being told they must return to them. He made the statement in his op-ed that, in fact, at the end, rather than just a

diploma, they should be given a diploma and a green card. Mr. Speaker, I agree with Thomas Friedman on this subject.

For each person we welcome to America with one of these high degrees, we create jobs, net jobs. We create opportunity for expansion of the kinds of businesses that, in fact, Americans are prepared to work in, but often we do not have enough engineers, scientists, or math professionals. This shortage, particularly at the masters and doctorate level, is well documented.

This is not something in which Republicans and Democrats are on different sides; this is something we agree on. There is some controversy, as you might imagine; there always is. Some would cling to a lottery that allows 55,000 immigrants to come for no reason other than they asked and they got a lottery. Those 55,000 are, in fact, an example of a great many of our immigrants. Only 5 percent of immigration visas today are based on skills of education and other capacities—only 5 percent.

□ 0920

I support other categories of immigration, including those fleeing the tyranny of their own countries, those in fact who would be killed if they remained, or tortured; and I certainly agree that family reunification continues to be an important part of our immigration system. But today what we're dealing with is the ability to make a profound difference of 55,000 opportunity jobs.

We often hear about opportunity scholarships, Mr. Speaker. Opportunity jobs is what we're talking about today—jobs that are in great demand. In this high unemployment era, STEM jobs can be not just below 4, but in some cases below 2, percent. The truth is if you're qualified and you have these kinds of advanced degrees, the jobs are far greater than the qualified applicants.

Three-quarters of likely voters support strongly this type of legislation, and, I believe, properly understood, that for each STEM immigration visa, the fact is that you would gain net jobs, that by bringing in these 55,000, we could drop hundreds of thousands of people from the unemployment rolls because they could become employed. The benefit to our economy is undeniable. The controversy here today will simply be, are we willing to act and act now. Many say that little good happens in a lame-duck session. In this case, I believe both in the House and hopefully in the Senate we can in fact say, not true.

Some of the groups that have strongly come out in support of this legislation include: the Institute for Electrical and Electronics Engineers, an area of shortage; the U.S. Chamber of

Commerce, an area of commerce; Compete America; the Information Technology Industry Council; and the Society for Human Resource Management. And, I might say, the industry I came from, the Consumer Electronics Association, has long supported these kinds of investments in America.

This bill has the support of the large majority of the House of Representatives, and on a bipartisan basis. Last September, by an overwhelming vote, more than 100 votes to spare, the STEM Jobs Act passed under suspension.

To protect American jobs, employers who hire STEM graduates must advertise for the position before they can ask for them, and they must in fact make their jobs available to all existing American workers. In fact, these protections have long meant that after all that advertising, employers often enter the H-1B, attempt to get a temporary worker; but in fact for permanent opportunities and permanent growth, we should have more permanent jobs than simply a guest technology worker.

More importantly, I think it's universally recognized by both my colleagues on the other side and by my colleagues that if you have somebody who's going to benefit America, having them benefit America for a short time and then go home and in fact compete against America is not in America's best interests.

In fact, an Assistant Secretary of State for Visa Services has testified that the diversity fraud in the system that we are attempting to take these slots from is so huge as to in fact make it effectively worthless. In those hearings and many others, we've determined that we do have an opportunity, on a net basis, no net-new immigrants but in fact a selection of the ones that Americans want would be the best.

There are many other provisions in this bill, but I want to touch on one, which is family reunification. Under this bill, we're going to set aside what has been a bad idea for a long time: people who just because of our bureaucracy often wait for family reunification. Americans, with green cards or fully naturalized citizens, often wait for many years to be reunited. Under this bill, I believe broadly supported, we're going to change that. We're going to make it to where after 1 year, if there are no other impediments to their coming, they may wait with their families here for final status. We believe that this is the best solution to a problem where we have had pervasive slowness in the process and it's to the detriment of families being together.

So although there will be additional comments, and I intend to make additional comments, I want to close simply by saying one thing: I was an employer. I knew that in fact technology and people who could apply it allowed

my company to compete globally. I knew that in fact there were never enough of those people. I always had an open mind to hire if I found a smart engineer or a smart scientist.

Mr. Speaker, we can only gain by asking as many people who are smart and who create opportunities far beyond just their own to be part of our society. It's smart in business. It's smart in America.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I want to begin by pointing out that the same poison pill that defeated this bill on suspension is now being brought up again with the same poison pill that pits immigrant and minority communities against one another and makes the legislation, therefore, unworkable.

Rather than simply creating green cards for STEM graduates, the majority insists that we must pay for the new visas by completely eliminating Diversity Visas, a longstanding legal immigration program. The elimination of the Diversity Visa program will drastically reduce immigration from African nations because immigrants from Africa normally comprise half the Diversity Visa program's annual beneficiaries.

Rather than reaching out to minority and immigrant communities, the majority is for some reason steamrolling through a bill that we otherwise agree with that cuts visas for minorities and signals their continued support for a Grover Norquist-style "no new green cards" pledge that says you can't create a green card for one person without taking one away from someone else.

Even worse, it is shamefully designed to reduce the overall level of legal immigration. Under current law, unused visas in one immigration category roll over to immigrants in other categories who are stuck in decades-long green card backlogs. But H.R. 6429 doesn't do this, thereby ensuring that unused visas are wasted and legal immigrants must continue to suffer in long backlogs. This is a naked attempt to satisfy anti-immigrant groups that have long lobbied for reduced levels of legal immigration.

If this is a new strategy on immigration, it sure looks a lot like the old one. A zero-sum rule means our immigration system can never be fixed. We would not be able to craft solutions for the DREAMers who were brought here as children, for the agricultural workers growing the food on our tables, or for the American families whose loved ones are stuck in decades-long green card backlogs.

We're not fooled by the majority's assertion that this latest version of the bill actually helps families. In reality, the provision that the majority touts is a step backwards from the LIFE Act



enacted under a Republican Congress in 2000. Under that act, undocumented spouses and children of lawful permanent residents were able to obtain V visas and eventually adjust their status to lawful permanent residents. The bill offered such family members protection from removal and explicitly granted work authorization.

In contrast, the provision that my colleagues herald this morning as helping families grants certain spouses and children who have already waited abroad for over a year temporary V visas. There is no work authorization, and undocumented family members would be excluded altogether from participating in this program.

□ 0930

While the majority bill provides permanent green cards for businesses, it provides nuclear families with nothing more than temporary visas without work authorization—and then, only after a 1-year separation. And to undocumented children and spouses of lawful permanent residents, the bill offers nothing at all.

So I regret that this legislation was brought to the floor without any committee process, without any opportunity for amendment, and without any input from those on this side of the aisle. I hope that in the coming Congress the majority will cast aside this political theater and join me in the hard work of finding workable bipartisan solutions to fix our immigration system.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, to my colleague from Michigan, 1990 is a long-standing part of our 236-year history. 1990 is a long part of 236 years. And 55,000 out of 1 million immigrant visas is a large part. I think on this side of the aisle we know better. We know that in fact this is a relatively recent provision, the 55,000 Diversity Visa. And clearly, America continues to be the most generous Nation on Earth when it comes to welcoming people to our country.

I yield such time as he may consume to my colleague and classmate coming to Congress, the distinguished gentleman from Arizona (Mr. FLAKE), a co-sponsor of the bill.

Mr. FLAKE. I appreciate this bill coming up. This has been long, long overdue. Many of us have been working on this issue for years.

Several years ago, when I first got to Congress, I met with some CEOs of major tech corporations who told me that they have to follow the talent wherever it goes. Some 65 percent of Ph.D. graduates in the STEM fields actually are foreign born. They come, are educated here, and then return home or return somewhere else to compete against us. We ought to be rolling out the red carpet for them to stay. In fact,

what I was told is we should staple a green card to their diploma.

And so I introduced three Congresses ago and every Congress since then the Staple Act, which would do essentially that. It would, basically, get rid of the quotas we have on those who come here, are educated in our universities, and receive Ph.D.s in the STEM field. This legislation is similar in that respect to the Staple Act, and I support it. There's no reason we ought to force those to return home or elsewhere who are willing to stay here and create jobs. We ought to roll out the red carpet. As I say, we ought to staple the green card to their diploma and welcome them here and have them create jobs. That's why I'm glad that this legislation is before us. I support it, and urge my colleagues to do so as well.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 5 minutes to the ranking member of the Immigration Subcommittee, who represents the place where many of these techs come from, Silicon Valley, Ms. ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I have long been a champion of creating a green card program for foreign students with advanced STEM degrees from America's great research universities. Coming from Silicon Valley, I'm fortunate enough to see firsthand the new technologies, the new companies, the new jobs that such innovators create every day in the district I represent.

There's no question that a STEM green card program is the right thing to do for our country. For that reason, it pains me greatly to say I can't support this flawed bill. I can't support a bill that pits immigrant communities against each other, that sets a terrible precedent for addressing our broken immigration system that is indefensibly designed to reduce immigration while purporting to increase it, and that harms American workers. I certainly admire the gentleman from Arizona on his Staple Act. I know that he has pushed for this over the Congresses. But his Staple Act did not eliminate the Diversity Visa program, as this does.

Our colleagues on the other side of the aisle say that a STEM visa program is critical to the future of this country—and I agree. But if that's true, why poison the bill with an unrelated provision to eliminate the Diversity Visa program? There's no reason that giving a green card to one person should mean taking one away from someone else, but that is exactly what the bill asks us to do.

My colleagues are fond of saying they support legal immigration, but this bill shows quite the opposite. Supporters of legal immigration would not have to kill one immigration program to benefit another; nor would they agree to a Grover Norquist-style "no new immigration" pledge that will continue to

strangle our immigration system for years to come. If we were to accept a zero-sum premise, how could we craft meaningful solutions for farmers and agricultural workers; for DREAMers, who were brought here as children; or for those families with loved ones waiting abroad in decades-long queues?

This bill, however, is even worse than that. It is actually designed to reduce legal immigration. Taking 55,000 green cards from one category and putting them in another may seem like an even trade, but it is not if the new category is drafted to ensure that green cards go unused.

According to the National Science Foundation, American universities currently graduate about 30,000 foreign students with degrees that would qualify them for green cards under this bill. Assuming every single one of them wanted to stay and could find an employer willing to offer them a permanent job, which is certainly not the case, that would still leave 25,000 green cards unused. This bill shamefully prevents those green cards from being used to help other employment and family-based immigrants suffering in long backlogs. And I would note that those who have their labor certification based on a bachelor of science degree, if you're born in India, you're facing a 70-year wait. Yet this bill would not allow the traditional policy of having visas trickle down when they are unused. That's not the way the immigration system works. I believe the only reason the bill was written in this fashion is to satisfy anti-immigrant organizations who have long lobbied for reduced levels of immigration.

In an attempt to appear more pro-immigrant, the authors point to a new "family-friendly" position. But looks can be deceiving. Currently, a lack of green cards means that a category of family-based immigrant—the spouses and minor children of U.S. permanent residents—have to wait about 2 years overseas before they can rejoin their families.

Instead of providing critical green cards to these nuclear families, the STEM bill offers temporary V visas with three significant catches: the family members must first spend at least 1 year overseas; unlike the original V visa, created by a Republican Congress in 2000, the new visas prohibit family members already here from participating; and unlike the original V visa, recipients are prohibited from working.

With all the talk about moving forward on immigration, this is a step back from where Republicans were just 12 years ago. When I hear allegations of fraud in this program, I just have to say that is absurd. In the year 2007, the General Accountability Office found no documented evidence that Diversity Visa immigrants posed a terrorist or other threat. The DV recipients go through the same immigration, criminal, and national security background

checks that everyone goes through when they seek lawful permanent residence.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. In fact, the State Department was the first to use facial recognition technology to reduce fraud.

Finally, I would say that this does not do enough to protect workers. I'll give you an example. Computer and information science research scientists in level one for labor certification may be paid \$86,736. That's what's in the labor cert. But their median income in Silicon Valley is \$133,000. So we have an idea that we shouldn't underpay the foreign scientists. We should pay them the same as Americans. This bill fails in that way.

□ 0940

Finally, I would note that the Competitive Enterprise Institute has come out against this bill because it has these extraneous and divisive provisions. We need to move beyond the politics of zero-sum immigration. Those policies are holding America back. They are holding our prosperity hostage.

I will place into the RECORD the Competitive Enterprise Institute letter in opposition to this bill.

[From the Competitive Enterprise Institute]  
STEM JOBS ACT A STEP BACKWARD ON IMMIGRATION REFORM, WARNS FREE MARKET GROUP

WASHINGTON DC.—Nov. 29, 2012—This Friday, the House of Representatives will vote on the STEM Jobs Act (H.R. 6429). The bill would allocate 55,000 green cards for foreign-born graduates of U.S. universities with Doctorate and Master's degrees in science, technology, engineering, and mathematics (STEM) fields, but it also eliminates all 55,000 visas under the Diversity Visa Program.

The Competitive Enterprise Institute (CEI) warned that the bill will actually hurt legal immigration. CEI immigration policy analyst David Bier released this statement on the legislation:

Not only does this bill seek to make immigration reform into a zero-sum game in which each winner must be matched with a loser, it seeks to use the illusion of immigration reform to decrease immigration. Its proponents know there are not enough foreign-born STEM graduates to fill demand for this new visa and have refused to allow unused visas to be reallocated to other categories.

The bill also violates employer privacy by creating an internet list of those who hire these immigrants, making them potential targets for harassment, and it undermines immigrant self-sufficiency by barring spouses of legal residents from work while they wait for green cards.

This bill sets a dangerous precedent that conservative reform means eliminating visas for the less-educated to give them to the highly-educated. Truly free market immigration reform should expand visas for both categories of immigrants. The false dichotomy the STEM Jobs Act creates will only

make America's immigration system more discriminatory and restrict avenues for legal immigration—which inevitably leads to more of the illegal kind.

Mr. ISSA. Mr. Speaker, I will be placing in the RECORD information from the U.K.'s U.S. Embassy, as current enough actually to include, "Condolences for Deaths in Benghazi" on the same page as it says, "Diversity Visa Fraud" warning. I also will be including a press release from the Embassy of the United States in Dublin, Ireland, that starts off by saying, "U.S. Embassy Dublin Issues Caution About Diversity Visa Email Scams," and other information, to show the pervasiveness of this fraud.

#### CONDOLENCES FOR DEATHS IN BENGHAZI

14 September 2012—If you would like to send us an electronic condolence message that we can forward to Washington to be shared with the victims' families, please use this form.

#### PRESS RELEASE, EMBASSY OF THE UNITED STATES, DUBLIN, IRELAND

#### U.S. EMBASSY DUBLIN ISSUES CAUTION ABOUT DIVERSITY VISA EMAIL SCAMS

The U.S. Embassy in Dublin advises residents of Ireland about a widespread Diversity Visa (DV lottery) scam and to use caution when working with private entities to apply for visas to the United States. Reports of fraudulent emails, websites, and print advertisements offering visa services are on the rise. UNDER NO CIRCUMSTANCES should anyone send any money to any address for participation in the DV Lottery.

One widespread DV lottery scam email instructs recipients to send money via Western Union to a fictitious person at the U.S. Embassy in London. If you have received this email, you have been targeted by con artists. UNDER NO CIRCUMSTANCES should anyone send any money to any address for participation in the DV Lottery. The Department of State's Kentucky Consular Center (KCC) does not/not send email notifications to DV entrants informing them of their winning entries.

Successful DV-2011 applicants already have been notified by KCC by letter, not by email.

DV-2011 entrants also can check the status of their entries at <http://www.dvlottery.state.gov> until June 30, 2012. Entrants will not be asked to send money to the KCC or any U.S. embassy or consulate.

Entrants who completed the online DV-2012 entries will not receive notification letters from KCC. Rather, they must check the status of their entries themselves through the Entrant Status Check available at <http://www.dvlottery.state.gov> between May 1, 2011, and June 30, 2012.

Many private websites offer legitimate services to assist individuals in applying for visas, but some illegitimate entities claim to provide "visa services" as a cover for scams or identity theft. Some of these websites may attempt to charge a fee for providing forms and information about immigration procedures that are available to the public at no charge on the Department of State ([www.state.gov](http://www.state.gov)) and [travel.state.gov](http://travel.state.gov) websites, or through the U.S. Embassy website at [dublin.usembassy.gov/](http://dublin.usembassy.gov/).

The only official way to register for the DV program is directly through the official U.S. Department of State website during the specified, limited-time registration period.

The DV program offers up to 55,000 visa slots annually for people who wish to apply

for immigration to the United States. Applicants selected in the random drawing are notified by the U.S. Department of State and are provided with instructions on how to proceed to the next step in the process. No other organization or private company is authorized by the U.S. Department of State to notify DV program applicants of their winning entries or the next steps in the process of applying for their immigrant visas. Anyone who wishes to apply for a U.S. visa should use caution before sending via email any personal information such as credit card and bank account numbers.

Images of U.S. emblems such as flags, eagles, monuments, or official seals do not necessarily indicate a U.S. Government website. A domain name of ".gov" ensures that a website is a legitimate U.S. Government site where the information is free and up-to-date. Complaints about unwanted emails that may be scams can be sent to the U.S. Department of Justice at [www.usdoj.gov/spam.htm](http://www.usdoj.gov/spam.htm).

With that, I yield 3 minutes to the distinguished incoming chairman of the full Committee on Foreign Affairs and a long-time expert on this subject, Mr. ROYCE.

Mr. ROYCE. Mr. Speaker, I rise in support of this STEM Jobs Act. Clearly, the focus on this provision is to try to bring people with skills here to the United States.

Graduates of American universities in science and in technology and engineering and math, these STEM fields, are, frankly, behind many of the innovations, many of the new businesses that are part of our present and future economic growth. If we want to look at jobs, this is where those new patents, those new ideas will come from that help create jobs. So we have talented students from around the world that contribute to the graduate STEM programs of our universities.

We are trying to focus on a way to make sure our immigration system here puts our interests first as a country.

We have the most generous level of legal immigration in the world, but when you think about it, we select only 5 percent of our immigrants based on the skills and education that they bring to America. Clearly, what we're trying to do is to make certain that these foreign graduates of U.S. universities in the STEM fields, because they're in such great demand here, many of them of course end up on years-long green card waiting lists and, as a result, many of them give up and go to work for one of our global competitors. So our focus is: What can we do to accelerate this?

This bill alters our current immigration system to encourage job creation by increasing the proportion of new entrants with high levels of education, with high levels of skills.

We know that skilled immigrants contribute mightily to the rising U.S. standard of living. They bring capital, as I say, they bring new ideas, and they produce new companies here. So, with this bill we can help grow innovation



and we can create the jobs in this country. We've got plenty of examples, frankly, in California of IT firms that are founded by immigrants from China and from India that were educated here in our institutions.

This legislation also contains a family reunification provision, which allows graduates' spouses and children to live in the U.S. while waiting for their green card application to be processed.

One of the things that seems pretty clear to me is that, because we roll over the green cards every year for the next 4 years to make sure that they all are used, that, in point of fact, we believe that more of them will be used than under the Diversity lottery where they're not rolled over. So I think it's quite the opposite. I think we, in fact, focus here on exactly the type of skilled immigration that's most likely to create jobs here in the United States.

So I would urge my colleagues to support this bill in order to help our economy grow.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I just want to address the fraud warning issue. This is a warning to applicants not to be scammed; it wasn't a warning that there was fraud.

The idea that you would try, as a terrorist, to come in to be in a pool of 20 million people—it's been that high—and be in a lottery that only awards 55,000 is almost as absurd as the "terror baby" suggestion of a few years ago.

I would just note that the rollover of visas actually is so restrictive that you only roll over if you apply that year. This will not even cure the backlog. It is a fraud.

Mr. CONYERS. Mr. Speaker, I now yield 5 minutes to a senior member of the House Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

I think the difference with my friends on the other side of the aisle is their lack of recollecting that America has always viewed immigration as good. In fact, I heard a very potent story this morning about the restoring of the Statue of Liberty that so many of us as children have had the opportunity to climb to the very top and be reminded of the welcoming of the huddled poor. That's what this debate is all about, Mr. Speaker.

I want to thank the chairman for yielding to me, and I just want to deviate for a moment in this time of economic tension just to remind people that tomorrow is World AIDS Day. I want to congratulate the Thomas Street clinic in my district and remind people that 25 million people have died since 1981. I just wanted to acknowl-

edge those individuals as we begin this very important debate.

We are respectful of immigrants. Even in the Democratic Caucus, and I would imagine in the Conference—my good friend who is now managing had an immigrant history. Yesterday, we elected a son of immigrants to be the vice chair of the Democratic Caucus. He told a very potent story about his grandfather coming here to the United States of America. I can assure you that he did not come with massive degrees, but he built a foundation for his country and for his family.

Now, I am very much in support of the STEM process and premise, which is to give opportunity to those who have studied in our universities, research institutions. Why wouldn't I? Having had children who have had the opportunity to attend some of the best institutions in this country, having had my children meet some of those very students, from Harvard to the University of North Carolina and Duke, I am well aware of the importance of this. But I would raise the question of whether or not we can judge the Diversity visas, where people have come from places like Bangladesh and Uzbekistan, Germany, Ethiopia—one of our strongest allies in Africa—Liberia, with an African woman as President, the first on that continent, South Africa. Or maybe we would choose to ignore our friends in Israel, where Diversity visas were received; or Albania, where we went to war to ensure the integrity and the saving of those people; or Hungary or Iceland or maybe our strong ally Turkey. That's what Diversity visas represent.

There is no reason to borrow from Peter to pay Paul. In fact, if my friends would really pay attention to the recent charge of the November 6 election, they would know that what America needs is comprehensive immigration reform. If I might, in this debate of deficit reduction and the need for increased revenue, we know that if you had comprehensive immigration reform over 10 years, you would introduce into the economy \$1.5 trillion. That's a reason to come to the floor right now and vote this bill down and start in the next week and put on the floor the bills that LUIS GUTIERREZ and myself and ZOE LOFGREN and JOHN CONYERS and many others—at one time, Senator McCain wanted to put on the floor of the Senate and the House.

My concern is that we tried to come in a bipartisan manner. I introduced legislation—an amendment, rather—in the markup to say that let's study this issue of fraud with the Diversity visas, or let's assess what it is, because we have evidence that, in fact, the alleged fraud was because of a computer error, not the people who are applying.

□ 0950

Mr. Speaker, 15 million have applied. Only 50,000 have been able to get the

Diversity Visa. And of those, some of them are African immigrants, 50 percent of them; but they equal only 1 percent of the legal permanent residents.

This whole question of terrorism just troubles me. I went to the Rules Committee in a spirit of bipartisanship to say, eliminate the provision on Diversity Visas. We can then support you. Keep the underlying premise of this legislation. I even asked that the rollover be extended because there's no evidence that you can get 55,000 in 4 years.

If you are serious about creating jobs—I am serious about creating jobs. My colleagues are serious about creating jobs. But I am disappointed that we would classify the Diversity Visa as bringing in ne'er-do-wells, people we don't want. Because I will tell you that America was built on the ne'er-do-wells—maybe those of us who came as slaves or indentured servants, who came in the late 1800s with not any money in their pocket but who were determined to serve this Nation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I recall the story of my colleague whose grandfather served in World War I. As soon as he got here, he was willing to shed his blood for this country.

I am on the Homeland Security Committee, Mr. Speaker. I would not want to jeopardize one inch of this Nation's security; but I can assure you, if we look to 9/11, there was no one there with a Diversity Visa. The terrorists had student visas, and they were overstays.

Former Congressman Bruce Morrison, who introduced this, said that Diversity Visas are at the heart of the definition of America. And as my friend and colleague from California, Congresswoman LOFGREN said, Who that was a terrorist would want to stand in line and provide all of the information that they needed to provide to get a Diversity Visa?

I will enter into the RECORD a letter from the Archbishop of Los Angeles, the chairman of the U.S. Conference of Catholic Bishops Committee on Migration, who absolutely opposes H.R. 6429, a church that believes in the Beatitudes, as we all do.

COMMITTEE ON MIGRATION C/O MIGRATION AND REFUGEE SERVICES, USCCB.

Washington DC, November 28, 2012.

U.S. HOUSE OF REPRESENTATIVES, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the U.S. Conference of Catholic Bishops (USCCB), I write to oppose H.R. 6429, legislation that would eliminate the existing Diversity Visa program and its 55,000 permanent immigration visas in order to provide visas to foreign graduates of American universities with expertise in science, technology, engineering, and mathematics (STEM).

To be clear, USCCB is not opposed to an increase in STEM visas. We prefer to see Congress authorize additional visas for this purpose, however, rather than eliminate existing immigrant visa programs. Our nation should not limit itself in attracting newcomers who can help contribute to our economic and cultural growth. And it certainly should not eliminate the Diversity Visa program, which is one of the few avenues available for many would-be immigrants from some African and European countries to immigrate to the United States.

While we appreciate the spirit of an unrelated provision in the bill that would permit some beneficiaries of family-based immigration petitions to live in the United States while awaiting their priority dates, we believe that persons granted such a status should also be granted work authorization, as has been done in the past, so they can support themselves during this period.

H.R. 6429 falls well short of what is needed to repair our flawed immigration system. Indeed, we believe it would represent a setback compared to current law in that, for the first time in more than a generation, it would eliminate a category of legal immigration. We look forward to working with you and your colleagues in the House of Representatives to achieve comprehensive immigration reform in the near future.

Thank you for your consideration of our views.

Sincerely,

MOST REVEREND JOSÉ H. GOMEZ,  
Archbishop of Los Angeles, Chairman,  
USCCB Committee on Migration.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. CONYERS. I yield the gentlewoman 30 additional seconds.

Ms. JACKSON LEE of Texas. I can only say, the Catholic Church does not want terrorists to roam this Nation.

And if we look closely at this allegation of fraud, we will find computer error. We will find that with the decades of Diversity Visas, as they were introduced with Bruce Morrison, we will find that this is not the cause of any cancer of terrorism. If we go into our hearts, we will know that Diversity Visas reflect the language written so eloquently by the poet for the Statue of Liberty and that is: "Give me your tired, your poor." Those are the great Americans.

And I can assure you that in my constituency, Mr. Speaker, the diverse 18th Congressional District in the city of Houston, they reflect what America is. They are building the jobs.

I ask my colleagues to oppose this, and let us get back to the drawing board for a conference on immigration reform.

Mr. Speaker, I rise today to oppose H. Res. 821 the Rule providing for the consideration of H.R. 6429 "STEM Jobs Act," an ill-conceived bill that eliminates the Diversity Immigration Visa Program in order to increase the amount of visas available for STEM applicants.

As a senior Member of the Judiciary Committee I have long advocated for the Diversity Immigration Visa program. Earlier this year, during a Judiciary Committee mark up of a bill which was also designed to kill the Diversity

program, I offered an amendment that directed the Secretaries of Homeland Security and State to report to Congress on steps that could be taken to further eliminate fraud and security risks in the Diversity Visa program. Rather than vote to fix the program and defend legal immigration and diversity in our immigrant pool, every Republican on the Committee who was present voted down the amendment.

On Wednesday, I once again offered amendments in Rules Committee to protect the Diversity Visa Program, and once again the Republican majority on the Committee voted against it.

Nearly 15 million people, representing about 20 million with family members included, registered late last year for the 2012 Diversity Visa Program under which only 50,000 visa winners were to be selected via random selection process.

Each year, diversity visa winners make up about 4 percent of all Legal Permanent Resident, LPR, admissions.

Unlike every other visa program, its express purpose is to help us develop a racially, ethnically, and culturally-diverse population. It serves a unique purpose and it works. In recent years, African immigrants have comprised about 50 percent of the DV program's beneficiaries, however only 1 percent of legal permanent residents recipients.

Diversity Visa immigrants succeed and contribute to the U.S. economy. According to the Congressional Research Service, in FY 2009 Diversity Visa immigrants were 2.5 times more likely to report managerial and professional occupations than all other lawful permanent residents.

The Diversity Visa program promotes respect for U.S. immigration laws. It reduces incentives for illegal immigration by encouraging prospective immigrants to wait until they win a visa, as opposed to attempting to enter without permission.

#### CHANCE FOR THE AMERICAN DREAM

The Diversity Visa sustains the American Dream in parts of the world where it represents the only realistic opportunity for immigrating to the U.S.

Former Rep. Bruce Morrison—one of the architects of the Diversity Visa—testified in 2005 that the program advances a principle that is "at the heart of the definition of America;" the principle that "all nationalities are welcome."

Ambassador Johnny Young, Executive Director of Migration and Refugee Services, U.S. Conference of Catholic Bishops, testified at a 2011 Judiciary Committee hearing: "The Program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talents."

#### NO SIGNIFICANT EVIDENCE OF A SECURITY RISK

No substantive evidence has been given that the Diversity Program poses a significant risk to our national security. There are organizations like NumbersUSA who are not just advocating against illegal immigration but also wish to place caps on or decrease legal immigration as well.

As former Congressman Bruce Morrison testified in 2005: "[I]t is absurd to think that a lottery would be the vehicle of choice for ter-

rorists." 12 to 20 million people enter the Diversity Visa lottery each year and no more than 50,000 visas are available.

In 2007, GAO "found no documented evidence that DV immigrants . . . posed a terrorist or other threat."

Diversity Visa recipients go through the same immigration, criminal, and national security background checks that all people applying for Lawful Permanent Residence undergo. They also are interviewed by State Department and Department of Homeland Security personnel.

#### FRAUD

Since the State Department OIG first raised concerns about fraud in 1993, significant changes have been made. In 2004, State implemented an electronic registration system. This allows State to use facial and name recognition software to identify duplicate applications and to share data with intelligence and law enforcement agencies for necessary immigration and security checks.

In 2012 there was an incident where 20,000 people were erroneously notified that they were finalists in the Diversity program. They would have the opportunity to enter the lottery. The OIG investigated and found this was due to a computer error. There was no evidence of intentional fraud, as a safety precaution and because of the principle of fairness the State Department did the lottery again.

The Diversity Visa program has led the way in applying cutting edge technology to reduce fraud and increase security. The program was one of the first in the government to use facial recognition software to analyze digital photographs.

I join the vast majority of my Democratic colleagues in supporting an expansion of the STEM program. H.R. 6429's attempt to increase the STEM Visa program is an admirable one; however, I firmly believe it should not come at the expense of the Diversity Immigration Visa Program and should include a broader range of institutions.

America's ability to extend its arms and welcome immigrants is more than a cultural tradition; it is a fundamental promise of our democracy. The Diversity Immigration Visa Program is designed to give a very small diverse percentage of immigrants the opportunity to attain a green card and live the American dream. It's a popular program, it's a successful program and it reflects core American values of inclusion and opportunity.

#### DIVERSITY VISA PROGRAM (DV-2012)— SELECTED ENTRANTS

The Kentucky Consular Center in Williamsburg, Kentucky has registered and notified the winners of the DV-2012 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available \*50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 100,021 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first \*50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2012 numbers will be used during fiscal year 2012 (October 1, 2011 until September 30, 2012).

Applicants registered for the DV-2012 program were selected at random from 14,768,658

qualified entries (19,672,268 with derivatives) received during the 30-day application period that ran from noon on October 5, 2010, until noon, November 3, 2010. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact U.S. Citizenship and Immigration Services for information on the requirements and procedures. Once the total \*50,000 visa numbers have been used, the program for fiscal year 2012 will end. Selected applicants who do not receive visas by September 30, 2012 will derive no further benefit from their DV-2012 registration. Similarly, spouses and children accompanying or following to join DV-2012 principal applicants are only entitled to derivative diversity visa status until September 30, 2012.

Only participants in the DV-2012 program who were selected for further processing have been notified. Those who have not received notification were not selected. They may try for the upcoming DV-2013 lottery if they wish. The dates for the registration period for the DV-2013 lottery program are expected to be widely publicized at some point during the coming months.

\*The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV-2000.

The following is the statistical breakdown by country of chargeability of those selected for the DV-2012 program.

## DIVERSITY 2012

| AFRICA                                  |       |
|---|-------|
| ALGERIA .....                           | 1,799 |
| ANGOLA .....                            | 42    |
| BENIN .....                             | 511   |
| BOTSWANA .....                          | 7     |
| BURKINA FASO .....                      | 226   |
| BURUNDI .....                           | 56    |
| CAMEROON .....                          | 3,374 |
| CAPE VERDE .....                        | 9     |
| CENTRAL AFRICAN REP. ....               | 3     |
| CHAD .....                              | 33    |
| COMOROS .....                           | 9     |
| CONGO .....                             | 105   |
| CONGO, DEMOCRATIC REPUBLIC OF THE ..... | 3,445 |
| COTE D'IVOIRE .....                     | 553   |
| DJIBOUTI .....                          | 38    |
| EGYPT .....                             | 4,664 |
| EQUATORIAL GUINEA .....                 | 4     |
| ERITREA .....                           | 670   |
| ETHIOPIA .....                          | 4,902 |
| GABON .....                             | 48    |
| GAMBIA, THE .....                       | 113   |
| GHANA .....                             | 5,832 |
| GUINEA .....                            | 899   |
| GUINEA-BISSAU .....                     | 3     |
| KENYA .....                             | 4,720 |
| LESOTHO .....                           | 8     |
| LIBERIA .....                           | 2,101 |
| LIBYA .....                             | 136   |
| MADAGASCAR .....                        | 17    |
| MALAWI .....                            | 16    |
| MALI .....                              | 76    |
| MAURITANIA .....                        | 29    |
| MAURITIUS .....                         | 59    |

## DIVERSITY 2012—Continued

|                             |       |
|-----------------------------|-------|
| MOROCCO .....               | 1,890 |
| MOZAMBIQUE .....            | 13    |
| NAMIBIA .....               | 10    |
| NIGER .....                 | 32    |
| NIGERIA .....               | 6,024 |
| RWANDA .....                | 333   |
| SAO TOME AND PRINCIPE ..... | 0     |
| SENEGAL .....               | 270   |
| SEYCHELLES .....            | 6     |
| SIERRA LEONE .....          | 3,397 |
| SOMALIA .....               | 175   |
| SOUTH AFRICA .....          | 833   |
| SUDAN .....                 | 757   |
| SWAZILAND .....             | 0     |
| TANZANIA .....              | 175   |
| TOGO .....                  | 845   |
| TUNISIA .....               | 113   |
| UGANDA .....                | 418   |
| ZAMBIA .....                | 79    |
| ZIMBABWE .....              | 123   |

## ASIA

|                                       |       |
|---------------------------------------|-------|
| AFGHANISTAN .....                     | 109   |
| BAHRAIN .....                         | 29    |
| BANGLADESH .....                      | 2,373 |
| BHUTAN .....                          | 5     |
| BRUNEI .....                          | 0     |
| BURMA .....                           | 370   |
| CAMBODIA .....                        | 596   |
| HONG KONG SPECIAL ADMIN. REGION ..... | 54    |
| INDONESIA .....                       | 256   |
| IRAN .....                            | 4,453 |
| IRAQ .....                            | 153   |
| ISRAEL .....                          | 175   |
| JAPAN .....                           | 435   |
| JORDAN .....                          | 152   |
| NORTH KOREA .....                     | 0     |
| KUWAIT .....                          | 108   |
| LAOS .....                            | 1     |
| LEBANON .....                         | 274   |
| MALAYSIA .....                        | 118   |
| MALDIVES .....                        | 0     |
| MONGOLIA .....                        | 209   |
| NEPAL .....                           | 3,258 |
| OMAN .....                            | 11    |
| QATAR .....                           | 19    |
| SAUDI ARABIA .....                    | 217   |
| SINGAPORE .....                       | 45    |
| SRI LANKA .....                       | 708   |
| SYRIA .....                           | 160   |
| TAIWAN .....                          | 391   |
| THAILAND .....                        | 73    |
| TIMOR-LESTE .....                     | 9     |
| UNITED ARAB EMIRATES .....            | 92    |
| YEMEN .....                           | 149   |

## EUROPE

|                            |       |
|----------------------------|-------|
| ALBANIA .....              | 1,508 |
| ANDORRA .....              | 1     |
| ARMENIA .....              | 998   |
| AUSTRIA .....              | 130   |
| AZERBAIJAN .....           | 304   |
| BELARUS .....              | 493   |
| BELGIUM .....              | 105   |
| BOSNIA & HERZEGOVINA ..... | 83    |
| BULGARIA .....             | 883   |
| CROATIA .....              | 107   |
| CYPRUS .....               | 26    |
| CZECH REPUBLIC .....       | 104   |
| DENMARK .....              | 73    |
| ESTONIA .....              | 49    |
| FINLAND .....              | 91    |
| FRANCE .....               | 574   |
| French Polynesia .....     | 7     |
| New Caledonia .....        | 1     |
| GEORGIA .....              | 620   |
| GERMANY .....              | 1,709 |
| GREECE .....               | 105   |
| HUNGARY .....              | 325   |
| ICELAND .....              | 56    |
| IRELAND .....              | 213   |
| ITALY .....                | 529   |
| KAZAKHSTAN .....           | 434   |
| KOSOVO .....               | 137   |
| KYRGYZSTAN .....           | 321   |
| LATVIA .....               | 83    |
| LIECHTENSTEIN .....        | 0     |
| LITHUANIA .....            | 258   |
| LUXEMBOURG .....           | 8     |
| MACEDONIA .....            | 160   |
| MALTA .....                | 20    |
| MOLDOVA .....              | 1,238 |
| MONACO .....               | 3     |

## DIVERSITY 2012—Continued

|                        |       |
|------------------------|-------|
| MONTENEGRO .....       | 18    |
| NETHERLANDS .....      | 149   |
| Aruba .....            | 4     |
| Curacao .....          | 19    |
| St. Maarten .....      | 2     |
| NORTHERN IRELAND ..... | 59    |
| NORWAY .....           | 84    |
| PORTUGAL .....         | 66    |
| Macau .....            | 19    |
| ROMANIA .....          | 1,327 |
| RUSSIA .....           | 2,353 |
| SAN MARINO .....       | 1     |
| SERBIA .....           | 298   |
| SLOVAKIA .....         | 80    |
| SLOVENIA .....         | 16    |
| SPAIN .....            | 232   |
| SWEDEN .....           | 200   |
| SWITZERLAND .....      | 229   |
| TAJIKISTAN .....       | 270   |
| TURKEY .....           | 3,077 |
| TURKMENISTAN .....     | 143   |
| UKRAINE .....          | 5,799 |
| UZBEKISTAN .....       | 4,800 |
| VATICAN CITY .....     | 0     |

## NORTH AMERICA

|                    |    |
|--------------------|----|
| BAHAMAS, THE ..... | 15 |
|--------------------|----|

## OCEANIA

|                                       |     |
|---------------------------------------|-----|
| AUSTRALIA .....                       | 900 |
| Christmas Island .....                | 3   |
| Cocos Islands .....                   | 1   |
| FUJI .....                            | 628 |
| KIRIBATI .....                        | 14  |
| MARSHALL ISLANDS .....                | 4   |
| MICRONESIA, FEDERATED STATES OF ..... | 2   |
| NAURU .....                           | 5   |
| NEW ZEALAND .....                     | 309 |
| Cook Islands .....                    | 6   |
| Niue .....                            | 14  |
| PALAU .....                           | 5   |
| PAPUA NEW GUINEA .....                | 0   |
| SAMOA .....                           | 0   |
| SOLOMON ISLANDS .....                 | 0   |
| TONGA .....                           | 93  |
| TUVALU .....                          | 0   |
| VANUATU .....                         | 8   |
| WESTERN SAMOA .....                   | 9   |

## SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN

|  |     |
|--|-----|
| ANTIGUA AND BARBUDA .....              | 9   |
| ARGENTINA .....                        | 101 |
| BARBADOS .....                         | 25  |
| BELIZE .....                           | 9   |
| BOLIVIA .....                          | 84  |
| CHILE .....                            | 43  |
| COSTA RICA .....                       | 43  |
| CUBA .....                             | 292 |
| DOMINICA .....                         | 18  |
| GRENADA .....                          | 24  |
| GUYANA .....                           | 26  |
| HONDURAS .....                         | 80  |
| NICARAGUA .....                        | 49  |
| PANAMA .....                           | 21  |
| PARAGUAY .....                         | 17  |
| SAINT KITTS AND NEVIS .....            | 7   |
| SAINT LUCIA .....                      | 4   |
| SAINT VINCENT AND THE GRENADINES ..... | 16  |
| SURINAME .....                         | 15  |
| TRINIDAD AND TOBAGO .....              | 175 |
| URUGUAY .....                          | 19  |
| VENEZUELA .....                        | 925 |

Natives of the following countries were not eligible to participate in DV-2012: Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R. and Taiwan), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Mr. ISSA. Mr. Speaker, correcting the record appears to be important here. So I want to note that earlier, the minority said that there was no GAO study. Well, I beg to differ. A September 2012 report to Congress entitled "Border Security," on its request, on page 19:

Because the program does not require a U.S.-based petitioner, it is particularly susceptible to fraud. Diversity Visa fraud is

rampant in parts of South Asia, Africa, and Eastern Europe, and is particularly acute in areas where few individuals have independent access to the Internet.

U.S. GOVERNMENT ACCOUNTABILITY OFFICE  
REPORT TO CONGRESSIONAL REQUESTERS,  
SEPTEMBER 2012  
BORDER SECURITY

STATE COULD ENHANCE VISA FRAUD PREVENTION BY STRATEGICALLY USING RESOURCES AND TRAINING

**Diversity Visas:** The Diversity Visa Program was established through the Immigration Act of 1990 and provides up to 55,000 immigrant visas annually to aliens from countries with low rates of immigration to the United States. Aliens register for the diversity visa lottery for free online and applicants are randomly selected for interviews through a lottery process. Upon being selected, a winner must apply for a visa, be interviewed, and be found eligible for the diversity visa. All countries are eligible for the Diversity Visa Program except those from which more than 50,000 immigrants have come to the United States over the preceding 5 years. In 2011, approximately 16.5 million people applied for the program and about 107,000 (7 percent) were selected for further processing. Of those selected, 75,000 were interviewed at posts for a diversity visa, and approximately 50,000 received visas. Because the program does not require a U.S.-based petitioner, it is particularly susceptible to fraud. Diversity visa fraud is rampant in parts of South Asia, Africa, and Eastern Europe, and is particularly acute in areas where few individuals have independent access to the Internet. A typical scenario includes visa facilitators, travel agents, or Internet café operators who help would-be applicants submit an entry for a fee. Many of these facilitators withhold the confirmation information that the entrant must use to retrieve his or her selection status. To access the lottery notification, the facilitators may require winning applicants to either pay an additional exorbitant fee or agree to enter into a marriage with another of the facilitator's paying clients solely for the purpose of extending immigration benefits.

The gentlelady from Houston mentioned in depth the question of diversity. Mr. Speaker, 55,000—and perhaps more in the future—STEM graduates will bring diversity of employment. The highest levels of unemployment in America are in the African American community and other minority communities. That's the diversity we need to work on. The diversity of unemployment needs to be turned around. That's what the STEM bill is about, helping employ Americans.

I now yield 4 minutes to the gentleman from Florida (Mr. DIAZ-BALART), one of the hardest working and most distinguished Members when it comes to immigration reform.

Mr. DIAZ-BALART. Mr. Speaker, let me first thank the gentleman from California (Mr. ISSA), and I applaud the Republican leadership for bringing this important bill to the floor.

I think it's important that we bring down the decibels and that we talk about facts. This is an issue where passions are very high, but I think it's important to bring down the decibels a

little bit and speak about some of the facts.

Look, we know that America is home to some of the best universities on the planet; and because of that, people from around the world, students from around the world, young people from around the world come to study in our universities. Then, unfortunately, when they're done, we, in essence, show them the door out; and they have to leave the country. And they leave the country then and become the best, the toughest competitors to American enterprise. They create jobs elsewhere—not in the United States. Talking about outsourcing, this is the mother of all outsourcing.

So what does this bill do? It tries to solve that issue. It tries to keep those individuals here. Those are the facts. Now, I would like to see a large number of that. And I think all of us should be talking about maybe we can expand those numbers. And that, I think, would be a wonderful debate to have.

Now, not only does this bill do that, but it also promotes a smarter immigration system that helps maintain our competitive edge, and it also helps keep families together. Ensuring that spouses and minor children remain together is simply the right thing to do; is it not? Is that not something that is a compassionate principle of the vast majority of the Members of the House, keeping families together? Of course it is. This bill helps to do that.

Mr. Speaker, we've heard a lot of blame on this issue on the floor today and, frankly, for years. And on immigration reform. And everybody knows my position on immigration reform.

It has been talked about for years with a lot of inflammatory rhetoric. And I will tell you, from Republicans and Democrats alike, the reality is that both sides are to blame for the broken immigration system that we currently have; and both sides need to come together—finally lowering the rhetoric—to find lasting, permanent solutions.

This bill is an important step in the right direction. It helps address and fix a very important part of the broken immigration system. It does not, Mr. Speaker, solve all the problems. It is not the panacea. It does not solve all the problems, but it takes a huge step in an area that we've been talking about in the House here for years—and both Republicans and Democrats have failed to deal with. This bill deals with that important part. So I'm glad this legislation is finally being considered by this body.

I commend the House leadership for their commitment to this issue. And I look forward, Mr. Speaker, to continuing to bring other issues, other issues to fix our grossly broken immigration system that is broken from A to Z. I look forward to bringing other issues; but in order to do so, Mr.

Speaker, we need to lower the decibels. We need to talk about the facts.

The American people want us to finally fix this issue. They want us to come up with real solutions. As I mentioned before, nobody's claiming that this fixes everything; but it's a step in the right direction. It fixes a part of the problem.

I look forward to working with my colleagues on the Democratic side and my Republican colleagues on other such fixes. But I commend this House. I commend Mr. ISSA. I commend the Republican leadership for taking an important step forward.

Mr. CONYERS. Mr. Speaker, no one's worked harder on this issue than Mr. GUTIERREZ, the gentleman from Illinois; and I am pleased to yield him 3 minutes.

Mr. GUTIERREZ. I thank the gentleman from Michigan.

We've heard about how important STEM visas are. And we don't want to debate the point; they're important. That's why when we have the real immigration debate, the debate that will result in the signature of the President, the debate that starts in January when Congress is sworn in, that's why we will have STEM visas in that bill.

So everyone agrees STEM visas are important; and if you didn't know this before the last election, I hope you know it now. The American people want us to fix our immigration system.

But the more important message I got from the election is that American people say that we can solve the immigration issue if Republicans and Democrats work together, put aside bitterness, come to the table in an honest manner. It's not enough to talk about lowering the rhetoric. If we do it in an honest manner, a transparent manner, we can solve the tough problems of immigration and put it at the top of our list.

□ 1000

We need to approach immigration as a faucet of America's past, present, and future, and solve the problems we have with our current immigration mess like adults: honestly and openly and in a bipartisan manner. We need to stop scoring cheap political points and playing games with immigration and start working together, not bringing bills without ever discussing and negotiating with the other side of the aisle. That's not the way to be comprehensive. This is why it is so disappointing that the majority has decided to undermine an area of bipartisan agreement on STEM visas by loading up the measure with provisions that are a slap in the face to the core values and the rich tradition of immigrants to the United States of America.

If you support this bill, you're saying that one group of immigrants is better than another, that one type of educated, degree-holding person and their

work is more important than others. In order to give visas to those with Ph.D.s and master's degrees, Republicans make two demands. First, we take away visas and the only means of legal immigration from 50,000 people who may not have Ph.D.s and master's degrees. Talk about picking winners and losers. My dad, if he had been an immigrant from Ireland or Nigeria or Taiwan, would have been told, No, America is not for you under this bill, Mr. Gutierrez. It's like when they used to hang up signs in America saying, "Help wanted. Irish need not apply." They were part of the diversity program today that they want to kill.

The second thing this bill requires is that we treat the families of those with Ph.D.s and master's degrees differently than we treat the families of those who don't have doctorates. If you have a master's or a Ph.D., we say, Please, come to America. Bring your wife, bring your husband, bring your kids. We'll give them all permission to work. Automatic work permits for spouses, no waiting for STEM-degree holders. But if you don't have a Ph.D. or a master's degree, we're going to take away your wife's ability to work legally. We may let her in 6 months earlier, but—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield 30 seconds to the gentleman from Illinois.

Mr. GUTIERREZ. It's as though they said to my father, Let's check your education record, Mr. Gutierrez. Oh, no doctor before your name, no fancy initials, Mr. Gutierrez, after your name? Well, Mr. Gutierrez, you and the kids stay home. You can't work.

That is not America. There was no special line for Ph.D. and master's degree holders on Ellis Island. There was no asterisks on the Statue of Liberty that said IQ must be there in a higher standard. They are saying my father—and I resent it—was too stupid to make it, but he put two kids through college, and one in the House of Representatives.

Mr. ISSA. Mr. Speaker, I might note for the gentleman that, in fact, there are more than 12,000 African students studying in STEM fields here in the United States at the advanced level, and almost 1,500 Nigerian-specific students alone getting graduate-level degrees in STEM fields in America at this time.

With that, I yield 1 minute to the gentleman from Iowa, a member of the Immigration Subcommittee, Mr. KING.

Mr. KING of Iowa. I thank the gentleman from California for yielding to me.

I point out, Mr. Speaker, that I have served on the Immigration Subcommittee for 10 years. In that period of time, I've sat in on dozens and scores and perhaps hundreds of hearings during that period of time, and gathered information and a knowledge base on these issues.

I walked into this issue as a freshman Member of Congress 10 years ago with this statement: the immigration policy that we have in this country needs to be designed to enhance the economic, the social, and the cultural well-being of the United States of America. In fact, every country's immigration policy should fit that standard.

We can have debates about the definitions of those three words that are part of that direction, but what's going on here is eliminating a really foolish policy that we've had, and I have long been for the repeal of the Diversity Visa lottery program, and I have long been for setting up a system so that we can promote the economic, social, and cultural well-being of the United States through our policies.

In some of the information in hearings, we only control with our immigration policy—depending on whose numbers you want to look at—between 7 percent and 11 percent of the legal immigrants coming into this country on merit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman an additional 15 seconds.

Mr. KING of Iowa. I thank the gentleman.

We only control between 7 percent and 11 percent of the legal immigration into this country on merit. The rest of that doesn't have anything to do with merit and how they contribute to the U.S. This bill does do that.

I support H.R. 6429, and I urge my colleagues to vote in favor of it.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New York, who's worked on this issue, Congressman JOSÉ SERRANO.

Mr. SERRANO. I thank the gentleman.

Let's understand what is happening here today. This bill doesn't increase available visas. It merely transfers them from one program to another. But it eliminates a Diversity Visa program that allows people from all over the world to come here.

Sometimes I wish I could be not only a member of this party, but an adviser to that party, to tell them that they miss opportunities. Here they have the first immigration statement that they can make after the people spoke November 6. What do they do? They destroy a great program—because they just can't help themselves.

What we need is not a piecemeal approach. What we need is not to say that we will only take certain people with college degrees and with "doctor" in front of their names and the rest we will reduce those visas. No. What we need is to say that we have an immigration issue in this country. We have 11 million people who are in this country, who want to stay in this country,

and who do a lot for this country. Rather than be dealing with this approach today, we should seriously be speaking about comprehensive immigration reform.

To say to those 11 million people, we understand who you are, and we're going to help you to speak English; we understand who you are, and we're going to make sure you pay your taxes; we're going to make sure that you're applying to be a part of this country and you haven't broken the law. But if you came here to work and if you came here with children and if you came here with your parents a long time ago, we want you to stay. That was clear.

If there was any analysis that came from November 6, it is that the American people want comprehensive immigration reform. That is what we need to do, not a piecemeal approach that pits one group of people against the other. If this is an indication of what's coming as people evolve on the issue, as we're hearing on the talk shows, that they're evolving on the issue of immigration, if this is evolving, we're in deep trouble again.

Mr. ISSA. Mr. Speaker, it is now my honor to yield 1 minute to my distinguished colleague from the State of Virginia, the majority leader of the House, and a strong advocate for this and other immigration reform, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, we all agree that getting our economy moving again needs to be our top priority, but jobs will not take off until American businesses have the workers they need to drive innovation and growth.

The immigrants who come to this country for school and for work have always been key players in driving our Nation's economy. Unfortunately, current immigration policies are preventing American businesses from hiring foreign students who earn advanced degrees in science, technology, engineering, and math from our best universities.

From growing startups to U.S. multinationals, American employers are desperate for qualified STEM workers, no matter where they're from. Microsoft, for example, has over 6,000 job openings waiting to be filled by scientists, researchers, engineers, and developers. For now, these openings and many others will remain vacant because too few American students are graduating with STEM degrees, and foreign STEM graduates can't get the visas they need.

Every year, the U.S. invests in educating thousands of foreign students in STEM fields at our top universities only to send them back to compete against us. Chairman LAMAR SMITH, along with Congressman RAÚL LABRADOR, Congressman BOB GOODLATTE, and, of course, the chairman from California, Mr. ISSA, have all been working

on this, and we've now put forward the measure before us to spur job creation by providing a pathway for American-educated foreign graduates with advanced STEM degrees to work here and contribute to our economy.

□ 1010

This bill also keeps immigrant families together by letting the husbands, wives, and minor children of immigrant workers wait in the U.S. with their families for their green cards.

The STEM Jobs Act reallocates existing visas currently distributed through a random lottery and directs them, instead, to the highly skilled foreign graduates of U.S. universities who have enormous potential to help grow our economy, which is our top priority.

The Partnership for a New American Economy found that every immigrant with an advanced STEM degree, working for a U.S. company, creates about three new American jobs, and one-quarter of all STEM-focused companies in the U.S. count at least one immigrant as a founder. At American multinationals like Qualcomm, Merck, GE, and Cisco, immigrants filed up to 72 percent of the patents filed, giving those businesses a competitive edge and helping them expand and create jobs here at home. Our commitment to foreign STEM graduates is a commitment to American job creation.

Foreign students are drawn to our shores by our world-class universities, and they want to stay because they know, in America, there is immense opportunity. We need to bet on the students who bet on America. We are a Nation that was built by people who risked everything for the promise of opportunity, and we must continue to be that Nation. We must make sure that U.S. companies can hire the top foreign talent we are educating instead of sending those graduates into a bureaucratic maze—or worse, to our competitors.

This is a commonsense solution that should have bipartisan support. Let's pass the STEM Jobs Act to make sure diplomas come with green cards, not with a spot on a government waiting list.

Mr. CONYERS. I yield 3 minutes to a member of the Judiciary Committee, the distinguished gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Deeply embedded in this legislation is a poison pill, and for that reason and others, I rise in opposition to H.R. 6429. It eliminates the Diversity Immigrant Visa program while failing to address the broader problems of the immigration system.

Highly skilled immigrants contribute much to the U.S. economy through new businesses and jobs. Indeed, STEM visas should be the cornerstone of a 21st century immigration system that meets our economic needs; but the

STEM Jobs Act unnecessarily eliminates the Diversity Immigrant Visa program, which provides 55,000 visas annually to immigrants who are underrepresented in the U.S. immigration system.

Because roughly half of these immigrants are blacks from Africa, eliminating these visas disproportionately affects them. African immigrants are also disadvantaged by a system that perpetuates their exclusion. For instance, Africans are unable to take advantage of immigrant visas issued in the family preference category because few Africans have existing family ties in the United States. Eliminating the Diversity Visa program harms America's diversity, which is both important and necessary.

It is alarming that Republican supporters of this bill view immigration as a zero-sum game in which we can only grant STEM visas by eliminating Diversity visas. That is racist—if not in its intent, then certainly in its effect. Republicans just received historically low votes from minorities in the past election, yet they want to create an immigration system that gives visas with one hand while taking visas away from minorities with the other. H.R. 6429 fixes one problem while creating others, undermining a program that is critical to our Nation's diversity. It is a Trojan horse, and the ugly head of racism will rear its ugly head if this Trojan horse, H.R. 6429, becomes law.

What America needs is an immigration system that creates opportunities for new Americans, unites families, and provides for a robust system for enforcement. Because this bill fails to address these larger challenges while eliminating an important program for enhancing diversity, I plan to vote against it, and I urge my colleagues to do the same.

Mr. ISSA. Mr. Speaker, I would inquire if the gentleman's statement about the ugly head of racism was in reference to those of us who authored this bill.

The SPEAKER pro tempore. The Chair will not render an advisory opinion regarding the meaning of words spoken in debate.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. ISSA. I yield the gentleman 10 seconds.

Mr. JOHNSON of Georgia. I am not accusing anybody of racism. I don't know what is in the heads of those who support this bill, but if it's not racist in its intent, it's certainly racist in its effect.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

As I previously said, more than 12,000 African citizens will be eligible under this today, and more than 1,500 Nigerian citizens will be eligible under this

today. Out of 1 million people who get to come to this country today, it's amazing that a program so fraught with fraud and recognized for fraud would somehow not be the logical place to expand the merit-based opportunity.

Mr. Speaker, as a point of personal privilege, I must tell you that I went to college with a lot of people from around the world. They were very diverse, and the grad students were very diverse. I am personally insulted that anyone would use even loosely the term of "racism" as part of a statement related to merit-based advanced degrees.

I've been at university graduations. The people graduating and walking across the aisle are extremely diverse, and I believe the gentleman needs to go to a few college graduations and see master's and Ph.D. candidates if he is going to refer to this in any way as racist.

With that, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I thank the gentleman.

Mr. Speaker, I rise in support of this legislation, the STEM Jobs Act. This is a bill which will provide much-needed employment-based immigration reform and which will help position our economy for success in the 21st century.

The STEM fields of science, technology, engineering, and math must be encouraged in our own schools as well as in the new populations of innovators who want to participate in our economy. These high-tech jobs help support many middle class communities, which are the bedrock of the American economy, including the communities of Bucks County, Pennsylvania, from which I hail.

While we continue to encourage STEM education here at home and while still protecting American workers, we must also welcome those who earned advanced degrees in a STEM field from an American university and who want to become part of our economy. This is exactly what the STEM Jobs Act accomplishes.

As we engage these high-tech innovators in our economy, the STEM Jobs Act also rightly recognizes the need to support and to prioritize families. The pro-family expansion of the V Nonimmigrant Visa program within this bill is an important element of a fair immigration system.

The STEM Jobs Act appropriately prioritizes jobs and families. It's a very good bill. It's a fair bill for the 21st century. I encourage my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 30 seconds to the gentlelady from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I think it's important that we have the facts from the National Science



Foundation on immigration from Africa.

According to NSF, there are about 13,000 students from Africa. The vast majority of them are bachelor's degree candidates who are not eligible for visas under this bill, and the vast majority of those in graduate school are not in STEM fields. Again, they're not eligible for visas under this bill.

Mr. ISSA. I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

□ 1020

Mr. CONNOLLY of Virginia. Mr. Speaker, I thank my colleague, my friend from Michigan.

Mr. Speaker, this is the second time this bill has been brought before this House for consideration, so it's clear my Republican friends recognize the urgency for expanding the number of visas for high-skilled workers, particularly students with STEM graduate degrees—a worthy goal.

Yet rather than simply increase the number of visas, my Republican colleagues once again are presenting us with a false choice. Just like the previous bill, which failed, this one deceptively expands the number of STEM visas, but only at the expense of the successful Diversity Visa program, which has been the primary pathway used by generations of immigrants in American history.

This bill not only eliminates that program, but it would also reduce the total number of available visas by preventing unused slots from rolling over to be transferred to another visa program. That just shows my colleagues still haven't gotten it from the recent election in which immigrants and minorities played a growing role, and it casts doubt on whether we're going to be able to come together to achieve meaningful immigration reform, frankly, with that attitude.

The business community, particularly the high-tech employers in my district in northern Virginia, they get it about the need to expand the STEM program. But here again, this bill fails the reasonability test by creating a new process in which employers have to file an application with the State or Federal Government to certify that issuing that STEM visa is in the national interest. Talk about unnecessary regulation. And now the manager's amendment delays implementation of the bill by a year. We already know the economic benefits of expanding the high-skilled visa pool, and employers have said we can't afford to wait any longer.

Mr. Speaker, this does not have to be a zero-sum game. If my Republican colleagues truly want to help our employers and our economy, we could bring up a clean version of this bill, one for ex-

ample which was introduced by the gentlewoman from California (Ms. ZOE LOFGREN). Or we could bring up another bipartisan bill, the Startup 2.0 Act, which I am proud to cosponsor with our colleague, MICHAEL GRIMM of New York. That would not only expand the number of visas for STEM graduates, but also those entrepreneurs looking to start up a business and create jobs right here in America.

Here is an opportunity for us to fulfill the mandate from the election and actually compromise on something that will benefit the economy. This bill, sadly, does not meet that test.

Mr. ISSA. Mr. Speaker, the truth is persistent. According to DHS, where they study student tracking, this is their source, not mine, I will read verbatim once again for the gentlelady from California: There are more than 12,000 African students studying in STEM fields in the United States.

Of course, some currently could be undergraduate.

Almost 1,500 Nigerian students alone are getting a graduate-level education in STEM fields.

Yes, this bill will encourage those able to go on and get graduate degrees in STEM fields to do so because, yes, that's going to give them an opportunity. But don't we want the best and the brightest? Isn't that the goal? Isn't job creation the goal?

With that, I yield 3 minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Speaker, I thank the chairman. I rise today in support of the STEM Jobs Act, and I thank Chairman SMITH for his leadership as chairman of the Judiciary Committee.

This is a critical piece of legislation that narrowly failed to pass when the House considered it in September, and I'm very pleased that we're considering it again here today.

Over the past few weeks when I was back in my district, the job creators in central Arkansas that I spoke with emphasized the need to once again bring this bill up, and I want to share a little bit about those conversations.

First of all, Welspun Tubular is in my district. It made the pipe for the Keystone XL pipeline. They need advanced STEM graduates to train workers.

Power Technology is a company that needs highly skilled workers to design, develop, and manufacture laser products. They say that they need this bill passed.

These companies have struggled to find the specific talent they need, and this bill would help them create jobs. This is a jobs bill. I want to emphasize that this bill will not take away from American jobs. These STEM visas will be made available only for foreign graduates of U.S. universities with advanced STEM degrees—Ph.D.s in the

first instance, followed by foreign-born graduates of master's degree programs of which we have a shortage. Companies that offer jobs to foreign STEM graduates also must have certified that there are no American workers able, willing, or qualified and available for the job.

We are currently educating highly skilled Ph.D.s and master's and sending them back home to compete against us after they graduate. Where I'm from, that's like recruiting the best football players from Texas, teaching them the Arkansas offense, and then sending them back to Texas to compete against us. That doesn't make any sense, and people get that. Let's fix it. Let's pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership.

Mr. Speaker, in the wake of the November elections, there has been a growing consensus that it is time to undertake comprehensive immigration reform. There are many good reform proposals out there; but, unfortunately, this is not one of them. Although this bill does have some merits, those merits are more than offset by the bill's defects.

One glaring problem is that this bill treats immigration as a zero-sum game. It seems to operate under the assumption that anytime a door is opened to a new class of entrants, it must slam the door shut on another.

This bill would totally eliminate the longstanding Diversity Visa program that now provides one of the few legal pathways to enter the United States. Currently, the Diversity Visa program only issues 50,000 visas a year. And in 2013, almost 8 million people worldwide have applied for this visa. For anyone looking to find a legal way to come to this country right now, the chances are pretty slim. The zero-sum approach of this bill reduces those chances even further. It achieves almost the opposite of what the American people have asked us to do.

Fortunately, there are better bills out there, bills that address some of the core concerns, bills that are ready to go. For instance, the Attracting the Best and the Brightest Act, ZOE LOFGREN's bill, H.R. 6412, would create a new green card for people with graduate degrees from U.S. research universities in the STEM disciplines.

According to a recent article in the New York Times, currently we have in our country about a million engineers, scientists, and other highly skilled workers on H-1B temporary visas. And when these visas expire, we just send them home. We train them in the STEM disciplines that our high-tech economy so badly needs, and then we just send them home. That is absolutely crazy.

The Democratic bill, H.R. 6412, would help us retain some of that valuable, highly trained talent we helped to create. The EB-6 visa would require all applicants to have an advanced degree from an accredited public or nonprofit university. It would provide 50,000 of these STEM visas, but it would not eliminate other visa programs which are helpful, such as the Diversity Visa.

There is also a bill I authored with Senator KERRY, the Start-Up Visa Act. Our bill would recognize the great contributions being made to our economy by these job creators, and it would establish an employment-based, conditional immigrant visa. Applicants would have to be immigrant entrepreneurs seeking to establish a start-up company or already have a business in the U.S., and it would have to have sufficient financial backing.

We do need more talented people going into the STEM disciplines in our economy. Let's refuse to slam the door on other immigrants. Let's vote "no" on this bill. Let's vote "yes" on the Democratic bills that provide STEM visas and provide help to our economy.

□ 1030

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida (Mrs. ADAMS) will control the time.

There was no objection.

Mrs. ADAMS. I yield 3 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Mr. Speaker, before I speak specifically to this bill, I think it's important to note, I know my colleagues from the other side of the aisle are decrying this bill and its immigration stances, but I would submit for your consideration, when you had control of the House, the Senate, and the White House, you did not pass immigration reform. So let's stop treating this issue like a political football.

As the first American of Hispanic descent to represent Washington State here in the United States House, I want us to tackle this issue. But let's keep the facts the facts, and not use it as a political football, because it's important to millions of Americans and millions of immigrants who want to come here.

And why wouldn't you? This is a land of opportunity, and we want the best and the brightest here in the United States creating jobs and growing our economy, because in southwest Washington, where I'm from, we need jobs.

Today we're here to focus on commonsense solutions. And unfortunately, under the current setup, we're literally educating foreign men and women and then requiring them to go to India and China and be our competitors.

Under this scenario, who wins? Well, China and India win. Our competitors win.

Who loses? The American worker because, as the best and the brightest internationally want to come here and we tell them go away, go start a business to compete with our jobs, those jobs aren't going to grow in southwest Washington.

Fortunately, today we have the opportunity to change that, and then we can go on and tackle some of the other issues that my colleagues are bringing up because they're important and they're valid.

This STEM jobs bill ensures that employers are opening their doors and their job opportunities to Americans first. And if there aren't enough Americans to fill these highly skilled job openings, then we invite those foreign STEM graduates to apply. That's all this bill does. And it's an important piece that's going to open up economic opportunity for the men and women that I serve and that we all serve across this great Nation.

Right now, large employers—Microsoft was mentioned, that's from my home State, they have over 6,000 jobs that they're trying to fill. And you know what? They want to fill them with American workers. If they're not able to, then I think they should have the ability to offer those options to immigrants from China and India, South America, Mexico, Africa.

Whoever wants to come here and be a part of the economic engine that creates opportunities, let's open those doors. Why not?

With this bill, we'll continue to educate talented people to fuel our economy, and instead of sending them home to compete with us and our workers, we'll get to grow those jobs right here.

This is a compassionate bill that will drive economic innovation and create jobs. It is pro-family. It actually provides incentives to those folks. Those immigrants who go about this process in the right way, they'll be able to be united with their family here in the United States because of this bill.

There are safeguards.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ISSA. I yield the gentlelady an additional 30 seconds.

Ms. HERRERA BEUTLER. This will allow them, and those family members who are waiting to immigrate legally, to come here and be with their mother, their father, who are here working. This has a lot of opportunities, and it also has safeguards for the American worker. Those jobs are first available to those citizens who may be able to fill the qualification.

So I'd ask my colleagues here today to support this very good bill. It's a piece of the puzzle. It's not the whole thing, but we need to take this a piece at a time, a solution at a time. And quite frankly, right now, solutions are what the American people are asking for, and this is a very good one.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I just wanted to correct the record. I recall when Democrats were in the majority, we passed the DREAM Act. We only got 8 Republican votes to pass that DREAM Act.

Further, the way this bill is written, if you were brought here as a baby in violation of the immigration law, but now you're getting your Ph.D. in computer science from Stanford University, you're not eligible for one of these visas. This is written in a way to divide people. It's not even an honest effort to capture the best and brightest.

And further, on African immigration, last year we had 6,218 Diversity Visa recipients from Nigeria. Taking the chairman's number of 1,200—I don't want to get in an argument—in master's and Ph.D. in STEM fields, that's the enrollment. As you know, most Ph.D. programs are 6-year programs, most Master's programs are 2-year programs. So those actually graduating would be a small fraction of that, a few hundred each year. So we would be seeing, for example, a huge reduction in immigration from Nigeria, just as an example.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume in response.

There we go again, looking at the numbers rather than the merit.

Mr. Speaker, the merit of this piece of legislation is to get America working, to use the opportunity that is being squandered to get America working again. For each advance degreed STEM immigrant, we, in fact, create three jobs. That's not being disputed by the minority. It's not being disputed certainly by the 30 or so members of the minority that voted for this bill previously.

When we bring up, under this legislation, the opportunity to more quickly reunify families of legal immigrants, what we get told is, you're not doing it immediately. Now, of course, if we did it immediately, without any sort of process and opportunity to make sure that they're eligible for reunification, we'd be criticized for that.

You're moving up the speed with which families can be reunited, you get no credit. You're giving an opportunity for hundreds of thousands of American jobs for existing Americans to be created by recruiting people that could help create jobs, you're being criticized. If one country wins and other one loses a few thousand slots, you're being criticized.

Mr. Speaker, I just have to remind my colleagues on the other side of the aisle, a million or so people come to

this country every year. This is a small part of it. And this is a part of it that history is quite clear on.

Senator Kennedy, and a few others, created this particular item for their own purposes because they looked at the outcome of Irish, basically, to a certain extent getting to come here under this visa. And now everyone's wanted to use the Diversity Visa lottery for years, and I've seen it gamed all over the world, in Lebanon, in Bangladesh, and in other places. There's no questions it has a lot of fraud. But that's not really the discussion today.

The real discussion is American jobs, the diversity of employment. And as the gentlelady from California, my colleague on the committee, knows, this also is a piece of legislation that will encourage men and women from around the world, brilliant men and women, to choose American universities to get their degrees from, to choose America to be the place in which they invest, not just their God-given talents, but their American-acquired talents in.

And yes, it will encourage people from countries like Africa and other places who are smart to come here to get their advanced degrees in greater numbers. What part of a good idea can't we accept?

Lastly, Mr. Speaker, I just can't stop finding it hard to understand. We roll over these slots specifically because we understand in the first year, bureaucracy in our government often makes things not happen. But we preserve for 4 years these slots.

The gentlelady from California is quite right about one thing: we certainly should look together at additional areas of skills and degrees that, if they came to America, would add to America, and put them at the front of the line.

And I'm going to say, I guess lastly, lastly, to the immigrant population, to the people who are new Americans, you came here with a belief in America, and you came here wanting to add to America. And we want the next people that come behind you to add to what you're adding, not to undermine a job that you currently have, but in fact, to help create more jobs.

I believe in the immigrant history of America and immigrant future of America or I wouldn't be supporting this and other bills. In just a few weeks, I hope that in the new Congress we'll be taking up additional comprehensive legislation. But if you can't take yes for an answer on a significant portion, then I suspect we will have a very difficult time taking yes for an answer on the harder decisions to come on immigration reform.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, we're prepared to close on this side, if the gentleman on the other side is ready.

Mr. ISSA. Mr. Speaker, so are we. I reserve the right to close.

□ 1040

Mr. CONYERS. I am pleased to yield our remaining time to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Let's look at what we've debated here this morning. The truth is, as the gentleman from California so rightfully notes, this is something we can all agree on, and that is STEM visas to supply the need for that economic engine of our economy. That's not really the question here. The question is: At what cost do we allow this to happen? And what we are saying is it is almost as though November 6 came and went and my friends on the other side of the aisle just never listened to the verdict of the people. And what they said to us was, Stop picking winners and losers. Stop dividing and pitting one American against another.

How many countless occasions have we heard our friends on the other side of the aisle decry us for class warfare, and yet they come with a proposal here today, and we can use their very words: They want smart people; they want educated people; they want people that are going to add something to the economy. Well, let me just suggest that we, many of us in this Congress today, came from very humble roots.

And, yes, I resent the fact that people come before the well of the House to tout the virtues of their moms and dads and say, My mom worked really hard. She scrubbed pots; she stayed up; she mopped people's homes; she worked so hard. She had nothing left on her fingers so that I could get an education and I could come to the Congress of the United States. And yet they come and propose something that will deny other people that same opportunity to come here to work hard, to sweat and to toil and to one day maybe send their son or daughter to the Congress of the United States.

We can find these speeches throughout the history of the Congress of the United States; but the difference today is that this side of the aisle wants to be honest and consistent with that story, that virtuous story of immigrants who have come here to sweat and to toil from all kinds. We don't want to go back to the day of "Irish need not apply." We know the history of immigration in this country when they were saying, Well, not those people, not those that are not educated, not those that are hungry, not those that are famished, they should not come here. That's an old argument and we shouldn't be making it today, especially after the election that we just had.

All we're saying to the other side of the aisle is: Why is it that you couldn't sit down with this side of the aisle in a bipartisan manner? Because that's what people said during the election. They said, Listen, guys, we want you to settle down. We want you to work

this out for the good of the American people.

I'm going to tell you why I believe you couldn't negotiate with us. Because you have to negotiate with NumbersUSA. Why don't we just say it. They're the party that's not here in the well of the House, but they're here in spirit and in the legislative policy that we are reiterating here today. You can't negotiate with us because you have to negotiate with the most extreme element of American society on immigration and not with those that want to bring about comprehensive immigration reform and reform in our immigration system.

And what is NumbersUSA? In short, NumbersUSA, a short, descriptive modifier should call it an immigration reduction organization.

So who did you negotiate with? The immigration reduction organization. And that's why you have to put up the visas, these visas that have allowed tens of thousands of people to come to this country and to work hard and to sweat and to toil and to make this a greater Nation for all of us.

Now, how does it reduce the numbers? It's simple. You know it and we know it. Every graduate, master's, and Ph.D. on an annual basis in the United States, what is the number? What is the number? That's the number we should be cognizant of here today. It's 29,000. Now it's 55,000 visas.

So why is it that we're offering 55,000 visas for 29,000 possible graduates? And wait a minute. That's if every graduate doesn't go back to their country. And we know many of them return to their countries to build those nations, and we want that to continue. We want them to come to the United States of America and go back to their country and foster democracy and goodwill. So many of them do that. But not all the 29,000 stay here. So what happens? You eliminate 50,000 visas. You say we're going to give you 55,000. You know you only can use 29,000. It's a net loss.

The people on the other side of the aisle keep telling us, Why don't they come through the legal way? Why don't they come through the legal way? Why do they always have to go under and around? They should come here legally because we're for legal immigration.

Today you're not for legal immigration because, in the end, you reduce the ability of people to come legally to the United States of America, and that is the Diversity program.

And lastly, let me just be very, very clear. When we look at this and we talk about the continent of Africa, we think it's important that every continent of the world be able to come here and contribute to the great Nation that is because that is the diversity and the greatest tradition of America: Ellis Island, bring me everyone from everywhere to sweat and to toil and to make America a greater Nation. But think

about it a moment. Just do the math. If half of the 55,000 Diversity visas come from the continent of Africa, and there are only 29,000 total STEM, come on, just do the numbers and you can see why it is that on our side of the aisle.

Let's sit down. Let's have a hearing. Let's bring in the experts. Let's have a discussion and a debate. Let's work together. Let's sit back. But if we're going to move America forward, then we have to stop negotiating with those that want to keep us in the past, and that's NumbersUSA. It's NumbersUSA who said to you self-deportation should be the rule of law in America; S.B. 1070 is great and should be institutionalized in every State of the Union.

We rejected that this last election. In this last election, there was a referendum and there were those of us on one side that said to the American people, We want an immigration system that is fairer and sets aside the political bickering to the one side and allows us to fix our immigration system, and another that said, We want to stand in the past.

Let's work together to build a better future for all of us. I honestly and earnestly want that to happen, but I cannot in good conscience vote for a bill that offends my sense of fairness, that offends my sense of the great American tradition that is our immigration tradition.

Thank you so much.

Mr. ISSA. Mr. Speaker, I would inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 8½ minutes remaining.

Mr. ISSA. I yield myself the balance of my time.

Mr. Speaker, if we were to have a discussion on outcome, my distinguished colleague from Detroit, Michigan, and I could endlessly quote figures. I'm going to quote a few because I think they're germane to the last speaker's close.

In 2009, the numbers of the top three Diversity visas were as follows: Ethiopia, 3,829; Nigeria, 3,720; and Egypt, a country I visited many, many times, 3,336. No question at all they're all on the continent of Africa. But as recently as 1994, earlier on in this longstanding 30-year piece of set-aside, it went more like this: Poland, 17,396; Ireland, 15,659; the United Kingdom—Great Britain—3,174.

Mr. Speaker, one of the problems with the Diversity Visa is, in fact, it's a question of whether you've put in all the names in the phone book or not. It's a question of who's gaming the system. It doesn't have any sort of, if you will, set-aside to ensure an outcome. And within the outcome, whether you're taking from Poland, Ireland, United Kingdom, or, in 1999, a few years later, it switched to Bulgaria, Nigeria, and Albania.

These top names that occur have a lot to do with how many people throw their name in a hat and nothing to do with whether or not they really want to be Americans, whether they really have the qualifications, whether they have any connection to America that would allow them to get a job.

□ 1050

Not long ago, The Wall Street Journal, I believe, put a whole page into this, taking one after another of anecdotal examples of people who came, having won the lottery, with the American Dream and found out that they couldn't find a job—maybe a taxi driver, maybe not. They weren't making it, and they were thinking about going back. This is all too common in those visas.

Mr. Speaker, I want to use my closing time to address a couple of points because they're important for the American people to understand. Because what you heard here just a few seconds ago was a statement that we just had a referendum. Well, I remember all the election talk and very little of it was on immigration—sadly, much more of it should have been. We had a referendum on each of us individually. So each of us returning men and women to Congress, we've had a referendum in our district.

My district was asking me for jobs. I have Calcom in my district. I have a lot of high-tech companies, particularly in telecommunications and biotechnology; and they were asking me for, believe it or not, more H-1B temporary visas. If they could get permanent immigrants, they could use them all up.

There was a statement made about the numbers—and we could argue over 29,000 or some other number—as though this bill only pertained to next year's college graduates. It doesn't. There is a backlog of tens and hundreds of thousands of people in the STEM field who have already received degrees who would love to come here. They graduated a year ago, 2 years ago. They're here on an H-1B—they're not here, but they would come back here. There is a wealth of people that fit this category so that that first 4 years, that first 220,000 number, in fact, will be well filled. I'm confident it will be filled and overfilled.

I'm confident that Ms. LOFGREN's desire to deal with some of the other areas in which we have critical shortages of skilled people—computer sciences being certainly a possibility—that those will be clamored, once this is passed, to be added. As a matter of fact, I'm confident that my colleague from California will probably be somebody wanting to add them very quickly, and I suspect I will strongly support her.

Now, we've had a discussion, mostly from the minority, about winners and

losers. The last, the closing side on the minority side said things like: you only want smart people. You only want people that will add to our economy. You don't want the people who come without skills, just with hope. Well, we do take a lot of those people, but my colleague was right in a sense. We want to put to the head of the line the people that on every single one of them that comes, net creates jobs. So that we know that the immigrant coming, at least in the case of 55,000 a year, for each one that comes, three great jobs are created in America. And for each of those that come, even if they bring their family, they're not likely to be a burden on our society, just the opposite: they're going to be a net positive to our economy. They're going to send their children to our colleges and universities, of course, and the world is better because America is better.

I also heard a lot of discussion—and I've spent 12 years on Judiciary. I love what we deal with on that committee—the Constitution, immigration, intellectual property; that's why I came to that committee. But when you say what you're doing, like if you take from this particular category, that somehow you're being bad, let's think about some of the other categories.

What if we took from family reunification? What would be the cry? It would be, My goodness, these are people just trying to be with the rest of their family. Be compassionate. And they would be right. Maybe if we took from E-B5, a program that I'm personally supportive of and want to make better, a program where people invest in America, create net jobs, and get a visa as a result, we can take from that, but that wouldn't be good for jobs. We certainly could, theoretically, take from people who are the victims of terrorism, of persecution; but America would never do that.

So when you look at this vast number, more than half of all immigrants going anywhere in the world come to America. In other words, we produce more new Americans by importation than the entire rest of the world combined. So if out of that vast number we choose a small amount, 5 percent, and say we can do better, we hear a human cry that we can't do better, that this isn't better.

Mr. Speaker, I will say, as someone who was listening to my constituents upon my reelection, you better believe this is better. We are bringing the best and the brightest. We are encouraging the front of the line be given to a small portion of immigration for people who will help create jobs. They will create jobs for people of all colors, all races. They will create jobs for people who just came to this country and can't find a job. We are trying to do the right thing for the American people, at least in a small way; and I believe this is a great start.

So as I vote for this piece of legislation, I'm voting for it because I know, as a former businessman, I know as someone who just had a referendum on my own returning to Congress that jobs and the economy are what people want us to work on. This is a good down-payment. These slots will be filled and oversubscribed. We will look at this as a beginning of a turn toward looking at immigrants as a positive part of our economy and making it happen.

So I believe that the minority, although well-intended, has basically misled the American people with some of their assumptions because their assumptions simply aren't right. We will fill these slots. We will bring in 55,000 job creators. We will have diversity from around the world in these individuals. We will encourage people from all over the world, if they want to get a master's or Ph.D. and they're already in London or they're in Poland or they're in Nigeria, that maybe when they finish their master's there, they get their Ph.D. here and become eligible.

With that, I urge support of the bill and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 6429, an unnecessarily partisan bill to increase the number of visas for foreign students graduating with advanced degrees in science, technology, engineering, and mathematics (STEM). While I strongly believe we should increase the number of visas for these students, I oppose this bill because it eliminates the Diversity Visa Program. There is broad bipartisan support to increase the number of STEM visas. It is unfortunate that the Republican Leadership brought this bill to the floor. President Obama highlighted his support for increasing the number of STEM visas in his 2012 State of the Union Address, when he stated that it made no sense to train foreign students with advanced STEM degrees and then "send them home to invent new products and create new jobs somewhere else."

This bill is virtually identical to the version the House considered last September. However, Republicans added a provision to reauthorize the temporary "V visa" program. I support the "V visa" program, because it unites families. Unfortunately, the Republicans restricted the "V visas" by eliminating the ability to obtain work authorization and by not allowing spouses and children already here to participate in the program.

This bill is flawed and we can do better. I wish the Republican Leadership would have brought to the floor a bill introduced by Rep. ZOE LOFGREN to increase the number of STEM visas without eliminating the Diversity Visas Program. I support that legislation.

Mr. JONES. Mr. Speaker, today, the House of Representatives will be voting on H.R. 6429, the STEM Jobs Act. This bill would terminate the visa lottery program (diversity immigrant program) and allocate those visas to foreign graduates in the fields of STEM (science, technology, engineering, and mathe-

matics) degrees. I am highly supportive of ending the visa lottery program. However, at a time when so many Americans are unemployed in my district and all over the country and when American college graduates cannot find jobs, I cannot, in good conscience, vote to give American jobs to foreigners. That is why I plan to vote against the STEM Jobs Act. As always, I will continue to support legislation that enforces our laws and secures our borders.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to oppose H.R. 6429 "STEM Jobs Act," an ill-conceived bill that eliminates the Diversity Immigration Visa Program in order to increase the amount of visas available for STEM applicants.

As a senior Member of the Judiciary Committee I have long advocated for the Diversity Immigration Visa program. Earlier this year, during a Judiciary Committee mark up of a bill which was also designed to kill the Diversity program, I offered an amendment that directed the Secretaries of Homeland Security and State to report to Congress on steps that could be taken to further eliminate fraud and security risks in the Diversity Visa program. Rather than vote to fix the program and defend legal immigration and diversity in our immigrant pool, every Republican on the Committee who was present voted down the amendment.

On Wednesday, I once again I offered amendments in Rules Committee to protect the Diversity Visa Program, and once again the Republican majority on the Committee voted against it.

Nearly 15 million people, representing about 20 million with family members included, registered late last year for the 2012 Diversity Visa Program under which only 50,000 visa winners were to be selected via random selection process.

Each year, diversity visa winners make up about 4 percent of all Legal Permanent Resident (LPR) admissions.

Unlike every other visa program, its express purpose is to help us develop a racially, ethnically, and culturally-diverse population. It serves a unique purpose and it works. In recent years, African immigrants have comprised about 50 percent of the DV program's beneficiaries.

Diversity Visa immigrants succeed and contribute to the U.S. economy. According to the Congressional Research Service, in FY 2009 Diversity Visa immigrants were 2.5 times more likely to report managerial and professional occupations than all other lawful permanent residents.

The Diversity Visa program promotes respect for U.S. immigration laws. It reduces incentives for illegal immigration by encouraging prospective immigrants to wait until they win a visa, as opposed to attempting to enter without permission.

#### CHANCE FOR THE AMERICAN DREAM

The Diversity Visa sustains the American Dream in parts of the world where it represents the only realistic opportunity for immigrating to the U.S.

Former Rep. Bruce Morrison—one of the architects of the Diversity Visa—testified in 2005 that the program advances a principle that is "at the heart of the definition of America;" the principle that "all nationalities are welcome."

Ambassador Johnny Young, Executive Director of Migration and Refugee Services, U.S. Conference of Catholic Bishops, testified at a 2011 Judiciary Committee hearing: "The Program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talents."

#### NO SIGNIFICANT EVIDENCE OF A SECURITY RISK

No substantive evidence has been given that the Diversity Program poses a significant risk to our national security. There are organizations like Numbers USA who are not just advocating against illegal immigration but also wish to place caps on or decrease legal immigration as well.

As former Congressman Bruce Morrison testified in 2005: "[I]t is absurd to think that a lottery would be the vehicle of choice for terrorists." 12 to 20 million people enter the Diversity Visa lottery each year and no more than 50,000 visas are available.

In 2007, GAO "found no documented evidence that DV immigrants . . . posed a terrorist or other threat."

Diversity Visa recipients go through the same immigration, criminal, and national security background checks that all people applying for Lawful Permanent Residence undergo. They also are interviewed by State Department and Department of Homeland Security personnel.

#### FRAUD

Since the State Department OIG first raised concerns about fraud in 1993, significant changes have been made. In 2004, State implemented an electronic registration system. This allows State to use facial and name recognition software to identify duplicate applications and to share data with intelligence and law enforcement agencies for necessary immigration and security checks.

In 2012 there was an incident where 20,000 people were erroneously notified that they were finalists in the Diversity program. They would have the opportunity to enter the lottery. The OIG investigated and found this was due to a computer error. There was no evidence of intentional fraud, as a safety precaution and because of the principle of fairness the State Department did the lottery again.

The Diversity Visa program has led the way in applying cutting edge technology to reduce fraud and increase security. The program was one of the first in the government to use facial recognition software to analyze digital photographs.

I join the vast majority of my Democratic colleagues in supporting an expansion of the STEM program. H.R. 6429 attempt to increase the STEM Visa program is an admirable one; however, I firmly believe it should not come at the expense of the Diversity Immigration Visa Program and should include a broader range of institutions.

We must address comprehensive immigration reform this bill does not address this issue in the right way. As I have repeatedly stated I strongly support the advancement of STEM careers. I believe that we can address the potential future shortage of qualified applicants in STEM fields by not only welcoming those from other countries who choose to study in the United States to remain in the United States to

work but also to encourage Americans to pursue careers in STEM.

Science, technology, engineering and math education play a crucial role in determining our Nation's level of innovation, which has been the backbone of the American economy since the Industrial Revolution. If we are to strengthen our economy, we must strengthen our STEM education system.

The National Assessment of Educational Progress (NAEP)—the Nation's education report card—shows that fewer than forty percent of students, at every grade level tested, are proficient in math and science. Furthermore, recent statistics provided by the Engineering Workforce Commission indicate a large disparity in STEM education between men and women, and between minorities and Caucasians.

In 2008, 77,671 women were enrolled in an undergraduate engineering program across the United States, while 365,281 men were enrolled in engineering programs in the same year. In the same year, 301,483 Caucasian Americans were enrolled in engineering programs, while only 24,771 African Americans were enrolled. Respectively, 41,919 Hispanics were enrolled in engineering programs across the Nation.

In order to encourage women and minorities to pursue degrees in STEM, it is absolutely essential that we level the educational field and provide equal, high quality education for everyone across the United States.

Internationally, the Programme for International Student Achievement (PISA), an international education benchmark last conducted in 2009 by the Organisation for Economic Co-operation and Development (OECD), finds the United States is barely average in reading and science and below average in math. The United States ranked 25th out of 34 nations in math.

More than 3 million job openings in STEM related fields will be created by 2018 that will require a bachelor's degree or higher (Georgetown Center on Education and the Workforce). At our current rate, the United States falls short of those needs by more than a million workers (National Science Foundation).

The United States must mobilize for excellence in mathematics and science education so that ALL students—not just a select few, or those fortunate enough to attend certain schools—achieve much higher levels of math and science learning.

Significant improvement in math and science education will be much more likely if the American people, especially young people, understand what's possible and demand it. We must consider the Nation's teaching force to be our primary asset, and as such, we must reinvent our strategies for recruiting, inducting, assessing, compensating, and retaining the best and brightest talent for our classrooms.

A new focus on elevating and reinvigorating the profession of teaching must be matched with a new culture of schooling and teaching, that encourages effective teachers to remain in the classroom, rewards them for performance, and creates a career ladder that is a greater incentive for attracting them to the profession.

Upgrade human capital management throughout U.S. schools and school systems

toward ensuring that every student has access to effective teachers, regardless of their socioeconomic background.

Teachers and students need access to math and science instructional materials that are challenging, content-rich, motivating, engaging, and connected to the world in which we live today.

We must explore a range of new delivery options grounded in the latest technologies and cognitive sciences that tap into the vast resources we have in our institutions of higher learning, museums, and other science-rich community institutions.

We must create understanding among students about the relationship of effective math and science education to their future success, regardless of their chosen field of study.

It is important to encourage African Americans, Hispanics, Asians, and women to enter into STEM fields. We can do more to fund programs at Historically Black Colleges, Hispanic Serving Institutions, and Community Colleges to reach all segments of society to train homegrown STEM professionals. As we already predict that the jobs of the future will include millions of new jobs in STEM fields it makes sense that we would train American citizens to fill these jobs.

I believe this can be done in a balanced way. We can improve access to STEM for African American, Hispanics, and poor Americans.

America's ability to extend its arms and welcome immigrants is more than a cultural tradition; it is a fundamental promise of our democracy. The Diversity Immigration Visa Program is designed to give a very small diverse percentage of immigrants the opportunity to attain a green card and live the American dream. It's a popular program, it's a successful program and it reflects core American values of inclusion and opportunity.

Ms. VELAZQUEZ. Mr. Speaker, I rise in opposition to this partisan legislation. Rather than simply creating a program that offers visas for students graduating in fields we need, this legislation picks "winners and losers" among our Nation's immigrants. Rather than tackling the tough issues surrounding immigration reform by building consensus, once again our Republican colleagues are pushing divisive legislation that punishes certain immigrant groups and rewards others.

We have another option. My Democratic colleagues have put forth a straightforward STEM proposal that would offer visas to graduates fields like science, mathematics and engineering. Instead, we are debating a measure that would reduce overall immigration levels and create a series of false choices.

All of us recognize the value of bringing more immigrants with certain skills and educational backgrounds. Where we seem to disagree is this—those of us on our side of the aisle also recognize that we should not be penalizing other hardworking immigrants from more humble backgrounds.

I say to my colleagues—reject this bill. Let us instead focus on real immigration reform that is based on consensus and focuses on making our system fairer and better.

Mr. ISSA. Mr. Speaker, I rise today to express my support of the STEM Jobs Act (H.R. 6429). I have long been a proponent of visa

reform and am proud to be an original cosponsor of this bill.

Our current visa system is inadequate. Many of the world's top students come to the United States to obtain advanced degrees from some of the best universities and colleges in the world to gain competitive science, technology, engineering and mathematic (STEM) skills.

We desperately need to retain these skills to boost our economy. The high-tech and biotech companies in California would benefit from increased STEM visas by creating new, innovative jobs in our communities. However, instead of encouraging these highly skilled students to stay in America, current law forces these individuals to return home, or to third-party countries where they become innovators and entrepreneurs creating prosperity and capital for American competitors.

The STEM Act is an important step towards reforming our immigration system and getting our economy back into working order. Republicans and Democrats alike agree that we need the growth these highly trained individuals are creating elsewhere. Making STEM visas more readily available will foster innovation and job creation in our workforce.

I urge my colleagues to help generate jobs, boost the economy and increase American competitiveness by passing this bill.

Mr. POE of Texas. Mr. Speaker, every year, competitive students from all over the world come to America to attend some of our top schools, including the University of Texas—Austin, for advanced degrees in the STEM fields.

While these students are in school, many of these students fall in love with America, and our way of life.

I don't blame them . . . who wouldn't fall in love with Austin, Texas and want to stay?

And the thing is, there are employers right there in Austin and all over the country that want to hire these folks because there are not enough Americans graduating with these types of degrees every year. Sounds like a marriage made in heaven right?

The problem is . . . the students often face a difficult time getting visas to stay when they graduate, even though there are employers who want to hire them.

To rectify this, the STEM Jobs Act will cancel the diversity visa program and redistribute up to 55,000 visas to the best qualified graduates of American universities with STEM degrees.

This legislation makes sense not only for the students, but it makes sense for America.

Studies have shown that STEM graduates, on average over the course of their careers, create 2.6 American jobs.

In fact, between 1995 and 2005, foreign-born STEM workers founded half of the firms in Silicon Valley. Think of how many jobs, and how much wealth, these firms created here in America.

Wouldn't we rather have these jobs created here in the United States than in China or India?

Do we really want the next Google to be created abroad?

America has given birth to so many innovations over the past 150 years. The assembly line, electricity, the automobile, the airplane,



the telephone, the personal computer, the iPhone, the list goes on and on. These innovations have changed our world for the better.

America has always been the birthplace of innovation, let's keep it that way.

Let's allow the world's best and brightest to come to the land of opportunity.

And that's just the way it is.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 6249, the STEM Jobs Act of 2012. While proponents of this legislation claim that they are making a serious effort at immigration reform, nothing could be farther from the truth. True to their pattern throughout the 112th Congress, the Republican Majority has once again chosen to bring a divisive, partisan bill to the floor rather than seeking compromise and middle ground.

I have long called for comprehensive immigration reform, and am pleased to hear this sentiment echoed by others recently. Reducing the backlog for immigrant graduates from American universities who are studying science, technology, engineering, and math (STEM) is a worthy and laudable goal. Sadly, H.R. 6429 is not the right way to achieve it. Instead of increasing the number of STEM visas that are available, this legislation would completely eliminate the Diversity Visa program, which provides visas to countries with low immigration rates to the United States. We do not need to rob Peter to pay Paul to help improve our immigration system. We just need some common sense.

Our immigration system has been broken for long enough. Let's dedicate ourselves to finding a workable compromise to this serious problem instead of making a half-hearted attempt at reform. I urge my colleagues to join me in voting against H.R. 6429.

Mr. MEEKS. Mr. Speaker, regretfully, I have to oppose H.R. 6429 although this is an important issue that needs to be addressed. There is a need for legislation that attracts and allows highly-skilled immigrants and students who graduate with advanced STEM degrees to live and work in the United States. The STEM Jobs Act of 2012, however, fails to address fundamental issues while creating additional inequities in immigration.

It is increasingly necessary to American industries to keep these highly qualified individuals, whom we have educated, to help develop and grow our businesses instead of forcing them to take their talents elsewhere. The number of full-time graduate students in STEM fields who were foreign students (largely on F-1 nonimmigrant visas) grew from 91,150 in 1990 to 148,923 in 2009, with most of the increase occurring after 1999. Despite this rise in foreign student enrollment, the percentage of STEM graduate students with temporary visas in 2009 (32.7 percent) was comparable to 1990 (31.1 percent). The visas are not increasing to keep up with the talent; and according to the U.S. Department of Commerce, "growth in STEM jobs was three times as fast as growth in non-STEM jobs" over the past 10 years.

Clearly we must create a way to incorporate this untapped potential into our own economy instead of creating a "brain-drain" and sending these highly-skilled immigrants overseas. Our economy needs the growth that comes with filling these jobs.

If enacted, this bill would allocate immigrant visas to a select group of individuals and would eliminate the long-standing Diversity Visa program that allows individuals from countries with low rates of immigration access to visas. It places a band-aid on an issue that needs a real long-term solution, and does not allow for equal and fair access to visas. H.R. 6429, as constructed, is a poison pill that obscures the true need for comprehensive immigration reform.

Mr. SHERMAN. Mr. Speaker, hundreds of millions of hard-working people who are citizens of foreign nations want to become Americans. That is a testament to the greatness of our country.

America can only accept a limited number of those who wish to move to our shores each year. Accordingly, we should provide visas in a manner that reflects they are a valuable asset to be allocated carefully.

I do not believe the Diversity Visa Lottery is a good way to allocate the inherently limited number of immigrant visas. I believe that a rational, well-designed immigration system would not include the Diversity Visa Lottery.

Given the political climate and legislative rules that we face, the passage of the bill before us on Friday, November 30, 2012, was not a step toward enacting a well-designed, rational immigration system. Nor was the Democratic Motion to Recommit likely to be the basis of a bipartisan reform bill. In any case, the bill will not be acted on by the Senate.

Some of the visas we allocate should go to those who can provide the investment capital to create jobs within the United States. Some of the visas should go for family unification and for the humane treatment of refugees and persecuted persons. And some visas should go to those who have talents and skills that our economy needs. However, we need a better system than the one provided in this bill.

I look forward to creating a rational immigration system in 2013.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 821, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Ms. ZOE LOFGREN of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LOFGREN of California. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Zoe Lofgren of California moves to recommit the bill H.R. 6429 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "STEM Jobs Act of 2012".

#### SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) is amended by adding at the end the following:

"(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2014 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

"(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

"(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

"(ii) The number specified in this clause is 55,000.

"(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014.

"(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2015, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii) only to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2015 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2015.

"(v) Immigrant visa numbers made available under this subparagraph for fiscal year 2016, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

"(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

“(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2015 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

“(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2016.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2016 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2016.

“(vi) Immigrant visa numbers made available under this subparagraph for fiscal year 2017, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only—

“(I) to the extent of the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2017 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) up to, but not exceeding, the number specified in clause (ii) for such year;

“(II) if the immigrant visa numbers used under this subparagraph for fiscal year 2016 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) were less than the number specified in clause (ii) for such year; and

“(III) if the processing standards set forth in sections 204(a)(1)(F)(ii) and 212(a)(5)(A)(vi) were not met in fiscal year 2017.

Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2017 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2017.”.

(b) **NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.**—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking “or (5)” and inserting “(5), (6), or (7)”.

(c) **PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.**—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

“(6) **ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.**—

“(A) **IN GENERAL.**—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

“(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education;

“(ii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States; and

“(iii) have an offer of employment from an employer and will receive a wage level from the employer that is at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question.

“(B) **DEFINITIONS.**—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

“(i) The term ‘distance education’ has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(ii) The term ‘field of science, technology, engineering, or mathematics’ means a field included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

“(iii) The term ‘United States doctoral institution of higher education’ means an institution that—

“(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

“(III) has been in existence for at least 10 years; and

“(IV) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.

“(C) **LABOR CERTIFICATION REQUIRED.**—

“(i) **IN GENERAL.**—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

“(ii) **REQUIREMENT DEEMED SATISFIED.**—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

“(7) **ALIENS HOLDING MASTER’S DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.**—

“(A) **IN GENERAL.**—Any visas not required for the class specified in paragraph (6) shall be made available to the class of aliens who—

“(i) hold a master’s degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education that was either part of a master’s program that required at least 2 years of enrollment or part of a 5-year combined baccalaureate-master’s degree program in such field;

“(ii) have taken all master’s degree courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States;

“(iii) hold a baccalaureate degree in a field of science, technology, engineering, or math-

ematics or in a field included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences; and

“(iv) have an offer of employment from an employer and will receive a wage level from the employer that is at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question.

“(B) **LABOR CERTIFICATION REQUIRED.**—

“(i) **IN GENERAL.**—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

“(ii) **REQUIREMENT DEEMED SATISFIED.**—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

“(C) **DEFINITIONS.**—The definitions in paragraph (6)(B) shall apply for purposes of this paragraph.”.

(d) **PROCEDURE FOR GRANTING IMMIGRANT STATUS.**—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking “(F)” and inserting “(F)(i)”;

(2) by striking “or 203(b)(3)” and inserting “203(b)(3), 203(b)(6), or 203(b)(7)”;

(3) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

and

(4) by adding at the end the following:

“(ii) The following processing standards shall apply with respect to petitions under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

“(I) The Secretary of Homeland Security shall adjudicate such petitions not later than 60 days after the date on which the petition is filed. In the event that additional information or documentation is requested by the Secretary during such 60-day period, the Secretary shall adjudicate the petition not later than 30 days after the date on which such information or documentation is received.

“(II) The petitioner shall be notified in writing within 30 days of the date of filing if the petition does not meet the standards for approval. If the petition does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified petition.”.

(e) **LABOR CERTIFICATION AND QUALIFICATION FOR CERTAIN IMMIGRANTS.**—Section 212(a)(5) of such Act (8 U.S.C. 1182(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(ii) in subclause (II), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(III) holds a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education (as defined in section 203(b)(6)(B)(iii)).”;

(B) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(C) by inserting after clause (i) the following:

“(ii) JOB ORDER.—

“(I) IN GENERAL.—An employer who files an application under clause (i) shall submit a job order for the labor the alien seeks to perform to the State workforce agency in the State in which the alien seeks to perform the labor. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

“(II) LINKS.—The Secretary of Labor shall include links to the official websites of all State workforce agencies on a single webpage of the official website of the Department of Labor.”; and

(D) by adding at the end the following:

“(vi) PROCESSING STANDARDS FOR ALIEN BENEFICIARIES QUALIFYING UNDER PARAGRAPHS (6) AND (7) OF SECTION 203(B).—The following processing standards shall apply with respect to applications under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

“(I) The Secretary of Labor shall adjudicate such applications not later than 180 days after the date on which the application is filed. In the event that additional information or documentation is requested by the Secretary during such 180-day period, the Secretary shall adjudicate the application not later than 60 days after the date on which such information or documentation is received.

“(II) The applicant shall be notified in writing within 60 days of the date of filing if the application does not meet the standards for approval. If the application does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.”; and

(2) in subparagraph (D), by striking “(2) or (3)” and inserting “(2), (3), (6), or (7)”.

(f) FURTHER PROTECTING AMERICAN WORKERS.—Section 212(p) of such Act (8 U.S.C. 1182(p)) is amended by adding at the end the following:

“(5) To satisfy the requirement under paragraph (6)(A)(iii) or (7)(A)(iv) of section 203(b), an employer must demonstrate that the total amount of compensation to be paid to the alien (including health insurance, stock options, and other benefits provided by the employer) must meet or exceed the total amount of compensation paid by the employer to all other employees with similar experience and qualifications working in the same occupational classification.”.

(g) GAO STUDY.—Not later than June 30, 2018, the Comptroller General of the United States shall provide to the Congress the results of a study on the use by the National Science Foundation of the classification authority provided under section 203(b)(6)(B)(iii)(II) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)(B)(iii)(II)), as added by this section.

(h) PUBLIC INFORMATION.—The Secretary of Homeland Security shall make available to the public on the official website of the Department of Homeland Security, and shall update not less than monthly, the following information (which shall be organized according to month and fiscal year) with respect to aliens granted status under paragraph (6) or (7) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as added by this section:

(1) The name, city, and State of each employer who petitioned pursuant to either of

such paragraphs on behalf of one or more aliens who were granted status in the month and fiscal year to date.

(2) The number of aliens granted status under either of such paragraphs in the month and fiscal year to date based upon a petition filed by such employer.

(3) The occupations for which such alien or aliens were sought by such employer and the job titles listed by such employer on the petition.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply with respect to fiscal years beginning on or after such date. Nothing in the preceding sentence shall be construed to prohibit the Secretary of Homeland Security from accepting before such date petitions under section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b) of such Act (8 U.S.C. 1153(b)) (as added by this section).

#### SEC. 3. PERMANENT PRIORITY DATES.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

“(i) PERMANENT PRIORITY DATES.—

“(1) IN GENERAL.—Subject to subsection (h)(3) and paragraph (2), the priority date for any employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

“(2) SUBSEQUENT EMPLOYMENT-BASED PETITIONS.—Subject to subsection (h)(3), an alien who is the beneficiary of any employment-based petition that was approvable when filed (including self-petitioners) shall retain the priority date assigned with respect to that petition in the consideration of any subsequently filed employment-based petition (including self-petitions).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall apply to aliens who are a beneficiary of a classification petition pending on or after such date.

#### SEC. 4. STUDENT VISA REFORM.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

“(F) an alien—

“(i) who—

“(I) is a bona fide student qualified to pursue a full course of study in a field of science, technology, engineering, or mathematics (as defined in section 203(b)(6)(B)(ii)) leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

“(II) is engaged in temporary employment for optional practical training related to

such alien's area of study following completion of the course of study described in subclause (I);

“(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution of learning or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

“(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

“(iv) who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.”.

(b) ADMISSION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting “(F)(i),” before “(L) or (V)”.

(c) CONFORMING AMENDMENT.—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking “(i) or (iii)” and inserting “(i), (ii), or (iv)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to nonimmigrants who possess or are granted status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) on or after such date.

#### SEC. 5. EXTENSION OF GUARANTEE FEES FOR GOVERNMENT-SPONSORED HOUSING ENTERPRISES AND FHA.

(a) GSEs.—Subsection (f) of section 1327 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547) is amended by striking “October 1, 2021” and inserting “October 1, 2022”.

(b) FHA.—Subsection (b) of section 402 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78; 125 Stat. 1289) is amended by striking “October 1, 2021” and inserting “October 1, 2022”.

Ms. LOFGREN of California (during the reading). Mr. Speaker, I ask unanimous consent that the reading be waived.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. LABRADOR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1100

Mr. LABRADOR (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of the motion.

Ms. ZOE LOFGREN of California. Mr. Speaker, over the last few days in the Rules Committee, during debate on the rule, and in today's debate, we've had a common refrain from our friends on the other side of the aisle. Over and over, they say there's agreement on STEM visas, and we shouldn't let politics get in the way. For the good of America and our economy, they say, we should come together on this bipartisan issue and do what's right. I agree.

By all accounts, there is nothing but support for a STEM visa program to attract and retain the best and brightest minds from around the world, and we support STEM visas. They support STEM visas. Everybody supports STEM visas. So why on Earth aren't we just voting on STEM visas?

According to our colleagues, that's the message we should take away from the election. Even though we may not agree on everything, we should put partisanship aside and find areas of common ground for the good of the country, and that's exactly what this motion to recommit would do.

This motion presents us with a clean STEM visa program, copied word for word from the underlying bill, but without the unrelated measures. If it's true that this vote is about creating STEM visas and not about eliminating unrelated immigration programs, then you should vote for this motion. We should put words into action and vote for a clean STEM bill.

As we all know, this motion will only amend the bill. It will not kill the bill or send it back to committee. The bill will immediately proceed to final passage, as amended.

Let's be clear, a vote against this motion is a vote against STEM visas. It says that you care more about eliminating the unrelated Diversity Visa program than you care about getting a STEM visa program. Eliminating the Diversity Visa program has absolutely nothing to do with STEM visas. It's an unfortunate attack on immigrants and minorities, and it has no place in the STEM bill.

It's also remarkably tone-deaf, considering the recent election just 3 weeks ago. The minority and immigrant communities sent a powerful message to our friends on the other side of the aisle. Our friends say they heard that message. They acknowledged the need to reach out to those communities and take a different tack with respect to immigration.

Well, actions speak louder than words. If you really want to reach out to minorities, perhaps you shouldn't start with a bill that eliminates the Diversity visas. And if you want to reach out to immigrants, perhaps you shouldn't start with a bill that pits immigrant communities against each other.

The choice between STEM immigrants and Diversity immigrants is one we are being forced to make. We do not need to make it.

When we discuss offsets in the budget context, it's about money and deficits and debt, but here we're talking about people. Is that who we are as a country? I, for one, do not believe we should offset families, spouses, or children. If you care about immigrants, you know they help grow our economy and renew our spirit. They are not pawns in a zero-sum game.

The motion to recommit also includes critical protections for U.S. workers absent from the underlying bill. We all acknowledge that a STEM visa program is important. It can grow our economy, but surely it should not come at the expense of the salaries of American workers. We should not have a race to the bottom on wages.

You know, a lot of the discussion today about the zero-sum theory on which this bill has been presented seems to imply that unless you have a graduate degree, you are not really going to contribute to this country. That's simply false. When you think about some of the great innovators—Sergey Brin, born in Russia, cofounder of Google, in my county, that employs thousands and thousands of Americans, he didn't come here because of his degree. He came with his parents. Jerry Yang, founder of Yahoo!, grew up in east San Jose. He didn't come because he got admitted to Stanford. He came with his family. Andy Grove, a legend in Intel, he didn't come because of his degree. He came as a refugee.

I am reminded of my grandfather and what he brought to this country. At age 16, he got on a boat. He never saw his parents again. He never got a degree. He came to America because he wanted to be free. He worked hard all his life. I went to Stanford University. I was the first in my family to go to college. But I am here today in Congress because my grandfather—without an education but with a lot of heart, with enough get-up-and-go to get up and go—came to become an American.

I am sure that if you examine the history of so many Members of Congress, you would find in their family trees people who had enough get-up-and-go to come to the United States. We are now proud Members of Congress in that tradition of America.

I urge you, support the motion to recommit. Don't turn our backs on immigration.

I yield back the balance of my time.

Mr. LABRADOR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Idaho is recognized for 5 minutes.

Mr. LABRADOR. Mr. Speaker, this motion to recommit is just one more illustration of Democrats being unserious on immigration reform. We don't even need to talk about the merits or whether the MTR is good policy or bad policy. For my friends on the other side, it has always been just good politics.

Before I came to Congress, I was an immigration attorney for 15 years. That was one of the finest 15 years of my life. I have seen how broken the system is, and I have seen how few people there are on the other side who actually want to fix the problems instead of just playing political football. And sadly, the captain of the political football team is sitting in the White House. Actually, today he is sitting somewhere else doing more politicking.

Actions speak louder than words. I actually agree with the minority on this. The President of the United States made a promise to fix a broken immigration system during his first term, a promise which he could have kept, by the way, without making a single compromise. He had a majority of both Houses of Congress, a filibuster-proof majority for 2 years, and he did absolutely nothing. The other side could have had 100 percent of what they wanted when they controlled the House; the Senate was filibuster-proof, and they had the President.

When they wanted health care legislation and they wanted good policy, they passed it without any help from the Republican Party. But somehow, they come here today, and they claim that they could not pass immigration legislation during those first 2 years and that they actually want to do something about immigration reform.

Why didn't they solve it then? Because the political football would have gone away. The game would have been over, and they would not have been able to play this political football game every 2 years.

I want reform. I want no more games.

So now we sit here in a familiar position. Our side proposing solutions, their side asking for concessions. And each time we grant one concession, three more arise.

This year, just this year in this Chamber, the President of the United States said he wanted a STEM bill. He said that it didn't have to be comprehensive. This was his exact quote:

But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

My friends, this is that bill. It is exactly what the President asked for.

And what has he done now? He's pulled the football away again. He now says that, in fact, it does need to be comprehensive:

The administration is deeply committed to building a 21st century immigration system that meets the Nation's economic and security needs, but it has to be comprehensive.

So he went from saying that he didn't need a comprehensive bill to saying that he needs a comprehensive bill. He says now that he, in fact, needs comprehensive reform when he said a year ago that he didn't.

How do I feel? I feel like Charlie Brown. My friends, this is a good bill. The President continues to move the ball. The Democrats continue to move the ball. Every time Republicans want to do something positive on immigration, on the economy, they keep moving the ball away from us. Let's stop being Charlie Brown.

My friends, this is a good bill. It will strengthen our economy, it will create jobs, and it is exactly what the President asked for a year ago. Let's call his bluff and send him a bill to create jobs and opportunities here in America.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of H.R. 6429, if ordered, and the approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 231, not voting 44, as follows:

[Roll No. 612]

YEAS—157

|             |               |             |
|-------------|---------------|-------------|
| Ackerman    | Clarke (NY)   | Engel       |
| Altmire     | Clay          | Eshoo       |
| Andrews     | Cleaver       | Farr        |
| Baca        | Clyburn       | Frank (MA)  |
| Bass (CA)   | Cohen         | Fudge       |
| Becerra     | Connolly (VA) | Garamendi   |
| Berkley     | Conyers       | Gonzalez    |
| Bishop (GA) | Cooper        | Green, Al   |
| Bishop (NY) | Courtney      | Green, Gene |
| Blumenauer  | Critz         | Grijalva    |
| Bonamici    | Crowley       | Gutierrez   |
| Boswell     | Cuellar       | Hahn        |
| Brady (PA)  | Cummings      | Hanabusa    |
| Braley (IA) | Curson (MI)   | Heinrich    |
| Brown (FL)  | Davis (CA)    | Higgins     |
| Butterfield | Davis (IL)    | Himes       |
| Capps       | DeLauro       | Hinche      |
| Capuano     | DelBene       | Hinojosa    |
| Carney      | Deuth         | Hirono      |
| Carson (IN) | Dicks         | Hochul      |
| Castor (FL) | Dingell       | Holden      |
| Chu         | Doggett       | Holt        |
| Ciilline    | Doyle         | Honda       |
| Clarke (MI) | Ellison       | Hoyer       |

|                |                |                  |
|----------------|----------------|------------------|
| Israel         | McNerney       | Sánchez, Linda   |
| Jackson Lee    | Meeks          | T.               |
| (TX)           | Michaud        | Sanchez, Loretta |
| Johnson (GA)   | Miller (NC)    | Sarbanes         |
| Johnson, E. B. | Miller, George | Schakowsky       |
| Kaptur         | Moore          | Schiff           |
| Keating        | Moran          | Schrader         |
| Kildee         | Nadler         | Scott (VA)       |
| Kind           | Napolitano     | Scott, David     |
| Kissell        | Neal           | Serrano          |
| Kucinich       | Olver          | Sewell           |
| Langevin       | Pallone        | Sires            |
| Larsen (WA)    | Pascrell       | Thompson (CA)    |
| Larson (CT)    | Pastor (AZ)    | Thompson (MS)    |
| Lee (CA)       | Payne          | Tierney          |
| Levin          | Pelosi         | Tonko            |
| Lipinski       | Perlmutter     | Tsongas          |
| Loeb sack      | Peters         | Van Hollen       |
| Lofgren, Zoe   | Peterson       | Velázquez        |
| Lowey          | Pingree (ME)   | Visclosky        |
| Luján          | Polis          | Walz (MN)        |
| Lynch          | Price (NC)     | Wasserman        |
| Maloney        | Quigley        | Schultz          |
| Markey         | Rahall         | Waxman           |
| Matsui         | Rangel         | Welch            |
| McCarthy (NY)  | Richmond       | Wilson (FL)      |
| McCollum       | Ross (AR)      | Woolsey          |
| McDermott      | Ruppersberger  | Yarmuth          |
| McGovern       | Rush           |                  |
| McIntyre       | Ryan (OH)      |                  |

NAYS—231

|               |                 |                 |
|---------------|-----------------|-----------------|
| Adams         | Fleming         | Long            |
| Aderholt      | Flores          | Lucas           |
| Alexander     | Forbes          | Luetkemeyer     |
| Amash         | Fortenberry     | Lummis          |
| Amodei        | Fox             | Lungrén, Daniel |
| Austria       | Franks (AZ)     | E.              |
| Bachmann      | Frelinghuysen   | Mack            |
| Bachus        | Gardner         | Marchant        |
| Barletta      | Garrett         | Marino          |
| Barrow        | Gerlach         | Massie          |
| Bartlett      | Gibbs           | Matheson        |
| Barton (TX)   | Gibson          | McCarthy (CA)   |
| Bass (NH)     | Gingrey (GA)    | McCaul          |
| Benishhek     | Gohmert         | McHenry         |
| Berg          | Goodlatte       | McKeon          |
| Biggert       | Gosar           | McKinley        |
| Bilirakis     | Gowdy           | McMorris        |
| Bishop (UT)   | Granger         | Rodgers         |
| Black         | Graves (GA)     | Meehan          |
| Blackburn     | Graves (MO)     | Mica            |
| Bono Mack     | Griffin (AR)    | Miller (FL)     |
| Boustany      | Griffith (VA)   | Miller (MI)     |
| Brady (TX)    | Grimm           | Miller, Gary    |
| Brooks        | Guinta          | Mulvaney        |
| Broun (GA)    | Guthrie         | Murphy (PA)     |
| Buchanan      | Hall            | Myrick          |
| Bucshon       | Hanna           | Neugebauer      |
| Buerkle       | Harper          | Noem            |
| Burgess       | Harris          | Nugent          |
| Calvert       | Hartzler        | Nunes           |
| Camp          | Hastings (WA)   | Nunnelee        |
| Campbell      | Hayworth        | Olson           |
| Canseco       | Heck            | Palazzo         |
| Cantor        | Hensarling      | Paul            |
| Capito        | Herrera Beutler | Paulsen         |
| Cassidy       | Huelskamp       | Pearce          |
| Chabot        | Huizenga (MI)   | Petri           |
| Chaffetz      | Hultgren        | Pitts           |
| Coble         | Hunter          | Platts          |
| Coffman (CO)  | Hurt            | Poe (TX)        |
| Cole          | Issa            | Pompeo          |
| Conaway       | Jenkins         | Posey           |
| Cravaack      | Johnson (IL)    | Price (GA)      |
| Crawford      | Johnson (OH)    | Quayle          |
| Crenshaw      | Johnson, Sam    | Reed            |
| DeFazio       | Jones           | Rehberg         |
| Denham        | Jordan          | Reichert        |
| Dent          | Kelly           | Renacci         |
| DesJarlais    | King (IA)       | Ribbie          |
| Diaz-Balart   | King (NY)       | Rigell          |
| Dold          | Kingston        | Rivera          |
| Donnelly (IN) | Kinzinger (IL)  | Roby            |
| Dreier        | Kline           | Roe (TN)        |
| Duffy         | Labrador        | Rogers (AL)     |
| Duncan (SC)   | Lamborn         | Rogers (KY)     |
| Duncan (TN)   | Lance           | Rogers (MI)     |
| Elmers        | Landry          | Rohrabacher     |
| Emerson       | Lankford        | Rokita          |
| Farenthold    | Latham          | Rooney          |
| Fincher       | LaTourette      | Ros-Lehtinen    |
| Fitzpatrick   | LaTourette      | Roskam          |
| Flake         | Lewis (CA)      | Ross (FL)       |
| Fleischmann   | LoBiondo        | Royce           |

|               |               |              |
|---------------|---------------|--------------|
| Runyan        | Smith (NJ)    | Walden       |
| Ryan (WI)     | Southerland   | Walsh (IL)   |
| Scalise       | Stearns       | Webster      |
| Schilling     | Stivers       | West         |
| Schock        | Stutzman      | Westmoreland |
| Schweikert    | Sullivan      | Whitfield    |
| Scott (SC)    | Terry         | Wilson (SC)  |
| Scott, Austin | Thompson (PA) | Wittman      |
| Sensenbrenner | Thornberry    | Wolf         |
| Sessions      | Tiberi        | Womack       |
| Sherman       | Tipton        | Woodall      |
| Shimkus       | Turner (NY)   | Yoder        |
| Shuster       | Turner (OH)   | Young (FL)   |
| Simpson       | Upton         | Young (IN)   |
| Smith (NE)    | Walberg       |              |

NOT VOTING—44

|             |               |               |
|-------------|---------------|---------------|
| Akin        | Edwards       | Roybal-Allard |
| Baldwin     | Fattah        | Schmidt       |
| Barber      | Filner        | Schwartz      |
| Berman      | Gallegly      | Shuler        |
| Bilbray     | Hastings (FL) | Slaughter     |
| Bonner      | Herger        | Smith (TX)    |
| Boren       | Lewis (GA)    | Smith (WA)    |
| Burton (IN) | Manzullo      | Speier        |
| Carnahan    | McClintock    | Stark         |
| Carter      | Murphy (CT)   | Sutton        |
| Chandler    | Owens         | Towns         |
| Costa       | Pence         | Waters        |
| Costello    | Reyes         | Watt          |
| Culberson   | Richardson    | Young (AK)    |
| DeGette     | Rothman (NJ)  |               |

□ 1131

Messrs. NUNES, CRAVAACK, WALBERG, LUETKEMEYER, TURNER of New York, FINCHER, THOMPSON of Pennsylvania, REICHERT, DANIEL E. LUNGREN of California, CHABOT, McHENRY, GOHMERT and Ms. HAYWORTH changed their vote from "yea" to "nay."

Mr. THOMPSON of Mississippi, Mrs. MALONEY, Messrs. LEVIN, WELCH, and Mrs. CAPPS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 612, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 139, not voting 48, as follows:

[Roll No. 613]

YEAS—245

|             |             |          |
|-------------|-------------|----------|
| Adams       | Benishhek   | Buchanan |
| Aderholt    | Berg        | Bucshon  |
| Alexander   | Biggert     | Buerkle  |
| Altmire     | Bilirakis   | Burgess  |
| Amash       | Bishop (UT) | Calvert  |
| Amodei      | Blackburn   | Camp     |
| Austria     | Blumenauer  | Canseco  |
| Bachmann    | Bono Mack   | Cantor   |
| Bachus      | Boswell     | Capito   |
| Barrow      | Boustany    | Carney   |
| Bartlett    | Brady (TX)  | Carter   |
| Barton (TX) | Brooks      | Cassidy  |
| Bass (NH)   | Broun (GA)  | Chabot   |

Chaffetz  
Chu  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Cuellar  
DeFazio  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herrera Beutler  
Himes  
Hochul  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt

Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)

## NAYS—139

Ackerman  
Andrews  
Baca  
Barletta  
Bass (CA)  
Becerra  
Berkley  
Bishop (GA)  
Bishop (NY)  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Campbell  
Capps  
Capuano  
Carson (IN)  
Castor (FL)  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay

Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schilling  
Schock  
Schrader  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Tonko  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (FL)  
Young (IN)

Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markay  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Meeks

Akin  
Baldwin  
Barber  
Berman  
Bibray  
Black  
Bonner  
Boren  
Burton (IN)  
Carnahan  
Chandler  
Costello  
Culberson  
DeGette  
Edwards  
Fattah

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1139

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BLACK. Mr. Speaker, on rollcall No. 613 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SIMPSON. Mr. Speaker, on rollcall No. 613, on H.R. 6429, to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes, had I been present, I would have voted "yea."

Stated against:

Ms. VELAZQUEZ. Mr. Speaker, unfortunately, while I was in the well trying to get the Speaker's attention, rollcall vote 613 was gavelled before I was able to vote. I would have voted "nay."

Mr. FILNER. Mr. Speaker, on rollcall 613, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

## PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall Nos. 612 and 613 I would have voted "nay" on the former, the motion to recommit, and "yea" on the latter, passage.

## PERSONAL EXPLANATION

Ms. SCHWARTZ. Mr. Speaker, on Friday, November 30, 2012, I was unable to cast my vote on rollcall vote 612, H.R. 6429, the STEM

Miller (NC)  
Miller, George  
Moore  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta

## NOT VOTING—48

Filner  
Frelinghuysen  
Gallegly  
Hastings (FL)  
Herger  
Lewis (GA)  
Manzullo  
McClintock  
Murphy (CT)  
Owens  
Pence  
Reyes  
Richardson  
Rothman (NJ)  
Roybal-Allard  
Rush

Sarbanes  
Schakowsky  
Schiff  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tsongas  
Van Hollen  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Schmidt  
Schwartz  
Schweikert  
Shuler  
Simpson  
Slaughter  
Smith (TX)  
Smith (WA)  
Speier  
Stark  
Sutton  
Towns  
Velazquez  
Visclosky  
Watt  
Young (AK)

Jobs Act of 2012 and the Motion to Recommit 613, the STEM Jobs Act of 2012.

Had I been present, I would like the RECORD to reflect that I would have voted in opposition of rollcall vote 612 and I would have voted in favor of the Motion to Recommit 613.

I oppose H.R. 6429 because it eliminates the long-standing Diversity Visa program and prevents unused STEM green cards from being reused as another visa.

## PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 612 and 613. Had I been present, I would have voted "yea" on rollcall vote No. 612 and "nay" on rollcall vote No. 613.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 604

In the Senate of the United States, November 29, 2012.

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;



(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

□ 1150

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I am pleased to yield to my friend, the former majority leader—I guess he still is the majority leader—the newly elected majority leader for the next Congress and congratulate him on his election.

Mr. CANTOR. I thank the gentleman from Maryland, the former Democratic whip and now the new Democratic whip, for yielding to me.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. No votes are expected on Monday evening in order to accommodate the annual White House Holiday Congressional Ball. On Tuesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Wednesday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Wednesday. Members are advised that this is a change from the original House calendar.

Mr. Speaker, the House will consider a number of bills under suspension of the rules next week, a complete list of which will be announced by the close of business tomorrow. As Members are aware, the House has numerous outstanding legislative items that we are actively working to resolve. First and foremost is a resolution to the so-called “fiscal cliff.” We’re also awaiting action from the Senate on items like the annual Defense and Intelligence authorization bills, an extension of FISA, and others. Negotiations on these and many other issues will continue regardless of the daily legislative business of the House, and Members are advised that we will not adjourn the 112th Congress until a credible solution has been found that meets these challenges.

Finally, Mr. Speaker, the 2013 House calendar is now publicly available at [majorityleader.gov](http://majorityleader.gov). The House will

convene the 113th Congress at noon on January 3, and we will be in session for a total of 126 days.

I thank the gentleman.

Mr. HOYER. I thank the gentleman for his comments. I appreciate his observation with reference to a number of pieces of legislation that are pending, and as he mentions in his comments, the fiscal cliff, of course, is a concern, not only to us, but to the entire country. The negotiations, as the majority leader points out, are ongoing and hopefully will bear fruit—and hopefully will bear fruit in the short term.

Mr. Leader, there are, however, some steps that we could take, I think, that would alleviate some of the concerns and apprehensions that do exist in the country. As you know, we’ve discussed before, the middle class tax cut, that is, the under \$250,000 that has been the object of discussion in the election and continues to be the object of discussion here. I’m wondering whether or not, given some of the comments that have been made, I know, by Mr. TOM COLE, your former chairman of the Republican Campaign Committee, and others, as well as the President’s comments, that I don’t see scheduled but would urge consideration, Mr. Leader, of the Senate-passed bill which will assure 98 percent of Americans that they will not receive a tax increase on January 1. I don’t see that on your list, and I’m wondering if the majority leader could comment on whether it is possible for us to take up that Senate bill to give assurance to the 98 percent of the people who will be affected by that bill.

Mr. CANTOR. In direct response to the gentleman’s questions, it is not the intention of this majority leader to bring forward to the floor that bill, for several reasons.

First of all, Madam Speaker, the notion of increasing tax rates in an economy that still is struggling, where we have entirely too many Americans out of work, is something anathema to a job-creating future. And secondly, Madam Speaker, raising tax rates, asking Americans, small businesses, to pay more of their money into Washington when Washington cannot seem to get a handle on its spending problem will just make matters worse.

We’ve got to stop the spending madness. As the gentleman knows, that is very much what this majority has been about. We want to finally provide the fix to some of the entitlement problems, the unfunded obligations that we continue to incur daily in this country.

Madam Speaker, it is not the intention for us to vote to increase tax rates on anybody in this failing economy, but we do look forward to continuing in our discussions with the administration, with the White House. The Speaker and I met with Secretary Geithner yesterday in hopes of trying to find some common ground so we can avoid

the fiscal cliff, so we can get back onto a road of confidence and job creation in this economy.

Mr. HOYER. I thank the gentleman for his comments, Madam Speaker.

I would just observe that the Senate bill that I was referring to doesn’t raise taxes on anybody. In fact, what it does is ensures that no taxes will be raised on 98 percent of Americans. It doesn’t refer to the other 2 percent, as I understand the bill. It simply precludes taxes from being increased pursuant to the Republican-passed bills which sunsetted the tax rates that currently exist for those 98 percent of the people. From that standpoint, I think the bill that I have been referring to, Madam Speaker, and I think the majority leader probably knows this, does not refer to those over \$250,000, which is what I presume he’s referring to.

I might also observe, as it relates to his response, Madam Speaker, a quote of Bill Kristol’s, who I think the majority leader probably knows pretty well and who obviously is a very strong proponent of policies put forward by the majority leader’s party, said:

“It won’t kill the country if we raise taxes a little bit on millionaires,” he said on Fox News Sunday. “It really won’t, I don’t think. I don’t really understand why Republicans don’t take Obama’s offer.”

Now, we know the President of the United States, I want to tell my friend, the majority leader, has said he is not going to sign a bill. He disagrees with your conclusion, I disagree with your conclusion, and that’s what democracy is about.

□ 1200

The President of the United States has been reelected. The President of the United States has made it very clear he will not sign a bill that reduces the tax obligations of those over \$250,000 in the coming year. He’s not going to sign that bill so that we can hold hostage the 98 percent. He believes, like you, that 98 percent of Americans ought not to receive a tax increase because it would, from his perspective, dampen economic growth in this country.

Now, we have disagreement on the \$250,000 and above, which is a legitimate disagreement. We can debate it on the floor, we can vote on it on the floor, and every American can see where everybody stands. We believe that 60 percent of Americans or more agree with the President and with our proposition. But to say that we’re not going to do something for the 98 percent because we don’t want something to happen to the 2 percent—which, by the way, is not in that bill. But the gentleman’s correct, nor are they included in that bill, the 2 percent.

But I would urge my friend, we’re having trouble getting to an agreement. I think that’s unfortunate. I

think the gentleman, the majority leader, and I both want to get to an agreement. We don't want to go over that fiscal cliff; that will be bad for the economy. We both, I think, believe—I hope—that we need to have a balanced agreement so that we will not go over that cliff. That would be bad for the country, bad for the American people, bad for the growth of our economy. We don't want to do that. The gentleman, in my view, does not want to do that.

One way we can give some confidence, which is very important to the growth of the economy, is to assure, as TOM COLE, your former chairman of the Republican Campaign Committee, said just the other day in, I believe, your whip meeting, that he believes that this ought to be done; we ought to give those 98 percent assurances.

So I tell my friend that we can debate the other part of it, we can vote on the other part of it and the prevailing side will obviously win, but I don't think there's disagreement on the 98 percent. I think we agree on that. As I said before the election and I say after the election, we ought to move forward on that because that is something on which I think you and I can agree, on which Republicans and Democrats in this House can agree, something which the Senate has already agreed to. And while there was not a bipartisan vote on passage, there was a bipartisan vote to let that bill come to the floor. It's the only way it moved ahead, on a bipartisan vote. I would hope that we can at least do that so that we can give at least that on which we agree the opportunity to move forward.

I yield to my friend.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, where we don't agree is asking anyone to pay more out of their paycheck to Washington when Washington seems to be incapable of getting hold of its spending problem, which is why, Madam Speaker, we continue to ask this President in these negotiations to be specific with us.

We want to address the problem. We realize that we are digging the hole deeper every day and that taxpayers are on the hook. That's why we say it is now not the time to ask anyone to pay money into Washington when we keep increasing the debt the way we are. So there is not agreement that we ought to raise taxes. There is not agreement at all until we get the problem fixed. That's all.

We can see eye to eye on this, but let's all start where we know we've got to go, which is addressing the spending problem. Then, finally, we can perhaps fulfill the promise of rebuilding the confidence that people need to have in this Federal Government.

Mr. HOYER. Madam Speaker, I don't know that I'm making myself clear: The Senate bill raises taxes on nobody. Nobody. The Senate bill simply says,

for those making less than \$200,000 individually, or \$250,000 as a couple, they will not receive a tax increase. My friend, the majority leader, keeps responding that we're not in agreement on the over \$250,000.

Mr. CANTOR. Will the gentleman yield?

Mr. HOYER. I'll be glad to yield to my friend.

Mr. CANTOR. Look, Madam Speaker, just imagine that those individuals the gentleman likes to say are perfectly willing and capable to pay more taxes, the small business man or woman who may make over \$200,000 individually, \$200,000, that individual will see a tax increase come January if that bill is passed or if nothing is done.

So, Madam Speaker, I know that the gentleman can be technical in his argument and say there's no tax increase, but the end effect of passing that bill, as if it resolves the matter, would mean an increased tax bill for a small business man or woman, a working man or woman at that income level. So let's be honest about what the impact is of saying that that bill is the final resolution here. I mean, the gentleman knows that is correct.

So, again, we've been through this. All I would say, Madam Speaker, to the gentleman is we are earnest in our desire to want to resolve things, and we are earnest in our statements that we don't want to go over the fiscal cliff. We've got to come together and solve this problem. Allowing taxes to go up on a certain portion of the population doesn't just fix the problem. The problem is in the spending. The gentleman knows that, he's been a real committed deficit hawk. He continues to say we've got to pay for what we buy. Well, we've bought these incredible entitlement programs, and they've got to be sustained for the people who are relying on them, which is why we want to save them. That's solving the problem. That's where we need to go on this.

Mr. HOYER. I thank the gentleman.

Madam Speaker, again, the gentleman says that I'm technically correct. I presume that means I'm correct.

The bill that I'm asking to be brought to this floor to pass will not raise anybody's taxes. What the gentleman is saying is that, unless we deal with the 2 percent, the 98 percent are going to be held hostage until such time as we deal with the 2 percent. Now, the problem with that, in a democracy, we have a disagreement on that. As a matter of fact, it was pretty clear to the American public that there was a very significant and unclouded, not confusing, difference between the two candidates for President on the very issue to which the gentleman speaks, and the American public voted. And the President of the United States, who said, "No, I don't agree with that," won the election. He won the election. And he is saying, I'm not

going to sign the bill on the \$250,000 or above.

Now, my problem, Mr. Leader, is I understand your conclusion is that if you pass the 98 percent, that you won't have a bargaining chip with which to press your point on the over \$250,000, or over \$200,000 individually as you correctly observe. I understand that. But, frankly, the bargaining chip is somewhat illusory in that the President said absolutely he will not sign that. Why? Because he wants to bring down the deficit. He wants to and has agreed to—and we've agreed to—over \$1.7 trillion in spending cuts already for 2011, 2012, and 2013, and for the next decade—or at least until 2022. We've already agreed to that. You pressed that, you were successful. We agreed on many of those. Some we didn't agree on, but you had the votes we needed to reach an agreement and we reached an agreement. So we cut almost \$2 trillion of spending already.

You're correct: we need to assure the fact that we pay for what we buy, and if we don't want to pay for it, my view is we shouldn't buy it. Frankly, that principle applies, in my opinion, to tax expenditures as well as to buying stuff because it all reduces your ability to pay for what you're buying.

So I tell my friend, it's not that I'm technically correct; I'm correct. The bill that I'm asking you to pass will simply give to the 98 percent of American taxpayers the assurance that their taxes will not go up on January 1.

□ 1210

If we don't pass it, they won't have that assurance. Their confidence level will not be good. The stock market will be concerned. And, yes, we'll have to deal with the other 2 percent. That is clearly going to be a part of the discussion, and hopefully there will be an agreement.

But my presumption is the reason the gentleman from Oklahoma, TOM COLE, made that comment just a few days ago—and it's not like he's a backbencher. He is the former chairman of your Republican Campaign Committee—he said, We ought to do this. We ought to get it off the agenda so we give those people confidence. He called it a Christmas present to the 98 percent. I think it's a judgment that our economy will be better off if we do it.

I would be glad to yield to my friend.

Mr. CANTOR. Madam Speaker, I don't want to belabor the point. But I just want to tell the gentleman that I did not say he was technically correct. I said he was being technical in his argument.

I then went and made the case that the real impact of what the gentleman is advocating will be that taxes will go up on many people, those job creators and others. That was all.

Mr. HOYER. Let me move on, if I can, because there are a couple of other issues.

I know the gentleman indicated that you didn't include one. I think you did include the farm bill. Could you tell me what you think of the status of the farm bill? Again, we have an issue where the farm bill passed 64-35 in the Senate; 16 Republicans voted for it. And very frankly, the farm bill in this House passed out of your committee 35-11 on a bipartisan vote. That's not been brought to the floor.

Could the gentleman tell me what he thinks is going to happen to the farm bill?

Mr. CANTOR. Madam Speaker, I would tell the gentleman that both the Speaker and I have both said that we will deal with the issue of the farm bill or the issue in and around the farm bill before leaving this year.

I would tell the gentleman it is our sense that the farm bill, in being brought to the floor in regular order, does not have the votes to pass this House. And we understand the importance of the issues surrounding the farm bill and working with Chairman LUCAS and others.

But on both sides of the Capitol, we look forward to hopefully reaching some type of resolution on issues surrounding the farm bill prior to leaving this year.

Mr. HOYER. I thank the gentleman for that response; and I am hopeful that we can, in fact, proceed on that for the farmers of America.

Obviously if we don't pass something by December 31, on January 1 prices for the Federal Government will go up very dramatically, as the gentleman knows; and it will have an impact on spending. And I know the gentleman and I are both concerned about that.

The next to last issue—just two more issues, if I can, Mr. Leader.

As you know, we've talked about the Violence Against Women Act. We've passed a bill through this House that was passed essentially on a partisan basis. They passed a bipartisan bill in the Senate, Violence Against Women. And domestic violence is an epidemic, in some respects, in this country.

I am hopeful that we might consider taking up the Senate bill again because it got passed on such an overwhelmingly bipartisan basis in the Senate. I would suggest to the gentleman that it may well pass on a bipartisan basis here as well.

The problem, as you know, from my perspective and from our side, with the House bill is that you exclude a number of people. The problem with excluding people—for instance, undocumented immigrants from being able to come forward and having a sense of safety and security in doing so—is that the abuser of the undocumented immigrant, left unaccountable, may well be the abuser of a citizen or a child in this country, either as a citizen or here illegally; and, therefore, we think there ought to be broader coverage. Appar-

ently, the Senate shares that view. As you know, every Republican woman and Democratic woman voted for that bill in the Senate.

Does the gentleman have any idea whether we could either go to conference on that bill or whether or not we might bring the Senate bill up for passage?

I yield to my friend.

Mr. CANTOR. Well, I would tell the gentleman, Madam Speaker, that the Chair is actually the author of the House bill.

The House bill was passed out of this House. It had broad support. It was a bill that did not intend to target any specific group. It tried to streamline the grant-making process so that the benefits designed to address the needs of abused women and others could reach the victims; and I am committed to seeing if we can get this bill done.

The gentleman knows, Madam Speaker, that the Senate bill has a blue-slip problem. The Senate bill is not over here. So we continue to negotiate and discuss ways for us to resolve this by the end of the year. The Vice President and I have even spoken, because it's an issue very near and dear to his heart, to try to see how we can resolve this.

So I commit to the gentleman that I am looking to see this resolved and passed by the end of the year and to see where we can land in a way that preserves most of what that bill is about that we can have in common rather than emphasizing the areas of difference.

Mr. HOYER. I thank the gentleman, and I thank the Speaker for her leadership on this issue.

But I thank the gentleman for his assurance that he's focused on this and is going to work on it. I look forward to working with him on this bill, which I think is a very important bill for us to get passed before we leave here.

Lastly, obviously all of us know that Hurricane Sandy visited extraordinary damage on a large portion of the Northeast. I come from Maryland, and we were not very substantially damaged; but obviously New Jersey, New York, and Connecticut, in particular, were.

Can the gentleman tell me—I know the administration has not come down with a number. That number, I presume, is going to be well north of \$50 billion. In terms of the estimates that are being made, this is one of the five most damaging storms to hit the coast of the United States of America.

I am wondering whether or not the gentleman might have in mind doing some interim figure in the next 3 weeks, before Christmas, substantially below what we know is going to be the ultimate figure. And then would the gentleman tell me whether or not, if we could do that, whether or not the gentleman would require that it be offset.

And I yield to my friend.

Mr. CANTOR. Madam Speaker, I will tell the gentleman I think he would agree that the best policy is to allow the administration of FEMA to come up with the estimate and the most accurate prediction of what the costs are before we move. So that would be in response to the first part of his question.

Secondly, as the gentleman knows, when we passed the Budget Control Act last year, it had in it the mechanisms to actually budget for disaster relief and imposing a formula for a 10-year rolling average, allowing for the preservation, if you will, of those dollars dedicated to disasters was what we accomplished there. And it is that process that is much different than prior to the BCA, and I think it obviates the need for us to engage in this discussion that he wants to engage in regarding offsets.

Mr. HOYER. Lastly, let me ask you: Mr. NADLER has a resolution. I'm not sure if Mr. GRIMM and Mr. KING are on the resolution, but I presume they're on the resolution as well. It's a bipartisan resolution expressing condolences to those who were devastated not only in terms of property but some, of course, lost family members and life, whether or not that resolution might be brought to the floor so that this House can express its regrets and condolences and sympathy with those who were so devastated.

Mr. CANTOR. I will tell the gentleman, Madam Speaker, that we did, as he knows, observe a moment of silence in memory of those who lost their lives in that horrific storm to hit the east coast of the United States. Certainly all of us, our thoughts, our prayers, our sorrows go out to the loved ones who have lost family members, friends in that awful tragedy of a storm. I have not looked at Mr. NADLER's bill but will do so, I will tell the gentleman.

Mr. HOYER. I thank my friend.

Madam Speaker, I yield back the balance of my time.

□ 1220

ADJOURNMENT TO MONDAY,  
DECEMBER 3, 2012

Mr. CANTOR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mrs. ADAMS). Is there objection to the request of the gentleman from Virginia? There was no objection.

#### THE FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. SCOTT) is recognized for 60

minutes as the designee of the minority leader.

Mr. SCOTT of Virginia. Madam Speaker, on behalf of the Congressional Black Caucus, we would like to discuss the fiscal cliff and our position on the ongoing negotiations.

We didn't get here, Madam Speaker, by accident. I was elected in 1992. In the 1993 budget, we addressed fiscal responsibility by passing the Clinton budget. It was very controversial. In fact, it only passed by one vote of the House, and the Vice President had to vote in the Senate to break the tie. That budget put us on a trajectory toward fiscal responsibility.

That was interrupted by a controversy in 1995, when the Republicans, using the votes on that budget, picked up a majority in the House and tried to dismantle that budget. President Clinton allowed the government to get shut down rather than dismantle the budget. That budget stayed into effect until 2001.

In 2001, Chairman Greenspan was answering questions like: Are we paying off the national debt too quickly, and should we pay off the national debt? The projections were that, by 2008, the entire national debt held by the public would be paid off with no money owed to China, Japan, or Saudi Arabia. We would have paid off all of those debts. All the money would have been back in the trust funds by 2013.

That's where we were beginning in 2001, but the Republicans talked people into thinking that you could pass tax cuts without paying for them, massive tax cuts in 2001 and 2003. There were two wars not paid for and a prescription drug benefit not paid for. All of that surplus evaporated, and now we find ourselves deeply in debt. Rather than paying off the debt, we have more than doubled the debt.

Now it's obvious we have to do something about it, and the Congressional Black Caucus is willing to do its part within certain parameters. This is the Congressional Black Caucus position on going forward:

Excessive partisanship and a lack of willingness to compromise has led us to this moment where tough choices must be made to prevent our Nation from going over the fiscal cliff, but one thing is clear: The path to fiscal sustainability must not be made on the backs of our Nation's most vulnerable communities.

As President Obama and congressional leaders continue to negotiate ways to avoid the fiscal cliff, the Congressional Black Caucus will adhere to the following principles in considering its support of any agreement:

First, we must protect our social safety net. Social Security should be completely off the negotiating table since it does not contribute to the deficit. Additionally, the Congressional Black Caucus will specifically oppose

any plan that changes eligibility for Medicare.

Investments in job training, education, health care, transportation, and infrastructure should not be cut to pay for the extension of any of the Bush-era tax cuts. These vital government investments are critical to our Nation's short-term recovery and long-term economic prosperity.

The Simpson-Bowles Commission set a goal of \$4 trillion in deficit reduction over the next decade. Considering that goal, \$1.5 trillion in cuts have already been agreed to through the spending caps in the Budget Control Act of 2011. Non-defense discretionary spending, as a percentage of GDP, is at a 50-year low. Additional savings through reductions in military operations in Iraq and Afghanistan should also be recognized. So we've gone a long way in recognizing the \$4 trillion goal.

The wealthiest Americans disproportionately benefited from the Bush-era tax cuts and the Federal Government's 2008 bailout of some of the largest firms on Wall Street. Revenue increases and allowing the Bush-era tax cuts to expire for the wealthiest Americans must be part of any agreement.

The Congressional Black Caucus supports extending the middle class Bush-era tax cuts, but any extension must be paid for in ways that are consistent with these principles. We should not agree to the extension of any tax cuts without knowing how we will pay for them. We cannot allow an extension of tax cuts now, only to discover that they'll be paid for by cutting Social Security, Medicare, Medicaid, and other critical social safety net programs later.

The Affordable Care Act should not be on the negotiating table. The program does not add to the debt and must be protected and fully implemented as planned. Millions of Americans are already benefiting from health care reform, and millions of Americans stand to gain access to affordable health care insurance in 2014.

Emergency unemployment insurance must be extended. Every dollar spent on unemployment insurance generates \$1.55 in economic activity. Unemployment benefits are the most effective fiscal policy to stimulate the economy and put people back to work. Our economy is slowly recovering from the deepest recession since the Great Depression, and 2 million workers would be stripped of their emergency unemployment compensation if no action is taken by the end of the year.

Earlier this year, the Congressional Black Caucus offered an effective alternative budget that addresses the sequester and fully pays for an extension of Bush-era middle class tax cuts without cutting Social Security, Medicare, Medicaid, and the social safety net, while also ensuring that we invest in our children, our communities, and our economy.

We can get this done if we do this consistent with the Congressional Black Caucus principles. The vulnerable will not be hurt. We're close, but we cannot agree to any kind of scheme that puts us in a situation where we extend tax cuts now and then later find that we're going to pay for them on the backs of the most vulnerable in our community.

I now yield such time as she may consume to the gentlelady from Wisconsin, a very active member of the Budget Committee, Ms. MOORE.

Ms. MOORE. Thank you so much, Mr. SCOTT.

I would start out by asking you to yield to a question, Mr. SCOTT, because we heard prior to our discussion here at the Congressional Black Caucus hour, we heard the majority leader and the minority whip discussing spending. I just wanted some clarification.

When we provide tax cuts to anyone, but especially to the top 2 percent, is that spending?

Mr. SCOTT of Virginia. When you're talking about the budget, there are two sides of the ledger. If you spend more, you should tax more. If you have less in taxes, you have to have less in spending. That's how you balance the budget.

One of the problems we've had for the last few years is people think you can have a tax cut and don't have to cut anything. In the discussion of how much tax extension you can afford, that discussion is almost unrelated to the spending cuts. If you want to extend more tax cuts, then you have to cut more spending. People talk about it like they're unrelated. They say you can cut it off at \$500,000, rather than \$250,000. If you extend more tax cuts, you have to cut almost 10 percent across the board in non-defense discretionary spending to make up for the lost revenue.

At some point, people should conform their statements to fundamental principles of arithmetic. This is what we've gotten away from. This is what the Congressional Black Caucus budget does. It names how you can come up with the revenue. It names specifically revenue: the Buffett rule, the surcharge on millionaires, investment income like regular income, and naming specific corporate loopholes that can be closed. We show how you can easily come up with the amount of money that's left in the \$4 trillion after the trillion and a half in cuts and after the war savings and after the expiration of the upper income Bush-era tax cuts. We can fill the gap.

If you don't want to do it that way, then name the spending cuts. This is where the trouble is. We've heard all this about reducing the size of government with unspecified cuts. That sounds good, until you start specifying.

□ 1230

The last time Republicans had a budget that reduced the size of the government, they cut almost \$300 million out of Embassy security. That's what they mean by reducing the size of government. Usually what they mean is Social Security and Medicare, but whatever they mean, name it. We don't want to be in a position in which we've extended tax cuts and then come back next year and say, Oh, now we're broke, and we've got to cut Social Security and Medicare. If that's what you're going to do with a tax cut, then let's consider that as we decide if we want that tax cut or not. I think most people would say, if your goal is cutting Social Security and Medicare, we don't need a tax cut that bad. As a matter of fact, that's how the scheme works. The only way you can cut Social Security and Medicare is to get people to go for the tax cuts now and then come back and say you're so broke and we need so much money that the only place you can get it is from Social Security and Medicare.

So let's get this up front. Let's do it all at once. We know what tax cuts are going to be extended, and we know how they're going to pay for them. We're not going to get tricked later on by people coming up saying that we've got to cut Social Security and Medicare because we extended the tax cuts. This is one of the problems we get into. They will not name the programs that are going to get cut. When they talk about corporate loopholes, they don't say what they are.

Ms. MOORE. Mr. SCOTT, just for my understanding and for my constituents to appreciate the scope of this problem, if we were to cut WIC and Head Start and Meals on Wheels for elders and the low-income heating, we are made to believe that if we were to put all of these kinds of programs on the table that we could maintain the Bush-era tax cuts, that we could maintain most of the unequal treatment of dividends and corporate gains, and that we would be just fine, that we could find \$4 trillion in Pell Grants and Head Start moneys.

Am I missing something here?

Mr. SCOTT of Virginia. If you look at the budget and if you take out Social Security, Medicare, Medicaid, and defense and if you just look at what's called the nondefense discretionary budget, that's about—I'd say in round figures—\$400 billion. If you're trying to get \$4 trillion in cuts in 10 years, that's \$400 billion a year. You would have to eliminate government. There would be no Embassy security, no FBI agents, no food inspection, no Federal prisons, no Head Start, no education, no FEMA, no transportation. I mean, nothing, nothing.

Ms. MOORE. Except for tax cuts.

Mr. SCOTT of Virginia. You would have to eliminate everything in order to fund a total extension of the tax

cuts. Now, obviously, that's not going to happen.

Obviously, if you extend the tax cuts without offsetting it with other revenues, you've got to go into Social Security and Medicare. When they talk about reducing the size of government, that's why they can't tell you what they're going to cut, because they can't cut that much. When they say they're going to close the corporate loopholes, they can't name them because the corporate loopholes don't add up to enough. When you start talking about Head Start and the legal aid and all those, you're talking about hundreds of millions of dollars. We're trying to get to trillions.

Ms. MOORE. Mr. SCOTT, I thank you for that background because I just wanted to set the record straight.

On the hype that the Grand Old Party is leading us to believe, which is that, number one, extending the Bush-era tax cuts is not spending. It is exactly spending, and that is on the faulty belief that our spending on safety net programs is driving our debt. Social Security does not drive the debt.

I think, Mr. SCOTT, you have really led us into a clear understanding of Grover Norquist's claim that they really want to do away with government. They want to shrink government down to a size so small that they could drown it in a bathtub. They don't want to recognize the important role of government. They don't want clean air, clean water, food inspection. They want laissez-faire and for-corporate activity.

Now, our debts and deficits have been driven by undeniable, obvious factors. We've had a deep and ongoing recession based on an unregulated Wall Street. We've had expensive and drawn-out wars—the longest war in the history of this country that we're still in the midst of. Then there are the unpaid-for Bush-era tax cuts that have benefited primarily the wealthiest Americans, and of course there is an unpaid-for entitlement program. While we do appreciate the prescription drug program for seniors, Mr. SCOTT, the greatest beneficiaries of that program are the pharmaceutical companies because they get undue profit from not negotiating on the critical mass that this population provides them, the savings from that program.

So, if they want to talk about entitlement reform, I think a good place to start would be in negotiating for prescription drugs provided through Medicare and also in the recapturing of billions of dollars of overpayments from the insurance premiums under Medicare Advantage. The advantage goes to those insurance companies.

Our debts and our deficits have not been driven by children attending Head Start. Our debts and deficits have not been driven by seniors receiving Meals on Wheels. Our debts and deficits have

not been driven by students participating in the TRIO program or receiving Pell Grants, yet we continue to hear the Grand Old Party say that we've got to put these programs on the chopping block so that we can continue tax breaks for the top 2 percent of Americans.

Now, members of the Congressional Black Caucus, believe it or not, do not agree 100 percent on how to solve the so-called "fiscal cliff" situation, but there is 100 percent agreement among Congressional Black Caucus leaders that we do not want an austerity cliff, which will lead to increased poverty and exacerbate the hardship for low and middle class families. The wealthiest individuals and corporations should have to pay their fair share of taxes.

As a member of the Budget Committee and as the Democratic chair of the Congressional Caucus for Women's Issues, I have a lot of thoughts on the fiscal cliff negotiations. First of all, we must include a robust extension of Federal unemployment benefits for workers.

Mr. SCOTT, has there ever been a time when the unemployment rate—7.2 percent—has ever been this high and, on a bipartisan basis, this Congress has not provided extended unemployment benefits for workers?

Mr. SCOTT of Virginia. It is generally the practice that we would extend emergency unemployment compensation for longer than normal, which is every time the rate gets high and when it's an emergency, so it's not offset. That is the usual situation.

The problem with this recession is that a disproportionately high portion of the unemployed or long-term unemployed—the people who have been unemployed for a long time—are experiencing even insult to injury because a lot of employers are discriminating against people who do not have jobs. If you apply and don't have a job, they will not consider your application. If you have a job, then they will consider you. So, if you've been without a job for a long time and are still trying to get a job, it's even harder for you to get a job. Now, those people have traditionally worked. They're hardworking Americans who want a job, are looking for a job. Unfortunately, the economy is such that you've got three or four people looking for every job that's out there. So, whatever happens, a lot of people are going to be left out.

□ 1240

And meanwhile, the question is: What happens? If you provide unemployment compensation for them, one of the things that happens is they spend that money into the economy as soon as they get it.

Ms. MOORE. Absolutely.

Mr. SCOTT of Virginia. So it is one of the most effective things. If you put \$1 into unemployment compensation,

economic activity is about \$1.55. If you give a \$1 tax cut on dividends, the economic activity is about 15 cents because the people getting that benefit will just spend what they ordinarily spend. They may pay off a credit card, they may save some money, but they're not going to spend the money. You want the money in the hands of people who will actually spend it if you want the economy stimulated.

Ms. MOORE. Thank you for that, Mr. SCOTT. That is a major point, that unemployment compensation extension would provide the greatest stimulative impact, not only for those people who are desperately in need of it, but for our economy as a whole.

We often hear so much about how much people love the little children, and I guess there's only one way to show it during these discussions. The Congressional Black Caucus agrees that we need to maintain some of the provisions that are expiring under the American Recovery and Reinvestment Act, the so-called stimulus, and that's the child tax credit and the earned income tax credit.

The austerity, Mr. SCOTT, that we're trying to avoid is that children bear the burden of this recession. They are often hidden faces. They don't vote. They don't contribute to campaigns. But we thought, the Congressional Black Caucus thought, it was really important to put on the table the need to protect children.

Again, we don't think Social Security should be on the table in these fiscal cliff discussions. It's not the driver of the deficits. And further down the line, we think it's important to not mess with the age or switch, change CPI, or any other cuts that would affect beneficiaries.

Mr. SCOTT of Virginia. People talk about increasing the age of Social Security or the cost-of-living increase. The first question is whether or not you're going to cut Social Security. And then if you decide to cut Social Security, there are different ways of doing it, some more painful than others. But the first question is: Are you cutting Social Security? And part of that question is why. If none of the tax cuts get extended, at this point you've got too much money. You've got more money than you need on the table. So the only reason you're even discussing a cut in Social Security is because you want to extend the tax cuts.

Now, I think most people when they're faced with the choice, do you want Social Security to be a piggy bank, every time we're running short in the budget you're going to cut a little Social Security or Medicare or Medicaid, are you going to make that a little piggy bank every time you have a budget problem, and if you're going to extend tax cuts, are you going to pay for them out of Social Security, I think most people would want us to leave So-

cial Security and Medicare and Medicaid alone. Leave it alone. And if you've got enough money for the tax cuts, fine. But do not extend tax cuts and think you're going to pay for it and people are going to like you paying for it out of Social Security and Medicaid.

And that's really the choice we have, because the entire discussion about Medicare is only necessitated by the fact that people are trying to extend these tax cuts. And if you extend the tax cuts, then you have to pay for it. And we're talking arithmetic. If you extend trillions of dollars in tax cuts, the only place you can reasonably get it, Social Security and Medicare, unless you're going to raise some other taxes to offset it.

The Congressional Black Caucus has taken the position that we don't want any tax cuts that are paid for if you have to cut Social Security, Medicare, and Medicaid, the social safety net, or investments in our future like education and research and infrastructure. We don't need tax cuts that badly. We need those investments more than we need tax cuts.

So when you start talking about the different ways of cutting Social Security, we need to make sure that it's in the context, that we're talking about cutting Social Security in order to preserve the tax cuts.

Ms. MOORE. Let me ask you something about preserving the tax cuts. The President campaigned for a couple of years, but particularly in the last year, on cutting tax cuts for income over \$250,000. So am I to understand, Mr. SCOTT, that that means that millionaires and billionaires will still be getting a tax cut were they to agree to this framework?

Mr. SCOTT of Virginia. They would get a tax cut on their income up to \$250,000. Their income over \$250,000, they would not enjoy the Bush-era tax cuts. They would be paying the same taxes they were paying when the stock market was—during the Clinton administration, when the stock market almost quadrupled. The Dow Jones Industrial Average almost quadrupled. Under the lower tax rates under the Bush administration, the Dow Jones Industrial Average was incredibly worse at the end of his 8 years than it was in the beginning. Quadrupling under Clinton; worse under Bush than it was in the beginning. Of course, job creation, record under the Clinton administration when you had the higher rate; under the Bush administration, the only measure you're looking at it, is it or is it not the worst since the Great Depression.

Obviously, those who are paying the high rate actually have more of a financial interest in the stock market, because the little bit of tax increase we're talking about, they will more than offset that by the stock market

going up like it did under the Clinton administration. If you look at the taxes they saved under Bush, if they could have gotten the returns in the stock market like they did under Clinton, they would have gotten 10 to 20 times more returns in the stock market than they paid in little taxes.

Ms. MOORE. So we have heard some people panicking, saying, boy, between me and my husband, our household, we make \$252,000 a year. What do we say to someone, a family earning \$252,000 a year, that you're going to pay the higher tax rate on \$2,000 of your income?

Mr. SCOTT of Virginia. You're exactly right. It probably would not result in any change in the withholding because of that little bit of money, and they would have all of the tax cuts up to the first \$250,000, and they would pay a slightly additional tax on the additional \$2,000.

One of the things that we need to point out is that with the stagnant economy, most workers haven't gotten a cost-of-living increase in a long time. If we can improve the economy, if we had a little more money and could create jobs and improve the economy such that employers think that people might actually walk off the job and go get another job, they are more likely to get a cost-of-living increase. That cost-of-living increase is more than the additional taxes that we're talking about in most cases.

Ms. MOORE. Thank you, Mr. SCOTT.

I have many, many more questions for you about what the options are, about what we can do. And I know that the Congressional Black Caucus doesn't agree on everything, but it seems to me that the Congressional Black Caucus is very concerned about the math adding up.

Mr. SCOTT of Virginia. That's exactly the problem. When you start talking about reducing the size of government with unspecified cuts or revenue increases, not rate increases but revenue increases, whatever that means, without specifying, we don't even know whether it is arithmetically possible. But if it is arithmetically possible, what we suspect is that it is going into things like the deduction you get on health care. You don't have to pay—if you get health care insurance, you don't have to pay income tax on that. The mortgage deduction, charitable deductions, the kinds of things that we probably wouldn't want to cut in order to fund some tax cuts, but the Congressional Black Caucus did talk about deferral of overseas corporate profits. If you eliminate that exemption, that's about half a trillion. A 5 percent surcharge on millionaires, that's about half a trillion. The financial speculation tax, when you buy stocks and trade stocks and bonds, you pay a little one-quarter of 1 percent charge on that. Now, before the discount brokers, people would be paying



1 or 2 percent, not just a little quarter of a percent. So that is certainly something that could be done. Limit the deductibility of corporate debt interest. That's about three-quarters of a trillion. Treating investment income like regular income, that's almost a trillion.

I mean, there are a lot of things that we can do to add up to get to the little bit of money we need left. Negotiating prices on pharmaceuticals under Medicare.

Ms. MOORE. That's exactly where I want to go. People are very nervous about this discussion, and the Republicans continue to say that we need to put Medicare on the table. And I know that during the campaign they talked about creating a voucher, premium support under Medicare, which would have cost seniors an average of \$6,000 more.

□ 1250

Mr. SCOTT of Virginia. About \$500 a month more for health care than they're paying now. That was the plan.

Ms. MOORE. And how does that differ from possibilities that are available under the Affordable Care Act?

Under the Affordable Care Act, which it's really ironic, because if you want to derive some savings under Medicare, and I have no reason to believe that Republicans don't want to do that, why would they continue to be talking about, Governors all over the country talking about, not putting the exchanges together in their States, still some sort of agenda to repeal Medicare?

What savings can be derived out of Medicare from full implementation of the Affordable Care Act, so-called ObamaCare?

Mr. SCOTT of Virginia. Well, one of the things that ObamaCare did was to provide, for those on Medicare, you get your annual checkups with no copay and cancer screening, no copays and deductibles. We're closing the doughnut hole.

Under the Romney plan, because they're paying providers more, your copay part of that provider fee is more, so your copays and deductible would be more. That's for people over 55. People already on Medicare would pay more under the alternative than they're paying today.

If you're under 55, you're at your \$500 a month, every month, trying to make your health care, because the thing is that if Medicare is saving money, and the health care costs do not go down, then somebody's got to pay the difference. Adding insult to injury to that, you have corporate profits, dividends and commissions and everything else being siphoned off. So you not only have to pay the health care costs; you have to pay enough to cover the corporate profits. And so that's where senior citizens would be paying \$500 a month, \$6,000 a year more.

Ms. MOORE. So, Mr. SCOTT, let me see if I've got this straight. Under the Affordable Care Act, we are asking that, instead of having seniors pay more, you know, find themselves in the doughnut hole, that we ask pharmaceutical companies to ask to negotiate drug prices. Over 10 years, that might be \$156 billion, \$157 billion.

Mr. SCOTT of Virginia. There's a provision in the prescriptive drug benefit that passed about a decade ago that prohibits HHS from negotiating drug prices with pharmaceuticals. Now, the VA can negotiate prices; Medicaid can negotiate prices. But somehow, somebody, I don't know who, nobody's taking credit for it, it just kind of ended up in there, prohibits HHS from negotiating drug prices. So when a company says this is what we want, it is illegal for HHS to point out that you're charging everybody less, you charge in Canada less—how about giving us a little savings—that's illegal. Whatever they want, that's what they get.

Ms. MOORE. That would be a great reform under entitlement. Another entitlement reform I would just like for you to address that's in the Affordable Care Act would be this so-called Medicare Advantage program. Medicare Advantage, I mean, who doesn't want an advantage?

But the actual delivery of the service, where, to whom does the advantage inure?

Mr. SCOTT of Virginia. Well, the Medicare Advantage gives you slightly enhanced benefits under Medicare, and it was provided by Medicare. And what the private sector says is: we could provide those same services for a lower cost; and if you let us get in at 95 percent of what you're paying, everybody wins, because we're saving money. That's a phantom saving, but that was the original deal.

By the time—in the prescriptive drug benefit, we're paying about 115 percent more than the average. And all we're doing is saying, well, let's just pay the average.

The insurance companies do have an advantage in their costs because there are ways of attracting a healthier clientele, so their costs would be lower, not because of efficiency, but because they skewed a better, healthier clientele and that's how they save money.

But what we did was reduced their profit margin to the point where they have to be at least as efficient as Medicare, not getting a bonus, which didn't help anybody.

Ms. MOORE. So I see, Mr. SCOTT, that Representative SHEILA JACKSON LEE has joined us, and so I just want to close out by asking this last question, just to wrap this up. So when the President talks about putting \$480 billion of cuts on the table for Medicare, without knowing all of those details, a lot of that depends on not reducing benefits

to the elderly, but to make sure that pharmaceutical companies and insurance companies and hospitals deliver services in a more efficient way, that people—that the delivery—that we change the way health care is delivered in a way that is efficient, more humane, cost effective and deliver the same level of quality and benefits to the elderly. Is that right?

Mr. SCOTT of Virginia. And that is exactly what we did. Much has been made of the \$716 billion that was saved in Medicare. The corporate subsidies was part of it, efficiencies were part of it, but not a dime in benefits was adversely affected. In doing that, we also extended the solvency. Medicare goes broke, was going broke, in 4 years. Now it's 12 years.

Under the alternative plan, during the campaign, it would be back to 4 years. So seniors would be paying—seniors on Medicare now would be paying more. Seniors, younger people when they get to Medicare would pay a lot more, and it goes broke quicker. That was what we were fighting. And the President was reelected, and so Medicare will not be attacked.

But, again, when you talk about additional Medicare cuts, we're just not cutting in the abstract. Those cuts are necessary because people want to extend the Bush-era tax cuts. If you do not extend the tax cuts, you do not have to discuss any cuts in Medicare.

These savings are designed to help pay for tax cuts; and people need to make the choice, recognize the choice. Do you want to cut Medicare in order to preserve some taxcuts? I think a lot of people would say leave Medicare alone.

Ms. MOORE. Leave my Medicare alone.

Mr. SCOTT of Virginia. I yield such time as she may consume to the gentlelady from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. It's a delight just to be with you, not a delight on this discussion that we're having. I want to thank the gentlelady from Wisconsin for her leadership and membership on the Budget Committee, and certainly the gentleman for Virginia on his leadership on the Budget Committee, and delighted to be a member of the Congressional Black Caucus and have a reasoned discussion.

And just to pick up from where Mr. SCOTT was saying and just reinforce it, Medicare is solvent. Let me just turn. Medicare is solvent. Medicare is solvent. Medicare is solvent and it is strong. It is solvent to 2024.

Social Security, which is not even an issue, has nothing to do with this deficit. It is a trust fund, but more importantly, it is solvent until 2037. Let me repeat myself that Medicare is solvent. Social Security is solvent until 2037. That is really a lifetime.

The gentleman has made a very good point that I would like to pursue in discussing fiscal deadlines. I have washed

my mouth out with soap and will no longer yield to terminology that has been used that is falsifying where we are.

Let me first go over, and I'm going to mix some apples and oranges a little bit of what the President has offered us. I know we've heard it, but let me reinforce the fact. And my numbers are going to be not precise, but I'm going to say that 1.2, 1.1, over 1 trillion in tax cuts. And then a war dividend, a peace dividend of about 1 trillion—I want to say war, but war savings.

I have signed on to expedite the return of our heroes from Afghanistan, move into the diplomatic process, bring our soldiers home. And \$50 billion in infrastructure that creates jobs.

For those of you who find sinkholes for your cars, overcrowded on various freeways and highways, this is to aid in doing what we have not done over many decades, \$50 billion.

□ 1300

And then, of course, the mentioned Medicare. And Mr. SCOTT has indicated that is the President's attempt to be the reasonable man, even though on November 6, 2012, America spoke soundly and loudly that the idea of protecting the safety net of Medicare, Medicaid, and Social Security is vital. I add to that unemployment insurance. In terms of those who have been looking for jobs, that is crucial. We have a lot of young people who have started out with a job but then may not have had it. Please know that unemployment insurance is that—it's insurance, not a handout. It's a hand up.

Do you realize that all of this would be wiped out with the proposal that our friends insist on keeping, when economists will tell you several things. First of all, there is no documentation that in fact if you keep the cuts, you'll create jobs. There just isn't any basis for that. First of all, we take care of 97 percent of small businesses with income under \$250,000. Go up and down the streets of America on Small Business Day and ask these small businesses what their income is, not what they take in and pay employees, et cetera. They will not pay any taxes on income of \$250,000. And then, if you are hardworking, an \$80,000 salaried person, two workers in the family, \$40,000 and \$40,000; that's \$80,000. If you make \$250,000. If you make \$15 billion in salary or in income, you will get a tax cut of \$250,000. Is that not the reasonable man and woman standard? Is that not reasonable?

Let me tell you why that's reasonable. Because as I said, most economists will tell you that, first of all, cutting spending is not the answer in a recession as relates to the deficit. And so we're not insensitive to the deficit. We want to have a reasoned response to the deficit. The crisis is to ensure that middle America and low-income Amer-

icans and young people with their start-off jobs making a certain amount of money do not have an enormous tax increase as they go into 2013.

Be very sure now, this whole thing about going downhill doesn't exist, because it's something of a slide. All of these things don't happen right at 2013. We have the time to be reasonable to deal with the tax cuts to save people from having increases, meaning those earning \$250,000 and below. And for the blessed and well-to-do, let me just say this is not any punitive measure in suggesting that we don't have the respect for people's wealth and the well-to-do. What we're saying is where there's mutual benefit, there's a mutual burden. And I haven't heard a cry out from anybody to say that they would not welcome that balance.

So then we have the opportunity, even though the President's put on the table, as the gentleman from Virginia said, \$480 billion. This whole boogie man about entitlement reform is such a straw man. It's just something to throw out to the American people. The people that are on Medicare and Medicaid and Social Security are entitled ne'er-do-wells. That is not true. The people who get Medicare and Medicaid, Social Security, even unemployment insurance, are people who have worked. They have worked. They have earned this.

Now, there are many ways that we can look at these elements going forward. But the idea that we would throw this on the altar as a sacrifice and cloud people's minds and tell them that they are in fact going to be the life or the answer of whether or not our good friends join us on the other side of the aisle and do this reasonable act of cutting the taxes of 100 percent of Americans and eliminating the Bush tax cuts for the 1 and 2 percent.

Let me just tell you, for those who think that they don't mind the cliff, I'm not sure who's been saying that. And I respect them for it. I said I wasn't going to say that. But you're talking about increasing taxes. You're talking about causing the loss of jobs, increasing taxes about \$3,000 on the average family. You're talking about increasing unemployment from 7.9 percent to about 9.1 percent. This is what we're playing with. But let me just give you something else.

The tax cuts that we have been paying for already over a 10-year period, the extension would cost \$2.4 trillion. And if anybody is serious about cutting the deficit, how nonsensical and what sense does that make to continue these cuts? If they could document for me how these create jobs, then maybe we would be able to respond to it.

Does anybody realize and recognize that Hurricane Sandy came through and that one of the mayors of one of the largest cities was just here this week asking for an enormous infusion

of dollars, of which we are merciful and recognize the role of the Federal Government? Why are we stalling on the simple process of eliminating the Bush tax cuts of 2 percent of the individuals who have been particularly silent because they recognize benefit and burden? And for our corporations—and I have the greatest respect for capitalism—presently flush with cash, let me tell you what the instability is. The corporations, the businesses are saying, Tell us what the deal is, then we'll plan. We'll know what to do, and so we will be able to stabilize. I hope they'll invest the money they already have out into the market because there's still incentives for creating jobs. Maybe if we pass the American Jobs Act, we'd be able to do that.

Let me just finish on this point to my dear friend. I want to remind everybody that tomorrow is World AIDS Day; and I want to remind people that over its lifetime and up to the end of 2005, 38.6 million people worldwide were living with AIDS and more than 25 million people have died of AIDS since 1981. And so a lot of people say, Oh, that's behind us. What is she talking about, HIV/AIDS? Well, I know when I go into the Thomas Street Clinic in Houston, Texas, that is not the case. And I congratulate them for what they have done. But there are approximately 1 million, 1.2 million positive individuals that live in the United States and 56,000 new infections every year.

Why am I saying that? Because when we think of discretionary funding, it's a nebulous term. What does it mean? Mr. REID rightly asked my good friends on the other side of the aisle, What spending cuts are you talking about? It was the intervention of the Federal Government with the Ryan White Treatment Act and the research regarding HIV/AIDS that have helped people like those who are hemophiliacs and others in the large population. That means that everybody gets it. It's not a stigma. Everybody is possibly susceptible to it. Where would we be without that intervention of the Federal Government?

So in the shadow of honoring tomorrow and those who have lost their lives in this terrible epidemic, to be able to salute and thank those who've done the research and improved the quality of life of those who are now living with HIV and AIDS and saying to those millions who lost their lives that we will not forget, that's what this debate is about. It is about rental income for poor people. By the way, those poor people are working people. It is about supplemental nutrition dollars for women and children. I would not call them the deadbeats of life. Those who speak on the floor about national security and border security, do you realize that we'd be cutting \$823 million from customs and border protection? These

are the roles and responsibilities of the Federal Government.

And so rather than take a frivolous perspective on this, rather than tell people that you can't do anything before 2013, rather than suggest that entitlements are laid upon the table, on the altar as a sacrifice, just tell the American people the truth. Let's just tell them the truth. Entitlements are not the issue. And if so, cool heads can sit down and engage the American people and tell us how many seniors in nursing homes do we want to throw out in the street. What options do they have? Maybe we'll begin to talk about home care. That's okay. But you don't talk about home care overnight.

So you have to be deliberative. And then, who wants to make a fuss about Medicare when it's solvent until 2024? Again, abusing the information given to the American people. Who wants to make a fuss about Social Security when it's solvent and it's about you earned it?

So to Mr. SCOTT, my call today is to thank you for giving us this opportunity. As I speak to my constituents, I indicate that we're just immersed in these kinds of discussions and I'm hoping and, as I said, I'm optimistic and believe that cool heads will come together. We'll be back next week. We'll be talking to our constituents over the next couple of days.

□ 1310

I'm looking at a sheet that has a number of revenue options that I'm going to be studying. That means that I am not in any way taking the serious work of the deficit for granted. But I do want to put a firewall around hysteria and put the hysteria over here, and get to work with eliminating the tax cuts for the top 2 percent, give everybody a \$250,000 income tax break, and then, in a thoughtful manner, look at a number of ways and join with the President on saying it's valuable to do something about infrastructure, it's valuable to count in the war savings and to bring our troops home—heroes—with honor. I passed an amendment to do that, to honor every returning soldier that comes home.

So I thank the gentleman from Virginia for his service, but also for the work that you've been doing on this issue. I hope I'm not too animated, but let me end on a very quiet note. I am calm, and I believe that we can be deliberative and responsible in our thinking, and I look forward to that occurring.

Mr. SCOTT of Virginia. Mr. Speaker, just in closing, the gentlelady pointed out that bad things happen if we go over the cliff. Bad things are going to happen if we get serious about deficit reduction. The only way you can deal with deficit reduction is to raise somebody's taxes or to cut somebody's spending. It's going to be unpleasant.

Until you recognize that arithmetic reality, we're not going to make any progress.

You're not going to be popular doing deficit reductions, but we have choices to make. We can do this without cutting Social Security, Medicare, or Medicaid, the social safety net, or investments in our future. We have a list of ways of doing it, with specifics. Now, we're willing to compromise, of course, but you can't compromise by reducing the size of government with unspecified cuts. Until you specify them, you can't have a discussion. You can't have unspecified revenues that don't involve rate increases when we don't know what you're talking about. We can't compromise on that because there is no proposal to compromise.

We need specifics. We cannot allow people to try to get past a scheme where you extend the tax cuts at a huge price and then come back next year and try to pay for them and notice that you're so broke you have to cut Social Security and Medicare. If that's your plan, let's get it all up front: we're going to cut Social Security and Medicare in order to provide for some tax cuts. I think most people would say, no, leave Social Security and Medicare and Medicaid alone. If you've got some money left over from tax cuts, fine, but we do not want Social Security, Medicare, and Medicaid to be cut in order to provide for tax cuts.

When you start talking about, well, increase the age or reduce the COLA, those are just ways of reducing benefits. So we need to make that threshold statement that we're not going to allow Social Security and Medicare and Medicaid to be used to pay for any of these tax cuts, and we will not allow a scheme to take place where we all agree on some tax cuts first, and then find out that because of the size of the tax cuts we have to cut Social Security and Medicare. Let's figure this all out at once. It can be done. There are some tough choices that have to be made, and the Congressional Black Caucus has shown how those choices can be made, with specifics, in their various documents.

Mr. Speaker, I appreciate the opportunity to have this moment to discuss the Congressional Black Caucus position on the fiscal cliff, and I yield back the balance of my time.

#### CAN'T TAX OUR WAY OUT OF THIS

The SPEAKER pro tempore (Mr. AMASH). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, before my colleague from Virginia leaves the floor, I plan to spend most of my hour disagreeing with most of what he spent

his last hour on, but what he said at the very end is just so accurate and so infrequently said here on Capitol Hill, and that is, there are no good options left.

If you have over a \$1 trillion budget and you want to balance that budget, you're either raising somebody's taxes or you're cutting somebody's spending. There is no easy solution to that problem. It's not going to go away on its own. We're going to have to find a way to parse that—and by “we,” I don't just mean the 435 of us in this room, I mean the 315 million of us across the country.

What I have here, Mr. Speaker—you can't see it from where you are—but it's down to where we're in a spending-driven debt crisis. I think that's important because something has happened in the media. When I open up the newspaper, it's all about the tax component of this fiscal cliff, and there absolutely is a tax component. We talk about taxes as it relates to small businesses and creating jobs. We talk about taxes as they relate to individual families and being able to make ends meet.

But what this chart shows, Mr. Speaker, is spending and tax revenue of the Federal Government of the United States of America from 1947 out to 2077. You can't see the intricate detail on here, Mr. Speaker, but what you can see from far, far away is that this green line that represents tax revenue is a relatively flat and constant line. As a general rule, it does not matter whether tax rates were the 90 percent marginal rates, the 70 percent marginal rates that they were when John F. Kennedy was President and he cut taxes, or whether they were the 28 percent marginal rates during the Reagan years; the American people are willing to give you about 18 percent of the size of the economy in tax revenue.

Mr. Speaker, it turns out—and this is of no surprise to you—it turns out the American people are pretty smart. If you raise taxes on this behavior, they switch to this behavior. If you raise taxes on that behavior, they switch to this behavior. Because at the end of the day we're more concerned with providing for our family, raising our kids, and taking care of our parents than we are about funding the Federal Government, and so we make changes in our lives to respond to the Tax Code.

So whether taxes are at a top marginal rate of 28 percent, Mr. Speaker, as they were during the Reagan years, or whether they're at a top marginal rate of 90 percent as they were before the John F. Kennedy Presidency, America paid the same amount as a percent of GDP in taxes. This chart shows that. Taxes relatively constant going out over that horizon.

Mr. Speaker, spending, this red line here—now you can see this red line is higher than the green line for most of the past 50 years. This business of running deficits is not new. We've been

running deficits my entire lifetime. With the exception of a couple of years in the Gingrich years here in the House and the Clinton years there in the White House, we've run budget deficits in this country, but they've been relatively small. I grew up in the Reagan years, and I remember lots of talk there about all the money we were spending on defense and those massive deficits that President Reagan was running in order to win the Cold War. Those deficits are minuscule compared to the deficits that we're running today.

Mr. Speaker, what you see on this chart, as we go out from here where we are today in 2012 and 2013, what you see is a chart that reflects what happens if you and I do nothing, Mr. Speaker. If you and I were to close down this House, if President Obama were to leave the White House tomorrow and bolt the door, if we passed absolutely no new laws, no new promises, made no new commitments, this red line represents the spending that would happen automatically. This red line represents the spending that happens if we don't change one thing.

What you see then, Mr. Speaker, is there is just no way—this green line represents taxes—there's no way that we can raise taxes high enough to cover this red line of spending. If we took everything from everybody, Mr. Speaker—hear that: if we had a 100 percent tax on every dollar you earned, if we took everything you had in your household and sold it all for its value, if we confiscated every asset of every business in America and we sold it at the auction block, and we put all of that money in a bank account to save for a rainy day, we still would not have enough money to pay for the spending that we've promised America in this red line. It's a spending problem we have. Our problem is not that we tax too little; our problem is that we spend too much.

□ 1320

That's important when we talk about this fiscal cliff, Mr. Speaker. This is not a tax issue. This is a spending issue. And this isn't an issue that folks don't have an answer to.

Mr. Speaker, you and I serve on the Budget Committee. And one of the things that I am most proud of in my 2 short years here in this body is that we looked at these tough challenges, the ones that my colleague from Virginia just described as being tough, tough choices. You are raising taxes. You are cutting spending. Someone is going to be unhappy. It is probably going to have to be a combination of both.

We looked at those things we did on the Budget Committee, and we came up with a solution. We didn't just tell America who to blame. We didn't just talk about how hard it was and how

tough it was going to be and how lousy that is for America's children and America's grandchildren. We proposed solutions.

It's represented here on this chart, Mr. Speaker. What I have here is debt as a percent of GDP, the Federal debt. That's about \$16.3 trillion today. I go all the way back to World War II here where debt was 100 percent of GDP. The historical debt is represented by this gray line, Mr. Speaker. This red line, just a different representation of the spending I showed down there.

On that chart, I was showing actual spending as a percent of GDP. This is a debt that we are going to run up as a percentage of GDP. And this green line, Mr. Speaker, represents the budget that you and I crafted in the Budget Committee under the leadership of Chairman PAUL RYAN. We called it "The Path to Prosperity" because for the first time in my lifetime, this Congress got serious about making the tough choices necessary to get us out of these record-setting deficits.

And that's so important because I get so tired, Mr. Speaker, as I know you do too, of everybody just pointing the finger to blame—Oh, it's his fault. It's her fault. It's their fault. It's their fault. This budget was not about blame. This budget was about solutions. And we laid it all out. That distinguishes us, particularly in this fiscal cliff debate, from the White House and from the Senate, which continue to talk in broad platitudes, but it failed to lay out the difficult, difficult line-by-line explanation of what their proposal would be to solve these problems. We did that in our budget, and it was hard.

There is a reason the United States Senate hasn't passed a budget in almost 4 years, and it's because it's hard. A budget is a statement of your values. It's a statement of your values. We confiscate all of this money in tax revenue from the American people, and then we redistribute it out to those priorities that we have—national security, kids, school lunches and education, our criminal justice system, to make sure families are safe in their homes. We distribute it to those things that are important to us.

So when you're running trillion-dollar deficits, as we're running today, and you have to put together a budget, you either have to tell the American people and their children and their grandchildren that you're going to continue running trillion-dollar deficits and bankrupt this Nation, or you have to tell the American people, you know what, we've got to prioritize, and these are my priorities.

I'll tell you something, Mr. Speaker. It just drives me to distraction when I read the media accounts. One of the things that gets lost is that when we passed that budget, that budget that passed this House not once but twice, that budget represents the only budget

that has passed anywhere in this town—in fact, the only budget that has received a majority of votes anywhere in this town. When we passed that budget, we said revenue in this country has to rise. It has to.

Mr. Speaker, we go back to this historical chart that I showed you. We're down here in this green dip right here. Tax revenues are at their lowest level in modern times. Tax rates are plenty high, Mr. Speaker, plenty high. But guess what, if you don't have a job, you can't pay any income taxes. It doesn't matter—a 5 percent income rate on you, a 100 percent income tax rate on you—if you don't have a job, you can't pay taxes. That's why tax revenue is so low.

If companies aren't making profits, companies can't pay taxes. If you can't sell your home, you don't have capital gains to pay taxes on. If you can't start a business, you don't have income to pay taxes on. That's why tax revenue is so low.

Mr. Speaker, the tax rates are the same rates they've been over the last 10 years. We had a giant spike in tax revenue. The reason for the decline is because of this recession. When folks aren't making money, they can't pay taxes.

So what did we do in our budget? We crafted an economic growth plan that would bring in—hear this, Mr. Speaker—it would take us from what was about 14.5 percent of GDP. Today it's 16 percent of GDP. We passed a budget that would bring us up to over 18 percent of GDP and tax revenue. That's more than a 10 percent increase over what we're doing today.

Do we do it by punishing little groups of people like the President wants to do? No, of course not. We do it by growing the economy, unleashing the power of the American entrepreneur, and allowing folks to pursue their dreams. That's how we bring more revenue into the coffers of the Federal Government.

But hearing that said loudly and proudly, the only budget that has passed anywhere in this town was passed in a bipartisan way by this U.S. House of Representatives, dominantly passed by Republican votes; and it includes a revenue increase of over 10 percent. So just go ahead and dismiss that nonsense about Republicans ignoring the revenue side of this equation. Of course there's a revenue side of the equation. My colleague from Virginia was right when he mentioned it. It continues to be true, and we've dealt with it responsibly.

What about the spending side, Mr. Speaker? Before I take this chart down, I want folks to see that spending side back in their offices. This green line represents the budget that we passed. This red line is the path of debt if we do nothing. This green line is the path of debt if we pass the House-

passed budget plan and make it the law of the land.

There are opportunities to make this difference. This House, in a bipartisan way, has stood up to those challenges. I encourage the President and the Senate to follow that strong lead.

But let's take on the thing that we hear the most often, Mr. Speaker, and that is that the President is committed to taxing, raising taxes, exacerbating the tax burden on all of these family-owned businesses that you and I know are the keys to job creation.

Now, I don't want folks to think that these businesses aren't already paying their fair share. We talk so much about "fair share," Mr. Speaker. I think of fairness as being a society that rewards hard work and merit. I think that's what fairness is. It's that opportunity society that we all came to America for, that our parents or our grandparents or our great grandparents came to America for. We didn't come here for guaranteed success. We came here for the opportunity to work hard and to make our tomorrow better than our today. That's fairness: maintaining that opportunity, ensuring that other generations of Americans have that opportunity.

I am going to quote Milton Friedman, Mr. Speaker. The country is the poorer for not having Milton Friedman with us any longer. But he said, There's a distinct difference between raising taxes, where the 90 percent of America votes to raise taxes on themselves to help the bottom 10 percent because that's what we do as Americans. We're generous, generous people. We care deeply about our neighborhoods and our communities.

It's one thing for the 90 percent to raise taxes on themselves to help the 10 percent. But it's an entirely different thing when the 80 percent raise taxes on the top 10 percent to help the bottom 10 percent. Think about that, Mr. Speaker.

When we talk about the tough choices that my colleague from Virginia just brought up, how tough is it to decide you're going to raise taxes on them to solve the problem? Whoever the "them" is, raise taxes on them. "They" should pay more to solve the problem. That's pretty easy.

The power to tax is the power to destroy. And we, through this House and the power of taxation, can choose to destroy any element of American society that we choose.

I will tell you, it's our constitutional obligation to protect the minority, that an opportunity society means we do not let the majority run roughshod over the minority. Even in this House of Representatives, with our proud tradition, the minority has rights. The minority is protected from the will of the majority. That's always been true in our American tradition.

How tough is it to decide that "they" are going to foot the bill so that "we"

don't have to? Those aren't tough choices. Those are easy choices. We call that class warfare, and it's going on entirely too much in this country. But even in class warfare, Mr. Speaker—and you see it here on this chart I have presented of who benefits from tax loopholes—you can make choices that either help the economy grow or bring the economy to its knees. This chart shows the bottom quintile of income earners, the second quintile, the middle quintile, the fourth quintile. Here is the top 20 percent. And there on the end is actually the top 1 percent, Mr. Speaker.

Who benefits from loopholes in the Tax Code? I'm a flat tax guy. And by flat tax, I mean the national retail sales tax. It's called the Fair Tax, the special retail sales tax that deals with the payroll tax inequities, and on and on. It absolutely turns our Tax Code on its head and puts our economy on hyperdrive. It's an amazing plan. It's a popularly cosponsored tax reform plan in this United States House of Representatives. I hope we're going to get a vote on it next year. But what it does is it eliminates all the deductions and exemptions, all the loopholes, all the carve-outs, all the special lobbyist-included benefits, all those special benefits for whoever is favored by a particular administration.

□ 1330

It eliminates them all in order to create one flat and fair system for the country. Now, if you make more money, of course you're paying more in taxes; if you have less money, you're paying less in taxes. It's progressive in that way. That's always been true in America and always will be. But the President is committed—and we heard it again today—to raising tax rates on family-owned businesses. Not ensuring that they pay more taxes, mind you—this is an important distinction—but raising the tax rates.

Look here, Mr. Speaker, if we go through and we eliminate all of these tax loopholes—and the top 1 percent is the crowd that benefits disproportionately from all these tax loopholes—we can still ask the top 1 percent to contribute more to the funding of our economy, but we can do it in an economically responsible way. Flattening the Tax Code asks more of those who benefit from the special deductions, exemptions, exceptions, and credits.

This chart tells you who those folks are. Of course it's true that the top 1 percent benefit the most. They pay all the taxes. Oh, that's an exaggeration. Well, they make about 20 percent of the income, and they pay 40 percent of the taxes. That's right, Mr. Speaker. The top 1 percent—and I'm glad we have them because they're footing the bill for all the rest of us. The top 1 percent of income earners are paying 40 percent of the burden for our entire

United States Federal Government. One percent is paying 40 percent of the burden.

If we eliminate the exceptions, the exemptions, the tax credits, and the loopholes, those folks will pay more. But the President is insisting not on cleaning up the Code and making it more economically viable; instead, he just wants to raise rates and punish folks more.

Let me go, Mr. Speaker, to President Barack Obama, August 2009. He says this in an interview:

The last thing you want to do is to raise taxes in the middle of a recession because that would just take more demand out of the economy and put businesses in a further hole.

That was President Barack Obama, August 2009. He was absolutely right then. Those facts hold true today. And it's not just that those facts hold true over a small period of time, Mr. Speaker; those facts hold true over a decade.

I want to take you back to President John F. Kennedy, Mr. Speaker. It's not as if these are new ideas that we're talking about. This isn't some rocket science problem that has suddenly been thrust upon the United States of America in 2012. These are basic economics. Adam Smith talked about these economics hundreds of years ago. Let me tell you what John F. Kennedy said. This is in one of his news conferences, November 20, 1962, as he was providing the largest tax cut in modern American history. He said this:

It's a paradoxical truth that tax rates are too high and tax revenues are too low.

That's where we are today, Mr. Speaker. Tax rates are too high and tax revenues are too low. It's a paradoxical truth that that can be true.

He goes on and talks about raising revenues, and that's exactly what we're trying to do when we talk about a balanced approach. We need to cut spending, and we need to increase revenue. President Kennedy says this:

The soundest way to raise the revenues in the long run is to cut the rates now. Cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous expanding economy which can bring us a budget surplus.

That was brought to you by a raging conservative economist, President John F. Kennedy. No, he's not a raging conservative economist, Mr. Speaker. He was a proud liberal of the Democratic party, but he knew economic truths, economic truths that were as sound then as they are today, and that apparently so many in this Chamber have forgotten.

Cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous expanding economy which can bring a budget surplus.

I'll go on with what was in his annual budget message to Congress, Mr. Speaker. Again, 1963, John F. Kennedy, the annual budget message to the Congress. He says this:

Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased, not a reduced, flow of revenues to the Federal Government.

This is not a conservative idea, Mr. Speaker. This is not a liberal idea. This is not a Reagan idea. This is not a Clinton idea. This is an economic truth.

John F. Kennedy:

Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased, not a reduced, flow of revenues to the Federal Government.

President Barack Obama:

The last thing you want to do is to raise taxes in the middle of a recession because that would just take more demand out of the economy and put businesses in a further hole.

These are truths that have gotten lost in this election season, Mr. Speaker.

I'll be honest with you. I'm not excited about the way the election turned out. It pleased the American people with a wide margin, returned a Republican majority to this U.S. House of Representatives, this the people's House, this the House that is the closest to the American voter. It was a huge Republican majority that was returned by the American people.

I thought when we got past that election, Mr. Speaker, that politics would be done. I thought when we got past that election, we would get on about the serious business of correcting this avalanche of debt that threatens to crush generations of hopes and dreams of Americans, extinguishes the freedoms that we hold so dear. We know what the right answers are. John F. Kennedy knew in 1962 and 1963; Barack Obama knew in 2009 and 2010, and we still know today, but politics still seems to control.

Mr. Speaker, to make my point about where we are in terms of spending being the problem, again, as you and I serve here on the floor of the House, we have so many folks pointing to different demons that are the problem, so I just went ahead and put all the demons that folks talk about up here on the board.

What I have here, Mr. Speaker, represented by this blue line—this is about 20 years of spending. I go from 2002 out to 2022, and I look at spending of the Federal Government. This giant blue line that consumes the entire chart is just base, normal, everyday Federal Government spending, which is increasing 33 percent if we don't change it over the next 10 years. Hear that: Normal spending, not bailouts, not special war taxes, not any of that, but basic Federal spending is set to increase 33 percent over the next 10 years if we don't move to change it.

This little yellow line, Mr. Speaker, that you can just barely see, this little yellow line is the cost of the global war on terror. Is that real money? You bet-

ter believe it. When we choose to send American young men and women around the globe to protect our freedoms, you better believe we give them every single advantage that we can, and we take care of them when they return home. Absolutely, there is a cost to the global war on terror. There is a cost to protecting the homeland. But, Mr. Speaker, in comparison to all other spending that is going on, it's minuscule.

Here are the financial bailouts in green, Mr. Speaker. You probably can't see those. Was that a lot of money? You better believe it. Do I think a lot of it went down a rat hole? I absolutely do. Those bailouts are over now. That money is out the door now. But as a percent of what's going on here, it's not that.

Here's the 2009 stimulus bill. That's actually the highest order of magnitude here. That was a lot of money. There was over \$800 billion that went out the door that I would again argue to questionable purposes that we cannot measure the success of here years later. But that's not the cause of the problem. The problem is systemic. The problem is baked into the way that we operate our Federal Government today. It's baked into program after program that we continue to create even in deficit times. It's baked into new promise after new promise after new promise that we continue to make even though we don't know how to afford the ones that we've already made.

□ 1340

Mr. Speaker, I just want to go through a few of those accounts that have been increasing. Folks won't be able to see this back in their offices, so I'll just read a couple of them to them. The chart is entitled, "Where the Money Goes." It's inflation-adjusted dollars, so we can compare apples to apples. It compares 2002 to 2012. Let's just look at a few. I've put them in the order of how much money we're spending on them today:

Social Security spending, for example, from 2002 to 2012, has increased 35 percent over the last 10 years. It's the largest pot of money that we spend in the government, these Social Security checks. Folks have paid into it their entire lives. They've earned them and they deserve them. I'm glad they're getting them. It has gone up 35 percent in the last 10 years;

With national defense, of course, between 2002 and 2012, there has been a lot going on in the world. The world has become less safe. We've been involved in two wars, and that spending has been going up between 2002 and 2012. Again, in inflation-adjusted dollars, the spending on national defense has gone up 50 percent. Now, it's still dramatically below where it was in the eighties and nineties when we were trying to win the Cold War. We've been

fighting two wars over this past decade. It's dramatically lower than it was when we were fighting the Cold War, but it's up 50 percent;

Medicare spending over last 10 years—2002 to 2012—is up 70 percent. You hear so much talk that the Medicare trust fund is going bankrupt. Over the last 10 years, Medicare spending is up 70 percent in inflation-adjusted dollars—constant dollars. It's up 70 percent, and that climb continues; but, in fact, Mr. Speaker, those numbers are low compared to some other categories:

Food stamps from 2002 to 2012 are up 136 percent. We're in some tough economic times. We all know that, in tough economic times, support program prices—costs—increase, but this is 136 percent over the last 10 years. K through 12 education is up 144 percent. Energy spending—sadly, this is going to include all of the Solyndras of the world, all of those stimulus dollars that went out to support dubious enterprises—is up 1,751 percent.

So, when we talk about budget cuts—and this is important—it's always described as we're going to gore someone's ox, as we're going to destroy someone's program. Energy spending is up 1,700 percent. What if we reduced it so it was just up 1,600 percent, Mr. Speaker? Would that destroy President Obama's green energy plans? I don't think so. What if food stamps, instead of going up 136 percent, just went up 130 percent? Can you really say that that is an attack on folks who are recipients of food stamps; or can you say that when the American people increase food nutrition spending by 130 percent that we're actually making a pretty good faith effort to make sure folks are taken care of?

We see it time and time again—30 percent, 40 percent, 50 percent, 59 percent, 46 percent, 62 percent. We're not talking about destroying Federal Government programs. We're talking about curbing double-digit increases that have gone on over the past 10 years—triple-digit increases in so many cases. That brings us to this balanced approach we keep hearing about, Mr. Speaker.

I hear the President say "balanced approach" over and over again. I just have not seen him yet do a balanced approach. I mean, we saw his proposal that came out yesterday where he wanted to raise taxes by \$1.6 trillion and where he wanted to increase spending on a variety of programs, and he thought he could find \$400 billion in reductions. Not today, of course. Somewhere down the road, he thought that we could get together and maybe find \$400 billion. So bring taxes up \$1.6 trillion and then find \$400 billion in spending reductions.

It's not a tax revenue problem, Mr. Speaker. It's a spending problem. We've got to focus on this red line. We've got to focus on spending.



Look at where we are with the sequester, for example. We're talking about balanced approaches. I have defense spending cuts in the sequester, I have non-defense spending cuts in the sequester, and I have mandatory cuts in the sequester. As you know, Mr. Speaker, about a third of all of the dollars we spend in this country we call "discretionary spending." Half of those are defense and half of those are non-defense. Everything else—two-thirds of the pie—is what we call "mandatory spending."

So the two-thirds of the pie over here represent 63.8 percent of all Federal spending. The sequestration is going to ask that big piece of the pie—63.8 percent—to bear 14 percent of the cuts. We're going to ask non-defense discretionary spending, which is about 13 percent of the pie, to bear 35 percent of the cuts. It doesn't quite seem balanced, does it, Mr. Speaker? Then we're going to ask the Defense Department, which represents 16.8 percent of all spending, to bear 49.5 percent of all the cuts.

Now, I'm not a math major. I didn't study statistics, but I'm pretty sure, if we were implementing a balanced approach, these lines would be roughly equal; they'd be balanced. What we have instead is a dramatic attack on our national security concerns while the driving piece of the pie, that piece of the pie that's growing larger and larger each year—it's already the largest, and it's growing at the fastest rate—which alone threatens to undermine the economic security of the Nation is asked to do next to nothing.

Now, as you know, Mr. Speaker, the only serious proposal in town—the only one that has received a majority of the votes to deal with that mandatory spending issue—came out of this U.S. House of Representatives. It came out of our Budget Committee. It passed the floor of the House in a bipartisan way to deal seriously with those; but as the President asks time and time again, "Can we have a balanced approach?" my answer is, "Yes, we can. Let me see your balance." He hasn't been shy at all about talking about all the taxes he wants to increase. I just haven't seen any of the spending cuts he wants to implement. It's because we don't have a tax problem. We have a spending problem in this country.

If you haven't looked at what the spending problem is, Mr. Speaker—and I know you have because you serve on the Budget Committee, and you're one of the finest members we have on the Budget Committee. You've taken difficult and tough stands in order to support your constituency and to make sure the children of tomorrow have a better future than the children of today, and you continue to pass on that American Dream. Yet this chart represents the chronic deficits that we have at the Federal level. These are ac-

tual dollars, and these numbers come both from the Office of Management and Budget—that's the President's budget team—and from the Congressional Budget Office, which is the non-partisan budget team here on Capitol Hill.

We go back to 1970—through the Carter years, through the Reagan years, the Bush years, the Clinton years. You'll see there were systemic deficits through all of those years. It was only under the partnership of Newt Gingrich and Bill Clinton and, I might also add, with some of the most aggressive spending reductions that we've seen in my lifetime that we were able to create budget surpluses if you include the Social Security trust fund; although, there is still a little sleight of hand going on there as we look at this chart because we're looking at cash flow, not at what's going into the trust fund baskets, but there was absolutely a cash flow surplus here for 4 years.

Then the tech bubble bursts and 9/11 happens, and we get into these Bush years where you see some of the largest deficits in American history. In response to 9/11, in response to the wars in Iraq and Afghanistan, there were some of the largest budget deficits in American history. This was on a Republican President's watch and on a Republican Congress' watch in response to some tremendous crises, but they were the largest deficits in history—frightening deficits.

Mr. Speaker, those deficits are barely noticeable compared to where we are today.

These were the largest budget deficits in American history during the Bush years, deficits so large they were threatening our economy. President Bush began to bring them down over the last 4 years of his tenure, and they're dwarfed by the size of the deficits created by this U.S. House of Representatives under Democratic control, by the United States Senate under Democratic control, and by President Barack Obama and the White House.

Mr. Speaker, those numbers have begun to come down. You can see here, over the past 4 years, we had a \$1.5 trillion deficit in 2009, a 1.34 in 2010, a 1.32 in 2011, a 1.1 in 2012. They start to go down, but look out over this 10-year horizon. Again, these numbers come from the Congressional Budget Office, which is a nonpartisan group here on Capitol Hill. They come from the Office of Management and Budget, which is the President's budget team down at the White House.

If we do nothing to curtail spending, the largest deficits ever known to this land occur not once, occur not twice, occur not 3 years in a row, but occur forever in looking forward through the budget window. Now, the truth is they don't actually occur forever because America would collapse under the weight of that debt. Our economy

would cease to function. Our Nation would cease to exist. It absolutely does not go on forever, but it never gets solved. Not 1 year, Mr. Speaker, not 1 year. We begin to bring deficits down, and we bring them down to almost \$600 billion. Again, the best year in the next 10 is worse than the worst year in the last 50.

□ 1350

As you look at the proposal of what folks believe is going to happen in the economy over the next 10 years, the best year we have over the next 10 is worse than the worst year we've had over the last 50 when it comes to raising the debt and deficit here in the United States of America.

Continuing talking about the balance, Mr. Speaker, the President is a smart man and I have always respected him, Mr. Speaker, for the fact that he has released a budget to the American people, made a proposal, in every one of his 4 years in office. Every one. The law requires him to do it, but he has always done it. That distinguishes him from the United States Senate, which the law also requires them to do it, and they haven't done it.

So every year the President goes through the very difficult work of producing his own budget, sharing with the American people his vision for what the Federal budget should look like. I happen to have a graphical representation of that vision. This is the one he gave us last. It was February of 2012. There was an election coming up, and he wanted to do his very best. This was actually the most serious of all of the budgets that he's submitted.

And what I show here, Mr. Speaker, with this white dotted line is the debt that America would have to pay if we change not one law on the books. If we change not one law on the books, the debt of America would rise along this white dotted line.

This red line that runs right above the white dotted line is the debt that we would accumulate if we passed the President's budget. I'm not misspeaking, Mr. Speaker. I'm talking about that budget he introduced in February of 2012. I'm talking about that budget that raised taxes by almost \$2 trillion on the American people; he raised taxes by \$2 trillion on the American people and still ran up higher debt because he spent even more than that.

Now, to give the President his due, he actually only ran up higher debt in his budget for the 2013 year, the 2014 year, the 2015 year and '16 year and '17 year and '18 year and '19 year and '20 year and '21 year. It was really only the first 9 years of his 10-year budget that he continued to run up higher debt. By the 10th year of his 10-year budget, and I blew it up so folks could see it, there's a little bit of a betterment there. We did a little bit better in that

final year in terms of trying to bring the debt below what it would have been if we'd done nothing. And all the while, the budget raised taxes by \$2 trillion and raised spending even more.

Mr. Speaker, that's not balanced. I try to explain that to my constituents back home, the ones who come and say, ROB, why can't you all just come together and build consensus? Why can't you find that middle ground? It's because in my mind, Mr. Speaker, there's no question but that we have to raise revenue through smart tax policy and we have to cut spending, which is the driver of our debt.

But when my President looks at this very same set of numbers, looks at this very same rising debt across the country, looks at the very same economic destruction that this debt is causing across the Nation, he raises taxes by \$2 trillion and raises spending by even more.

Mr. Speaker, he says balance, but the only proposal he's brought to Congress in the last 12 months is about as unbalanced as they come.

We can, Mr. Speaker, we can come together in the middle. We can find consensus. As I said earlier, my Democratic colleague from Virginia accurately identified the challenges. None of them are easy. None of the solutions are easy. But don't be fooled, Mr. Speaker, into believing that either, A, this House isn't serious about bringing revenues back to historical norms. We are, and we've passed language to do it. And don't think, too, that the President is serious about cutting spending because we've yet to see one single proposal to suggest that he is.

In fact, Mr. Speaker, in the proposal he rolled out yesterday, the one budget-cutting exercise that we've done, this across-the-board sequester that's coming, the sequester that's coming as a result of those 12 men and women—the 6 Republicans, 6 Democrats; 6 House Members, 6 Senate Members—who got together on the Joint Select Committee to try to craft a proposal, as a result of that failure, we now have these across-the-board cuts. The President's proposal supports kicking that can down the road for another year. Mr. Speaker, we can't kick the can down the road.

Is it going to be a challenge to get over this economic hump? You better believe it. It has been for the past 4 years. Americans have been challenged for the past 4 years. This recession has been debilitating across the board. There's still no easy solutions out on the horizon. But we know this: we know when we raise taxes, the economy suffers. We know when we lower taxes, the economy grows.

I'm looking at a National Bureau of Economic Research report, Mr. Speaker. They say this:

Tax changes have very large effects. An exogenous tax increase of 1 percent of GDP lowers real GDP by roughly 2-3 percent.

We can raise taxes if we want to. It's going to lower economic output; it's going to harm American families. It's going to diminish job creation; but we can do it. That's the debate we're having here on Capitol Hill.

Mr. Speaker, this chart represents the plan that the President has proposed for cutting spending. It's not that the camera is not adjusting to it properly, Mr. Speaker. It's that this is a giant blank sheet of paper. It's absent of any information whatsoever because so, too, is the President's proposal for tackling the real economic challenge we have here, the real driver of budget deficits, the real threat to American economic superiority in this world, out-of-control Federal spending.

The President of the United States, he's been President for 4 years, no credible plan for tackling that spending.

I want to go back, Mr. Speaker. This United States House of Representatives, in a bipartisan way, passed a plan not just to change the trajectory of Federal spending, but to actually pay down the debt to zero over time. That shouldn't sound so crazy, Mr. Speaker. Folks have to pay their debts, but we haven't seen that out of this administration in even one of those budgets. Not one of those budgets put us on a path to being debt free.

In the time I have left, Mr. Speaker, I just want to do a little math here on the board. I brought my big marker with me. I want you to know I got this free with rebate. We squeeze every penny we can in the office. I think everybody ought to do that. I think you ought to lead by example. But I've been struggling with the idea of fairness, Mr. Speaker, and I brought with me the tax rate chart from the IRS. This is a 2012 tax rate chart.

If you earn between \$35,000 and \$85,000, you're in the 25 percent tax bracket. If you earn between \$35,000 and \$85,000 in America in 2012, you're in the 25 percent tax bracket. I'm calling that middle class, Mr. Speaker. Depending on how large your family is, it's tough to make a go of it at \$30,000. And depending on how large your family is, \$85,000 puts you right there in the middle. But that ball park—30, 40, \$50,000—I think we can call that secure middle class America. You pay a 25 percent income tax rate.

Payroll tax. Your payroll tax is 15.3 percent, Mr. Speaker. Every wage earner in this land, 15.3 percent they pay each and every month in payroll taxes. Those FICA taxes you see on your paycheck.

Let me do some quick math, Mr. Speaker. Bear with me.

□ 1400

40.3 percent in Federal taxes. That's the tax rate for every middle class American in the land.

I ask you, Mr. Speaker, are tax rates too low?

Do you think you ought to work for the first 5 months out of the year just to pay your Federal tax burden before you begin to pay your State tax burden, before you begin to pay your local tax burden, before you begin to actually earn money to pay for your food and shelter and clothing for your family?

Forty percent is the marginal tax rate for middle class America. Thirty-five percent, Mr. Speaker, is the rate that that 1 percent are paying today. Thirty-five cents out of every dollar earned by that top 1 percent today, that's the marginal tax rate for those folks.

Now, a lot of folks don't realize, taxes are already going up next year. You know, the President's health care bill, that bill that I was not here to oppose. Though I've tried it repeal it, I haven't been able to get that through the Senate. But the President's health care bill raises taxes come January 1.

So on this top income bracket that the President wants to raise taxes even further on, they have a tax rate increase coming, and it's coming on January 1; 3.8 percent, Mr. Speaker. Every dollar of unearned income these top 1 percent earn is going to have a new 3.8 percent Medicare tax added to it, 3.8 percent.

0.9 percent, Mr. Speaker. That's an increase in the Medicare tax on all the earned income of these folks, 3.8 percent increase on the unearned income. Another 0.9 percent increase on the earned income.

2.7 percent, Mr. Speaker. That's the Medicare tax that that top 1 percent is already paying on all of their earned income today. It's going to go up another 0.9 percent. They're already paying 2.7. The President says that's not enough.

Let me do some quick math here. Since they're only going to have to pay one, Mr. Speaker, either the unearned income tax or the earned income tax, it's going to be 3.8 percent either way. They're paying 39.8, plus this 15.3, of course, on all those dollars that are subject to Medicare and Social Security under the cap today, plus another 6 percent is the average rate for State income tax today.

So let me add those to both of these charts. Six percent is the rate in my home State of Georgia. So I'm just going to come back over here to these middle class taxpayers that appear to be paying 46.3 percent as a marginal rate on every dollar they earn.

Let me come back over here to the high-income folks. Before they pay their payroll taxes, we have 44.8. And of course, on that money that they earn up to \$100,000, they're paying an additional, where are we, about 11.5 percent on that. 11.5 added to 44.8. That's an over 56 percent tax rate.

Mr. Speaker, how much is enough?

When does freedom in this country cease to have meaning?

At what level of confiscation of the work product of the American people does freedom cease to have meaning?

We've got to be getting close to it, Mr. Speaker. But more importantly, when we talk about paying their fair share, when is America as a whole paying its fair share, Mr. Speaker?

When is America paying its fair share, but the Federal Government is spending too much anyway? Middle class America, 46.3 percent. That's middle class America. That's \$35,000 a year you're earning, and your Federal Government and your State government hit you for a combination of 46 percent of every dime.

What incentive is that to go out and work longer and harder?

Forty-six percent. Fifty-seven over here. Fifty-seven. We all know that small businesses create all the jobs in this country. That's why we're so worried about this tax proposal, because, while this is already 57 percent over here, Mr. Speaker, the President wants to raise it another three, to almost 60 percent. 60 percent of every dime earned by family-owned businesses the President wants to take back for Washington, D.C.

I'm in favor of a balanced approach. I'm committed to fairness in American society. But, Mr. Speaker, I ask you, is the problem that taxes are too low, or is the problem that spending is too high?

We're better than class warfare, Mr. Speaker. We're better than saying we're going to ask them to bear the burden while we benefit.

Three hundred twenty million of us have to come together, Mr. Speaker, on tough, tough challenges, challenges that this House has crafted solutions to. These solutions are not easy. These solutions are not pain-free.

These solutions involve shared commitment from every single American because as freedom is eroded in this country, ever single American suffers. And as economic opportunity and economic liberty is expanded in this country, absolutely every American benefits.

We can do better, Mr. Speaker, as a Nation. We have done better as the United States House of Representatives.

And I come here today just to remind my President and the White House that the election is over. The time for clever soundbites that register on the public opinion polls is far behind us. What's in front of us are hard, hard decisions that this House has led on, and that we are waiting patiently for partnership to work on and to pass.

I want to leave you with three numbers, Mr. Speaker: H.R. 5652, it was passed in May, called the Sequester Replacement Reconciliation Act. It was the House-passed idea to avoid the debilitating sequester cuts that we see coming, to deal with the mandatory

spending side of the equation, passed in a bipartisan way here in the House. It is the only proposal in all of Washington, D.C., to have been passed by a body. H.R. 5652 passed in May.

I'll leave you with H.R. 8, Mr. Speaker, the Job Protection and Recession Prevention Act. That's our plan, House-passed plan for how to deal with these tax increases that threaten America's family-owned businesses, threaten our economy, how to deal with them in a responsible way to get us past this fiscal cliff, passed in August, only plan in Washington, D.C., to prevent these debilitating tax increases from hitting across all of our family-owned small businesses.

And finally, Mr. Speaker, H.R. 6365. It's the National Security and Job Protection Act. We passed that in September. That's the bill that looks specifically at these coming defense cuts, these cuts that Secretary of Defense Leon Panetta has called devastating in their impact.

□ 1410

If you don't know—and I know you do, Mr. Speaker—Leon Panetta, the former chief of staff to President Bill Clinton, former chairman of the Democratic-led Budget Committee here in the U.S. House of Representatives, current Secretary of Defense, calls these defense cuts devastating. This U.S. House has passed a proposal to prevent that second round of cuts from taking place. It's the only proposal anywhere in this town to have passed. We did it in August. We took care of our business. And we have yet to have partnership from either the White House or the Senate on that proposal.

We took care of the Sequester Replacement Reconciliation Act in May, Mr. Speaker. We took care of the Job Protection Recession Prevention Act in August, Mr. Speaker. We took care of the National Security and Job Protection Act in September, Mr. Speaker. The work of this House has been done month after month after month. We've passed two budgets in a row, Mr. Speaker, that take on the tough challenges of entitlement reform, that take on the tough challenges of increasing revenue, that take on the challenges that no Congress in my lifetime has ever taken on, Mr. Speaker. We did it not once but we did it twice. And the silence from the Senate and the White House has been deafening.

We can do it, Mr. Speaker. We must do it. This House has done it. And as we did in May, as we did in August, and as we did in September, I reach out my hand again, Mr. Speaker, to the Senate and to the White House to join us in tackling these tough solutions, tackling these challenges, providing these solutions not for Republicans, not for Democrats, not for politics whatsoever, but for America. Because it's the right thing to do. And without it we all know where this country is headed.

Mr. Speaker, with that, I yield back the balance of my time.

#### RELIEF FOR THE MISSISSIPPI RIVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Kentucky (Mr. WHITFIELD) for 30 minutes.

Mr. WHITFIELD. We all recognize that in this country we recently had a national election. We have a lot of new Members of the House of Representatives. We have new United States Senators. President Obama and Vice President BIDEN are back in their offices. We've had new officeholders elected in many State and local communities as well. And while we have a lot of change in the elected offices, we all know that a big part of government relates to what we would refer to as the executive branch. And that means various departments of government and agencies within those departments of government. And those people work very hard. They're committed to the American people. They're not elected. And many times we do not even know who they are.

Now today, I want to raise an issue that is vitally important to all of the American people because on or about December 10 the levels of water on the Mississippi River are going to be so shallow between St. Louis, Missouri, and Cairo, Illinois, and then, on top of that, because of rock pinnacles near Grand Tower and Thebes, Illinois, that river traffic may come to a halt on the Mississippi River. And that means there's going to be millions of tons of commodities that are not going to be able to be transported north and south on that river. Of course, that affects not only the recipients of those commodities and the shippers of those commodities but indirectly people who mine, make, manufacture, supply those commodities. And so this potentially can have a dramatic impact in a negative way on the economy of our country at a time when we are trying to stimulate the economy, create more jobs, and make sure that we do not throw ourselves back into a recession.

In early November, and even toward the end of October, over 15 United States Senators, around 65 Members of the House of Representatives, and 5 or 6 Governors of various States wrote letters to President Barack Obama; Major Phillip May, Regional Administrator for Region IV of the Federal Emergency Management Agency; Mr. George "Tony" Robinson, Region VI, Federal Emergency Management Agency; the Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for the Corps of Engineers; Mr. William Craig Fugate, Administrator of the Federal Emergency Management Agency; Mr.

Andrew Velasquez, Regional Administrator, Region V of the Federal Emergency Management Agency; and Ms. Beth Freeman, Regional Administrator, Region VII of the Federal Emergency Management Agency, in which we point out this impending problem.

Now I'm not the only one talking about this. Every Member of Congress along that corridor is receiving phone calls, letters, and emails. We have all sorts of groups out there very much worried about this problem needing to be solved. And it can be solved. But it appears that the Corps of Engineers has an annual operating plan. This annual operating plan determines how much water they're able to release from the Missouri River into the Mississippi River in the wintertime. And I understand that they have to have a plan. But most people in America know that when you have exceptional circumstances, you have some emergency, you have some unintended consequence, that you have to make alternative plans.

And so those Senators that I talked about, those Members of the House that I have talked about, the Governors that I have talked about, the 15 or 20 associations that I have talked about all have gone to the Corps of Engineers and asked them to change their annual plan and release some water from the upper Missouri to the Mississippi River so that we do not have to stop barge traffic on the Mississippi River. And so far, we've heard no response.

I know that there are groups that are opposed to this. There are some environmental groups that are opposed to this—and for valid reasons. And we're not asking this to be done permanently. But this is an emergency that will have dire consequences on the economy of this country, and we cannot stand for even a brief period of time to stop commerce on the Mississippi River.

Of course, there's another issue that I mentioned earlier, and that is that we have these rock pinnacles that are contributing to the problem of this shallow waterbed between Grand Tower and Thebes, Illinois. And the Corps has indicated that they're going to take some action to remove those pinnacles. And that's vitally necessary as well.

So I'm here today partly out of pure frustration. Although some people think that individual Members of Congress have a lot of power and authority—and sometimes we think that—but the truth of the matter is these decisions are being made by people at the Corps of Engineers, maybe the Secretary of the Department of Transportation, and some of these other agencies. They have the legal authority to take action here. But so far, they're unwilling to do so.

I'm here today simply to raise this issue because I don't know what else to

do. We've written letters. We've called. These associations and agencies of other governments, State and local, have written letters, have called. We've done everything we can do. We've asked the President to take action. We've asked the Corps of Engineers to take action. And we understand that it's not anyone's personal fault.

□ 1420

This is caused by a drought of unusual proportion. When you think about traffic—all traffic on the Mississippi River in that region between St. Louis and Cairo—coming to a halt, it's going to have a dramatic, negative impact on everyone in our country.

So I simply am here today to focus attention on the issue and to once again ask the President, the Assistant Secretary of Defense, and the Corps of Engineers to take some action to work with us to resolve this problem.

With that, I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,  
Washington, DC, November 19, 2012.

Hon. JO-ELLEN DARCY,  
*Assistant Secretary of the Army, Civil Works,*  
Washington, DC.

DEAR ASSISTANT SECRETARY DARCY, It has come to our attention that commerce along the Mississippi River may soon be in jeopardy. According to industry groups, barge traffic could be severely impaired or altogether grind to a halt along the middle Mississippi River between St. Louis, MO and Cairo, IL. This has the potential to occur as soon as December 10th of this year.

The problem has arisen because of the drought and the U.S. Army Corps of Engineers' current plan to halt releases of water from the Upper Missouri River reservoirs on approximately November 22nd. We understand that the Army Corps typically reduces and eventually shuts off water flows during this time of the year in accordance with its Annual Operating Plan (AOP) for the Missouri River, but doing so now could result in such low water levels on the Mississippi River that normal barge transportation would be impossible. On November 13, flows from the Missouri river made up 61.1 percent of the Mississippi River, according to the U.S. Geological Service gage.

Ensuring that the Mississippi River is open to traffic is vital to the manufacturing and agriculture communities, and ultimately American jobs. The river system is the global gateway for American products and commodities, and its continued traffic flow is of the utmost importance.

We ask that the Corps speed up the process of removal of rock pinnacles at Grand Tower, IL and Thebes, IL. Removal of rock in this area is essential for normal barge traffic to continue within low water levels. We also ask that water flows be maintained from the Missouri River until the rock removal is finished.

An industry review of the statute, regulations and legislative and operating history demonstrates that Congress specifically intended the Missouri River reservoir system be operated to benefit downstream areas on the Mississippi River as well as the Missouri. Corps management of the Missouri reservoirs has deviated from the AOP during exceptional circumstances. The navigation community recognizes the legitimate needs of

the other users of Missouri River waters, and believes this problem can be solved without significant impact on other water claimants.

We trust that you recognize the importance of this issue to U.S. jobs and industries, and are hopeful that you will work with all parties involved in these impacted areas. Thank you for your consideration of our request.

Respectfully,

Rep. Aaron Schock (IL-18); Rep. Ed Whitfield (KY-1); Rep. Jeff Landry (LA-3); Rep. Spencer Bachus (AL-6); Rep. Erik Paulsen (MN-3); Rep. Dave Loebsack (IA-2); Rep. Elijah Cummings (MD-7); Rep. Wm Lacy Clay (MO-1); Rep. Gene Green (TX-29); Rep. Steve Cohen (TN-9); Rep. Adam Kinzinger (IL-11); Rep. Sam Graves (MO-6); Rep. Peter Roskam (IL-6); Rep. Glenn 'GT' Thompson (PA-5); Rep. Gregg Harper (MS-3); Rep. Bobby Schilling (IL-17); Rep. Leonard Boswell (IA-3); Rep. Cedric Richmond (LA-2); Rep. Bennie G. Thompson (MS-2); Rep. Emanuel Cleaver, IL (MO-5); Rep. Terri A. Sewell (AL-7); Rep. Jerry Costello (IL-12); Rep. Mo Brooks (AL-5); Rep. John Shimkus (IL-19); Rep. Tim Murphy (PA-18); Rep. Timothy V. Johnson (IL-15); Rep. Steve Scalise (LA-1); Rep. Tim Griffin (AR-2); Rep. Danny K. Davis (IL-7); Rep. Bruce Braley (IA-1); Rep. Dan Lipinski (IL-3); Rep. Jim Cooper (TN-5); Rep. Mark Critz (PA-12); Rep. Bobby L. Rush (IL-1); Rep. Tim Walberg (MI-7); Rep. Robert J. Dold (IL-10); Rep. Rodney Alexander (LA-5); Rep. Rick Crawford (AR-1); Rep. Steven M. Palazzo (MS-4); Rep. Billy Long (MO-7); Rep. Blaine Luetkemeyer (MO-9); Rep. Jo Ann Emerson (MO-8); Rep. Randy Hultgren (IL-14); Rep. Tom Latham (IA-4); Rep. Alan Nunnelee (MS-1); Rep. Todd Akin (MO-2); Rep. Mike Ross (AR-4); Rep. Charles W. Boustany, Jr., MD (LA-7); Rep. Vicky Hartzler (MO-4); Rep. Brett Guthrie (KY-2); Rep. Steve Stivers (OH-15); Rep. Marsha Blackburn (TN-7); Rep. Bill Cassidy, MD (LA-6); Rep. Stephen Fincher (TN-8); Rep. Collin Peterson (MN-7); Rep. Dan Burton (IN-5); Rep. John Kline (MN-2); Rep. Don Manzullo (IL-16); Rep. Judy Biggert (IL-13); Rep. Diane Black (TN-6); Rep. Jason Altmire (PA-4); Rep. Russ Carnahan (MO-3).

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Ms. EDWARDS (at the request of Ms. PELOSI) for today on account of a family funeral.

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of attending an event with the President in Pennsylvania.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today on account of a funeral in the district.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title,

which was thereupon signed by the Speaker:

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

#### ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, December 3, 2012, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8514. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8515. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revised Policy on Managing the Duration of Remedial Design/Remedial Action Negotiations received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8516. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons; Regulatory Guide 1.90, Revision 2 received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8517. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2012 Annual Report on the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Affairs.

8518. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2011 to September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8519. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8520. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2012 Annual Perform-

ance and Accountability Report; to the Committee on Oversight and Government Reform.

8521. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2012, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8522. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's fourth annual report on activities regarding civil rights era homicides, as required by the Emmett Till Unsolved Civil Rights Crimes Act of 2007; to the Committee on the Judiciary.

8523. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the third quarter of fiscal year 2012 April 1, 2012 — June 30, 2012; to the Committee on the Judiciary.

8524. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the third quarter of fiscal year 2012 April 1, 2012 — June 30, 2012; to the Committee on the Judiciary.

8525. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — Civil Monetary Penalty Inflation Adjustment Rule [Docket No.: EP 716] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bostock 50th Anniversary Fireworks, Long Island Sound; Manursing Island, NY [Docket Number: USCG-2012-0385] (RIN: 1625-AA00) received November 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8527. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30859; Amdt. No. 502] received November 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8528. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2013 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8047-N] (RIN: 0938-AR15) received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8529. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2013 [CMS-8064-N] (RIN: 0938-AR14) received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8530. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Amounts Paid to Section 170(c) Organizations under Certain Employer Leave-Based Donation Programs to Aid Victims of Hurricane Sandy [Notice 2012-69] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8531. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2013 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2012-67] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8532. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2012 on the Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

8533. A letter from the Program Manager, Internal Revenue Service, transmitting the Service's "Major" final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2013 [CMS-8048-N] (RIN: 0938-AR16) received November 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4053. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending; with an amendment (Rept. 112-698). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Energy and Commerce, Transportation and Infrastructure, Foreign Affairs, Intelligence (Permanent Select), and Science, Space, and Technology discharged from further consideration. H.R. 2356 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than December 14, 2012.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than December 14, 2012.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOWDY (for himself, Mr. SCOTT of Virginia, Mr. SMITH of Texas, and Mr. CONYERS):

H.R. 6620. A bill to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of

former Presidents; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 6621. A bill to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6622. A bill to permit Federal officers to remove cases involving crimes of violence to Federal court; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 6623. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. RUSH:

H.R. 6624. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules regulating inmate telephone service rates; to the Committee on Energy and Commerce.

By Mr. MCKINLEY (for himself, Mr. RAHALL, Mr. UPTON, Mr. PETERSON, Mr. WHITFIELD, Mr. HOLDEN, Mr. BARTON of Texas, Mr. SHIMKUS, and Mr. JOHNSON of Ohio):

H. Con. Res. 142. Concurrent resolution expressing the opposition of Congress to Federal efforts to establish a carbon tax on fuels for electricity and transportation; to the Committee on Ways and Means.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOWDY:

H.R. 6620.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SMITH of Texas:

H.R. 6621.

Congress has the power to enact this legislation pursuant to the following:

clause 8 of section 8 of Article I of the Constitution.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6622.

Congress has the power to enact this legislation pursuant to the following:

The Officer Safety Act of 2012 is based upon the Commerce Clause of Article 1 Section 8 of the United States Constitution.

By Mr. HARRIS:

H.R. 6623.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution of the United States.

By Mr. RUSH:

H.R. 6624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 "The Congress shall have Power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 273: Mr. DUFFY.  
H.R. 1030: Mr. PERLMUTTER.  
H.R. 1265: Ms. GRANGER.  
H.R. 1418: Mr. PAYNE.  
H.R. 1523: Ms. DEGETTE.  
H.R. 1546: Mr. LONG and Mr. ENGEL.

H.R. 1623: Mr. HINOJOSA.

H.R. 1968: Mr. RAHALL.

H.R. 2052: Mr. CARTER.

H.R. 2082: Mr. MCGOVERN.

H.R. 2505: Mr. GENE GREEN of Texas.

H.R. 2697: Mrs. BLACK.

H.R. 3125: Ms. HAHN.

H.R. 3359: Ms. WOOLSEY, Mrs. NAPOLITANO, and Ms. NORTON.

H.R. 4100: Mr. WAXMAN.

H.R. 4122: Mr. MICHAUD.

H.R. 4209: Mr. McDERMOTT.

H.R. 4373: Mr. POE of Texas and Mr. ENGEL.

H.R. 5817: Mr. NUGENT.

H.R. 5822: Mr. WILSON of South Carolina and Mr. CHAFFETZ.

H.R. 5871: Mr. ELLISON.

H.R. 6021: Mr. ELLISON.

H.R. 6038: Mr. RANGEL.

H.R. 6107: Mr. KISSELL, Mrs. NAPOLITANO, and Mr. WALZ of Minnesota.

H.R. 6263: Ms. HIRONO.

H.R. 6416: Mr. CICILLINE.

H.R. 6421: Mr. PETERS.

H.R. 6443: Mr. MILLER of Florida.

H.R. 6490: Mr. HALL, Mr. SENSENBRENNER, Mr. MCKEON, Mr. HANNA, and Mr. LANGEVIN.

H.R. 6494: Mr. FITZPATRICK.

H.R. 6527: Mrs. NAPOLITANO.

H.R. 6528: Mr. ELLISON.

H.R. 6575: Mr. BRALEY of Iowa, Mr. HUELSKAMP, Mrs. BLACKBURN, and Mr. ADERHOLT.

H.R. 6582: Mr. GRAVES of Missouri, Mr. RUPPERSBERGER, Mr. KIND, and Mr. BRALEY of Iowa.

H.R. 6612: Mr. HALL.

H.R. 6613: Mr. ACKERMAN.

H. Res. 312: Ms. LEE of California.

H. Res. 736: Mr. OLVER, Mr. STARK, and Mr. NEAL.

H. Res. 760: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Ms. MOORE, Mr. LARSON of Connecticut, and Mr. BISHOP of New York.

H. Res. 776: Mr. CARSON of Indiana.

H. Res. 820: Mr. ALEXANDER.



## SENATE—Friday, November 30, 2012

The Senate met at 9:15 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are the source of life and peace. Holy is Your Name forever. We know it is You who turns our hearts toward thoughts of unity. Use Your power to transform our lives.

Lord, as our Senators face the challenges of today and tomorrow, give them a faith that will not shrink, though threats by many a foe. May they refuse to tremble on the brink of any earthly woe, believing that all things are possible to those who harness faith's power. Give them an understanding that puts an end to strife, mercy that quenches animosity, and forgiveness that overcomes vengeance. Help them, Lord, to press on in the battle for truth, righteousness, and justice.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Defense Authorization Act. There will be four rollcall votes at 9:30 a.m.

### ORDER OF PROCEDURE

I ask unanimous consent that all votes after the first vote be 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### BIPARTISANSHIP

Mr. REID. Mr. President, this week something rare occurred here in the Senate: We debated a bill under regular order. No filibusters were mounted, no cloture motions were filed on the motion to proceed. That is certainly a rare occasion. For that reason we have had ample time to debate and consider amendments. This is how the process should work.

Typically, over the last few years we have spent weeks running out the clock on endless procedural motions rather than debating important legislation. It is no wonder the Senate rarely accomplishes anything when it takes more than a week to have a vote even to begin a bill; that is, whether we even take up a bill, start debate on a bill.

I would note, however, that even in this case, and this is an important piece of legislation, the Defense authorization bill—I did not have to file cloture to get to the bill, but we spent weeks going back and forth to get this bill to the floor. Even though the bill managers are working mightily to make regular order work, a number of Senators have advanced nonrelevant amendments, threatening to derail the process. More than 360 amendments have been filed to this bill, many of them nonrelevant. I understand there is a lot of pent-up feelings about: Why have I not been able to offer amendments the last couple of years? Well, because we have not gotten on bills, and when we do, nothing much happens because of the problems that have developed.

A number of my colleagues, especially this past week, both Democrats and Republicans, have come to me asking for a better path forward in this body, this legislative body we so love. They want the Senate to function again in the manner the Founders envisioned. They want to see us debate legislation, consider relevant amendments, and then vote up or down on the matters before this body. Senators

want to see us conclude legislation, pass or fail. Let's decide what we are going to do, not avoid doing something. They do not want to see more good bills filibustered to death without ever even getting a real vote. If a bill is worth bringing to the floor of this body, the Senate, it should get to the floor so we can start the debate.

One reason we have been able to work with 50, 60 amendments on this bill—actually that are disposed of—is because we did not have to waste time for more than a week on a motion to proceed to get to it. So I repeat, if a bill is worth bringing to the floor of this body, it should get to the floor quickly. It deserves an up-or-down vote once we go on it.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl amendment No. 3123, to require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters.

Menendez amendment No. 3232, to enhance sanctions imposed with respect to Iran.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to take a couple of minutes this morning to discuss Senator SESSIONS' amendment which we will be voting on shortly, amendment No. 3009, which I cosponsor, and explain my views on why this amendment is important in terms of the balance this body traditionally and historically should have with the executive branch of our government.

There are two clarifications in this amendment that I believe are important in terms of how we develop long-term relationships, security relationships, with other countries. The first is

that, as we know, recently the President of the United States entered into what they have termed an “enduring strategic partnership agreement” between the United States and the Islamic Republic of Afghanistan which proposes to establish an enduring strategic partnership. This has been done without the consent of the Congress. It has been justified based on the authority of the President to use force in order to respond to these incidents that began on 9/11.

I believe it is important for us as a body to make the distinction that the authorization for the use of military force does not in and of itself authorize the executive branch to enter into long-term security agreements with another country that can affect the number of forces that are there. It can affect a broad range of governmental issues that are far beyond the use of force in terms of dealing with international terrorism.

This is true in our history. It is actually true in the way these other countries—Iraq and now Afghanistan—have been dealing with the same documents. I can recall during the previous administration when they signed a strategic framework agreement, and then we began working on the status of forces agreement with Iraq. I called at that time for this agreement, the strategic framework agreement, which is a long-term relationship proposed between the United States and Iraq, to be submitted to the Congress for review. I actually had to go into one of these rooms where you close the door as if you were reading a top-secret document even to examine the strategic framework agreement, which was not classified and which the Iraqi Parliament voted on twice. We did not even get to vote on it. I do not think that is the way our system of government should be working.

We are seeing the same situation here with Afghanistan. We should not be entering into a long-term security relationship with Afghanistan purely at the discretion of the executive branch. The Congress should have a part to play in this. That is the second point. The question is, What should the role of Congress be? I think that is what has paralyzed us as a body for the 6 years I have been here in the Senate.

This is not a treaty. This would not be a treaty, so we would not have to go through the entire consent process of a treaty, which could paralyze our foreign policy. The Presiding Officer and I both have worked for several years here now trying to get the Law of the Sea Treaty into place. It has been bouncing around for decades. But it should be more than what they call “consultation.” Every time we talk to the executive branch—and I am a former member of the executive branch. I spent 4 years in the Pentagon in the Reagan administration. They

say they have “consulted,” and the definition of the “consultation” could be the Secretary of State calling the chairman of the Foreign Relations Committee or the Secretary of Defense calling the chairman of the Armed Services Committee or coming over for a meeting. That is not the level of discussion and involvement the Congress should have when we are talking about long-term commitments with countries such as Afghanistan and Iraq.

This amendment is not Draconian. It is very sensible. It basically says that in the situation where we have entered into this proposed relationship with Afghanistan, the key committees over here in the Congress should have 30 days to review the documents before they are put into play. There is no great urgency in terms of when these documents are implemented. It is the same courtesy—it is not actually as far as what the Afghan Parliament is going to be able to do on the other side. For that reason, I commend the Senator from Alabama for having decided to come forward with this amendment. It has my support.

I yield the floor.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I call up amendment No. 3009, as modified, and ask for its consideration.

Mr. LEVIN. Mr. President, we would need to see the modification before it is accepted.

Mr. SESSIONS. I believe it is at the desk.

Mr. LEVIN. We would have to reserve the right—if you could call up the amendment and then hold off on any modification until we can see it.

AMENDMENT NO. 3009

Mr. SESSIONS. Mr. President, I call up amendment No. 3009 and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3009.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for congressional review of any bilateral security agreement with Afghanistan)

At the end of subtitle B of title XII, add the following:

**SEC. 1221. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107-40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the “Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan”, which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Mr. SESSIONS. Mr. President, I would like just like to say that this

amendment arose after Senator WEBB expressed concerns at one of our Armed Services Committee hearing fundamentally that Iraq and Afghanistan are voting in their parliaments on the force of status agreements, and we are not even seeing the agreement here, so I appreciate his leadership and am glad to work with him on this piece of legislation. I think his work moves us in the right direction.

We will talk with Chairman LEVIN to see where we are.

I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I couldn't miss the opportunity to express our appreciation for the services of Senator WEBB. As all of us know, but it doesn't hurt to be reminded, he is a Vietnam veteran, one of the most highly decorated veterans in the entire war, a combat leader of men in fierce combat. He served the country in a number of different ways and in this Senate. Actually his book, *Fields of Fire*, remains the premier novel on the Vietnam War and is the most studied novel in colleges to this day about the war in Vietnam.

So, at any rate, I just wanted to share those remarks while we had a minute here and express my appreciation to Senator WEBB for his service to the country and to the Senate.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, on these amendments of Senator SESSIONS and Senator WEBB—and, by the way, I thoroughly and totally join Senator SESSIONS in his comments about Senator WEBB. I think he spoke for the entire body when he made those comments.

We had agreed that we would do the following: There are a number of changes which need to be made in this amendment which the sponsors have agreed to. There are some additional concerns about this amendment, which we believe we can take care of in conference. So the suggestion was made to Senator SESSIONS and Senator WEBB that we voice vote this at this time, and we address some of those concerns and modifications in conference, and I would suggest that we do that at this time.

The ACTING PRESIDENT pro tempore. Is there further debate on the

amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3009) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I think the order is that we now proceed to consideration of the Cardin amendment.

AMENDMENT NO. 3025

Mr. CARDIN. Mr. Chairman, I call up amendment No. 3025.

The ACTING PRESIDENT pro tempore. The clerk will report:

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 3025.

Mr. CARDIN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

(Purpose: To ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense)

Strike section 341 and insert the following:

**SEC. 341. CIVILIAN AND CONTRACT SERVICES WORKFORCE BALANCE.**

(a) IN GENERAL.—The Secretary of Defense shall, consistent with the requirements of sections 129 and 129a of title 10, United States Code, ensure that the civilian and contract services workforces of the Department of Defense are sufficiently sized, taking into account military strategy requirements and military end-strength.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the sufficiency of sizing of the civilian and contract services workforces of the Department of Defense. The report shall assess whether the sizing is consistent with workforce management and sourcing laws, including sections 129 and 129a of title 10, United States Code.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided and controlled on amendment No. 3025 offered by the Senator from Maryland.

Mr. CARDIN. Mr. President, this amendment would eliminate an arbitrary cap on the civilian and contractual workforce. The administration supports this amendment. Without this amendment being adopted, the Department said it will need to significantly divest workload and impose workforce caps.

The amount of civilian and contractual workforce should be determined by mission, by workload and by budget, as the law provides. This arbitrary cap would be like a second sequestration type of cap on the civilian and contractual workforce.

My cosponsors include Senators AKAKA, MIKULSKI, BEGICH, DURBIN, BROWN of Ohio, MCCASKILL, HARKIN, BOXER, LEAHY, and TESTER.

I urge my colleagues to approve the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this was unanimously approved by the committee. There is a provision in there that would simply require the Department to plan to reduce funding for civilian and contractor personnel by approximately 5 percent, which would be less reduction than what is contemplated from the military side.

Right now, the President's budget, not counting sequester, would reduce military personnel by 123,900 men and women serving in the military or 5.5 percent over 5 years.

Since 2001, the civilian personnel in the Department of Defense has increased by 100,000, a 16 percent increase and a 37 percent increase in civilian pay costs.

The Department of Defense continues to be top heavy with headquarters. The Office of the Secretary will grow by 25 percent from 2001 to 2017.

Look, we all know that the Department of Defense is being downsized, so there has to be, obviously, a commensurate reduction in civilians, which is actually less than what is actually contemplated in the military.

This was unanimously reported, and I have had conversations with the Secretary of Defense, who agrees that we need to reduce the civilian personnel as well as the uniformed personnel.

I urge my colleagues to reject this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that I be allowed to proceed for 10 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I oppose this amendment. We are cutting military end strength by 5 percent over the next 5 years. In this budget situation, we have no choice but to cut the Defense Department civilian employee and contractor workforces as well. This gives flexibility to the Department of Defense when and where to make the cuts.

We have got to make some reductions in the defense budget. This does it in a way which is flexible and necessary, so I too oppose the amendment.

Mr. CARDIN. Mr. Chairman, how much time remains?

The ACTING PRESIDENT pro tempore. There are 16 seconds remaining.

Mr. CARDIN. Mr. President, let me just point out the civilian workforce is going to be cut. According to the House Armed Services Committee, over 10,000 positions will be eliminated in FY12 alone.

The House bill does not contain this provision. This provision imposes an effective cap on civilian and contractual workers.

Mr. MCCAIN. Regular order here.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Under the previous order, the question is on agreeing to the amendment of the Senator from Maryland, Mr. CARDIN.

Mr. MCCAIN. I ask unanimous consent that the Senator from Maryland be given an additional 3 minutes, if he so desires.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I will not take 3 minutes.

The point I am bringing up is that what this would do is impose an additional cap on civilian and contractual. They are already controlled by law. The law says by mission and budget. That is what it should be. The administration supports this amendment, and I would urge my colleagues to approve it.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland, Mr. CARDIN.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 214 Leg.]

#### YEAS—41

|            |             |            |
|------------|-------------|------------|
| Akaka      | Inouye      | Pryor      |
| Begich     | Kerry       | Reed       |
| Blumenthal | Landrieu    | Reid       |
| Boxer      | Lautenberg  | Sanders    |
| Brown (OH) | Leahy       | Schumer    |
| Cantwell   | Lieberman   | Shaheen    |
| Cardin     | McCaskill   | Snowe      |
| Casey      | Menendez    | Stabenow   |
| Coons      | Merkley     | Tester     |
| Durbin     | Mikulski    | Udall (CO) |
| Franken    | Murkowski   | Udall (NM) |
| Gillibrand | Murray      | Warner     |
| Hagan      | Nelson (NE) | Webb       |
| Harkin     | Nelson (FL) |            |

#### NAYS—53

|          |        |          |
|----------|--------|----------|
| Ayotte   | Baucus | Bingaman |
| Barrasso | Bennet | Blunt    |

|            |              |            |
|------------|--------------|------------|
| Boozman    | Graham       | McCain     |
| Brown (MA) | Grassley     | McConnell  |
| Burr       | Hoever       | Moran      |
| Carper     | Hutchison    | Paul       |
| Chambliss  | Inhofe       | Portman    |
| Coats      | Isakson      | Risch      |
| Coburn     | Johanns      | Roberts    |
| Cochran    | Johnson (SD) | Rubio      |
| Collins    | Johnson (WI) | Sessions   |
| Conrad     | Klobuchar    | Shelby     |
| Corker     | Kohl         | Thune      |
| Cornyn     | Kyl          | Toomey     |
| Crapo      | Lee          | Vitter     |
| DeMint     | Levin        | Whitehouse |
| Enzi       | Lugar        | Wicker     |
| Feinstein  | Manchin      |            |

#### NOT VOTING—6

|           |        |             |
|-----------|--------|-------------|
| Alexander | Heller | Rockefeller |
| Hatch     | Kirk   | Wyden       |

The amendment (No. 3025) was rejected.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is now going to be a 2-minute debate on the Menendez amendment on Iran sanctions.

What Senator MCCAIN and I asked for last night, and we again ask for now, is that the Members let us know which amendments they believe need to be voted on if a rollcall vote and a debate is necessary because we are going to attempt to put together a unanimous consent agreement which will lay out the amendments that would be voted on before cloture next Monday.

It was our expectation by the end of the day that cloture was going to be filed by the leader. We can try to avoid that problem if we can work out a finite list of amendments to put in a unanimous consent agreement so we can work toward the final completion of this bill.

So I urge Members during this period to work with our staffs and let them know what amendments they believe must be disposed of prior to the end of this bill.

#### AMENDMENT NO. 3232

The ACTING PRESIDENT pro tempore. Under the previous order there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3232 offered by the Senator from New Jersey, Mr. MENENDEZ.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator MENENDEZ and Senator KIRK for this very important action of tightening sanctions on Iran.

The centrifuges are still spinning in Tehran, and we have enacted strong sanctions. They have had some effect, but we have not had sufficient effect.

I thank Senator MENENDEZ and Senator KIRK for this language in this amendment. I will not go through a list of all the actions that will be taken against Iran, but the screws need to be tightened. This is an important act,

and it can—I emphasize, can—lead to a way to prevent a conflagration in the Middle East.

I thank Senator MENENDEZ for his leadership, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank Senator MCCAIN for his support and his words, and the chairman for his help in getting us here. This is a bipartisan amendment that is vital to U.S. national security and regional stability in the Middle East.

Our most recent sanctions that we passed a year ago 100 to 0 are working toward crippling Iran's economy, but Iran hasn't quit trying. That is why we need to go further with this amendment and apply additional sanctions to Iran's energy, port, shipping, shipbuilding sectors that support their nuclear program, and the sales of certain commodities that support those sectors.

Just this week the IAEA said Iran has not slowed down its enrichment activities. They continue to deny access for inspection of facilities, and they have actually conducted live tests of conventional explosives that could be used to detonate a nuclear weapon. We must make clear to the Iranians that toughing out and waiting out is not an option; that it will only get worse. And I hope we have, on behalf of Senator KIRK, myself, Senators LIEBERMAN and CASEY, and many other colleagues, the strong bipartisan vote we had last year.

#### SANCTIONS CREDIBILITY

Mr. JOHNSON of South Dakota. Mr. President, in August, Congress passed and the President signed into law the Iran Threat Reduction and Syria Human Rights Act of 2012. This measure, coupled with CISADA and last year's powerful Iran Central Bank legislation authored by Senators MENENDEZ and KIRK, have helped dramatically to increase pressure on the Iranian government to halt its illicit nuclear activities. Iran's petroleum exports have dropped by more than half this year, producing losses of over \$100 million each day to Iran's economy. Even so, Iran continues to press forward aggressively with its enrichment program and to suppress the rights of its citizens.

The bipartisan amendment proposed by Senators MENENDEZ and KIRK to the 2013 National Defense Authorization Act will further tighten sanctions on Iran and increase the economic pressure on its leaders. I have worked closely with Senator MENENDEZ and respect his fierce commitment to this issue, and to giving the administration all of the tools it needs to deal with Iran. I support the amendment. Our sanctions laws have become increasingly complex, however, and to assure that the new provisions can be effectively implemented, I hope we can

work with officials in the Departments of State and Treasury to continue to refine these provisions as the bill moves to conference. This is a complex area of the law, and we need to have a sure hand as we go forward toward conference, drawing clear lines and avoiding any unintended consequences that might undermine the credibility of the overall sanctions regime.

Mr. MENENDEZ. I welcome my colleague's support, and I agree to work with him to refine the new sanctions provisions contained in this amendment to make them as workable and effective as possible as the bill moves forward.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent for 30 seconds on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. I strongly support this amendment. It will continue to tighten sanctions on Iran and to bring into strong participation the international community.

This amendment is a continuing effort. The administration has made major efforts. I commend them for it. But this will add great strength to the existing sanctions which are essential to force Iran to comply with the international community.

The administration has raised concerns—we know that—about some provisions of this amendment. They have indicated that the amendment does not give them sufficient waiver flexibility. The Banking Committee has raised some issues, and we will try to address, if we can, in an appropriate way some of these concerns in conference. But I strongly support this amendment and hope it gets the unanimous support or near unanimous support in this body.

The ACTING PRESIDENT pro tempore. Under the previous order, the question occurs on amendment No. 3232.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Nevada (Mr. HELLER), the Senator from Utah (Mr. HATCH), and the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEX-

ANDER) would have voted "yea," and the Senator from Nevada (Mr. HELLER) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—94

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Franken      | Moran       |
| Ayotte     | Gillibrand   | Murkowski   |
| Barrasso   | Graham       | Murray      |
| Baucus     | Grassley     | Nelson (NE) |
| Begich     | Hagan        | Nelson (FL) |
| Bennet     | Harkin       | Paul        |
| Bingaman   | Hoeven       | Portman     |
| Blumenthal | Hutchison    | Pryor       |
| Blunt      | Inhofe       | Reed        |
| Boozman    | Inouye       | Reid        |
| Boxer      | Isakson      | Risch       |
| Brown (MA) | Johanns      | Roberts     |
| Brown (OH) | Johnson (SD) | Rubio       |
| Burr       | Johnson (WI) | Sanders     |
| Cantwell   | Kerry        | Schumer     |
| Cardin     | Klobuchar    | Sessions    |
| Carper     | Kohl         | Shahen      |
| Casey      | Kyl          | Shelby      |
| Chambliss  | Landrieu     | Snowe       |
| Coats      | Lautenberg   | Stabenow    |
| Coburn     | Leahy        | Tester      |
| Cochran    | Lee          | Thune       |
| Collins    | Levin        | Toomey      |
| Conrad     | Lieberman    | Udall (CO)  |
| Coons      | Lugar        | Udall (NM)  |
| Corker     | Manchin      | Vitter      |
| Cornyn     | McCain       | Warner      |
| Crapo      | McCaskill    | Webb        |
| DeMint     | McConnell    | Whitehouse  |
| Durbin     | Menendez     | Wicker      |
| Enzi       | Merkley      |             |
| Feinstein  | Mikulski     |             |

NOT VOTING—6

|           |        |             |
|-----------|--------|-------------|
| Alexander | Heller | Rockefeller |
| Hatch     | Kirk   | Wyden       |

The amendment (No. 3232) was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, we are fortunate to have two of the most seasoned veterans managing this bill. They understand the legislation. They have worked together for a quarter of a century on this. No one knows this subject matter better than these two managers.

Having said that, they are now going to put their experience to a test because they are going to come up with a finite list. People have wanted to start legislating the way we have legislated. That is what we are doing here. As I mentioned this morning, we have almost 400 amendments that have been filed on this bill, but that is not unusual. People have a pent-up desire to offer amendments and we all understand that. But from that list, these two managers are going to cull a number of amendments to come up with a finite list; that is, a list of amendments that should be disposed of.

They are going to do that by unanimous consent, and I hope everyone will cooperate. They will be as fair as they can to Democrats and Republicans. People should look at the list. If they don't like it, then they should talk to one of the managers, but that is the way it is. There will be no more votes

after the next one, but by noon today there will be a determination as to whether there will be further activity on this legislation.

We have a vote that is now going to be announced by the Chair in a minute. I hope everybody understands we have made great progress on this bill. This legislation has passed 51 consecutive years. This will be the 52nd year we have passed this bill. It would be untoward and not good for our fighting men and women not to pass this legislation. Once we pass it, we can't spend a lot more time on it. This is a massive bill. It has to go to conference with the House. The two managers and the conferees have to work something out so we will have a final product before the end of the year.

Mr. LEVIN. Would the leader yield?

Mr. REID. I would be happy to yield.

Mr. LEVIN. In addition to putting together a finite list, which would be the amendments which would apparently require rollcall votes, we will continue to try to clear amendments which can be cleared on both sides. It is the amendments which we believe would require rollcall votes in order for us to proceed that we are going to put on a finite list. So don't give up on amendments just because they are not on the list. If we indicate to our colleagues that we have a reasonable chance of clearing those amendments today or Monday, we would add those to the possibilities.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, I hope our colleagues understand we are either going to do this finite list or we will have cloture and nonrelevant amendments will automatically fall. I hope everybody understands this is one of two options, and it seems to me if we agree on a finite list, we can then have a better chance for amendments to be considered.

I wish to thank the majority leader and all our colleagues for their patience throughout this very difficult process. I hope, in the interests of achieving the objective of passing this legislation, we will allow the amendments that are relevant and debate and votes.

Mr. REID. Finally, I ask all Senators to know that word "cloture" did not purse my lips.

Mr. LEVIN. Would all Senators please note—I wish to thank the leader for this—he used the word, referring to Senator MCCAIN and me, as "seasoned" Senators rather than older Senators. Thank you.

AMENDMENT NO. 3073

The ACTING PRESIDENT pro tempore. The next amendment to be offered is amendment No. 3073.

The Senator from Florida.

Mr. NELSON of Florida. I call up amendment No. 3073.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:  
The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3073.

Mr. NELSON of Florida. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

**SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and  
(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);  
(ii) by striking subsection (k); and  
(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and  
(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1).” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1).”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary

of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3073.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I can explain this in 60 seconds. This is the widows and orphans offset. It is a moral issue because under the Veterans' Administration, someone who dies service connected gets compensation of about \$1,100 a month for their widow. At the same time, many of those people have a life insurance contract, an annuity, called a survivor benefit plan. It pays equally the same amount. Current law offsets the two.

The Senate has passed this six times in the last decade, and we have whittled away at that offset in conference, but the major part of the offset is still there. That is the essence for the widows and orphans.

We have seen the movie “Lincoln.” Remember what Lincoln said in his second inaugural address; that the cost of war is borne not only by those who fight but by their widows and orphans.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Tennessee.

Mr. CORKER. Mr. President, I strongly support the policy Senator NELSON has laid out. As a matter of fact, I have voted for it every single time he has brought it to the floor, and I thank him for pointing out this problem that exists.

However, circumstances are different this time. We are all operating under the Budget Control Act. The Nation is watching as we try to deal with fiscal issues that are before us. The amounts that are in the Budget Control Act are counted as it relates to dealing with our deficit and, unfortunately, this is not offset over the next decade, and that violates the budget by \$7 billion.

For that reason, the pending measure, amendment No. 3073 to S. 3254, the

National Defense Reauthorization Act, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority for outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

I encourage all of us who want to solve this problem before the year ends to vote against it. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. I move to waive and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mr. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “nay,” and the Senator from Utah (Mr. HATCH) would have voted “yea.”

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 34, as follows:

[Rollcall Vote No. 216 Leg.]

**YEAS—58**

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Gillibrand   | Nelson (NE) |
| Baucus     | Hagan        | Nelson (FL) |
| Begich     | Harkin       | Pryor       |
| Bennet     | Inouye       | Reed        |
| Bingaman   | Johnson (SD) | Reid        |
| Blumenthal | Kerry        | Rubio       |
| Blunt      | Klobuchar    | Sanders     |
| Boozman    | Kohl         | Schumer     |
| Boxer      | Landrieu     | Shaheen     |
| Brown (MA) | Lautenberg   | Snowe       |
| Brown (OH) | Leahy        | Stabenow    |
| Cantwell   | Levin        | Tester      |
| Cardin     | Lieberman    | Udall (CO)  |
| Casey      | Manchin      | Udall (NM)  |
| Collins    | McCaskill    | Warner      |
| Conrad     | Menendez     | Webb        |
| Coons      | Merkley      | Whitehouse  |
| Durbin     | Mikulski     | Wicker      |
| Feinstein  | Moran        |             |
| Franken    | Murkowski    |             |

**NAYS—34**

|           |         |              |
|-----------|---------|--------------|
| Ayotte    | Cochran | Grassley     |
| Barrasso  | Corker  | Hoeyen       |
| Burr      | Cornyn  | Inhofe       |
| Carper    | Crapo   | Isakson      |
| Chambliss | DeMint  | Johanns      |
| Coats     | Enzi    | Johnson (WI) |
| Coburn    | Graham  | Kyl          |



|           |          |        |
|-----------|----------|--------|
| Lee       | Portman  | Thune  |
| Lugar     | Risch    | Toomey |
| McCain    | Roberts  | Vitter |
| McConnell | Sessions |        |
| Paul      | Shelby   |        |

## NOT VOTING—8

|           |           |             |
|-----------|-----------|-------------|
| Alexander | Hutchison | Rockefeller |
| Hatch     | Kirk      | Wyden       |
| Heller    | Murray    |             |

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 58, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. UDALL of New Mexico. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

## AMENDMENT NO. 3123, AS MODIFIED

Mr. KYL. If the Democratic manager of the bill has nothing right at this moment, I wish to modify an amendment which is at the desk, No. 3123, and ask that the amendment be withdrawn and the Senate consider, instead, the amendment I have at the desk.

Mr. LEVIN. Would the Senator yield, because I want to make sure we are on the same track.

Mr. KYL. I yield to the Senator.

Mr. LEVIN. Is this the amendment that has been amended after discussions with Senator KERRY?

Mr. KYL. That is correct.

Mr. LEVIN. Then is it the Senator's intent to send a new amendment to the desk? Is that it?

Mr. KYL. The original amendment, No. 3123, would be withdrawn. The modification of that amendment, as written by Senator KERRY, and I believe cleared by the Senator's side, would be the modified.

Mr. LEVIN. So, in other words, it would be the same numbered amendment, as modified?

Mr. KYL. That is correct.

Mr. LEVIN. What is the intent of my friend from Arizona to do with that amendment now?

Mr. KYL. To make about a 45-second statement.

Mr. LEVIN. Then have it adopted?

Mr. KYL. Eventually, but not today.

Mr. LEVIN. Not to have it adopted at this time by voice vote?

Mr. KYL. Correct, although I would say I am not going to need a rollcall vote at the end.

Mr. LEVIN. At some point the Senator would be happy to take a voice vote on it?

Mr. KYL. Yes. This amendment is also offered by Senators LIEBERMAN, INHOFE, RISCH, LUGAR, SESSIONS, DEMINT, CORNYN, RUBIO, WICKER, AYOTTE, COLLINS, CORKER, and VITTER. I do understand it has been cleared by both sides, and I do appreciate the cooperation with Senator KERRY.

The amendment provides that the administration shall brief the appropriate committees on the dialogue between the United States and Russia on issues related to or limits on or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

I think it is in the administration's interests to consult with the Congress and keep us adequately briefed on these discussions because they could, of course, eventually lead to an agreement which might then require the advice and consent of the Senate.

I note former Senator Arthur Vandenburg first said, "If I'm going to be in on the crash landing, I want to be in on the takeoff," meaning, of course, that it is much easier for the administration to obtain our consent if they seek advice during the consultation process. I would confess this amendment was prompted by recent press stories, including one on November 8, which reported that our Ambassador to Russia, Michael McFaul said, "President Obama would like to have a serious conversation with President Putin about a further round of reductions in nuclear weapons to build on the START treaty."

I conclude that another round of negotiations or discussions with Russia concerning nuclear arms will be extremely complicated and important and is likely to concern the missile defenses as conventional long-range strike systems, about which I know I and others have serious misgivings. I think this suggests the necessity and the desirability of the kind of consultation we would be requesting of the administration prior to any agreement being reached.

I appreciate my colleagues' indulgence. At the appropriate time I will ask for approval of the amendment, as modified.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 3123), as modified, is as follows:

(Purpose: To require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems)

At the end of subtitle G of title X, add the following:

**SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.**

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.—It is the sense of the Senate

that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Let me thank Senator KYL with the way in which he has worked with Senator KERRY. It is very constructive and very important. I want to tell him how much we all appreciate that working together.

I believe Senator SHAHEEN is going to want to be recognized for up to 10 minutes to talk on an amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise to speak to a provision that is actually already in this bill, the NDAA authorization bill before us. It is a provision that would provide for reproductive health parity for women in the military.

You know, we talk a lot in this Chamber and in the Armed Services Committee about the service of our men and women in uniform. We talk about their courage in the face of our enemies, we talk about their selflessness as they continually deploy around the world, sometimes uprooting their families and sometimes leaving them behind. We talk about our responsibilities to the men and women who are serving, from the tools they will need to accomplish their missions to the support they have earned when they return home.

I am pleased, as I know we all are, about the growing recognition of the unprecedented contribution our female servicemembers are making to our national defense. There are over 214,000 women serving in our Armed Forces. They make up over 14 percent of our total Armed Forces. Women are flying our F-15 Strike Eagles, Apaches, and Black Hawks. Women are training to be Marine Corps infantry officers and working alongside our special operations units in Afghanistan. Women are an integral part of nearly all of our military operations. Earlier this year the Department of Defense opened 14,000 new positions to women.

When he was asked about the move, Secretary Panetta said, "Through their courage, sacrifice, patriotism and great skill, women have proven their ability to serve in an expanding number of roles on and off the battlefield."

The women serving in the U.S. military continue to overcome barriers and strive for new opportunities to serve their country. They have carried on the finest traditions of our military and should make us all very proud.

Yet despite their service, women in the military continue to face discrimination when it comes to reproductive health care. In the United States, women are receiving health care through Medicaid, Medicare, the Federal Employees Health Benefits Program, and the Indian Health Service, so all of the Federal health care programs. All have access to the care they need if they face pregnancy resulting from rape or incest.

Even women incarcerated in Federal prison are protected in the case of rape. Yet right now our women in the military are not granted the same access to abortion services in cases of rape or incest.

To be clear, a general ban on abortion coverage remains for millions of women who receive health care through the Federal Government. However, in nearly all cases, these bans allow for coverage if the life of the mother is in danger or if the pregnancy is the result of rape or incest. It is simply unfair that military women continue to be denied such reproductive health care.

Like so many of us in the Chamber, I was so encouraged that during this year's markup of the NDAA, a strong bipartisan majority of my colleagues on the Armed Services Committee, including Chair LEVIN and Ranking Member MCCAIN, supported providing reproductive health parity to our servicewomen.

The NDAA bill before us will finally bring the Department of Defense policy on abortion coverage in line with the policies governing the rest of the Federal Government.

Over the coming weeks, I will continue to work with my colleagues here in the Senate, many of whom are longtime champions on this issue, to ensure that this provision is included during the conference with the House and ultimately signed by the President.

In the end, this is an issue of basic equality. Women serving in our Armed Forces should be able to access the same reproductive health services as the civilians they protect. Access to care should no longer be one of the sacrifices women in the U.S. military are forced to make. Women in the military deserve the best, most comprehensive health care we can provide.

I am encouraged by the bipartisan support this provision has received thus far, and I am hopeful we will see it become law this year. It is way past time, and it is the least we can do for our female servicemembers.

Thank you very much, Mr. Chairman and the ranking member, for your support on this provision.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from New Hampshire. She is an advocate and a very active and important member of our committee.

I also would wish to thank her for arranging yesterday's event on behalf of and in memory of one of the great Members of this body, Warren Rudman. I thought it was a wonderful event, and I thank the Senator, both Senators from New Hampshire, for arranging what I think was a very fitting tribute to one of the real giants of the Senate in the New Hampshire tradition, so I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. If I could briefly reply, I very much appreciate the Senator's remarks about yesterday's reception and especially the wonderful tribute you made to Senator Rudman, who was a real giant, not just in the Senate but, of course, in New Hampshire. It was such a remarkable collection of celebrated political people from this country's history who were there yesterday to give tribute, and I so appreciate that.

Also, I so much appreciate Senator MCCAIN's support for this provision in the bill and thank the Senator for that.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, before Senator SHAHEEN leaves the floor, I want to add my thanks to her and for those words expressed by Senator MCCAIN. Senator SHAHEEN is, indeed, an extraordinary Member of this body and a great asset for us on the Armed Services Committee. I very much appreciate her work on so many issues including the one she just spoke about.

I so much regret I was unable to be at that event yesterday for Senator Rudman, because my memories of him are warm and I had very much looked forward to being there. I could not be there, but I know that Senator MCCAIN—I don't know who else spoke. I have heard rave reviews about the quality of the speeches.

Mr. MCCAIN. The Vice President of the United States also was in attendance.

Mr. LEVIN. And I understand that there was a quantity, and there was also a fairly long speech by the Vice President which delayed things on the floor by a few hours—by a few minutes, excuse me. But I hear it was a wonderful tribute. I only wish I could have been there.

Mr. MCCAIN. As my friend from Michigan knows, the Vice President of the United States is not notorious for his brevity.

Mrs. SHAHEEN. Yes, there was an interesting bet between former Secretary Cohen and the Vice President relative to who would have the shortest speech, and I think the Vice President lost that.

But I thank the Senator for his kind words, and the Senator would have loved it.

Mr. LEVIN. I didn't have to be there to know that the Vice President would

lose any bet where he is betting anyone that he will be shorter than anybody on any subject.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, 15 months ago in August, the debt ceiling of the United States was reached; that is, that we had borrowed all of the money we could lawfully borrow. A big discussion occurred and a number of things came out of it.

Finally, it was agreed to raise the debt ceiling so the government could continue to borrow. Almost 40 cents of every dollar we spend now is borrowed. It is unbelievable, but it is true. We also agreed that over 10 years, we would reduce spending by \$2.1 trillion. That is a lot of money, but compared to what we are spending, it is not so much.

For example, we were expected to spend, over the next 10 years, \$47 trillion over the—basically, \$37 trillion we would spend now if we maintain the current level, and we agreed to reduce it from 47 to 45. Spending over 10 years would grow by \$8 trillion instead of \$10 trillion, not something that would destroy the Republic, but it was a step of noticeable weight to change the debt course of America. We still remain, after that agreement, totally on an unsustainable debt course. We have more work to do.

But the point I want to make is it passed both Houses of Congress, it had the support of both leaders and the President of the United States. It didn't freeze spending in a lot of things, it didn't cut spending in a lot of things, but it did reduce the growth of spending and give us some real teeth through that on certain accounts—not all accounts.

Well, today was the third vote in recent weeks in which this Senate said: We will abide by and adhere to the agreement we reached. We will not spend more than we agreed to spend just August a year ago. This is a 10-year agreement. We promised to stay within those limits for 10 years. Yet within 15 months, a little over a year, we have now had the fifth bill on the floor of the Senate that violated that agreement. And this is the third time the Members of the Senate said: No, we are not going to keep violating that agreement.

This survivor benefit program reform is something I have favored. I worked with Senator NELSON years ago. I was a cosponsor with him of the legislation, and we have tried a lot of ways to do it. But we agreed to spending limitations. The amendment Senator NELSON offered today had a great goal, it is something I think we can figure a way to advance for sure, but there was no reduction of spending and no pay-for for this amendment. There just wasn't. At the last moment he walks in with \$7 billion—almost \$7 billion—in new

spending, none of which was paid for, in blatant, direct, total violation of the agreement we reached in August a year ago.

We had Members, Republican Members—and I appreciate Senator CARPER breaking ranks and voting to uphold the budget—who wanted to vote for this and felt bad they were not able to allow the amendment to advance, but it violates the budget. So I was proud of that. I think it is the right thing for America.

We can do this. I believe our message is being sent. We brought up a popular bill, the Sportsmen's Act, and I was for that, but it wasn't paid for or it spent more money than we agreed to in the Budget Control Act. So this amendment would have spent more money—\$7 billion more than we agreed to. We blocked the Sportsmen's Act and it was \$140 million more than we agreed to. The Senate said no, even though many of us liked what was in that bill. This was \$7 billion above what we agreed to, and even with the good cause we said we should adhere to the limits we have.

If we have new priorities that we want to fund, can't we find wasteful spending somewhere in our government? One of the dysfunctions we have, one of the reasons it is so hard to get something such as that accomplished and fund a new spending program without borrowing the money, just increasing the debt, is everybody is jealous of their account. How silly is that. We should all be focusing on the national interest. So when we say we are going to reduce this program over here and we are going to pay for the benefits for widows, people automatically say: No, you can't take my money. But it is all the taxpayers' money, isn't it? It is not this Senator's money or this committee's money, it is not this program's money. It is all the taxpayers' money.

We have been in denial. We think business as usual is going to continue, but this country has never, ever, ever been in a more systemic, dangerous position with regard to our finances. Never. We have had expert testimony on that. So we have to be honest about it. We have to do the right thing. We can't have a Senator waltz in, even with something we would wish to support, and ask us to vote for it when it adds \$7 billion above the amount we agreed to spend. I wanted to say that because it is a troubling situation for us.

One more thing. The President of the United States is the one person who speaks for America. He is now pushing and advancing an agenda that seems to me to raise taxes. But will it reduce spending? No. It seems the new taxes are to fund new spending. Well, we don't have the numbers, so I am going to be asking him to see the numbers. I am the ranking member on the Budget Committee. I want to see how much new spending they have and how much

new taxes they have, and if it is like what we have been seeing, there is a lot of flimflam. We had a budget projection that was voted down 100 percent, not a single vote. The budget he sent out earlier this year increased taxes \$1.8 trillion but increased spending \$1.4. So it didn't pay down the debt.

I hope the President will look the American people in the eye and tell them we are on an unsustainable course. I have not heard him say that. Why won't he say that? His own debt commissioner, Erskine Bowles, said we face the most predictable debt crisis in our Nation's history. Why won't the President say we can't continue on this path and we have to change? Why won't he say we need to tighten our belt across the government? This is one of the problems we have at the end of this year.

I wanted to say to my friends who may have seen this differently that those people who voted a few minutes ago to uphold the budget, not to waive the Budget Act but to stay with the budget agreement we signed, I believe were doing what they truly felt was in the best interest of America. I don't think they should be in any way accused of being hard-hearted. It is time for us to at least agree to stand by the numbers we have agreed to.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about two of my amendments to the Defense authorization bill. I will maybe at a later point speak on some of the other amendments I had filed, but I am not going to offer the amendments at this time.

I first rise to speak on the Udall-Corker amendment No. 3049. Last year I introduced S. 1798, the Open Burn Pits Registry Act with Senator CORKER. We have met with veterans and Active-duty members of the military and they have told us how important it is that we act now on this issue. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings.

This week, Senator CORKER and I submitted amendment No. 3049 to the Defense authorization bill because our veterans and Active-duty members suffering from exposure to burn pits should not have to wait any longer.

I began this work because of servicemembers such as MSgt Jesse Baca, a member of the New Mexico Air National Guard, and his wife Maria. Master Sergeant Baca was stationed in Balad, Iraq, and exposed to burn pits. Because of the burn pits he has battled cancer, chronic bronchialitis, chemical-induced asthma, brain lesions, TBI, PTSD, and numerous other ailments. He knows firsthand the suffering caused by burn pits and the need for answers.

In both Afghanistan and Iraq, open air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. Commanders had to find a way to dispose of the waste while concentrating on the important mission at hand. The solution that was chosen, however, had serious risks. Pits of waste were set on fire, sometimes using jet fuel for ignition.

For example, the air samples at Joint Base Balad turned up some nasty stuff: particulate matter, chemicals that form from the incomplete burning of coal, oil, and gas, garbage, or other organic substances, also volatile organic compounds such as acetone and benzene—benzene is known to cause leukemia—and dioxins associated with Agent Orange.

A scientific study by the American Lung Association found the following:

Emissions from burning waste contain fine particulate matter, sulfur dioxides, carbon monoxide, volatile organic compounds and various irritant gases such as nitrogen oxides that can scar the lungs.

All of this was in the air and our veterans have begun to raise the alarm.

We are forever in debt for their service so we must ask the question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them.

This amendment is supported by numerous groups, including Burn Pits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, Uniformed Services Disabled Retirees, and the National Military Family Association.

I urge the Senate to adopt this amendment so that Master Sergeant Baca and his fellow servicemembers and veterans can begin to heal.

Now I want to speak about a second amendment. This is an amendment that deals with the issue of buying American solar. This amendment is Udall No. 3150, sponsored by Senators Schumer, Bingaman, and Wyden.

Solar power increases energy security for American military installations, but we should be using Buy American-compliant solar panels. The Department of Defense is a leader on utilizing solar power, not for environmental reasons but for energy security reasons. When we use taxpayer funds to support military solar power, we need a level playing field for U.S. solar manufacturers in the contracting process. Today we have U.S. military bases with Chinese solar that violates the trade laws, but there is no U.S. solar on Chinese military bases.

The 2011 Defense authorization bill took an important step to clarify DOD's Buy American Act requirements, making sure they apply to solar. My amendment is needed to close existing loopholes in the 2011 Buy American solar requirements. It would

ensure Buy American standards apply to solar on DOD property that is used to meet DOD energy goals.

This amendment is nearly identical to the one passed on voice vote last year but dropped in conference with the House. The change from last year's amendment is a 1-year term so we can test this provision. CBO estimated the cost of this amendment as insignificant, so we know this amendment does not raise costs. The difference in price is very small. Chinese solar now has significant tariffs. Nations that are in the WTO are not discriminated against. Buy American does not bar nations that allow reciprocal access to U.S. firms. Existing exemptions, such as availability and cost, still apply. We do not expect this to harm DOD's procurement in any way.

I would once again urge the Senate, when we have the opportunity, to adopt this amendment.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, in a moment I am going to call up a list of nine amendments which have been cleared by Senator MCCAIN and myself. We expect that there will be, in perhaps an hour or so, an additional list of perhaps 15 or 20 cleared amendments. Shortly thereafter it would be our expectation to propound a unanimous consent proposal with a finite list of amendments that would be considered before final passage.

At the time we do that, we would give our colleagues perhaps 20 minutes after we read that proposed unanimous consent agreement to come to the floor, if they choose, and talk to us about it or, if they so choose, to object.

We hope that will not happen, obviously. We worked very hard with colleagues. Nonetheless, that is the procedure we are planning on following.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENTS NOS. 3052, 3075, 3133, 3182, 3183, 3233, 3236, 3248, 3283 EN BLOC

Mr. LEVIN. Mr. President, I now call up a list of nine amendments which have been cleared, as I indicated before: McCain amendment No. 3052, Whitehouse amendment No. 3075, Snowe amendment No. 3133, Sanders amendment No. 3182, Sanders amendment No. 3183, Warner amendment No. 3233, Coburn amendment No. 3236, Sanders amendment No. 3248, Rubio amendment No. 3283.

The PRESIDING OFFICER. Is there objection? Without objection the amendments are considered en bloc.

Is there further debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 3052

(Purpose: To provide a military resource plan to meet the United States Force Posture Strategy in the Asia Pacific Region)

At the end of subtitle F of title X, add the following:

#### SEC. 1064. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

##### (a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

##### (c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act,

the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

#### AMENDMENT NO. 3075

(Purpose: To express the sense of the Senate on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative)

At the end of subtitle B of title VIII, add the following:

#### SEC. 826. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211-7003 (entitled "Item Identification and Valuation") of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture

meaningful data and optimize the benefits of the Item Unique Identification Initiative.

AMENDMENT NO. 3133

(Purpose: To terminate the Federal authorization of the National Veterans Business Development Corporation)

At the end of subtitle H of title X, add the following:

**SEC. 1084. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—

(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development

Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

AMENDMENT NO. 3182

(Purpose: To require an annual report on Federal contracting fraud)

At the end of subtitle E of title VIII, add the following:

**SEC. 888. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

AMENDMENT NO. 3183

(Purpose: To require public availability of the database of senior Department officials seeking employment with defense contractors)

At the end of subtitle D of title VIII, add the following:

**SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.**

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

AMENDMENT NO. 3233

(Purpose: To promote a more efficient, responsive, and effective bilateral defense trade relationship between the United States and India)

At the end of subtitle D of title XII, add the following:

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department’s approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counterIED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

AMENDMENT NO. 3236

(Purpose: To ensure that the Deputy Chief Management Officer of the Department of Defense obtains information from the military departments and Defense Agencies necessary to conduct defense business system investment reviews)

At the end of subtitle A of title IX, add the following:

**SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of

defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

AMENDMENT NO. 3248

(Purpose: To amend the Federal renewable energy purchase requirement to include geothermal heat pumps)

At the end of subtitle B of title XXXI, add the following:

**SEC. 3122. RENEWABLE ENERGY.**

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking "geothermal," and inserting "geothermal (including geothermal heat pumps),".

AMENDMENT NO. 3283

(Purpose: To require a report on implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry)

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, there will be another hour where people will have an opportunity to come to the Senate floor and check on their amendments. We hope our colleagues will take advantage of that opportunity.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I hope our colleagues and staffs who are observing our deliberations would think seriously about their amendments and how they can be consolidated, whether they really need to be considered. We are working through large numbers of amendments. We will probably be revealing a finite list, and we hope we can satisfy all Members' concerns.

I yield.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to speak as in morning business to offer a tribute.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MICHAEL SCHWARTZ

Mr. COBURN. Mr. President, I wish to take a moment to honor a member of my staff who is not retiring but as a result of his ailment can no longer come to work on the Hill. This gentleman's name is Michael Schwartz. He has been my chief of staff for almost 15 years, beginning while I was in the House and here in the Senate as well.

A lot of people on the Hill know Michael. What they know is that he is one of the kindest, gentlest people anyone has ever met. He has been a light focused on how we do things to honor other people.

Michael has been the kind of person who has always focused on others, especially those in need. He is the kind of person who doesn't pass up the homeless we all see around the Capitol but stops and tries to satisfy their need. He offers them money and food, but he also offers them friendship and his time. He offers them the love and dignity that comes from being reminded that we are all children of the Creator.

Mike has also been an unapologetic defender of the family and of those who cannot defend themselves, whether that be the disability community, the unborn, the infirm, or the elderly. He has reminded me and my staff and all of us that a society is truly measured in how it treats and cares for those less fortunate.

Mike is also a voracious reader and gifted leader. In a city where people stop learning when they gain power, Mike has shown that the closer one gets to power, the more one needs to humble oneself and learn new things. He has been mentoring staff and others for years on the Hill in both reading groups and Bible studies, where he has shared his wisdom, his faith, and his heart.

As many in the Senate know, Mike has ALS, Lou Gehrig's disease. For weeks, he has been battling—actually months—to continue to fulfill his responsibilities here when most of us would have said: It is too difficult, I can't do it. He has overcome challenges that most of us can scarcely imagine. He has done so with grace, humility, and an unbelievable level of courage. Through all this, we have watched him inspire everybody on my team with both his spirit and his tenacity.

In these difficult circumstances, Mike has been an extraordinary servant and faithful leader. He is still the guy who cares more about other people than himself. The kindness he has shown to everyone he has encountered, whether to a homeless person on the street or a leading Senator in the halls, he has reminded our team and me that we are all equal regardless of position in the eyes of God.

Let me close with a passage from 2 Corinthians that reminds me so very much of Mike.

It is written: "I believed; therefore I have spoken." Since we have that same spirit of faith, we also believe and therefore speak because we know that the one who raised the Lord Jesus from the dead will also raise us with Jesus and present us with you to himself. All this is for your benefit, so that the grace that is reaching more and more people—

That wonderful word "grace," too often a shortage in Washington, that Mike so well displays—

may cause thanksgiving to overflow to the glory of God. Therefore, we do not lose heart.

Mike, don't lose heart.

Though outwardly we are wasting away, yet inwardly we are being renewed day by day. For our light and momentary troubles are achieving for us an eternal glory that far outweighs them all. So we fix our eyes not on what is seen, but on what is unseen, since what is seen is temporary, but what is unseen is eternal.

In a place preoccupied by titles and position and power, Mike has shown everyone by his life and his deeds and his words that things that are unseen are the things that matter. He has shown us what it means to run the race and finish it strongly. Well done, good and faithful servant.

My hope is that God will bless Mike and Roseanne, their children and grandchildren, as he closes this chapter of his life on the Hill. He will still be doing projects for us because his intellect, his insight, and his knowledge are what we cannot bear to do without. So it has been my privilege over the last 15 years to be modeled and mentored by my chief of staff.

Mike, we love you. God bless you.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, the bill we have before us, the Defense authorization bill, we all recognize as a pretty special bill. Every year for the past 51 years Congress has sent to the President a Defense authorization bill which has been bipartisan in nature. Based upon the progress we have seen



in this Chamber for these past several days, it appears this year will not be an exception.

I deeply appreciate the strong leadership of our colleagues, the Senator from Michigan and the Senator from Arizona, in managing this bill. They have put in countless hours and have worked to wade through nearly 400 amendments that Members have filed with respect to this bill. Not only the chairman and ranking member and their leadership, but their staffs have worked incredibly hard. So I am pleased with where we are.

I think the Chair probably knows I am one of those Members who doesn't have a tendency to pile on or add multiple amendments to this measure or to many measures, but on this bill I have broken with that practice by filing 10 amendments. Six of these amendments relate to frustrations I have experienced in responding to force structure changes that were announced by the Air Force this last February. I think we recognize that force structure changes can be a euphemism for realignments, and realignments are usually reserved for a BRAC round. But faced with the need to meet rigid fiscal year 2013 budget objectives, the Air Force didn't wait for a BRAC round and, instead, proposed a series of backdoor BRACs.

Most of these changes affected the Air National Guard and the Air Force Reserves. One of these changes would substantially realign and stop one step short of closing an Active-Duty air base, and I am referring to Eielson Air Force Base near Fairbanks, AK.

Last February, the Air Force informed the Alaska congressional delegation that it intended to make what they call a "warm" base out of Eielson and reduce its current population of about 3,000 airmen by half. The reduction would most profoundly affect the Active-Duty population, which would be reduced by about two-thirds. It would have led to the laying off of hundreds of civilian and contractor personnel.

In the words of one prominent Fairbanks community leader:

It's the Air Force's intention to change Eielson from a base that is mission capable to a base that is mission incapable.

The Air Force somehow concluded it could pull off a move of this magnitude without ever having to face the BRAC Commission or answer to Congress. That takes a little bit of chutzpah. The Air Force knew this was not going to sit well with the community. They promptly dispatched then-Chief of Staff GEN Norton Schwartz to Alaska for a meeting with community leaders. I appreciate his presence, and I was there when he spoke to those leaders. But his message didn't leave much room for optimism.

The Air Force official pretty much insisted this was a happening thing;

that resistance was going to be futile. I have to admit it came as something as a surprise to me that the Air Force would select Eielson as the only Active-Duty base slated for a backdoor BRAC. For those who are not familiar with Eielson's strategic position, it sits at the gateway to the Pacific Area of Responsibility, the most strategically important Area of Responsibility, according to this administration's defense planner. It also sits at the front door of the Joint Pacific Alaska Range Complex, which the Air Force regards as its top unencroached training facility with tremendous future upside potential. But for some reason this is the Active-Duty base that the Air Force chose to essentially throw under the bus.

Unfortunately, this isn't the first time. Back in 2005, the Air Force proposed to warm base Eielson. The BRAC Commission rejected that proposal. They, instead, suggested the Air Force should place an F-16 Aggressor Squadron at Eielson to take advantage of its proximity to the Joint Pacific Alaska Range Complex. That Aggressor Squadron supports cutting edge exercises, such as Red Flag Alaska and Northern Edge—superior, phenomenal training exercises. Under the Air Force 2012 proposal, that squadron would now base at Joint Base Elmendorf Richardson, and they would essentially commute to future exercises launched out of Eielson Air Force Base.

So, Mr. President, I am left to conclude that perhaps there is somebody in the Air Force who, for whatever reason, doesn't like Eielson. I reach this conclusion with some hesitation and reluctance, but when I see the Air Force prepared to sacrifice a base with one of the longest runways in North America—it is a 14,531-foot runway, which I think the Chair can appreciate—it is significant. There are no encroachments, it has geographic superiority with respect to missions in the Pacific and, really, across the globe. So it really does cause me to wonder.

Since February, Senator BEGICH and I and our staffs have been in touch with the Air Force on an almost daily basis trying to understand the thinking of the Air Force. And it has been a moving target. It has been tough to pin down.

First, they claimed it would save money in 2013, and then they admitted that, well, a move would cost unbudgeted money in 2013. They next claimed the move could be accomplished without any NEPA review. Then they admitted that maybe an Environmental Impact Statement is going to be required. They concluded the move could be executable in 2013 because there was sufficient housing that was proximate to JBER, but then they came back and admitted their housing availability data had come primarily off of Craig's list.

Later, there was a more disciplined study conducted that demonstrated if the move were to be executed in 2013 there was not going to be housing that was sufficient and proximate to JBER in order to relocate the airmen, and there probably wouldn't be sufficient classroom seats for the military families either.

A whole series of issues have cropped up because they weren't thoroughly reviewed prior to the decision being made. So the Air Force has now conceded that its plans are not executable in fiscal year 2013. That is a wise decision, but it kind of begs the question: So what about the future?

The Air Force may deny, but I think reasonable minds could conclude, the Eielson plan is still moving full steam ahead. Let me offer the following in evidence of that. The Senate Appropriations Committee has directed the Air Force to spend no fiscal year 2013 money to implement the force structure change until the Commission on the Future Structure of the Air Force reports. I think that is a good thing, and I intend to argue Eielson's case before that Commission. But I would note that S. 3254 requires the Commission, which is only going to be created once the Defense authorization bill is signed into law, to report by March 31, 2013—essentially, a 3-month period. That is absolutely not adequate time for the rigorous analysis that is required. I have submitted an amendment this week, amendment 3135, which gives the commission an additional year to complete its work.

Now, notwithstanding this direction to stop, the Air Force has announced its plans to begin an Environmental Impact Statement on the Eielson downsizing. They have announced this will commence January 2013 using fiscal year 2012 money. I do agree an EIS is a legally required condition precedent to implementing the Air Force's structure changes at Eielson, and that if the Air Force ultimately intends to downsize Eielson and add airplanes and people to JBER, it will have to complete the NEPA. Moreover, an EIS process will offer the Alaska community an opportunity to weigh in and to vent their frustrations and concerns with the Air Force, which is appropriate. But one has to wonder after reading the Senate version of the Defense appropriations bill, what part of "stop" is the Air Force not understanding.

I actually put this question to them in writing in September. I still have not received a satisfactory answer. Several of the amendments I have introduced would bring this concept of "stop" into the Defense authorization bill, but there may be an alternative to offering them—a solution that I think could be a win for all.

It strikes me that an EIS is not going to address two questions I think are

critical and I think should be answered before the EIS process begins. The first is whether it makes any sense at all to throw Eielson under the bus given its considerable strategic upside potential. And the second is whether the Air Force will truly achieve any cost savings by walking away from Eielson or simply transfer costs someplace else.

In addition, an EIS will not answer the question whether it makes sense for the Air Force to abandon a community that supports our airmen like no other community in the country. This is a community that loves to fly. You have people who have float planes and small aircraft and bush planes. Everybody is a pilot there. They love to fly. This community is more than willing to accommodate the Air Force's desire to conduct summer exercises at the expense of precious general aviation airspace, provided that the Air Force remains a good corporate citizen in the community.

My amendment No. 3156 is a good-faith effort to find that common ground with the Air Force. It requires the Air Force submit a report to the defense communities evaluating the upside potential of Eielson Air Force Base before it acts to tear down that base or relocate its assets.

I wish to take a minute here to speak to some of that upside potential, because I think it is considerable.

It is a well-known fact in interior Alaska that the Air Force publicly announced scoping on an EIS for F-35 basing at Eielson back in 2008. So in 2008 they are talking about bringing in the F-35s. Then in 2009, they walked away from that announcement but suggested that Eielson would be a desirable OCONUS basing location for the F-35. I might suggest that this abrupt downsizing that is being considered now of Eielson is inconsistent with that possible future use.

The 168th Air Refueling Wing of the Alaska National Guard fuels the North Pacific on a daily basis, every single day of the year. There has been some discussion about adding an active association and increasing the tanker presence proportionate to demand. But downsizing Eielson could undermine the efficiency of that operation.

I mentioned earlier the unencumbered airspace that Eielson has. This unencumbered airspace might make a perfect place for remote piloted vehicle testing. This is a mission that Senator BEGICH has been actively promoting for the past several years. So let's come to a conclusion about whether this is a viable possibility.

As the Pacific AOR becomes more important, Eielson might once again have the potential as a combat-coded fighter base given its proximity to the world's hotspots. But let's not also forget that Eielson is the air base closest to the Arctic and may certainly have new responsibilities in that rapidly

changing part of the globe. That is one of the reasons why the Department of Homeland Security needs to be part of this ongoing conversation.

So before the Air Force moves to potentially throw away all of this and potentially demolish perfectly good facilities that might support future missions, I think it needs to take a good hard look at the upside of Eielson—not just merely recite the same old lines that, quite honestly, failed back in 2005. That goes to the substance of the Eielson decision.

I wish to spend a moment here to speak of the frustrations that I have had about process as we have gone through this since February. Congress has created a process to ensure that realignments that occur outside of BRAC rounds are vetted by the congressional defense committees. But like many laws, the Pentagon has been kind of looking around for loopholes and the Air Force has been pretty adept at identifying them—even if they might not actually be there. But there are some worthy amendments I have submitted that would close the loopholes. These are contained in 10 USC 993 and 10 USC 2687, and I hope they will be considered.

One of the more substantial loopholes that is contained in 10 USC 2687 would seem to allow the Defense Department to characterize a substantial reduction in civilian personnel as a reduction in force rather than a realignment. That loophole, if it does exist, needs to be closed.

Let me also note the difficulties we have had in obtaining information from the Air Force over the past several months. Just asking for specific information has been a struggle these past several months. Ask the Air Force a question, and you tend to get a heavily vetted and not terribly specific answer. Ask for documents explaining the deliberative process of the Air Force, and maybe you get one document months after you have asked for it. And, again, the document doesn't explain very much.

Perhaps it is time for personal offices to be able to use the Freedom of Information Act—the FOIA process—to get the documents they need in a timely fashion, as journalists do. My amendment No. 3143 would provide for an expedited review of FOIA requests pertaining to its activities in a Member's home State, with no fees charged for processing that request. I think it would perhaps level the playing field between the committees that can subpoena documents and personal offices that have a more limited option to obtain the documents they need.

I think it is a positive contribution to oversight and I hope others here in the Chamber will feel likewise. I will not be offering that amendment up at this point in time in the hopes that the Air Force is clear on my message, that

I wish to find a way we can work more cooperatively with this information exchange and that there can be greater accommodation with the congressional request. I know that General Welsh, as the new Chief of Staff, intends to improve the Air Force relationships with the Congress. I have had a very positive conversation with him about that. I want to give him an opportunity to do so. I look forward to working with him on these issues and some of the others I have had an opportunity to raise with him.

I wish to conclude my remarks by again thanking the chairman and ranking member and all of the staffs for their yeomen's efforts on the bill, and I look forward to supporting final passage.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we have been working very hard to come up with what we call a finite list of amendments that would be the only remaining first-degree amendments that would be in order to the bill. We are working, obviously, on many other amendments to get them cleared, but this would be the list of the maximum number of first-degree amendments that would be in order.

Twenty minutes from now, I will be asking unanimous consent, as we promised, that these amendments be the only remaining first-degree amendments to the bill. We promised everybody they would have that opportunity, because it is a long list, and we want to keep that promise. But during that 20 minutes, we can reassure folks that if they have a problem, things are the way we said they would be: Bingaman 2984; Brown of Ohio 3216; Kerry and Brown of Massachusetts 3034; Kohl 2887; Lieberman 3167; Lieberman 3276; Mikulski 3217; Nelson of Nebraska 3274; Pryor 2946; Reed of Rhode Island 3014; Reed of Rhode Island 3255; Reid of Nevada 3244; Reid of Nevada 3047; Tester 3028—that is not the sportsmen's amendment, by the way. There was an objection to it and Senator TESTER was willing to not have that on the list—Udall of New Mexico 3049; Udall of New Mexico 3150; Akaka 3204; Begich 3194; Bennet 3226; Bingaman 3208; Boxer 3265; Brown of Ohio 3113; Carper 3241; Casey 2997; Conrad 3227; Coons 3289; Hagan 3056; Harkin 3147; Johnson of South Dakota 3100; Kohl 2887; Lautenberg 3288; Levin 3164; Levin 3280; Levin 3284; Nelson of Florida 3267; Reed of Rhode Island 3165; Reed of Rhode Island 3255; Rockefeller 2996; Warner 3145; Warner

3188; Webb 2943; Webb 2957, Whitehouse 3181; Wyden 2959; Alexander 3258; Ayotte 3003; Ayotte 3004; Ayotte 3080; Barrasso 3081; Barrasso 3082; Barrasso 3198; Blunt 3728; Boozman 3221; Brown of Massachusetts 3160; Brown of Massachusetts 3270; Burr 3219; Coats 2923; Collins 3042; Collins 3196; Collins 3259; Collins 3282; Corker 3172; DeMint 3134; Graham 3203; Grassley 2990; Grassley 3079; Hatch 3268; Hutchison 3078; Inhofe 2978; Kyl 2927; Kyl 3033; Kyl 3239; Lee 3185; McCain 3054; McCain 3091; McCain 3247; McCain 3262; McCain 3281; Moran 3285; Murkowski 3135; Murkowski 3136; Murkowski 3156; Murkowski 3197; Paul 3118; Paul 3119; Portman 3142; Risch, 3093; Risch 3094; Roberts 3032; Rubio 3175; Rubio 3176; Sessions 3007; Sessions 3008; Sessions 3013; Shelby 3070; Snowe 3218; Thune 3210; Thune 3277; Toomey 3060; Toomey 3065, with a modification; Toomey 3066; Vitter 3087; Wicker 3000; and Wicker 3002.

Again, the UC will be offered at a quarter to 4. If anyone has questions, please call our staff through the cloakroom. We have done a huge amount of work to get to this point. I emphasize again that many of our colleagues are understanding that we are working through additional amendments that are not on this list, and we would hope they would continue to cooperate with us in that regard.

Mr. MCCAIN. Mr. President, could I say we now have, believe it or not, a pretty manageable list. We have been working for 3 days on amendments, on compiling amendments, on disposing of amendments, various managers' packages, and we will have an additional managers' package or two today.

I ask our colleagues to cooperate in the next 20 minutes and have their staffs—and themselves if they are in their offices—examine this list, which is available, and make sure it is agreeable to them so we can lock this down and then move forward to having voice votes, managers' packages, and, where required, rollcall votes. We will not deny any Senator this right, starting on Monday night. We look forward to having agreement from everybody. I believe we can, beginning on Monday, get this legislation done.

I would also like to say that I appreciate the patience of the majority leader, who has a large calendar. We appreciate his patience on this issue.

Finally, I would say again that I think we are showing and can show Monday night that this body is capable of taking up a piece of legislation without a cloture vote, without filling up the tree, without all the other parliamentary maneuvers and objections, and come forth with a piece of legislation that I think all of us can be proud of but, more importantly, that is of significant importance to the men and women who are serving in the military and our ability to protect this Nation.

I thank the chairman again for his unstinting effort.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I extend our thanks to our colleagues and their staffs who are working with us to keep this manageable. It is manageable. I know it sounds overwhelming and it is daunting, but it is manageable, providing understanding is there for this process and what we are doing. I thank the staff who are working so hard. I thank the Presiding Officer, who I know is changing his schedule this afternoon so he can continue to preside.

At quarter-to—when I added up the minutes, at quarter-to, I will put this unanimous consent request. I again emphasize that we are also working on many amendments that are not on this list, and we are still trying to clear them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are going to withhold the unanimous consent agreement at this time. There have been a number of questions raised about it. The time is being well spent actually. Those questions need to be asked, but there are enough of them so that we will pick that up on Monday. But we are making good progress. We are going to have another 17 cleared amendments that will be coming up, we hope, in the next 5 or 10 minutes.

We have already disposed of 77 amendments. I think we have done it in a way which will make this body proud that we are legislating. If people want to filibuster, threaten to filibuster or debate something, we are going to say: Come over and debate—which we have. So we have avoided these long periods of space. We have had no threat of a filibuster that has required a threshold of 60. We have had majority votes, and not the 60-threshold votes except for that one technical budget amendment issue.

We are making great progress. I believe we will continue to make progress. The leader, in a moment, I believe, is going to a file cloture motion which is going to help with progress. But between now and the time we vote on cloture, both this afternoon and on Monday, we are going to continue to work on amendments to try to clear amendments.

I am sure we will voice-vote amendments in the cases that they have been cleared and do not require a voice vote. The leader will, in a moment, again, state what his plans are. But for the time being, I want to thank our leader for the support he has given to the

managers. It is essential. We have had that support. We are grateful for it, and to all of our colleagues and staffs working on this bill, which is always complex and always has literally hundreds of amendments.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The work done has been exemplary by the two managers. I appreciate it very much. We have disposed of 75 amendments. We have another batch we are going to approve very quickly. We have had rollcall votes. There has been significant progress made. We are not going to be able to lock in a finite list of amendments. That is always hard to do. But I am confident we are going to be able to get this done.

Senators MCCAIN and LEVIN and their staffs will be available over the weekend, and staff will be available more than the two Senators, who have spent many hours on the Senate floor. We need to make sure people who have problems with the proposal made by the two managers, that they let them know because we need to lock this in as quickly as possible.

I am going to file cloture in just a minute. I encourage people to work with the managers. We are going to go out. Senators LEVIN and MCCAIN are going to clear a few amendments, and then we are going to go out for the weekend. This has been a very productive week.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Kay R. Hagan, Barbara A. Mikulski, Tom Udall, Jeff Merkley, Al Franken, Tom Harkin, Jon Tester, Richard Blumenthal, Jeff Bingaman, Patrick J. Leahy, Robert P. Casey, Jr., Amy Klobuchar, Max Baucus, Michael F. Bennet, Mark Begich, Patty Murray.

Mr. REID. Mr. President, I ask unanimous consent under rule XXII that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Senator LEVIN will announce to the Senate at a later time—but just to give an idea of what to expect—there will be a Maryland judge's

vote on Monday evening. Then that will be followed by a cloture vote on the matter that I just sent the motion on to the desk.

We would hope that there will be the ability at that time—while the 30 hours are running—to clear a bunch of amendments.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent there be no amendments in order to the treaty or the resolution of ratification; that following leader remarks on Tuesday, December 4, the time until 12 noon be divided in the usual form; that at 12 noon the Senate proceed to vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities; that if the resolution is adopted, the motion to reconsider be considered made and laid upon the table; that the President be then immediately notified of the Senate's action; further, that if the resolution is not adopted, the treaty be returned to the calendar, there be no motions or points of order in order other than a motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to thank the majority leader again for his encouragement of this process. As I said before, I think it should be an example for addressing further pieces of legislation before this body. It has been very tough. There have been hundreds of amendments that have been filed, many of which have been disposed of.

I believe on Monday night we could complete this legislation with the cooperation of all Members so that this body could move on to other business. I want to thank again my friend, the chairman, who continues to show unlimited patience, which is a quality that I do not possess.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2959, 2984, 3079, 3082, 3087, AS MODIFIED, 3102, 3105, 3135, 3145, 3196, AS MODIFIED, 3198, 3234, 3244, 3247, AS MODIFIED, 3258, 3280, 3290

Mr. LEVIN. Mr. President, I call up now a list of 17 amendments which

have been cleared by myself and Senator MCCAIN: Wyden amendment No. 2959; Bingaman amendment No. 2984; Grassley amendment No. 3079; Barrasso amendment No. 3082; Vitter amendment No. 3087, as modified by changes at the desk; Klobuchar amendment No. 3102; Klobuchar amendment No. 3105; Murkowski amendment No. 3135; Warner amendment No. 3145; Collins amendment No. 3196, as modified by changes at the desk; Barrasso amendment No. 3198; Klobuchar amendment No. 3234; Reid amendment No. 3244; McCain amendment No. 3247, as modified by changes at the desk; Alexander amendment No. 3258; Levin amendment No. 3280; Begich amendment No. 3290.

Mr. MCCAIN. The amendments have been cleared on our side.

Mr. LEVIN. I ask unanimous consent that these amendments be considered en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2959

(Purpose: To require reports on the use of indemnification agreements in Department of Defense contracts)

At the end of subtitle C of title VIII, add the following:

#### SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Com-

mittee on Appropriations of the House of Representatives.

#### AMENDMENT NO. 2984

(Purpose: To provide for national security benefits for White Sands Missile Range and Fort Bliss)

At the end of title X, add the following:

#### SEC. 10. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

#### AMENDMENT NO. 3079

(Purpose: To permit Federal officers to remove cases involving crimes of violence to Federal court)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REMOVAL OF ACTION.**

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

**AMENDMENT NO. 3082**

(Purpose: To require a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad)

At the end of subtitle F of title VI, add the following:

**SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

**AMENDMENT NO. 3087, AS MODIFIED**

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

**AMENDMENT NO. 3102**

(Purpose: To provide for the retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces)

At the end of subtitle E of title V, add the following:

**SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **PERIOD OF RETENTION.**—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) **PROTECTION OF CONFIDENTIALITY.**—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

**AMENDMENT NO. 3105**

(Purpose: Relating to the prevention and response to sexual harassment in the Armed Forces)

At the end of subtitle E of title V, add the following:

**SEC. 544. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.**

(a) **COMPREHENSIVE POLICY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) **COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.**—

(1) **COLLECTION.**—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) **RETENTION.**—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(c) **ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.**—

(1) **ANNUAL REPORT ON SEXUAL HARASSMENT.**—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under

the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) **CONTENTS.**—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

#### AMENDMENT NO. 3135

(Purpose: To extend the deadline for submission of a report on the findings and conclusions of the National Commission on the Structure of the Air Force)

On page 502, line 7, strike “2013” and insert “2014”.

#### AMENDMENT NO. 3145

(Purpose: To require a study on the ability of national air and ground test and evaluation infrastructure facilities to support defense hypersonic test and evaluation activities)

At the end of subtitle F of title X, add the following:

#### **SEC. 1064. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.**

(a) **STUDY REQUIRED.**—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) **REPORT AND PLAN.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act,

the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

#### AMENDMENT NO. 3196, AS MODIFIED

At the end of subtitle C of title V, add the following:

#### **SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.**

(a) **RESEARCH STUDY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) **PURPOSE.**—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) **ELEMENTS.**—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) **SCIENCE-BASED EVIDENCE AND TECHNIQUES.**—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) **LOCATIONS.**—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the

Army shall be involved in the research study.

(c) **TRAINING.**—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior.

(d) **PERIOD.**—The Secretary shall carry out the research study through September 30, 2014.

(e) **REPORTS.**—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

#### AMENDMENT NO. 3198

(Purpose: To renew expired prohibition on return of veterans memorial objects without specific authorization in law)

At the end of subtitle H of title X, add the following:

#### **SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) **CODIFICATION OF PROHIBITION.**—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

“(A) the transfer of that veterans memorial object is specifically authorized by law; or



“(B) the transfer is made after September 30, 2017.”.

(b) **REPEAL OF OBSOLETE SOURCE LAW.**—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

AMENDMENT NO. 3234

(Purpose: To enhance the annual reports regarding sexual assaults involving members of the Armed Forces)

At the end of subtitle E of title V, add the following:

**SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for

mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

AMENDMENT NO. 3244

(Purpose: To amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation)

At the end of subtitle H of title X, add the following:

**SEC. 1084. TRANSPORT FOR FEMALE GENITAL MUTILATION.**

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.

AMENDMENT NO. 3247, AS MODIFIED

At the end of subtitle H of title X, add the following:

**SEC. 1084. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.**

(a) **TRANSFER.**—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) **AIRCRAFT.**—

(1) **IN GENERAL.**—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) **LIMITATION ON NUMBER.**—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) **LIMITATIONS ON DETERMINATION AS EXCESS.**—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of Title XVII of this Act, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) **PRIORITY IN TRANSFER.**—The Secretary of Agriculture and the Secretary of Homeland Security shall be afforded equal priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) **CONDITIONS OF TRANSFER.**—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) **EXPIRATION OF AUTHORITY.**—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) **PERIODS FOR EXERCISE OF AUTHORITY.**—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

AMENDMENT NO. 3258

(Purpose: To modify the authority to carry out a fiscal year 2011 military construction project at Nashville International Airport)

At the end of subtitle B of title XXVI, add the following:

**SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.**

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

AMENDMENT NO. 3280

(Purpose: To require reports to the Department of Defense on penetrations of networks and information systems of certain contractors)

At the end of subtitle C title IX, add the following:

**SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of

Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) PROCESS REQUIREMENTS.—

(1) RAPID REPORTING.—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) REPORT ELEMENTS.—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) ACCESS.—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) CLEARED DEFENSE CONTRACTOR DEFINED.—In this section, the term "cleared defense contractor" means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

#### AMENDMENT NO. 3290

(Purpose: To modify notice requirements in advance of permanent reductions of sizeable numbers of members of the Armed Forces at military installations)

On page 543, between lines 2 and 3, insert the following:

#### SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZEABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: "In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions."

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

"(1) the Secretary of Defense or the Secretary of the military department concerned—

"(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

"(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

"(2) a period of 90 days expires following the day on which the notice is submitted to Congress."

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'direct reduction' means a reduction involving one or more members of a unit.

"(2) The term 'indirect reduction' means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

"(3) The term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"(4) The term 'unit' means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level)."

#### AMENDMENT NO. 3018

Mr. LEAHY. Mr. President, the National Defense Authorization Act, NDAA, that was enacted into law last December contained several deeply troubling provisions related to the indefinite detention of individuals without charge or trial. These provisions undermine our Nation's fundamental principles of due process and civil liberties. I strongly opposed these provisions during last year's debate, and believe that we must eliminate and fix those flawed provisions. Toward that end, I voted last night in favor of the amendment offered by Senator FEINSTEIN, which clarified that our Government cannot detain indefinitely any citizen or legal permanent resident apprehended in the United States. It is my hope that this is a positive step forward in our efforts to undo some of the damage from last year's NDAA.

But our work is not done. As I have stated before, I believe that the vital protections of our Constitution extend to all persons here in the United States, regardless of citizenship or immigration status. That is why I cosponsored an amendment filed by Senator MARK UDALL that would go beyond the scope of the Feinstein amendment to extend the protection against indefinite detention to any person within the United States. I look forward to work-

ing with Senator UDALL and others in our continuing efforts to improve the law in this area.

I am fundamentally opposed to indefinite detention without charge or trial. I fought against the Bush administration policies that led to the current situation, with indefinite detention as the de facto policy. I opposed President Obama's executive order in March 2011 that contemplated indefinite detention, and I helped lead the efforts against the detention-related provisions in last year's NDAA. Simply put, a policy of indefinite detention has no place in the justice system of any democracy let alone the greatest democracy in the world.

The American justice system is the envy of the world, and a regime of indefinite detention diminishes the credibility of this great Nation around the globe, particularly when we criticize other governments for engaging in such conduct, and as new governments in the midst of establishing legal systems look to us as a model of justice. Indefinite detention contradicts the most basic principles of law that I have pledged to uphold since my years as a prosecutor and in our senatorial oath to defend the Constitution. That is why I have opposed and will continue to oppose indefinite detention.

Last December, Senator FEINSTEIN introduced the Due Process Guarantee Act, which was at the core of her amendment to this year's NDAA. Both the Due Process Guarantee Act and Senator FEINSTEIN's amendment make clear that neither an authorization to use military force nor a declaration of war confer unfettered authority to the executive branch to hold Americans in indefinite detention. In February, I chaired a hearing to examine the Due Process Guarantee Act, and the Judiciary Committee heard testimony from witnesses who asserted that no individual arrested within the United States should be detained indefinitely regardless of citizenship or immigration status. I wholeheartedly agree, and I believe that the Constitution requires no less.

The notion of indefinitely imprisoning American citizens is the most striking, but to me the Constitution creates a framework that imposes important legal limits on the Government and provides that all people in the U.S. have fundamental liberty protections. That is why I have cosponsored Senator UDALL's amendment, which provides expansive protections against indefinite detention and fixes this unwise policy for all people. As I said before, though, I view the adoption of Senator FEINSTEIN's amendment as a positive first step towards this goal.

During last night's Senate floor debate on Senator FEINSTEIN's amendment, however, some made fundamentally flawed legal arguments and interpretations. As chairman of the Senate

Judiciary Committee, I feel it is important to set the record straight.

According to those who had opposed our efforts and support indefinite detention, Senator FEINSTEIN's amendment should somehow be read as authorizing the indefinite detention of United States citizens captured on U.S. soil. They contended that the Supreme Court in *Hamdi v. Rumsfeld* held that the Authorization for the Use of Military Force (AUMF) expressly authorized the indefinite detention of citizens, regardless of where they were apprehended. This assertion is flatly wrong, entirely unsupported by the actual text of the opinion and, I believe, contrary to the Constitution.

Much of last night's debate centered on the language in Senator FEINSTEIN's amendment that prohibited the "detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an act of Congress expressly authorizes such detention." Senators who had opposed our remedial efforts and support indefinite detention asserted that the Supreme Court in *Hamdi* concluded that the AUMF was an "explicit authorization" of such detention even for citizens captured in the U.S. and that the AUMF was an act of Congress that fulfills the exception in the Feinstein amendment. The Senators ignore the fact that the text of the AUMF contains no reference whatsoever to the detention of individuals without charge or trial, and certainly no express reference to or authority for the detention of citizens in such a manner. Moreover, nowhere in the plurality or dissenting opinions in *Hamdi* do any of the Justices state that the AUMF expressly authorizes the detention of citizens without charge or trial.

The preexistence of the AUMF does not fulfill the requirement that the amendment seeks to create and that requires express congressional authorization of exceptional authority after the adoption of the Feinstein amendment. Senator FEINSTEIN did not intend to write and the Senate did not intend to pass a nullity. If this opposition argument were right, the amendment changed nothing.

Senator LEVIN acknowledged in his remarks last night that the "Supreme Court in *Hamdi* held that the existing authorization for use of military force does address this issue and does explicitly, in their words, authorize detention of United States citizens in that situation which was on the battlefield in Afghanistan." (emphasis added) The *Hamdi* case did not address and did not expressly authorize the indefinite detention of U.S. citizens apprehended in the U.S. As Senator FEINSTEIN and Senator DURBIN have pointed out, the *Hamdi* ruling was limited to "individuals who fought against the United States in Afghanistan as part of the Taliban."

The substance of the Supreme Court's legal analysis is important here, and the attempts to gloss over the actual text of the *Hamdi* opinion cannot go unchecked. The starting point of the Court's analysis in this regard was the text of the Non-Detention Act, codified at 18 U.S.C. Section 4001(a), which states that "no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." The *Hamdi* court then turned to whether the AUMF constituted an act of Congress within the scope of this exception, such that *Hamdi*'s detention would be authorized. In her plurality opinion, Justice O'Connor concluded that the answer was yes, but she made certain to circumscribe carefully the scope of that ruling by saying "we conclude that the AUMF is explicit congressional authorization for the detention of individuals in the narrow category we describe," i.e. "individuals who fought against the United States in Afghanistan as part of the Taliban." Stated simply, the *Hamdi* decision does not stand for the proposition that the AUMF expressly authorizes the indefinite detention of U.S. citizens captured on U.S. soil.

Although last night's debate on the *Hamdi* decision focused largely on the statutory authority to detain individuals, we must also not lose sight of other aspects of that opinion regarding the nature and duration of law of war detention, and how changing circumstances might warrant re-examination of the authority for such detention. Last night, Senator GRAHAM stated that *Hamdi*'s imprisonment "could last for the rest of his life because the law of war detention can last for the duration of the relevant conflict." Although I do not necessarily disagree that law of war detention has historically been viewed as appropriate for the duration of the relevant conflict, this statement begs the question of when and how the duration of the relevant conflict is determined.

In her opinion in *Hamdi*, Justice O'Connor stated that the AUMF justified detention as part of the exercise of necessary and appropriate force "if the record establishes that United States troops are still involved in active combat in Afghanistan" against Taliban combatants. Significantly, Justice O'Connor wrote that "if the practical circumstances of a given conflict are entirely unlike those of the conflicts that informed the development of the law of war, that understanding may unravel." Accordingly, as we wind down our combat operations in Afghanistan, Congress and the courts should consider carefully how those changing circumstances might affect the legitimacy of so-called law of war detention authority under the AUMF.

I also continue to be deeply disturbed by the mandatory military detention

provisions that were included in last year's NDAA through Section 1022. In the fight against al Qaeda and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need not limit those tools, as was required by this law. That is why the Secretary of Defense, Attorney General, Director of the FBI, and Director of National Intelligence all objected to this section and it was modified to require the President to produce procedures to determine who meets the definition of a person subject to mandatory military detention. I appreciate that the President took an aggressive approach in these procedures to preserve the flexibility of law enforcement, as well as military and intelligence professionals, to investigate and prosecute alleged terrorists.

However, these procedures do not mitigate my concerns that the mandatory military detention requirements are overly broad and threaten core constitutional principles. Once sacrificed, our treasured constitutional protections are not easily restored. After all, the policy directive of this President can be undone by a future administration. That is why I have cosponsored Senator UDALL's amendment to this year's NDAA that would repeal this ill-advised authority.

In *Hamdi*, Justice O'Connor stated unequivocally that "[w]e have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens." We can never forget that the power of our Federal Government is bound by the Constitution. The detention provisions enacted through last year's NDAA are deeply troublesome. They do not represent Vermont values, they do not represent American values, and they have no place in this world. Moving forward, I urge all Senators to join in support of upholding the principles of our Constitution, protecting American values, and championing the rule of law. We need a bipartisan effort to guarantee that the United States remains the model for the rule of law to the world.

Mr. CASEY. Mr. President, I rise today to discuss several issues of importance to the future of our Nation's military. The National Defense Authorization Act before us this year will affect the size and strength of the U.S. Armed Forces and the resources and programs available to our service members and their families.

According to GEN Martin Dempsey, Chairman of the Joint Chiefs of Staff, "capability is more important than size." As the size of our military begins to decrease, there is more need than ever to ensure that they have the right equipment to fulfill their missions. Therefore, I am pleased that the committee has given the Pentagon the authority through this bill to negotiate

multiyear procurements for the military's workhorse, the CH-47 *Chinook*, and for the V-22 *Osprey* and the unique capabilities it brings to the field. I also want to note my frustration with the Army's lack of strategic and long-term thinking related to armored combat vehicles. The Army's desire to temporarily cease production of tanks and Bradley fighting vehicles without long-term plans as to what will replace them is nonsense. These proposals, should they be approved, jeopardize the Nation's combat vehicle industrial base, our national security and the livelihoods of many individuals throughout the Nation.

Small businesses are the backbone of the economy both in Pennsylvania and across the Nation. Given their importance, I am committed to advocating for the needs of businesses, particularly women and minority business enterprises, in the U.S. Senate. My amendment, No. 2986, would ensure that subcontractors are aware of their inclusion on bids for Federal contracts and establish a system to report fraudulent procurement practices.

In order to secure government contracts, big companies routinely list small businesses as subcontractors on their bids in order to strengthen their applications without the intention of actually giving the work to the named subcontractor. This especially happens with women and minority owned businesses. Currently, there is no legal requirement to notify subcontractors of their inclusion on Federal bids and no way to report this. This is taking business away from hard working men and women and it is time for this fraudulent activity to end.

Amendment No. 2986 would prohibit prime contractors from using small businesses as straw men to win government bids. First, it would require that subcontractors identified on a solicitation for a competitive proposal are notified by the prime contractor before the application is submitted. Second, it would establish a reporting mechanism that allows subcontractors to report any fraudulent activity. This amendment is in direct response to concerns raised by my constituents, Alexander Nicholas of the Western Pennsylvania Minority Supplier Development Council, and Craig Bingham, owner of DCI Logistics in Carnegie, PA. I ask my colleagues to join me in support for promoting transparency and accountability in Federal procurement processes and support amendment No. 2986.

Another long-term objective that the Nation and our military must recognize is the need for a secure and reliable source of strategic materials, such as rare earths. In filing amendment No. 2994 to the fiscal year 2013 National Defense Authorization Act, I want the Department of Defense to conduct a cost-benefit analysis on the feasibility of recycling heavy rare earth elements from

fluorescent lighting waste. New innovations by Pennsylvania businesses have taken the theory of recycling rare earths and made it a reality. With China controlling 95 percent of the world supply of rare earth elements, the United States must look at methods, including the recycling of products, to increase our domestic supply of rare earths.

Investing in alternative fuels and energy technology is also critical to sustaining our national defense capabilities in the 21st century. DOD is the largest single user of oil in the world and their fuel bill was more than \$17 billion in fiscal year 2011. DOD recognizes that this type of expenditure, not to mention where we have to go in the world to get that oil, is unsustainable. That is why they began investing in alternative fuels and energy technology under Secretary Rumsfeld back in the early 2000s. I think it would be a mistake to disinvest in that effort now when the return on investment could be so beneficial to our country.

As they are currently written, sections 313 and 2823 of the NDAA put unnecessary restrictions on our military's ability to invest in alternative fuels, which could prove harmful to our national defense capabilities and our economy by keeping our military dependent on imported fossil fuels. I think it is very important that we fix sections 313 and 2823 with Senator UDALL's amendment 2985 and Senator HAGAN's amendment 3095, respectively.

Currently, DOD invests only a small portion of their budget in alternative fuel development but this is an important investment for American businesses that focus on alternative fuel development and energy technology research. Therefore, our Nation benefits three times from the fruits of these investments: once by improving our national defense capabilities, a second time by supporting jobs in the energy research and development sector, and again because these innovations can be applied in the marketplace benefiting all Americans. It is a smart investment to keep our military strong and develop 21st century energy solutions that we can use here and export abroad. Therefore, I support my colleagues' amendments to strike sections 313 and 2823 from the NDAA.

Lastly, we must take care of the military families who continue to sacrifice without complaint. As chairman of the Joint Economic Committee, I studied the economic effects that the military lifestyle has on the earnings of military spouses. In 2010, the unemployment rate for military wives was 15.0 percent compared to 7.3 percent for civilian wives. One cause of this disparity may have to do with the numerous relocations military families undergo. In this same time period, 24.1 percent of military wives moved across State lines, compared with only 2.4 per-

cent of civilian wives. Frequent moves coupled with military spouses holding jobs that require State-level relicensing create barriers that spouses must overcome when seeking employment. Therefore, I introduced S. 697, the Military Spouse Job Continuity Act, which would provide a \$500 tax credit for military spouses who need to renew or transfer their professional licenses or certifications due to military relocations. While this specific bill cannot be taken up today for procedural reasons, I ask my colleagues to join me in a sense-of-the-Senate amendment recognizing that we must work with the Pentagon and State and local governments to reduce the employment barriers for military spouses, without whom we would not have the superb military we have today.

I ask my colleagues to join me in supporting these important amendments.

Mr. MCCAIN. Mr. President, I thank the Presiding Officer for his patience and long period of time in the chair today. We, obviously, have a couple of members in the media who have no other lives.

Mr. LEVIN. I thank Senator MCCAIN. He very humorously, with his great, good nature, kind of joshes himself comparing his patience to mine. My standard is not the one that anybody wants to follow around here; We will never get anything done.

He is more than patient, and I am very grateful that he is standing there in that ranking position and sitting right in that ranking position. I hope he stays in that ranking position in some committee at least for many, many, many years—in the ranking position.

Mr. MCCAIN. I thank our distinguished chairman. Obviously, you have been here a long time.

I also appreciate our staffs who, again, show that work-release programs are quite successful in the Senate. Thank you very much.

Mr. LEVIN. I join in that too.

Now, we have to close. I don't know if we have the closing. We do.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING GEORGE MCGOVERN

Mr. JOHNSON of South Dakota. Mr. President, I rise to celebrate the life of Senator George McGovern, a man that many in this body called a friend, and an inspiration.

Senator McGovern was more than an elected official, although his 22-year

career in the Senate and House of Representatives serving the great people of South Dakota left a lasting legacy filled with numerous accomplishments and achievements. Senator McGovern inspired me and many others into public service.

Like my mother, Senator McGovern was a PK, a preacher's kid, and I recall from my mother's memories that this was not easy. Senator McGovern often talked about growing up not only as a Methodist PK who couldn't attend movies, but also as a child of the Depression, living in a small parsonage that shared the little they had with those in the congregation who had even less.

His Methodist background provided the foundation for his deep sense of morality and social justice. It was the force that led him to be a lifelong advocate for feeding the hungry, for serving his country as a bomber pilot during World War II, and then returning home to work for peaceful solutions to international conflicts.

Each chapter of Senator McGovern's life was as riveting and spellbinding as the chapters of the many books he penned over the years. Numerous honors were bestowed upon him, including the Presidential Medal of Freedom, the World Food Prize, and the Air Medal.

From his heroic military service where he flew 35 missions as a B-24 Liberator pilot and earned the Distinguished Flying Cross for making a hazardous emergency landing of his damaged plane and saving his crew; his tenacious advocacy in fighting world hunger and working to provide school meals for millions of children in dozens of countries; to his unwavering and passionate support of various social programs, his strongly stated political views, and his wisdom on a spectrum of contemporary political and world issues, Senator McGovern's life has had a profound impact on our nation and world.

He traveled the world to advocate for better nutrition programs and establish efforts to fight hunger. He was the first U.N. Global Ambassador on World Hunger. He was the first director of the Food for Peace Program under President John F. Kennedy. He developed the "McGovern Report", which led to a new set of nutritional standards and guidelines for Americans. He joined longtime friend Senator Bob Dole in establishing the McGovern-Dole International Food for Education and Child Nutrition Program that provided school meals to millions of children. He served 3 years as U.S. Ambassador to the United Nations Agencies for Food and Agriculture.

Yet Senator McGovern never forgot the people of South Dakota, residing many months out of the year in his hometown of Mitchell, location of the George and Eleanor McGovern Library and Museum. George would often take

his dog, Dakota, on daily walks on the campus of Dakota Wesleyan University, sometimes stopping to eat at the university cafeteria and visit with students.

Senator McGovern once said that "politics is an act of faith," meaning that you need faith that the people can make good and moral decisions. He had that faith, and his life of moral and intellectual leadership has made it easier for all of us to carry that faith forward.

One of the characteristics that I most admired in Senator McGovern was that his belief in good and moral decisions extended to leaders in both parties, and led to his lifelong friendships with statesmen like the aforementioned Senator Dole, with whom he formed a deep friendship as they worked on hunger issues, and William Buckley, with whom he delighted in debating the issues whether in public, on "Firing Line", or over a drink as they traveled together debating their opposing views.

Senator McGovern knew and valued what so many have forgotten today; that America needs a strong two-party system built on respect and cooperation if we are to survive as a democracy.

He also found time to write 14 books on political issues and philosophy. And he found time to check off a few items from his personal bucket list. In his late eighties, he parachuted from an airplane. He drove a stock car at a local speedway. Even this past summer, as he was to observe his 90th birthday, he had hoped to fly a B-1 aircraft.

With all of his accomplishments, perhaps his greatest was his marriage to Eleanor. I will never forget the opening of the McGovern library in Mitchell, SD, which Eleanor was too weak to attend, and how affectionately he touched the newly unveiled statue of her standing with him, as they had stood together throughout their lives.

We can rejoice today that they are now reunited and with their children Terry and Steve. They lived the lives that John Wesley admonished them to live when he said:

Do all the good you can. By all the means you can. In all the ways you can. In all the places you can. At all the times you can. To all the people you can. As long as ever you can.

#### ALAN GROSS

Ms. MIKULSKI. Mr. President, Monday, December 3, will mark the third anniversary of the imprisonment of Alan Gross by Cuba as a political prisoner.

In 2009, Mr. Gross went to Cuba on a USAID contract to assist the Jewish community in improving access to the internet by installing wireless equipment. He was arrested by the Cuban government and held for 14 months be-

fore being charged as a spy. After a sham trial, Mr. Gross was sentenced to 15 years in prison.

Alan Gross, a Maryland native, is a former social worker who spent a quarter of a decade working in international development—helping people around the world. A graduate of the University of Maryland, Mr. Gross has lived in Potomac, MD for many years. I've met his wife on numerous occasions and her continued strength and focus inspires me. While her husband has been held in a Cuban prison, she has held down the fort and held the pressure on the Cuban government for its poor treatment of her husband.

Despite facing severe health problems and complications caused by his imprisonment, Alan Gross has remained strong. He has developed a daily routine to maintain his strength. Yet he has lost more than 100 pounds, has difficulty walking, and has a large mass behind his shoulder that has gone untreated. The information shared by the Cuban government about Mr. Gross's medical condition is incomplete and raises new concerns for his family.

Mr. Gross's family has also encountered substantial health problems of their own over the past 3 years and they are facing significant financial hardship. His mother has inoperable lung cancer and the family is concerned they will not have a chance to be together to say goodbye. The family's contact with Mr. Gross remains extremely limited.

I have been hopeful that America and Cuba could move closer together—in trade, in community connections, and for the individual families that have been separated. Yet, concern over the detention of Alan Gross has put a hold on efforts to improve relations and the case shows that Cuba is not serious about moving forward and has stalled any effort in the Senate to move towards normalizing our relationship.

President Obama has stated that until Cuba's current government improves human rights and freedoms, the embargo against Cuba remains in our Nation's national interests. What had become a yearly effort to modify the embargo was halted in the Senate this year because of the continued detention of Alan Gross. The Cuban government needs to heed what it has heard from Senators and now hears from me: if you unjustly imprison our citizens, we cannot and will not improve the relationship between our countries.

In a recent letter to the Cuban government, I and several of my Senate colleagues called for the release of Mr. Gross on humanitarian grounds. The government's response has called our request illegitimate. This is not the way to move forward. That is why I will join with Senators CARDIN and MORAN to submit a resolution that will apply additional pressure on Cuba to

let Alan come home. I want to close by sending my continued thoughts and prayers to Mr. Gross, his wife Judy, and their family. I think of the challenges you are facing daily and I remain hopeful that you will all be reunited soon. Your strength and determination inspire me as you face difficult challenges.

I urge the government of Cuba to release Alan Gross immediately. I promise I will continue standing up for Alan and calling for his return home to Maryland.

#### SALUTE TO ADAM MERCHANT

Mr. LEAHY. Mr. President, so much of the news we hear today is riddled in tragedy, but every so often a story of joy and hope transcends the negativity and warms our hearts. I would like to share such a story and salute a constituent of mine, fifteen-year-old Adam Merchant of Barre, VT.

Adam is in remission after battling Burkitt lymphoma, a cancer that attacks the lymphatic system. Through the kindness of the Make-A-Wish Foundation, Adam received his wish: to see his favorite team play, the defending Super Bowl champions New York Giants. Not only did he see his Giants defeat the Green Bay Packers on Sunday night, but Adam also delivered an impromptu, pregame motivating speech to the Giants, which many of the team's players cited as an inspiration to their 38-to-10 victory over the mighty Packers. Adam described the night as a "dream," but it is the rest of us who should be moved by Adam's bravery and persistence battling lymphoma. The Make-A-Wish Foundation brightens so many young lives, and I thank them and the New York Giants for helping make Adam's dream come true.

I ask unanimous consent that Christian Red's article in the November 27, 2012, edition of the New York Daily News, "Young Adam Merchant, teenager fight cancer, gives NY Giants inspired pep talk before rout of Green Bay Packers," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, Nov. 27, 2012]

YOUNG ADAM MERCHANT, TEENAGER FIGHTING CANCER, GIVES NY GIANTS INSPIRED PEP TALK BEFORE ROUT OF GREEN BAY PACKERS  
(By Christian Red)

Adam Merchant says he was "a little bit" fatigued Monday afternoon, which was understandable given the dizzying schedule the 15-year-old native of tiny Barre, Vt., has kept since Thursday, the best four-day stretch of his young life.

"I'm feeling pretty good," Merchant told the Daily News on Monday.

Merchant flew down to the New York area on Thursday, gave an unrehearsed rallying speech to Giants players Friday and then

watched Big Blue's romp over Green Bay Sunday night. He also had the luxury of roaming the home team's sideline after the first quarter, and then got a choice seat next to Justin Tuck after the game. Not a bad way to spend a few days in the Big Apple.

"That's the happiest I've seen him in a long time, Heather Merchant said of her son. "Actually, that is the happiest I've ever seen him."

The unique experience came together through the Make-A-Wish Foundation. Adam Merchant was diagnosed with Stage 3 Burkitt lymphoma, a cancer that attacks the lymphatic system, in March. Although Adam's cancer is in remission after chemotherapy, he had to have his gall bladder removed during the course of his treatment.

While he was hospitalized, his mother began researching Make-A-Wish, calling the Vermont chapter, which in turn worked with the New York/New Jersey chapters to put together Adam's dream scenario.

Soon a "wish granter" visited the Merchants with a special announcement. Originally, the Merchants were supposed to come to the Nov. 4 game against the Steelers, but their travel plans were postponed in the wake of Hurricane Sandy.

Instead of watching a deflating loss to Pittsburgh, the Merchants got to take in a pummeling of the powerhouse Packers. "They're definitely no slouch team," Adam said of Aaron Rodgers and Green Bay.

Heather Merchant, a supervisor at Stowe ski resort, says her son has always been a Giants fan, despite living in Patriot country. Adam and his father, Adam Sr., a licensed nurse's aide, have stood their ground in enemy territory, surrounded by Tom Brady fans. Those two Super Bowl victories over Brady and Co. don't hurt.

"He's a walking encyclopedia, especially about football," Heather Merchant, who has two other children, says of Adam.

Despite his penchant for stats and football history, nothing could have prepared Adam for his big moment Friday, when he was called into the Giants' huddle after practice and had to make an impromptu speech.

He spoke barely above a whisper.

"I thought about it a little bit before I spoke," Adam said. "It came to me that the only thing that needed to be said was what I said—I told them, 'Go out and play, show them why we're world champs.'"

"He was getting really emotional," said Heather Merchant, who added that her son is back in school and "getting back on track" after his treatment.

Every player, from Eli Manning to Tuck to Adam's favorite, Jason Pierre-Paul, spoke about how the speech inspired them to get the victory. Adam, for one, thinks the team has turned the corner and has another Super Bowl run in the making.

"Oh, definitely. We've come through so much adversity in the past that I think we can do anything," said Adam Merchant, who might as well have been speaking for himself as well as the Giants.

When the 38-10 win was in the books, Adam sat next to Tuck for the celebration, even though he was sporting a No. 90 Pierre-Paul jersey. Tuck didn't mind, Adam said, and even gave him a No. 91 jersey to add to his wardrobe.

"I have a newfound love for Justin Tuck," Adam said. "The locker room was awesome. Make-A-Wish didn't just create a wish—it was a dream."

#### REMEMBERING JIM SPELLMAN

Mr. BLUMENTHAL. Mr. President, I rise to pay tribute to one of Connecti-

cut's most dedicated and admired public officials, former Stonington first selectman, James Spellman, Sr., who passed away at the age of 92.

Mr. Spellman's legacy of public service is remarkable. Elected 12 times over a span of 24 years, he made history as Stonington's longest serving first selectman. And he retired as Connecticut's longest serving municipal executive. At age 80, he received a rare, lifetime public service award from the town of Stonington. His lasting impact will be measured by the local landmarks erected under his leadership that will endure for generations.

As first selectman, Mr. Spellman was an expert manager during a time of tremendous growth, and he guided historic development in infrastructure. Most especially, he oversaw construction of the portion of Interstate 95 connecting Stonington with the rest of the State and east coast, and the development of several schools and shared recreational spaces. Mr. Spellman always stayed true to the core values of his hometown. Born and raised in the area, he considered the town his family.

Mr. Spellman's loved ones are quick to point out he never asked for—or expected—a local namesake. In fact, town officials quickly chose to dedicate Spellman Drive at a time when Mr. Spellman was physically unable to decline the honor while hospitalized.

His work was his life and his job was his personal pride. In this way, one of his shining accomplishments—the preservation of the Stonington Town Dock and commercial fishing for Stonington—is both personal and public. He was a courageous and highly decorated veteran of the U.S. Navy during World War II, and he led deliberately, kindly, and with stellar intuition.

In addition to his leadership of town hall, Mr. Spellman chaired the Water Pollution Control Authority and guided the creation of an intermunicipal sewage system. He also donated his time serving on the school board, and volunteering with the Pawcatuck Fire Department, the Atlantic States Marine Fisheries Commission, and the Connecticut Judicial Selection Commission. In 1955, he was one of the first Connecticut residents to be given a real-estate brokerage license, and from 1956 to 1961 was appointed by then-Governor Abraham Ribicoff as judge of the Stonington Town Court—the only appointee without a law degree.

Even in retirement, Mr. Spellman demonstrated his truly heartfelt care and concern for Stonington. He was generous with sage advice for local leaders throughout Connecticut, checking in frequently at town hall, and writing to the local newspaper.

Mr. Spellman was deservedly proud of all his family, including his son Steve, a friend and former colleague in the State senate. He will be missed for



his caring courage, sense of humor, and good heart. A true statesman, he will never be forgotten.

#### REMEMBERING JUDGE MARK KRAVITZ

Mr. BLUMENTHAL. Mr. President, I rise today to pay tribute to one of our Nation's most preeminent legal minds and dedicated public servants, who recently passed away. U.S. District Judge Mark Kravitz was known throughout Connecticut and our Nation's highest courts as a respected judicial authority, experienced appellate litigator, legal scholar, and community leader.

Judge Kravitz was deeply regarded and admired for his extraordinary analytical mind and trial expertise. He devoted his vast experience—27 years at New Haven firm Wiggin and Dana as a trial and appellate lawyer—to public service. Just out of law school, he emerged as a leader, clerking for Chief Justice William Rehnquist, who, in 2003, swore him in as a U.S. district judge. In 2001, and then again in 2007, he was appointed by Chief Justice Roberts to serve on the Committee on the Rules of Practice and Procedure and to chair the Advisory Committee on Civil Rules. Over the years, he engaged in vital national discussions, writing for the National Law Journal and serving as an American Law Institute Fellow and a board member of the American Academy of Appellate Lawyers. In addition, he taught at the University of Connecticut School of Law, Yale Law, and the University of Melbourne Graduate School of Law.

I knew Judge Kravitz personally and professionally, on and off the bench. As attorney general, I appeared before him, arguing positions and causes that did not always prevail. Win or lose, I felt that the result was fair and well-reasoned. And that view of him was common to almost all litigants in his courtroom. Judge Kravitz presided and ruled on important national issues, including the constitutionality of No Child Left Behind, free speech and property cases, and recently first amendment rights cases raised by the movement to “occupy Wall Street” on the New Haven Green. Even when diagnosed with ALS, he continued relentlessly and tirelessly to work full time, demonstrating his passion for the law and dedication to his country.

As a footnote, I spent many hours with Judge Kravitz, even before he became a judge. He headed a moot court team that prepared me for Supreme Court arguments.

More importantly, I consistently witnessed Judge Kravitz's commitment to the philosophy of equality under the law, while remaining carefully attuned to the facets of each legal question before him. He was trustworthy, and loyal in his relationship with others,

especially his beloved family—and my dear colleague and friend.

Outside of the law, he gave back to Connecticut as founding director of both the Yale Children's Hospital and Connecticut Food Bank. In addition, he volunteered his time on the boards of several nonprofit organizations, including the Connecticut Foundation for Open Government, Guilford Library Association, and Board of Ethics for the Town of Guilford. Judge Kravitz cared deeply about morality and integrity—and lived according to the highest principles.

I was inspired and moved by a recent unveiling of his portrait, commissioned by the Connecticut Bar Foundation, which will be hung in New Haven's Federal courthouse. I invite my Senate colleagues to join me in paying respect to Judge Mark Kravitz and sending condolences to his family, friends, and colleagues, who mourn his loss, and remember a man who made his life's work contributing to the world around him.

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 2:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

##### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 810. A bill to prohibit the conducting of invasive research on great apes, and for other purposes (Rept. No. 112-242).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1735. A bill to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi (Rept. No. 112-243).

##### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself, Mr. HOEVEN, Mr. BINGAMAN, Mr. LEVIN, Mrs. MURRAY, Mr. BEGICH, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. TESTER, Ms. CANTWELL, Mr. BAUCUS, Mr. BARRASSO, Mr. AKAKA, and Ms. MURKOWSKI):

S. Res. 605. A resolution designating the week beginning November 26, 2012, as “National Tribal Colleges and Universities Week”; considered and agreed to.

By Mr. CARDIN (for himself and Mr. MCCONNELL):

S. Res. 606. A resolution commemorating the 200th anniversary of the founding of the Sisters of Charity of Nazareth, on December 1, 1812; considered and agreed to.

By Mr. JOHNSON of South Dakota (for himself, Mr. THUNE, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 607. A resolution relative to the death of the Honorable George McGovern, former United States Senator and Congressman from the State of South Dakota; considered and agreed to.

##### ADDITIONAL COSPONSORS

S. 998

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 2049

At the request of Mr. HARKIN, the name of the Senator from Colorado

(Mr. UDALL) was added as a cosponsor of S. 2049, a bill to improve the circulation of \$1 coins, to remove barrier to the circulation of such coins, and for other purposes.

S. 3547

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3547, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3645

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3645, a bill to direct the United States Fish and Wildlife Service, in coordination with the Army Corps of Engineers, the National Park Service, and the United States Geological Survey, to lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries, and for other purposes.

S. 3649

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3649, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

AMENDMENT NO. 2940

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2940 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2942

At the request of Mrs. MCCASKILL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2942 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2950

At the request of Mr. BEGICH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2950 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2951

At the request of Mr. BEGICH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2951 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2951 intended to be proposed to S. 3254, *supra*.

AMENDMENT NO. 2952

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 2952 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3006

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3006 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3009

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3009 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3025

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 3025 proposed to S.

3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3029

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3029 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3049

At the request of Mr. UDALL of New Mexico, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3049 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3073

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3073 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3102

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3102 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3103

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3103 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3106

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3106 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3180

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 3180 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3203

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3203 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3215

At the request of Mr. BROWN of Ohio, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3215 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3216

At the request of Mr. BROWN of Ohio, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3216 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3218

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a co-

sponsor of amendment No. 3218 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3229

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 3229 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3232

At the request of Mr. COONS, his name was added as a cosponsor of amendment No. 3232 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 3232 proposed to S. 3254, *supra*.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 3232 proposed to S. 3254, *supra*.

## AMENDMENT NO. 3249

At the request of Mr. BEGICH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3253

At the request of Mr. WICKER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3253 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3278

At the request of Mr. BLUNT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 3278 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3283

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3283 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 605—DESIGNATING THE WEEK BEGINNING NOVEMBER 26, 2012, AS “NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK”

Mr. CONRAD (for himself, Mr. HOEVEN, Mr. BINGAMAN, Mr. LEVIN, Mrs. MURRAY, Mr. BEGICH, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. TESTER, Ms. CANTWELL, Mr. BAUCUS, Mr. BARRASSO, Mr. AKAKA, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

## S. RES. 605

Whereas there are 37 tribal colleges and universities operating on more than 75 campuses in 15 States;

Whereas tribal colleges and universities are tribally or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas tribal colleges and universities serve students from more than 250 federally recognized Indian tribes;

Whereas tribal colleges and universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhance Indian communities and enrich the United States as a whole;

Whereas tribal colleges and universities provide access to high quality higher education opportunities for American Indians/Alaska Natives, and other individuals living in some of the most rural and economically depressed areas in the United States;

Whereas tribal colleges and universities are accredited institutions of higher education that effectively prepare students to succeed in a global and highly competitive workforce;

Whereas tribal colleges and universities have open enrollment policies that have resulted in 17 percent of students at tribal colleges and universities being non-Indians;

Whereas tribal colleges and universities are simply and effectively providing access to quality higher education opportunities to residents of reservation communities and the North Slope;

Whereas the American Indian Higher Education Consortium, the national organization established in 1973 by tribal colleges and universities, will be celebrating its 40th anniversary as the collective spirit and unifying voice of tribal colleges and universities of the United States; and

Whereas the mission and achievements of tribal colleges and universities deserve national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning November 26, 2012, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for tribal colleges and universities.

#### SENATE RESOLUTION 606—COMMEMORATING THE 200TH ANNIVERSARY OF THE FOUNDING OF THE SISTERS OF CHARITY OF NAZARETH, ON DECEMBER 1, 1812

Mr. CARDIN (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

##### S. RES. 606

Whereas 19-year-old Catherine Spalding, born in Charles County, Maryland, and Bishop John Baptist David, born in France, responded to the need for education on the Kentucky frontier by founding the Sisters of Charity of Nazareth (referred to in this preamble as the “Sisters”), on December 1, 1812;

Whereas, after Ellen O’Connell, a gifted teacher from Baltimore, Maryland, and daughter of a college professor, joined the Sisters and prepared Catherine Spalding and Harriet Gardiner for teaching, the 3 Sisters opened their first school, in 1814, at St. Thomas Farm, in Nelson County, Kentucky;

Whereas, after 2 years of teaching, the school serviced both boarding and day students with a total enrollment of 37 girls, including 13 non-Catholic students;

Whereas, in 1822, the Sisters purchased property located 3 miles north of Bardstown, Kentucky and named that property Nazareth;

Whereas, at Nazareth, the Sisters built log houses and a new school, known as Nazareth Academy;

Whereas, in 1825, Henry Clay, Kentucky statesman and orator, gave the first commencement address at Nazareth Academy, where his daughter, granddaughter, and great-granddaughter eventually received an education, along with Sarah Knox Taylor, the daughter of President Zachary Taylor;

Whereas, during the Civil War, the Sisters nursed both Union and Confederate soldiers;

Whereas Dr. J.O. Murray, a physician in the Union Army in Louisville, Kentucky, wrote to Nazareth, “I regret very much to inform you of the death of Sister Catherine Malone on January 31, 1862, at General Hospital No. 1 in this city. She, as well as the other sisters at this hospital, have been untiring and most efficient in nursing the sick soldiers. The military authorities are under the greatest obligation to the sisters of your order.”;

Whereas, in 1861, at the request of a commanding officer of the Union Army, 22-year-

old Sister Mary Lucy Dosh and the other Sisters at St. Mary’s Academy in Paducah, Kentucky closed their school to nurse Union soldiers and Confederate prisoners of war;

Whereas, while nursing, Sister Mary Lucy Dosh consoled patients and often gave up her own food to provide nourishment for the sick and wounded;

Whereas Sister Mary Lucy Dosh contracted typhoid fever and died on December 29, 1861, resulting in doctors and soldiers from Union and Confederate forces calling a truce to mourn her death and officers from both sides accompanying her body up the Ohio River on the U.S. Gunboat Peacock, for burial at St. Vincent’s Academy, in Union County, Kentucky;

Whereas, on January 17, 1865, President Abraham Lincoln sent the following letter to Nazareth as a precaution against any military intrusion: “Let no depredation be committed upon the property or possessions of the Sisters of Charity at Nazareth Academy, near Bardstown, Kentucky.”;

Whereas, in 1878, a yellow fever epidemic besieged the people of the Mississippi River Valley, during which time approximately 120,000 cases of yellow fever were reported and 20,000 people died;

Whereas, in Holly Springs, Mississippi, the Sisters closed a local parochial school to nurse the sick, with 6 of the Sisters succumbing to yellow fever between September 22 and October 11, 1878, which prompted the townspeople to erect a monument at the gravesites of the 6 Sisters, honoring their service and sacrifice;

Whereas, in 1918, 29 Sisters, along with sisters from other orders, helped nurse over 10,000 wounded and sick World War I soldiers at Camp Taylor, in Louisville;

Whereas the Sisters, finding the soldiers sleeping on bare mattresses and dressed in uniforms and boots, requested bed linens and hospital clothing for the sick and wounded at Camp Taylor;

Whereas 90 soldiers, many with Spanish Influenza and battle wounds, died during the night that the Sisters first arrived at Camp Taylor;

Whereas deaths at Camp Taylor noticeably declined as the Sisters provided skilled nursing and a commitment to hygiene;

Whereas an officer remarked that he knew when a Sister was in the barracks at Camp Taylor, because the men were especially quiet and well-mannered;

Whereas, by the mid-20th century, the Sisters were located in 10 States, taught in more than 100 elementary schools, 30 secondary schools, 2 colleges, and 6 schools of nursing, and cared for the sick in 12 hospitals and children in 6 orphanages;

Whereas the Sisters opened their first foreign mission in India in 1947, and subsequent foreign missions in Belize in 1975, Nepal in 1979, and Botswana in 2000;

Whereas, in 1986, Nazareth Home, a nursing care facility that the Sisters opened in 1976, in Louisville, became the first long-term care facility in Kentucky to accept HIV/AIDS patients;

Whereas, as of November 2012, the Sisters—

(1) staff an HIV/AIDS hospice and administer 2 preschools in Botswana; and

(2) provided disaster relief and housing assistance in many places, including—

(A) New Orleans, Louisiana;

(B) Joplin, Missouri;

(C) Nelson County, Kentucky;

(D) Appalachia; and

(E) Belize; and

Whereas the Sisters find inspiration and strength for their service in the words of 2

Corinthians 5:14, “Caritas Christi urget nos” (“the charity of Christ urges us”): Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 200th anniversary of the founding of the Sisters of Charity of Nazareth (referred to in this resolution as the “Sisters”), on December 1, 1812;

(2) commends the dedicated service of the Sisters who provided nursing care during the Civil War, World War I, and epidemics of yellow fever, cholera, and smallpox in the South;

(3) recognizes the service of the Sisters in providing health care on the frontier of Kentucky and elsewhere through the establishment of hospitals in Kentucky, 4 other States, the District of Columbia, and abroad;

(4) lauds the role that the Sisters continue to play in providing education, health care, and nursing home care in response to the needs of economically and socially disadvantaged individuals, families, and communities; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Sisters.

#### SENATE RESOLUTION 607—RELATIVE TO THE DEATH OF THE HONORABLE GEORGE MCGOVERN, FORMER UNITED STATES SENATOR AND CONGRESSMAN FROM THE STATE OF SOUTH DAKOTA

Mr. JOHNSON of South Dakota (for himself, Mr. THUNE, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S RES. 607

Whereas the Honorable George McGovern represented the individuals of his beloved State of South Dakota for over 22 years, serving in the United States House of Representatives and the United States Senate;

Whereas the Honorable George McGovern was the Democratic Party nominee for President of the United States in 1972;

Whereas the Honorable George McGovern was the first director of the Food for Peace program under President John F. Kennedy;

Whereas the Honorable George McGovern flew 35 missions as a B-24 Liberator pilot during World War II, and earned the Distinguished Flying Cross;

Whereas the Honorable George McGovern served as chair of the Senate Select Committee on Nutrition and Human Needs, and was instrumental in the establishment of nationwide access to anti-hunger programs;

Whereas the Honorable George McGovern was a recipient of the Presidential Medal of Freedom, the highest civilian award in the United States;

Whereas the Honorable George McGovern taught thousands of students as a respected professor at Dakota Wesleyan University in Mitchell, South Dakota;

Whereas the Honorable George McGovern authored 14 books on diverse topics, including politics, philosophy, history, and his own personal experiences; and

Whereas the public service of the Honorable George McGovern inspired millions of individuals in the United States to dedicate time and energy to the goal of a more compassionate and peaceful world: Now, therefore, be it

*Resolved*, That—

(1) the Senate has heard with profound sorrow and deep regret of the passing of the Honorable George McGovern and extends heartfelt sympathy to the family and friends of the Honorable George McGovern;

(2) the Senate acknowledges and commends the lifetime of public service of the Honorable George McGovern;

(3) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable George McGovern.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3288. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3289. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3290. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3291. Mr. PRYOR (for himself, Mr. JOHANNES, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3292. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3288. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

#### SEC. 704. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year to 30-year career in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) those sacrifices constitute a significant pre-paid premium for health care during retirement that is over and above what such members pay in money as a premium for such health care.

SA 3289. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

SA 3290. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 543, between lines 2 and 3, insert the following:

#### SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or

Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”

**SA 3291.** Mr. PRYOR (for himself, Mr. JOHANNIS, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver's license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SA 3292.** Mr. REED submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

At the end of subtitle E of title VI, add the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”

**UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR**

Mr. LEVIN. I ask unanimous consent that on Monday, December 3, 2012, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 760; that there will be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

**UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION**

Mr. LEVIN. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 676; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate, and that no further motions be in order on the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

**HATCH ACT MODERNIZATION ACT OF 2012**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 508, S. 2170.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Hatch Act Modernization Act of 2012”.*

**SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.**

Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

“(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.”

**SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.**

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting “, or the executive branch of the District of Columbia, or an agency or department thereof” before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

“(i) a State or political subdivision thereof;

“(ii) the District of Columbia; or

“(iii) a recognized religious, philanthropic, or cultural organization.”

(c) EXCEPTION OF CERTAIN OFFICERS.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking “‘or municipality’” and inserting “, municipality, or the District of Columbia”;

(2) by striking “‘or municipal’” and inserting “, municipal, or the District of Columbia”.

(d) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting “(or in the case of the District of Columbia, in the District of Columbia)” after “the same State”.

(e) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding “or” at the end;



(2) in subparagraph (B), by striking "or" at the end;

(3) by striking subparagraph (C); and

(4) by striking "services;" and inserting "services or an individual employed or holding office in the government of the District of Columbia;"

(f) **EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES.**—Section 7325(1) of title 5, United States Code, is amended to read as follows:

"(1) the municipality or political subdivision is—

"(A) the District of Columbia;

"(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

"(C) a municipality in which the majority of voters are employed by the Government of the United States; and"

#### **SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.**

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

##### **"§ 7326. Penalties**

"An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000."

#### **SEC. 5. EFFECTIVE DATE.**

(a) **IN GENERAL.**—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

##### **(b) APPLICABILITY RULE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) **EXCEPTION.**—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

Mr. LEVIN. I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the committee-reported title amendment be agreed to with no intervening action or debate; and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute was agreed to.

The bill (S. 2170), as amended, was ordered to be engrossed for a third reading, was read the third, and passed.

The title amendment was agreed to, as follows:

Amend the title so as to read: "A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the 'Hatch Act', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title."

#### **CONGRATULATING THE SOUTHERN BAPTIST CONVENTION FOR ELECTING REVEREND FRED LUTER, JR., AS PRESIDENT**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 518 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 518) congratulating the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### **S. RES. 518**

Whereas the Southern Baptist Convention formed in 1845 in Augusta, Georgia, in opposition to the abolition of slavery;

Whereas the Southern Baptist Convention supported racial segregation for much of the twentieth century;

Whereas the Southern Baptist Convention issued a resolution stating that the Convention sought to purge itself and society of all racism in 1978;

Whereas the Southern Baptist Convention issued a resolution denouncing racism as a deplorable sin in 1995;

Whereas, in 2012, the Southern Baptist Convention is a cooperative of more than 45,000 churches that seek diligently to bring about greater racial and ethnic representation at every level of Southern Baptist institutional life;

Whereas Reverend Fred Luther, Jr., was born on November 11, 1956, in New Orleans, Louisiana;

Whereas Reverend Luther preached his first church sermon in 1983 at the Law Street Baptist Church in New Orleans, Louisiana;

Whereas Reverend Luther became the pastor of Franklin Avenue Baptist Church in 1986;

Whereas, under the leadership of Reverend Luther, the Franklin Avenue Baptist Church community grew from 65 members in 1986 to more than 7,000 members in 2005;

Whereas the Franklin Avenue Baptist Church was destroyed in 2005 by Hurricane Katrina and lost approximately 2,000 members;

Whereas Reverend Luther, in cooperation with Reverend David Crosby, found a tem-

porary home for Franklin Avenue Baptist Church during the aftermath of Hurricane Katrina;

Whereas, continuing that spirit of cooperation, Reverend Crosby nominated Reverend Luther to become president of the Southern Baptist Convention;

Whereas Reverend Luther was elected to be the first African-American president of the Southern Baptist Convention on June 19, 2012; and

Whereas the election of Reverend Luther brings great pride and honor to the membership of the Southern Baptist Convention: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention;

(2) acknowledges Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention; and

(3) honors the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

#### **NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 605, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 605) designating the week beginning November 26, 2012 as National Tribal Colleges and Universities Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 605) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### **S. RES. 605**

Whereas there are 37 tribal colleges and universities operating on more than 75 campuses in 15 States;

Whereas tribal colleges and universities are tribally or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas tribal colleges and universities serve students from more than 250 federally recognized Indian tribes;

Whereas tribal colleges and universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhance Indian communities and enrich the United States as a whole;

Whereas tribal colleges and universities provide access to high quality higher education opportunities for American Indians/

Alaska Natives, and other individuals living in some of the most rural and economically depressed areas in the United States;

Whereas tribal colleges and universities are accredited institutions of higher education that effectively prepare students to succeed in a global and highly competitive workforce;

Whereas tribal colleges and universities have open enrollment policies that have resulted in 17 percent of students at tribal colleges and universities being non-Indians;

Whereas tribal colleges and universities are simply and effectively providing access to quality higher education opportunities to residents of reservation communities and the North Slope;

Whereas the American Indian Higher Education Consortium, the national organization established in 1973 by tribal colleges and universities, will be celebrating its 40th anniversary as the collective spirit and unifying voice of tribal colleges and universities of the United States; and

Whereas the mission and achievements of tribal colleges and universities deserve national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning November 26, 2012, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for tribal colleges and universities.

#### COMMEMORATING THE 200TH ANNIVERSARY OF THE FOUNDING OF THE SISTERS OF CHARITY OF NAZARETH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 606, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 606) commemorating the 200th anniversary of the founding of the Sisters of Charity of Nazareth, on December 1, 1812.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 606) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 606

Whereas 19-year-old Catherine Spalding, born in Charles County, Maryland, and Bishop John Baptist David, born in France, responded to the need for education on the Kentucky frontier by founding the Sisters of Charity of Nazareth (referred to in this preamble as the “Sisters”), on December 1, 1812;

Whereas, after Ellen O’Connell, a gifted teacher from Baltimore, Maryland, and daughter of a college professor, joined the Sisters and prepared Catherine Spalding and Harriet Gardiner for teaching, the 3 Sisters opened their first school, in 1814, at St. Thomas Farm, in Nelson County, Kentucky;

Whereas, after 2 years of teaching, the school serviced both boarding and day students with a total enrollment of 37 girls, including 13 non-Catholic students;

Whereas, in 1822, the Sisters purchased property located 3 miles north of Bardstown, Kentucky and named that property Nazareth;

Whereas, at Nazareth, the Sisters built log houses and a new school, known as Nazareth Academy;

Whereas, in 1825, Henry Clay, Kentucky statesman and orator, gave the first commencement address at Nazareth Academy, where his daughter, granddaughter, and great-granddaughter eventually received an education, along with Sarah Knox Taylor, the daughter of President Zachary Taylor;

Whereas, during the Civil War, the Sisters nursed both Union and Confederate soldiers;

Whereas Dr. J. O. Murray, a physician in the Union Army in Louisville, Kentucky, wrote to Nazareth, “I regret very much to inform you of the death of Sister Catherine Malone on January 31, 1862, at General Hospital No. 1 in this city. She, as well as the other sisters at this hospital, have been untiring and most efficient in nursing the sick soldiers. The military authorities are under the greatest obligation to the sisters of your order.”;

Whereas, in 1861, at the request of a commanding officer of the Union Army, 22-year-old Sister Mary Lucy Dosh and the other Sisters at St. Mary’s Academy in Paducah, Kentucky closed their school to nurse Union soldiers and Confederate prisoners of war;

Whereas, while nursing, Sister Mary Lucy Dosh consoled patients and often gave up her own food to provide nourishment for the sick and wounded;

Whereas Sister Mary Lucy Dosh contracted typhoid fever and died on December 29, 1861, resulting in doctors and soldiers from Union and Confederate forces calling a truce to mourn her death and officers from both sides accompanying her body up the Ohio River on the U.S. Gunboat Peacock, for burial at St. Vincent’s Academy, in Union County, Kentucky;

Whereas, on January 17, 1865, President Abraham Lincoln sent the following letter to Nazareth as a precaution against any military intrusion: “Let no depredation be committed upon the property or possessions of the Sisters of Charity at Nazareth Academy, near Bardstown, Kentucky.”;

Whereas, in 1878, a yellow fever epidemic besieged the people of the Mississippi River Valley, during which time approximately 120,000 cases of yellow fever were reported and 20,000 people died;

Whereas, in Holly Springs, Mississippi, the Sisters closed a local parochial school to nurse the sick, with 6 of the Sisters succumbing to yellow fever between September 22 and October 11, 1878, which prompted the townspeople to erect a monument at the gravesites of the 6 Sisters, honoring their service and sacrifice;

Whereas, in 1918, 29 Sisters, along with sisters from other orders, helped nurse over 10,000 wounded and sick World War I soldiers at Camp Taylor, in Louisville;

Whereas the Sisters, finding the soldiers sleeping on bare mattresses and dressed in uniforms and boots, requested bed linens and

hospital clothing for the sick and wounded at Camp Taylor;

Whereas 90 soldiers, many with Spanish Influenza and battle wounds, died during the night that the Sisters first arrived at Camp Taylor;

Whereas deaths at Camp Taylor noticeably declined as the Sisters provided skilled nursing and a commitment to hygiene;

Whereas an officer remarked that he knew when a Sister was in the barracks at Camp Taylor, because the men were especially quiet and well-mannered;

Whereas, by the mid-20th century, the Sisters were located in 10 States, taught in more than 100 elementary schools, 30 secondary schools, 2 colleges, and 6 schools of nursing, and cared for the sick in 12 hospitals and children in 6 orphanages;

Whereas the Sisters opened their first foreign mission in India in 1947, and subsequent foreign missions in Belize in 1975, Nepal in 1979, and Botswana in 2000;

Whereas, in 1986, Nazareth Home, a nursing care facility that the Sisters opened in 1976, in Louisville, became the first long-term care facility in Kentucky to accept HIV/AIDS patients;

Whereas, as of November 2012, the Sisters—

(1) staff an HIV/AIDS hospice and administer 2 preschools in Botswana; and

(2) provided disaster relief and housing assistance in many places, including—

(A) New Orleans, Louisiana;

(B) Joplin, Missouri;

(C) Nelson County, Kentucky;

(D) Appalachia; and

(E) Belize; and

Whereas the Sisters find inspiration and strength for their service in the words of 2 Corinthians 5:14, “Caritas Christi urget nos” (“the charity of Christ urges us”): Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 200th anniversary of the founding of the Sisters of Charity of Nazareth (referred to in this resolution as the “Sisters”), on December 1, 1812;

(2) commends the dedicated service of the Sisters who provided nursing care during the Civil War, World War I, and epidemics of yellow fever, cholera, and smallpox in the South;

(3) recognizes the service of the Sisters in providing health care on the frontier of Kentucky and elsewhere through the establishment of hospitals in Kentucky, 4 other States, the District of Columbia, and abroad;

(4) lauds the role that the Sisters continue to play in providing education, health care, and nursing home care in response to the needs of economically and socially disadvantaged individuals, families, and communities; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Sisters.

#### RELATIVE TO THE DEATH OF THE HONORABLE GEORGE MCGOVERN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 607, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 607) relative to the death of the Honorable George McGovern,

former United States Senator and Congressman, from the State of South Dakota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 607

Whereas the Honorable George McGovern represented the individuals of his beloved State of South Dakota for over 22 years, serving in the United States House of Representatives and the United States Senate;

Whereas the Honorable George McGovern was the Democratic Party nominee for President of the United States in 1972;

Whereas the Honorable George McGovern was the first director of the Food for Peace program under President John F. Kennedy;

Whereas the Honorable George McGovern flew 35 missions as a B-24 Liberator pilot during World War II, and earned the Distinguished Flying Cross;

Whereas the Honorable George McGovern served as chair of the Senate Select Committee on Nutrition and Human Needs, and was instrumental in the establishment of nationwide access to anti-hunger programs;

Whereas the Honorable George McGovern was a recipient of the Presidential Medal of Freedom, the highest civilian award in the United States;

Whereas the Honorable George McGovern taught thousands of students as a respected professor at Dakota Wesleyan University in Mitchell, South Dakota;

Whereas the Honorable George McGovern authored 14 books on diverse topics, includ-

ing politics, philosophy, history, and his own personal experiences; and

Whereas the public service of the Honorable George McGovern inspired millions of individuals in the United States to dedicate time and energy to the goal of a more compassionate and peaceful world: Now, therefore, be it

#### Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the passing of the Honorable George McGovern and extends heartfelt sympathy to the family and friends of the Honorable George McGovern;

(2) the Senate acknowledges and commends the lifetime of public service of the Honorable George McGovern;

(3) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable George McGovern.

#### ORDERS FOR MONDAY, DECEMBER 3, 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 3, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the DOD Authorization Act, S. 3254; and that at 5 p.m. the Senate proceed to executive session under the previous order; further, that following disposition of the order with respect to the Grimm nomination, the Senate immediately resume consideration of S. 3254

and then proceed to the vote on the motion to invoke cloture; and that the second-degree filing deadline for amendments to S. 3254 be at 4 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. LEVIN. Mr. President, there will be two rollcalls on Monday at 5:30. I emphasize the two rollcall votes I am referring to would be at 5:30. The first will be confirmation of the Grimm nomination and the second will be cloture on the DOD authorization bill. There could be additional rollcalls to the two I referred to on Monday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL MONDAY, DECEMBER 3, 2012, AT 2 P.M.

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 607 as a further mark of respect to the memory of former Senator George McGovern of South Dakota.

There being no objection, the Senate, at 4:38 p.m., adjourned until Monday, December 3, 2012, at 2 p.m.

## EXTENSIONS OF REMARKS

### GUY REYNOLDS' 100TH BIRTHDAY

#### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mrs. CAPITO. Mr. Speaker, I would like to take this opportunity to recognize Mr. Guy Reynolds in celebration of his one hundredth birthday. Thomas Guy Reynolds Jr. was born on November, 30, 1912 in Martinsburg, West Virginia and is the son of the late Thomas Guy Reynolds Sr. and Lora Lenora Stotler.

Mr. Reynolds graduated from Shepherd College in 1933 with a degree in education. He served in the Berkeley County school system for a total of 18 years in addition to running his own television and radio repair business; serving as an electro-mechanical designer for Thieblot Aircraft; and working for 17 years at Corning Glass Works where he was appointed to the position of Senior Associate. He was the first person from the Martinsburg plant to receive this honorable position.

Mr. Reynolds has received numerous awards for his outstanding volunteer efforts and community involvement, including Berkeley County's Citizen of the Year, Outstanding Alumni by Shepherd University, and was inducted into the West Virginia Voter Hall of Fame, for having voted in every general election since at least 1942, when records were first kept.

Believed to be the oldest aviator in West Virginia, Mr. Reynolds flies his light-sport airplane as often as he can and frequently attends airport functions. He took his first flight out of Shepherd Field in 1929 in a Ford Trimotor and has been actively involved with the Eastern West Virginia Regional Airport and served as chairman of the West Virginia State Aeronautics Commission for two terms.

Guy Reynolds' wonderful legacy lives on through his children, stepson, grandchildren, and great grandchildren.

### HONORING U.S. NAVY COMMANDER ANDREW LOUIS FRAHLER

#### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. PRICE of Georgia. Mr. Speaker, today I rise to honor a former constituent of the Sixth District of Georgia, Commander Andrew Louis Frahler of the U.S. Navy. Andrew was born December 4, 1923 in Oregon. He served one year in the Army during World War II. He entered the U.S. Naval Academy in August 1944. While attending the Academy, Andrew earned a varsity letter every year and was the only person to be captain of the USNA baseball team two years in a row. In his final at-

bat, he hit a grand slam homerun against West Point. After graduating from the Academy in 1948, Andrew eventually rose to the rank of Commander in the Navy. During his time in the Navy, he served on six ships, including as Supply Officer on the USS *Oklahoma City*, and was at sea during the Korean War and Cuban Missile Crisis.

After leaving the Navy, Andrew worked at Beatrice Foods in Chicago, ultimately rising to Vice-President. In 1977, he moved to the Atlanta area to teach Management at Baptist University of America. In 1980 he began to teach secondary math and science at Heiskell School and then Providence Academy. He also coached the baseball teams at both schools. Andrew was a deacon in the local Baptist Church, taught Sunday school for many years, helped widows from the church with their taxes, worked at a crisis pregnancy center providing financial assistance, and assisted with an ESL program for Hispanic children.

Mr. Frahler passed away on Wednesday, November 28, a few days before his 89th birthday. He is survived by his beloved wife Mary Claire Jennings Frahler, his four children and their spouses, ten grandchildren, and four great-grandchildren. Andrew was preceded in death by his parents Andrew William Frahler and Sophia Kish Frahler, and by his brother, William Michael Frahler. Mr. Speaker, we are forever indebted to those great Americans like Andrew Louis Frahler who worked so hard and sacrificed so much for his nation. We will never forget his invaluable contributions to the well-being of his community and fellow citizens.

### PAYING TRIBUTE TO SEAN PATRICK SMITH, A VICTIM OF THE SEPTEMBER 11, 2012 TERRORIST ATTACK IN BENGHAZI

#### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Sean Patrick Smith, an Information Management Officer in the State Department and United States Air Force Veteran, who was slain in the September 11, 2012 terrorist attack on the U.S. Government Mission to Libya in Benghazi along with Ambassador J. Christopher Stevens and former United States Navy Sea, Air and Land (SEAL) Operators, Glen Doherty and Tyrone Woods.

Sean Smith was a native of the Clairemont neighborhood of San Diego, California and seemed destined to serve his nation. His father, Rene "Ray" Smith, my constituent from Gulfport, Florida, was a Corporal in the United States Marine Corps during the Vietnam War. The elder Smith often served as a "tunnel

rat," crawling deep into Vietcong underground facilities in search of the enemy. In 1970, during a firefight, he was burned over 60 percent of his body after the brush he was in caught fire. He raised Sean to appreciate the freedoms our nation provides and to be willing to fight for them.

Sean enlisted in the United States Air Force in 1995 at the age of 17, so young that he needed a parental release. He served six years as a Ground Radio Maintenance Specialist, which included a deployment to Oman. Sean left the Air Force in 2002 as a Staff Sergeant. At the time of his death, Sean was on temporary assignment to assist in the establishment of the Information Technology infrastructure in support of the Mission to Libya. Before his assignment to Benghazi, Sean had given 10 years of dedicated service to the State Department around the globe in Brussels, Baghdad, Pretoria, Montreal, and The Hague.

A technological guru, Sean's computer savvy was not limited to his United States Air Force and State Department duties. Sean was an avid gamer and well known in the online gaming community of the space fantasy game EVE Online. A leader of the "Goonswarm" guild, his gaming persona "Vile Rat" made use of Sean's skills as a diplomat and he was respected as a skilled competitor. Additionally, Sean was a moderator of the internet forum, "Something Awful," where he posted about football, politics and working with the Foreign Service.

In the lobby of the State Department, the names of those who have fallen in the line of duty are inscribed in marble. Sean's name has been added along with his compatriots, Ambassador Stevens, Glen Doherty, and Tyrone Woods. In the same tradition, a plaque will be placed in the lobby of the Bay Pines VA Medical Center, where Sean's father receives his primary care, to commemorate his life and the daily sacrifices made by our veterans.

Sean is survived by his father Ray, mother Pat, wife Heather, and two young children, Samantha and Nathan. Beyond his family, Sean will be forever mourned by friends, colleagues, and countless online competitors, collaborators and gamers, who shared his passion in the virtual world Sean helped create. They are the true victims of this act of terror. While Sean's pain has ended, they will have to continue life without a beloved son, caring husband, nurturing father, and extraordinary friend.

Mr. Speaker, on behalf of a grateful Nation, I join my colleagues today in recognizing Sean Patrick Smith for his dedicated service to his country. He has made the ultimate sacrifice to defend freedom and his fellow Americans and we are forever in his debt. We wish his family all the best as they continue in their life's journey, and hope they find solace in knowing that their beloved Sean shall forever be remembered as a true patriot and hero.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING THE HONORABLE  
ELMA TERESA SALINAS ENDER

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize The Honorable Elma Teresa Salinas Ender, an award recipient of the Lifetime Achievement Award by the Laredo-Webb County Bar Association for her accomplishments and services in Webb County of South Texas. Judge Ender is currently completing her term in the 341st Judicial District Court in Laredo, Texas.

Judge Ender, a native Laredoan, is a remarkable and highly respected member of the community who has dedicated her life to promoting fairness and justice. She serves the community as Texas Supreme Court Permanent Judicial Commission for Children, Youth and Families. Judge Ender became the youngest woman and first Hispanic female to serve as a district court judge in Texas. She is also the longest serving district court judge in Webb County in recent history, serving one appointed term and seven elected terms consecutively.

Currently, Judge Ender serves as chair for the Board of Judges overseeing the Auditor and on the Indigent Defense Services Oversight Committee for the Webb County Judiciary. She holds a Juris Doctor degree from St. Mary's University School of Law and a B.B.A. from University of Texas in Austin, with a major in accounting. She holds a Certificate in Commercial and International Arbitration from the University of Houston Law School, A. A. White Dispute Resolution Center and certificates in dispute resolution from the National College for the Judiciary, the Center for Public Policy Dispute Resolution at the University of Texas School of Law, and the DRC in Austin, Texas. Appointed in 1995 by then Governor George Bush, as an ad hoc committee member, Judge Ender worked to rewrite the Texas Code of Criminal Procedure. Appointed by Governor Mark White in 1986, she served on a Task Force charged with drafting professional standards to be used to certify juvenile detention centers. She has served as President, Vice President and 4th Administrative District Representative for the Texas District Judges' Association.

Not only has Judge Ender enjoyed an esteemed and honorable career, she also devotes much of her time to community organizations. She was one of the five Leadership Texas Alumnae who initiated, planned and funded the Leadership Laredo program sponsored by the Laredo Chamber of Commerce. Judge Ender is involved in numerous civic and community activities. Her leadership in organizations includes Leadership Texas, the Laredo Business and Professional Women's Association, and participation in the National Hispana Leadership Institute, which included study at Harvard University's JFK School of Public Affairs. She has received numerous awards throughout her career, including "Laredoan of the Year" in 2012, Laredo UT Exes Longhorn Legacy Award in 2008, and the 2003 Tejano Achievement Award, to name a few. Addition-

ally, she has been featured in numerous publications due to her influence in Texas. She is married to David Ender and they are the proud parents of two daughters.

Mr. Speaker, I am honored and pleased to have had this time to recognize The Honorable Elma Teresa Salinas Ender on her career and community involvement. She has contributed her time, knowledge, and efforts to the judiciary and to community outreach.

CONGRATULATING MR. EDWARD  
SPAR ON HIS RETIREMENT  
FROM THE COUNCIL OF PROFESSIONAL  
ASSOCIATIONS ON FEDERAL  
STATISTICS

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mrs. MALONEY. Mr. Speaker, I rise today to congratulate Mr. Edward Spar on his retirement as Executive Director of the Council of Professional Associations on Federal Statistics, COPAFS. Since December 1992, Mr. Spar has led COPAFS, a consortium of over 50 organizations and individuals dedicated to increasing knowledge about issues affecting Federal statistical agencies and to encouraging dialogue between its member organizations, federal agencies, Congress, and the public about these issues.

As you may know Mr. Speaker, I am a strong supporter of our nation's federal statistical agencies and the data that they collect, disseminate, and protect. These agencies, which include, for example, the Census Bureau, Bureau of Labor Statistics, National Center for Education Statistics, National Center for Health Statistics, and Bureau of Justice

Statistics, are national treasures. Simply put, federal, state, and local governments and American businesses could not function effectively without these agencies which produce high quality, reliable, and accessible data.

As the COPAFS Executive Director, Mr. Spar has shared my passion for these agencies and successfully raised awareness about their often-overlooked needs. He achieved this goal by conducting quarterly meetings and other colloquia for users and producers of federal statistics where they could share information about current federal statistical policy developments and discuss issues important to governmental and non-governmental data user communities. Mr. Spar was also a constant presence at meetings with federal statistical agencies, Members of Congress, and congressional staff, offering his expertise on federal statistical policy issues and suggesting improvements.

Mr. Spar's achievements include an initiative he led for the Bureau of Labor Statistics to update the Consumer Expenditure Survey, which resulted in crucial changes to the survey's interviewing structure, questionnaire design, and proxy reporting. In addition, he served on the National Academy of Sciences' panel on transportation statistics whose recommendations guide the current collection of key infrastructure data. Mr. Spar has also worked closely with the Office of Statistical Policy of

the United States Office of Management and Budget (OMB), particularly to review and improve geographic classifications, as well as to bring statistical policy and research developments to broader audiences.

His efforts have not been limited, however, to domestic statistical issues. Mr. Spar has also been recognized as a leader regarding international surveys and agencies. Major international agencies, including the United Nations, the U.S. Agency for International Development, the U.S. Information Agency, and the Organization for Economic Cooperation and Development, have consulted with Mr. Spar. In this capacity, Mr. Spar advised these agencies and their international counterparts on a range of issues, including data collection and confidentiality standards, the establishment of statistical policy offices, and the development of strategies for outreach to users of federal statistics.

In addition to all of his achievements, Mr. Spar has been a mentor, teaching courses at Georgetown University and the U.S. Census Bureau, leading workshops at national and international scientific and data user conferences, and encouraging the next generation of statisticians and data users. And, as President of Market Statistics from 1972 to 1992, Mr. Spar was one of the pioneers of private sector applied demography.

I am proud to rise in recognition of Mr. Spar, a native New Yorker and a national leader on federal statistical issues. Although he is leaving COPAFS to enjoy a well-deserved retirement, he leaves behind a legacy of stronger statistical agencies and policies and an appreciative cadre of colleagues who have benefited from his dedicated years of service.

Congratulations and best wishes to Mr. Spar and his family.

A TRIBUTE TO THE UNION  
LEAGUE OF PHILADELPHIA

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Union League of Philadelphia which will commemorate its Sesquicentennial Celebration on December 27, 2012. This occasion will reflect on the great history and traditions that have helped sustain the League, and have made it one of the great civic institutions in Philadelphia.

In late 1862, during some of the darkest and most turbulent days of America's Civil War, a group of patriotic Philadelphians resolved to create an organization to assist President Abraham Lincoln and the North to save the American Union. By early 1863 The Union League of Philadelphia was diligently printing and distributing anti-secession literature, financing military regiments, and devoting its talent and resources to the protection of southern Pennsylvania and the City of Philadelphia from the menace of invasion. Following the northern victory in April of 1865, the Union League found a new and continuing purpose as it demonstrated its support for Reconstruction legislation and new amendments

to the U.S. Constitution, positive political action, and election reform.

Into the twentieth century and the present day, the legacy of the Union League includes an outstanding record of 150 years of civic, philanthropic, and cultural activities. Today, its 3,300 members continue to sustain the Union League and its ethos of patriotism and service.

Mr. Speaker, I encourage my colleagues to join me in honoring the Union League of Philadelphia for its 150 years of service to the city of Philadelphia and the Union.

TRIBUTE TO LIEUTENANT  
COLONEL MAREN CALVERT

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Lieutenant Colonel Maren Calvert, who has worked in my office for the past year as a Defense Fellow. Lt. Col. Calvert started in my office last January and she has truly been a pleasure to have on the staff. Her law background coupled with her military experience has benefited the office tremendously. She offers a unique perspective, is always prepared, takes on any task and does it with a smile.

Lt. Col. Calvert is a Category A reservist and came to my office from the 701st Combat Operations Squadron (COS) detachment 1 at Hickam Air Force Base in Hawaii where she served as the Deputy Commander. The 701 COS operates out of March Air Reserve Base, California which is located in my congressional district. The 701 COS provides trained, experienced Air Operations Center (AOC) warfighters primarily in support of 7th Air Force, the Combined AOC, and Commander of Air Force Forces at Osan Air Base, Republic of Korea. In her capacity as Deputy Commander, Lt. Col. Calvert provided expertise within the Operations, Plans and Strategy Divisions on the Law of Armed Conflict and Rules of Engagement. She advised the Commander on all legal issues, including military justice and civil law.

Lt. Col. Calvert was commissioned in 1993 from the Air Force Academy where she graduated with a Bachelors of Science degree in Humanities. She served on active duty through August 1998 and then obtained her law degree from the University of California, Los Angeles before joining the Air Force Reserve. In addition to her 701 COS assignment, Lt. Col. Calvert has served as the Chief of Health Services, 701 COS; Commander, Business Operations & Beneficiary Services, TRICARE, and Resource Management Flights; and as Squadron Section Commander. Lt. Col. Calvert has furthered her Air Force education, having completed the Squadron Officer School, Air Command and Staff College, and the Judge Advocate General Staff Office Course at Maxwell Air Force Base, Alabama.

As a civilian, Lt. Col. Calvert is a commercial litigation attorney at Alston Hunt Floyd & Ing in Honolulu, HI. Her practice is diversified, with experience in condominium law, real es-

tate development, foreclosures, adversary proceedings in bankruptcy, and an emphasis in health law and health care compliance. She is admitted to both the California and Hawaii Bars.

During her time in the office she has focused her efforts on defense acquisition, TRICARE, basing issues, wildfire resource issues, Medicaid portability for military members with autistic children, and many other policy areas. She has been an invaluable resource to all my staff and I would also like to take this opportunity to thank her and her family—I know it was not easy to move across an ocean and a country to start a new life. To Jason, Braedon, and Teryn, thank you for supporting your wife and mom, she is an impressive lady. On behalf of everyone in the office, I would like to extend a heartfelt "Mahalo" to Lt. Col. Calvert for all her hard work and let her know that my office door is always open for Pau Hana!

COLONEL PETER J. BROOKS

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, November 20, 2012, Colonel Peter J. Brooks wore the United States Army uniform for the very last time. After over 32 years of dedicated service to our nation, Pete has retired from our Armed Forces and will serve his last day with the South Carolina National Guard on December 31, 2012.

Colonel Brooks began his military service in September 1979, when he entered the Army ROTC/SMP at Valley Forge Military College in Wayne, Pennsylvania. Following graduation, he was commissioned as a second lieutenant in the Armor branch in June 1981. Pete studied at the University of South Carolina for several years before attending officer basic course. In 1986, Colonel Brooks graduated from the University of New York where he studied political science and received a Bachelor's Degree in Liberal Arts.

Since 1995, Colonel Brooks has worked in the public affairs department of the South Carolina National Guard and the Military Department of South Carolina. Due to his superb knowledge, he has more recently served as a senior advisor to the director of public affairs and strategic communications. Pete always worked extremely hard on behalf of the SCNG and has developed great working relationships with Congressional leaders and staffers, resulting in tremendous legislative support for the Soldiers and Airmen serving in the South Carolina National Guard. He also has served as a former president to the National Guard Association of South Carolina. Additionally, under Colonel Brooks' mentorship, the SCNG public affairs professionals earned awards from many different organizations including the National Guard Bureau, Air Force, Army, and Department of Defense. In 2009, due to Colonel Brooks' expertise, NORTHCOM/ARNOTH requested him by-name to support their communications programs.

Colonel Brooks also has worked with the University of South Carolina to develop a

Media & the Military course in the university's School of Journalism and Mass Communications. This graduate-level course has helped approximately 100 recent graduates enter the public relations and journalism career fields with a level of understanding of military operations that very few students ever achieve. Additionally, Colonel Brooks and his team of public affairs professionals, all of who have been deployed to Iraq or Afghanistan in recent years, served as guest lecturers and mentors for the students.

As a 31 year veteran of the South Carolina Army National Guard and with three sons currently serving in the Army National Guard, I am truly grateful of Colonel Pete Brooks and his selfless service to the United States Army. I wish him and his wife Laurie the best in the future and look forward to working with him throughout the Midlands community.

IMPORTANCE OF FEDERAL  
INVESTMENT IN RESEARCH

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, the importance of federal investment in research cannot be overemphasized. Our investment in research, including through the National Institutes of Health, the Centers for Disease Control and Prevention, and the National Science Foundation, saves lives, improves health, and increases our understanding of the world that we live in. Grants to research institutions, including Northwestern University, University of Illinois at Chicago, and Loyola University in the Chicago metropolitan area, not only help to make medical progress but train our next generation of scientists.

Biomedical research funded by the National Institutes of Health has made a real difference in the health and lives of millions of Americans. The outcomes of those research efforts speak volumes. Anti-viral therapies for HIV have been developed that make it possible for HIV-infected individuals to live into their 70s and beyond as compared to a life expectancy of just months when the disease first appeared in the 1980s. New treatments and procedures have been developed for Age-Related Macular Degeneration that will allow hundreds of thousands of Americans to continue to have useful vision over the next five years. Researchers have identified a treatment that could reduce premature birth by 45 percent among at-risk women.

Public health research sponsored by the Centers for Disease Control and Prevention helps us prevent and contain disease outbreaks. As we transition from a health care system focused on the treatment of disease to a system based on disease prevention, we will increasingly rely on public health research to identify new prevention techniques and interventions that help keep people healthy. For example, the CDC has established a research grant program to help develop and test new ways to combat healthcare-associated infections—infections that harm patients and increase health care costs. Through this initiative, the CDC awarded a grant to the Chicago



Antimicrobial Resistance and Infection Prevention Epicenter, a collaboration between the Cook County Health and Hospitals System and Rush University Medical Center, to research strategies for antimicrobial resistance and infection prevention.

The funding of basic research in fields such as chemistry, engineering, physics, and computers by the National Science Foundation has led to discoveries and technological advances that have been truly revolutionary. NSF-funded researchers have decoded the genetics of viruses and created an entirely new state of matter. NSF-funded research is also enhancing our understanding of the link between brain health and overall human health.

These examples merely scratch the surface of federally-funded research discoveries and only hint at the promise of our continued investment in research. We can imagine the possibilities—a cure for HIV/AIDS, the elimination of health disparities, or the end of Alzheimer's disease. If we don't stop the sequester cuts, which include budget cuts of \$2.5 billion to NIH, \$586 million to NSF, and \$490 million to CDC, or any other cuts, these discoveries could be severely delayed or even worse never become reality. We can't allow that. We must avert these cuts and replace them with a balanced approach that continues our investment in research.

IN RECOGNITION OF MRS. EVELYN  
TURNER PUGH

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my sincerest appreciation to not only an outstanding public servant but an extraordinary banker and fiscal professional, Mrs. Evelyn Turner Pugh, Vice President of SunTrust Bank and Mayor Pro Tem of Columbus, Georgia, upon her retirement this year from SunTrust Bank. Retirement celebrations will be held on Friday, November 30, 2012 at 4:00 p.m. at SunTrust Bank in Columbus and at 7:00 p.m. at The Benning Club at Fort Benning, Georgia.

A Columbus, Georgia native, Mrs. Pugh received an Associate's degree in Secretarial Science, a Bachelor's in Management/Accounting and an MBA in Business Administration from Columbus College before it was known as Columbus State University.

Beginning her career as a secretary at Columbus College and Progressive Funeral Home, Mrs. Pugh rose quickly through the ranks, holding a number of positions ranging from entry-level to managerial at Blue Cross Blue Shield of Georgia across the span of thirty years.

In 1999, Mrs. Pugh was appointed Vice President of SunTrust Bank, West Georgia, the position she still holds today. In addition, Mrs. Pugh also serves as City Councilor—Post 4 and in 2007, was elected Mayor Pro Tem of Columbus Consolidated Government.

Due to her strong leadership and dedication to public service, Mrs. Pugh was appointed by

former Governor Zell Miller to the Georgia Policy Council on Children and Families in 1995; the University of Georgia Carl Vinson Institute of Government Advisory Committee in 1995; and the Mental Health, Mental Retardation and Substance Abuse (MHMRSA) Funding Study Committee in 1998.

Mrs. Pugh was also appointed Chair of the National League of Cities' Public Safety & Crime Prevention Steering Committee in 1996, where she worked with former U.S. Attorney General Janet Reno and the U.S. Department of Justice to increase the flexibility in the use of grants from Community Oriented Policing Services, COPS.

Moreover, Mrs. Pugh was elected as Georgia Chair of Women in Municipal Government in 1995 and President of the Georgia Municipal Association in 1999. She was appointed to the Georgia Public Defenders Council by former Lieutenant Governor Mark Taylor. She has also served on the Board of Directors and Advisory Council of the National League of Cities.

In conjunction with her professional accomplishments, Mrs. Pugh has served on a number of boards including the Board of Directors for Girls, Inc., St. Francis Hospital, Columbus Technical College, Columbus Housing Initiative, Liberty Theatre, and Muscogee Educational Excellence Foundation. She is also a member of the Columbus Chapter of The Links, Inc. and the Columbus Alumnae Chapter of Delta Sigma Theta Sorority and has served as President, Treasurer, and Financial Secretary, among other roles, continuing the sorority's tradition of far-reaching service to the community. In addition, she has been awarded the Martin Luther King, Jr. Unity Award, among other distinguished honors. Former Congresswoman Shirley Chisholm once said that, "Service is the rent that we pay for the space that we occupy here on this earth." Mrs. Pugh has paid her rent and she has paid it well.

Mrs. Pugh has accomplished many things in her life but none of this would have been possible without the enduring love and support of her husband Reginald; children Marcus, Maurice, Tajuana, Talender and Reggie; daughters-in-law Tasha and April; and grandchildren Lincoln, Lyric, Makaylah, Imani, Caleb, Taylor, McKenzie, Jaylon, Kennedy and Regan.

The great agricultural chemist George Washington Carver once said, "It is not the style of clothes one wears, neither the kind of automobile one drives, nor the amount of money one has in the bank, that counts. These mean nothing. It is simply service that measures success." By any measure, Evelyn Turner Pugh has been successful because of her service to humankind.

Mr. Speaker, I ask my colleagues to join my wife, Vivian, and me, along with the almost 700,000 people in the 2nd Congressional District of Georgia, in paying tribute to Mrs. Evelyn Turner Pugh upon her retirement from SunTrust Bank, while she continues her exemplary service to the Columbus, Georgia community.

RECOGNIZING MALAWI PRESIDENT  
JOYCE BANDA ON BEING NAMED  
A "TOP 100 GLOBAL THINKER"  
BY FOREIGN POLICY

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. COHEN. Mr. Speaker, earlier this year I congratulated Joyce Banda on becoming the first female President of the Republic of Malawi. In her first 100 days, President Banda amassed an impressive list of accomplishments including securing Millennium Challenge Corporation investments, pledges for more support from USAID and strengthening Malawi's commitment to democracy. President Banda has now been named by Foreign Policy magazine a 2012 "Top 100 Global Thinker," being accredited for "stepping in—and up—to fix a broken country." I congratulate President Joyce Banda on this most recent acknowledgement of her success. Submitted here is the text of her prestigious recognition:

When Malawian President Bingu wa Mutharika died of a heart attack in April, it wasn't immediately clear what would become of his vice president, Joyce Banda. The two had fallen out in recent years, with the increasingly autocratic president booting Banda from his political party in 2010. Even Mutharika's wife publicly derided the smalltown veep—a longtime grassroots advocate for women, children, and the poor—scoffing, "She will never be president. How can a mandazi [fritter] seller be president?" After a tense two days in the wake of Mutharika's death, however, Banda proved the first lady wrong, becoming Africa's second-ever female president.

Governing Malawi—where an estimated 75 percent of its more than 15 million residents live on \$1 or less a day—presents enormous challenges, to be sure. But in just seven months Banda has largely thrown out her predecessor's playbook, showing the world how to take charge and work to turn around a troubled country. Within days of taking office, she dismissed key members of Mutharika's administration, including the police chief in power when 19 Malawian demonstrators were killed at a 2011 opposition rally, and in May, amid rising persecution of gays in Africa, she vowed to repeal Malawi's laws against homosexuality. By devaluing the Malawian currency by more than a third, a move Mutharika had long refused despite the IMF's urging, Banda also secured a much-needed \$157 million IMF loan in June—a first step toward rebuilding Malawi's debilitated economy.

Her work is cut out for her. So far, however, all signs suggest Banda could become a new model for African leadership—shedding the strongman syndrome and getting down to business to help the poor. To prove it, she has cut her own salary by 30 percent and put her predecessor's \$12 million presidential jet and most of his fleet of 60 luxury cars up for sale. "I can as well use private airlines," she said. "I am already used to hitchhiking." But it's more than that: "I must demonstrate to Malawians that we are in this together," she explained to Al Jazeera. "I must be the first person to set an example." For Malawi, and the world over.

IN RECOGNITION OF JIMMY AND  
CHRIS PURSELL WINNERS OF  
AUBURN UNIVERSITY'S LIFE-  
TIME ACHIEVEMENT AWARD

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to commend members of an outstanding family who have spent their lives building successful businesses and giving back to their community. Jimmy and Chris Pursell started Pursell Technologies, Pursell Farms and FarmLinks all located in or around Talladega County in Alabama.

Jimmy Pursell grew up in Talladega, Alabama and graduated from Auburn University in 1952. In 1953, Jimmy married Chris Parker of Sylacauga, Alabama. Jimmy spent four years in the Air Force after college and then moved with his wife to Sylacauga to join his father-in-law in the fertilizer business at Parker Fertilizer.

In 1964, Jimmy and Chris took over the business and focused mainly on fertilizer. In 1997, the consumer division of the company was sold and the remaining portion became Pursell Technologies.

In 2001, the family established Pursell Farms, a 3,500 acre site in Fayetteville, Alabama and FarmLinks, an 18-hole golf course and nursery. FarmLinks has been the number one public course in Alabama and attracts visitors from all over.

The Pursells have three children—Taylor, Chris and David—who have all worked for their company at some point. The Pursells have created over 250 local jobs and run their company with Christian values. The Pursells also have supported local schools and their community and created three student programs at Auburn University.

On December 3rd, the Pursell family will travel to a special event held at the United Nations in New York City to be awarded this prestigious honor by Sylacauga native Jim Nabors.

Mr. Speaker, I offer my congratulations to the Pursell family and thank Auburn University for educating outstanding students and citizens such as the Pursells.

RECOGNIZING WINSTON "STRICK"  
STRICKLAND

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize a man whose commitment and contributions to our community were second to none, and whose legacy will long be remembered.

Winston "Strick" Strickland devoted his life to mentoring children and caring for senior citizens in Marietta, Cartersville, and surrounding communities. His service was, and remains, inspiration to us all. He was deeply loved and will be forever missed.

Mr. Strickland was the embodiment of the American Dream and served as an inspiration to many. The son of sharecroppers, his family instilled the value of hard work and integrity at a young age. These principles guided him throughout his successful business career. Strickland became the owner of S&M Enterprises, the umbrella company of three local "staples": Strick's Barber Shop, Strick's Grill and S&M Laundromat.

In a 2009 interview with the Marietta Daily Journal Mr. Strickland said, "My mother taught me that you work hard, treat people right and when you find something's wrong, you straighten it out. Do good in anything that you put your hand into, and in the meantime you've got to give back to the community."

Inspired by politics and social work, Mr. Strickland wanted to make a difference in peoples' lives and in 1990, he founded the Blacks United for Youth-Cobb. BUY-Cobb, a foundation created to mentor our community's youth, has assisted more than 2,000 students through its mentor programs and scholarship fund. To date, the foundation has contributed more than \$300,000 dollars in scholarships to youths in our community.

Mr. Strickland was the consummate family man and is survived by a loving family: his wife of 47 years, Rosetta Strickland; two children Monique Strickland Hall and Michele Strickland, and his two grandchildren of whom he was extremely proud: Jaden MacArthur Hall and Janai Hall.

Mr. Speaker, we mourn the loss of a community leader and role model. His unwavering service and memory will forever live on in Bartow and Cobb County and the great state of Georgia.

PERSONAL EXPLANATION

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. TURNER of Ohio. Mr. Speaker, on November 29, 2012, I was unable to vote on roll-call vote 611. Had I been present I would have voted "yea" on H. Res. 821, providing for consideration of H.R. 6429.

HONORING J. MATTHEW MULLAN

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize J. Matthew Mullan who is retiring after 23 years of public service with the Town of Windsor, California.

Mr. Mullan began his career in Windsor in 1989 as Assistant General Manager of the Windsor Water District. He was named Assistant Town Manager upon the town's incorporation in 1992.

As Assistant Town Manager, he served as a supervisor of community development activities, including planning and building inspection, engineering, street maintenance, and

water reclamation. Mr. Mullan was also responsible for the franchise of solid waste and cable television. As head of Windsor's 5-year Capital Improvement Program, he variously managed special projects including the design and construction of the corporation yard.

Mr. Mullan was appointed Town Manager in 2005. In this position, he oversaw development of the new LEED certified fire station, construction of the SMART train station, and preparation of the Town's Economic Development Strategic Plan. He also managed the connection of the Town's recycled water system to the Geysers Recharge Project, facilitating the transport of treated waste water from Sonoma County to the Geysers steamfields in the Mayacmas Mountains that straddle Lake and Sonoma Counties. All of these projects have been tremendously beneficial to the Town of Windsor.

As Town Manager, Mr. Mullan serves as Chair of the Sonoma Mendocino Area City Managers/County Administrators Association and is a member of the International City Management Association.

Mr. Mullan plans to spend his retirement with his wife Rosanne and their three children, and is looking forward to expanding his role as doting grandfather and avid San Francisco Giants fan.

Mr. Speaker, Matt Mullan has a long and distinguished record of public service. It is therefore fitting and proper that we honor him today and wish him well in his retirement.

A TRIBUTE TO ALTADENA'S 125TH  
ANNIVERSARY

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. SCHIFF. Mr. Speaker, I, along with my colleague Representative JUDY CHU, rise today to honor the community of Altadena, California upon its 125th anniversary.

For over a century, this extraordinary community has grown and thrived while maintaining a fierce and admirable independence.

In 1881, the land that would become Altadena was sold to John and Fred Woodbury. The two brothers would later open Altadena as a subdivision of the Pasadena Improvement Company in 1887 with the hopes of developing a residential neighborhood and attracting wealthy millionaires. They were initially successful, bringing in wealthy names such as Col. Charles Greene and Andrew McNally, but soon found the region was thrown into an economic depression as part of a larger national depression that lasted through much of the 1890's. Despite the national depression, ranchers and farmers continued to buy land in Altadena and expanded the crops that were farmed from grapes and oranges to include foods such as olives, walnuts, dates, and avocados. Many business magnates also came from the mid-west and built grand winter and retirement homes in Altadena.

By the 1940's and 1950's, Altadena was a well-established community that continued to develop and flourish through housing development, modernization, and business growth. In

the 1960's and 1970's, Altadena became more ethnically diverse, eventually making it one of the most integrated communities in Southern California. Today, Altadena has a diverse population of 43,000 nestled in the beautiful San Gabriel mountains.

Altadena is a wonderful community that has fostered a number of remarkable, world-famous individuals. Notable Altadenans include Thaddeus S.C. Lowe, scientist and inventor, Richard Feynman, physicist, Zane Grey, western novelist and Marni Nixon, renowned soprano and actress.

We are honored to recognize Altadena, with its rich cultural heritage and ask all Members to join us in congratulating Altadena upon its 125th anniversary.

#### PERSONAL EXPLANATION

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent during the week of November 26th and missed Rollcall Votes 611, 612 and 613. Had I been present, I would have voted "aye" on Rollcall Votes 611 and 613, and "no" on Rollcall Vote 612.

#### WORLD AIDS DAY—DECEMBER 1ST, 2012

#### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to recognize the importance and significance of World AIDS Day.

Established by the World Health Organization in 1988, December 1st is universally known as World AIDS Day. World AIDS Day serves to focus global attention on the devastating impact of the HIV/AIDS epidemic. All governments, national AIDS programs, churches, community organizations and individuals are given the opportunity to display their commitment to fight this deadly disease.

It has been more than 30 years since the first AIDS case was reported in the United States. It does not seem like it was too long ago, but HIV/AIDS had affected many around the world before the disease even made its way to America's shores. Since then, countless researchers, healthcare providers, politicians, and educators have contributed to the global initiative to contain and eventually eliminate its presence in all corners of the world.

Although HIV/AIDS is no longer a mysterious and mischaracterized entity, it is the most relentless and indiscriminate killer of our time. And though a diagnosis is no longer the sealing of an immediate fate, it is the beginning of an indefinite battle for life, adequate health care, and for social belonging.

With an estimated 38.6 million people worldwide living with HIV at the end of 2005, and more than 25 million people having died of AIDS since 1981, December 1st is a date

which serves to remind everyone that action makes a difference in the fight against HIV/AIDS. Let there be no mistake, we are here to acknowledge that AIDS is a deadly enemy against which we must join all our forces to fight and eliminate.

Americans should be reminded that HIV/AIDS does not discriminate. With an estimated 1,039,000 to 1,185,000 HIV-positive individuals living in the U.S. and approximately 56,000 new infections occurring every year, the U.S., like other nations around the world is deeply affected by HIV/AIDS.

The detrimental effects of HIV/AIDS have also hit home. More than 65,000 people in Texas are living with HIV. Thirty-Six percent more Texans are living with HIV today than just seven years ago. In 2010, studies showed that 1 in every 3 diagnosed persons in Texas were not getting proper medical treatment. We must make certain that every affected individual receive efficient medical treatment that will afford them long life.

Not only is the state of Texas suffering from HIV and AIDS, but my district, the 18th Congressional District of Texas, has seen an increasing number of people living with the disease. In 2010, there were over 22,000 reported persons living with HIV (non-AIDS) in the greater Houston area, and more than 9,000 reported persons living with AIDS.

This problem continues to escalate as there have been 1,700 new infections each year among individuals in Harris County, particularly among racial and ethnic minorities. We must continue to fight a tough fight to reverse all of these costly and tragic trends.

I will continue to sponsor and co-sponsor legislation that addresses the HIV/AIDS epidemic. The fight is not over. We must continue to stand strong in our struggle to conquer some old and new challenges that we as Americans and members of the global community encounter.

This Saturday, December 1st is World AIDS Day. And, we will focus on HIV/AIDS, prevention and awareness, and continue to fight for life. Together, we will help all of our friends, relatives, and children live healthy and full lives.

#### MARKING WORLD AIDS DAY

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mrs. LOWEY. Mr. Speaker, December 1, World AIDS Day, is an opportunity for people in the United States and around the world to unite in the fight against HIV and AIDS, to show their support for those living with the virus, and to commemorate the many who have died from this terrible disease.

The first World AIDS Day was held in 1988, just weeks after my first election to Congress. I am proud of the work the Congress has done since that time to combat the scourge of HIV and AIDS throughout the world. Through the President's Emergency Plan for AIDS Relief (PEPFAR), the work of the U.S. Agency for International Development, and our support to multilateral organizations, such as UNAIDS

and the Global Fund to Fight AIDS, Tuberculosis and Malaria, the United States has led the way in modernizing the global response to HIV and AIDS. Our efforts not only save lives, but also promote economic growth and increased stability throughout the world. Recognizing that we cannot beat this epidemic with treatment alone, I am pleased that recent global efforts are increasingly focused on prevention as well as sustainability, efficiency, and program effectiveness.

Today, there is more hope than ever that we can achieve an AIDS-free generation. A new UNAIDS report demonstrates the clear progress we have made in our fight. Access to antiretroviral therapy has increased by an incredible 63 percent in the last 24 months alone, and AIDS-related deaths fell by more than 25 percent globally between 2005 and 2011. The rate of new HIV infections has been reduced by more than 50 percent in the last decade across 25 low- and middle-income countries—more than half of which are in Africa. This could not have happened without U.S. leadership. PEPFAR has directly supported HIV testing and counseling for more than 49 million people in fiscal year 2012, providing a critical entry point to prevention, treatment, and care.

However, despite the encouraging progress, estimates are that 6.8 million infected people still need access to treatment, and the total number of new HIV infections remains high, at 2.5 million persons worldwide in 2011. This is simply unacceptable. So while our efforts are impressive, they are clearly not enough. The spread of HIV and AIDS continues to disproportionately affect many of the most vulnerable populations, especially women and girls, and I will not rest until we bring an end to AIDS here at home and around the world. Our commitment to ending this pandemic must be smart, strategic, and unwavering. AIDS knows no boundaries, and neither must our generosity and determination to overcome it. And so, on this 25th World AIDS Day, I urge my colleagues to continue our commitment to fighting this disease.

#### IN RECOGNITION OF TAIWAN'S GENEROSITY TOWARD HURRICANE SANDY RELIEF EFFORTS

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. RANGEL. Mr. Speaker, my Colleagues and I were pleased to learn that the government of Taiwan (Republic of China) has pledged to donate \$1.3 million to the United Way International, Habitat for Humanity International, the states of New Jersey and New York, and New York City for post-Sandy relief.

During October of this year, Hurricane Sandy devastated much of New York, New Jersey and other parts of the Northeastern United States. Many lives were lost from these storms as were houses and many personal belongings. Having my congressional district in New York City, I witnessed a lot of this destruction firsthand.

These two charities mentioned above, among many other relief agencies, have done

an excellent job in collecting funds for the victims. They were at the frontlines in the aftermath of Hurricane Sandy and need our help to rebuild themselves. The contributions from Taiwan will continue to provide these organizations the financial support that they need to continue to be effective.

A ceremony marking the transfer of funds to the charities will be held in Washington, D.C. on December 6, 2012. Taiwan's donation is a most generous act by the people and Taiwanese government. Taiwan gave generously to the victims of Hurricane Katrina in 2005 and was a major donor to the Twin Towers Fund as well as the Pentagon Memorial Fund. Taiwanese friendship for us is everlasting and commendable.

This is another example of the continuing warm relations between the people of Taiwan and the people of America. We are grateful of their compassion in these difficult times.

IN HONOR OF EDYTHE Y.  
BRADLEY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding and truly one of a kind woman, Ms. Edythe Y. Bradley. Sadly, Ms. Bradley passed away on Saturday, November 24, 2012. A funeral service will be held on Saturday, December 1, 2012 at 2 p.m. at Saint Mary Missionary Baptist Church in Baconton, Georgia.

Ms. Bradley was widely known as the Sports Information Director at Albany State University. She became the school's first female SID in 1997 and served as the main media contact for Albany State's eleven NCAA Division II sports programs. But anyone who worked with her knew she went above and beyond the typical duties of a Sports Information Director. A one-woman show, she often worked more than eighty hours a week. Despite her busy workload, Ms. Bradley always made time to help someone or to brighten their day with her infectious smile. She was beloved by students, faculty, and the community at large.

A Camilla, Georgia native, Ms. Bradley graduated from Mitchell-Baker High School in 1983. She attended Florida A&M University, where she worked with The Farnan student newspaper and was a member of the Society of Professional Journalists/Sigma Delta Chi and the Public Relations Student Society of America. She received her Bachelor's degree in Journalism/Public Relations in 1988. Prior to joining the ASU staff in 1993, Ms. Bradley worked at her hometown newspaper, the Camilla Enterprise.

Ms. Bradley loved her job and all things Albany State. She was a member of the College Sports Information Directors of America, the Black College Sports Information Directors Association, and the Sports Information Directors Association. She also served as the SID chairman for Albany State's conference. In addition, Ms. Bradley was a member of St. Peter A.M.E. Church in Camilla.

George Washington Carver once said, "No individual has any right to come into the world and go out of it without leaving behind distinct and legitimate reasons for having passed through it." We are so blessed that Edythe Bradley passed this way and shared with us her bright smile and beaming personality. She touched the lives of so many and her warm, shining presence will certainly be missed.

Mr. Speaker, my wife Vivian and I would like to extend our deepest sympathies to Ms. Bradley's daughter, Morgan Chelsea Dunlap, and her family members, friends, and the Albany State University community during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

HONORING THE LIFE OF BERNARD  
LANSKY

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Mr. Bernard Joseph Lansky, a famed Memphis clothier. He was born in Memphis, Tennessee to Samuel Lansky on March 10, 1927. Bernard Lansky, and his brother, Guy, shared a passion for clothing. As business partners, their expressive clothing can be seen in some of Elvis' most famous suits, including the suit he wore during his first appearance on the Ed Sullivan Show and his sparkling gold-lamé jacket. Mr. Lansky also suited Elvis for his high school prom and for his funeral, saying that "I put him in his first suit, and I put him in his last suit." This gained him the reputation in Memphis as the "Clothier to the King."

Bernard Lansky was one of nine children, who were all raised by their father alone. Mr. Lansky served the U.S. Army at Fort Knox during the Second World War. In 1946, Bernard Lansky's father gave him and his brother \$125 to buy a consignment shop on Beale Street. The shop went through a few changes, first being a dry goods store and an army surplus store.

Realizing that he was a natural salesman with a talent for retail, Lansky and his brother opened a shop on Beale Street called Lansky Bros., which has since moved into the Memphis Peabody Hotel and expanded into four similarly named shops. In addition to dressing Elvis, Bernard clothed music royalty such as B.B. King, Johnny Cash and Jerry Lee Lewis. After admiring a new suit on a customer, Mr. Lansky often smiled at them saying, "Clean as Ajax. That's as clean as Ajax."

Bernard's passion and love for clothing extends to each generation of the Lansky family, as his son, Hal, and granddaughter, Julie, continue the unique designs so true to the original store. On November 15, 2012, Mr. Lansky passed away at 85 years of age. He was preceded in death by his brother and business partner, Guy, who died in 2005. Bernard is survived by his wife of 64 years, Joyce; two sisters, Mildred Krasner and Bernice Baner; two brothers, Frank and Alvin; a son, Hal; a daughter, Anise; and four grand-

daughters along with two great-grandsons. Mr. Lansky will be remembered as a life-long Memphian and pioneer in the clothing industry.

HONORING THE SERVICE OF BALDWIN COUNTY DEPUTY SHERIFF  
SCOTT WARD

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. BONNER. Mr. Speaker, it is with sadness that I rise to pay tribute to Baldwin County, Alabama Deputy Sheriff Scott Jeffrey Ward, who gave his life in the line of duty on November 23, 2012. Deputy Ward was laid to rest on November 27, 2012, in Fairhope, Alabama.

Just as our nation's liberty isn't free, we also cannot take for granted the peace and security of our streets and neighborhoods. In America, sadly, a law enforcement officer is lost every 53 hours protecting our families and communities. Last week, for the first time in 25 years, the Baldwin County Sheriffs Department suffered the loss of one of its own. Deputy Scott Ward, age 47, succumbed to gunshot wounds while in the performance of his duties the day after Thanksgiving.

A native of Biloxi, Mississippi and resident of Silverhill, Alabama, Deputy Ward was a 15-year veteran of the Baldwin County Sheriffs Department, having served as an investigator, field training officer, defensive tactics instructor and a SWAT member.

His service to community was built on a solid foundation of service to country. A veteran of the United States Air Force and more recently the United States Coast Guard Reserve, Deputy Ward was deployed to Afghanistan in 2011. He was a decorated and respected member of the Baldwin County Sheriffs Department.

Sheriff Huey "Hoss" Mack observed that Deputy Ward "put himself in harm's way over and over again," and his character was one of "wanting to serve and wanting to help the people."

On behalf of the people of Alabama, I offer my condolences to Deputy Ward's wife, Andrea Elizabeth Fisher Ward; his mother, Cheryl Ward; his brother, Howard Ward, and their many family members and friends. You are all in our thoughts and our prayers at this difficult time.

THE THIRD ANNIVERSARY OF THE  
INCARCERATION OF ALAN P.  
GROSS

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. VAN HOLLEN. Mr. Speaker, Sunday marks the third anniversary of the incarceration of Alan P. Gross. Each day that he sits in a Cuban jail is further evidence that the Cuban government has total disregard for his human rights.

Three years ago Alan Gross was imprisoned for sharing communications equipment with Cuba's Jewish community. During and after his trial, the Cuban government ignored concerns that have been repeatedly raised about his health. Since his incarceration began, he has lost 110 pounds. The Cuban government has also refused to allow an independent physician to examine a growth that has developed on his shoulder. A campaign has begun in the United Nations to hold Cuba accountable for willfully disregarding his declining health.

I call on the Cuban government to recognize Alan Gross's human rights and provide him immediate access to an independent physician so that any questions about his health can be answered.

As the three year anniversary of the imprisonment of Alan Gross approaches, my sympathies and prayers are with his friends and family. I join them, my colleagues and the rest of the international community in calling for Alan's immediate release. We will not rest until justice is done and Alan Gross is free.

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**OUR UNCONSCIONABLE NATIONAL DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,323,083,449,604.98. We've added \$5,696,206,400,691.90 to our debt in nearly 4 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

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**NATIONAL FAMILY CAREGIVERS MONTH**

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of family caregivers and in recognition of November as National Family Caregivers Month. This month honors those caregivers who serve on the front lines of patient care. Every day, over 65 million family caregivers in this country play a vital role in helping their loved ones with daily activities such as bathing and eating. They help them follow their medical and treatment regimens as well as assist with their daily activities. Family caregivers help seniors to age in their own homes and delay or avoid the need for nursing home placement. Family caregivers also provide care for children and adults who suffer from serious illnesses or disabilities.

Family caregivers often make enormous personal and financial sacrifices to be there for their loved ones. Caregivers juggle the care of their loved ones with caring for their children, taking care of their own health, and managing their responsibilities at work. Some

even leave the workforce to provide the level of care needed by their loved ones.

As we recognize and honor the contribution of family caregivers to their loved ones and to our health care delivery system, we also must recognize the need to provide these caregivers with all the supports that they need. Supports including information and training on how to care for their loved ones, respite care that allows family caregivers to take needed breaks from their caregiving responsibilities, adequate workforce protections for those with work and caregiving responsibilities, and adequate financial and retirement security.

I want to applaud all of our family caregivers and urge my colleagues to commit to working to provide needed supports to family caregivers.

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**CONGRATULATIONS FERKO FAMILY**

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 30, 2012*

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Jacqueline and Jon Ferko on the birth of their daughter, Grace Sophia Ferko. Grace arrived yesterday, November 29, 2012, at Sibley Memorial Hospital in Washington, DC, at 3:16 pm.

Grace Sophia Ferko is 8 pounds and 8.3 ounces of pride and joy to her loving family. I am so excited for this new blessing to the Ferko family and wish them all the best.

## HOUSE OF REPRESENTATIVES—Monday, December 3, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. ROONEY).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 3, 2012.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROONEY) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

At the beginning of a new day and another week, help us to discover the power of resting in You and receiving assurance and encouragement in Your amazing grace.

Send Your Spirit down upon the Members of the people's House, who have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government.

May they be reminded always of who they are. Grant them wisdom, insight, and vision, that the work they do will

be for the betterment of our Nation during a time of struggle for so many Americans.

May they earn the trust and respect of those they represent, whether or not they had earned their vote, and make history that expands the great legacy of so many who have served in this Chamber before now—a legacy of noble service, sometimes political risk, but always great leadership.

May all that is done this day be for Your greater honor and glory.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
December 3, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives, U.S. Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER: I write to inform you that I have notified California Governor Jerry Brown of my resignation from the U.S. House of Representatives, effective today, to assume my new responsibilities of Mayor of the City of San Diego.

It has been a privilege and an honor to represent the people of California's 51st Congressional District for the past 20 years. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

BOB FILNER,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
December 3, 2012.

Hon. EDMUND BROWN, JR.,  
*Governor, State of California, State Capitol, Sacramento, CA.*

DEAR GOVERNOR BROWN: I write to inform you that I will resign my seat in the U.S. House of Representatives, effective today, to assume my new responsibilities of Mayor of the City of San Diego.

It has been a privilege and an honor to represent the people of California's 51st Congressional District for the past 20 years. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

BOB FILNER,  
*Member of Congress.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from California (Mr. FILNER), the whole number of the House is 432.

### ENTITLEMENT REFORMS MUST BE ADDRESSED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the next 29 days, the President has a huge responsibility to work together with Congress and find a solution to avert the fiscal cliff. With over \$16 trillion in debt, our Nation is at a crossroads. We must rein in our out-of-control spending by addressing entitlement reform, a driving force that is jeopardizing our long-term fiscal security.

According to a recent blog post from The Heritage Foundation:

Social Security, Medicare, and Medicaid are on auto pilot. It's not even subject to the regular budget process. Spending on just those three programs will jump from 10.4 percent of gross domestic product (GDP) in 2012 to 18.2 percent in 2048, meaning it will require every single cent of Federal taxes collected.

Because of this fact, we must reform entitlement programs to protect current participants and to ensure that future generations will benefit, rather than inherit more debt caused by out-of-control spending. It is my hope that the President will reconsider his recent proposal and work with Republicans to save America's entitlement systems, which are a vital safety net.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### THE PENTAGON'S SPIES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Over 12 million Americans are unemployed while our infrastructure is falling apart. But at least the U.S. is creating some jobs—for spies.

The Washington Post says the Pentagon will dramatically expand the role and size of its own personal spy agency, the Defense Intelligence Agency, the DIA. It's like the CIA, but they get their mission assignments from the Pentagon. The report says the plan includes sending 1,600 "collectors"—that's what they call their spies—all over the world. This is what the CIA does, except they're called "agents." The DIA doesn't have to report to Congress like the CIA does, so we would know even less than we know about situations like Benghazi.

Why the Pentagon needs its own spy agency is anyone's guess—maybe to keep an eye on its own generals when the CIA and FBI do not. Meanwhile, the CIA has been taking over Pentagon functions, conducting military strikes with drones all around the world. We have the CIA bombing people and the Pentagon spying on people. Who knows what the other dozen spy agencies are up to.

Big government leads to a big national security state which leads to Big Brother getting fat on tax dollars while we have less freedom.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1603

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 4 o'clock and 3 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5817) to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5817

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Eliminate Privacy Notice Confusion Act".

#### SEC. 2. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM- LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsections:

"(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

"(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b),

"(2) does not share information with affiliates under section 603(d)(2)(A) of the Fair Credit Reporting Act, and

"(3) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1), (2), or (3).

"(g) EXCEPTION TO NOTICE REQUIREMENT.—A financial institution shall not be required to provide any disclosure under this section if—

"(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, or any territory of the United States; or

"(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, or any territory of the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia.

#### GENERAL LEAVE

Mrs. CAPITO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

I would first like to thank Mr. LUETKEMEYER and Mr. SHERMAN for authoring the bill before the House today. I would also like to thank Mr. LUETKEMEYER for his hard work on the Financial Institution and Consumer Credit Subcommittee, where he has championed many initiatives to provide commonsense regulatory relief for small financial institutions.

The House of Representatives has already passed one bill to remove an outdated requirement for duplicative disclosure of ATM fees on the machines—commonsense reform. I urge our colleagues in the Senate to pass both of these bills to provide this commonsense regulatory relief for banks and credit unions across the country.

I know Mr. LUETKEMEYER shares my concerns that in recent years Federal financial regulatory agencies have piled on more regulations without properly assessing the current regulatory regime to remove outdated, unnecessary, or overly burdensome regulations. Last year, members of our House Financial Services Committee urged the Treasury Secretary to make good on a promise from the summer of 2010 to take care, as the Dodd-Frank Act was implemented, to ensure that Federal agencies conducted a thorough assessment of the current regulatory structure, to ensure this opportunity to truly modernize and streamline the Federal code. We wanted to make sure this opportunity was not missed. Although Secretary Geithner claims that this streamlining is a priority, we've really seen very little progress on this front.

H.R. 5817 provides an example of how both sides can come together—and I would like to thank Mr. SHERMAN for his work on this as well—to identify outdated and duplicative regulatory requirements. Under current law, financial institutions are required to provide annual privacy notices to their customers that explain all of their information and practices. Financial institutions are required to mail those notices regardless of whether or not the information-sharing practices have changed. These annual mailings cost millions of dollars each year and do not provide consumers with new information if the financial institution has not changed their practice.

The legislation before us today will require a financial institution to provide annual privacy notices only if they have changed privacy policies that affect the customer. This is an important, commonsense bill that will provide further clarity to customers and consumers and eliminate an unnecessary regulatory burden for our financial institutions.

Again, I would like to thank Mr. LUETKEMEYER and Mr. SHERMAN for their leadership on this issue, and I reserve the balance of my time.

Mr. SHERMAN. I yield myself such time as I may consume in support of H.R. 5817, the Eliminate Privacy Notice Confusion Act. I want to thank Representative LUETKEMEYER for his work in introducing this bill. I've enjoyed working with him on it.

Madam Speaker, this is commonsense legislation that makes a minor change to our banking laws to revise a very costly and unnecessary requirement that financial institutions such as banks and credit unions and other depository institutions must send each of their customers a copy of their privacy policy every year, even when that policy hasn't changed from the prior year when they got the same exact privacy notification. For banks, credit unions, and other financial institutions of all sizes, this means spending a small fortune to reprint millions of complicated and long documents, then mailing them to every consumer, even when there's been no change in the policy.

□ 1610

It is disadvantageous not only because of the time and cost in mailing these—and the trees that are no doubt consumed—but also because customers have no way to separate the wheat from the shaft. They're getting these notices every year from every financial institution with whom they have dealings without any indication as to whether there's been a change from the privacy policy that they received just a year ago. By sending out less, we attract attention to those situations where there's been a change in the privacy policy.

Our bill makes a simple fix to this problem, requiring financial institutions to provide their customers with this additional notification only when there's been a change that affects the policy or practice as it relates to that consumer. As a result, consumers will know that the privacy notices that arrive in their mailbox actually require their attention. And banks, credit unions, other financial institutions that have been spending millions of dollars to mail out duplicative notices and redundant notifications each year can redirect those savings back to providing for the consumer, to their community, or to loans to help our economy grow.

Madam Speaker, I want to thank, as I did at the beginning of my presentation, our colleague and chief sponsor of this bill, Representative LUETKEMEYER of Missouri, and thank him for his leadership on this issue. I also want to thank our long-time colleague, ranking member of our Financial Services Committee, BARNEY FRANK, for his work in getting us to this point where we can consider this bill on the floor today.

I will, in short order, be asking for a recorded vote on this bill, not because it needs a recorded vote, but because I've been informed by my leadership that it's important to this House that we have time on the floor tomorrow to confer with each other on Members and that we have a sufficient number of recorded votes. So my colleagues should not interpret my request for a recorded vote as any statement that this bill is something we have to go on record on or that I would disagree with the outcome of any voice vote, but simply as an act of collegiality, showing that I think we ought to spend more time with each other on this floor tomorrow, and I know we will all enjoy that process.

With that, I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I would like to yield such time as he wishes to consume to the principal sponsor of this bill, a great member of the Financial Services Committee, the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Thank you, Chairwoman CAPITO, for yielding.

Also, I want to thank Mr. SHERMAN for his fine remarks. We certainly will take no offense to a recorded vote and will not oppose that. We understand and support collegiality among ourselves, especially in this time when it seems to be more partisan and toxic than it is friendly, so no problem there, Representative.

I rise today in strong support of H.R. 5817, the Eliminate Privacy Notice Confusion Act. I introduced this legislation earlier this year in an effort to reduce yet another unnecessary burden facing consumers and financial institutions alike.

Under current law, financial institutions of all sizes are required to provide annual privacy notices explaining information sharing practices to all customers. Banks and credit unions are required to give these notices each year even if their privacy policies have not changed in the slightest. This creates not only waste for financial institutions, but confusion among and increased indirect cost to consumers.

H.R. 5817 would require institutions to provide privacy policy information to their customers only if they've changed any policy or practice related to that customer's privacy. This bill would eliminate millions of costly,

confusing, and often ignored mailings that cost millions of dollars to produce each year. And with passage of this bill, information included in these mailings would likely be more significant to the consumer because they would only come after a change in the privacy policy.

Again, I want to remind my colleagues that this legislation specifically ensures that a financial institution cannot be exempted from annual privacy notices if that institution changes in any way its policies or practices related to the disclosure of non-public personal information.

This legislation is supported by Independent Community Bankers of America, the Credit Union National Association, the American Bankers Association, and the National Association of Federal Credit Unions, among others.

Again, I want to thank the gentleman from California (Mr. SHERMAN) for his fine support and his good work on this issue. Also, I want to thank Chairman BACHUS, Ranking Member FRANK, Chairwoman CAPITO, and Ranking Member MALONEY for their assistance in ensuring that this legislation passes without delay. This commonsense legislation has garnered widespread bipartisan support, and I urge my colleagues to join me in supporting its passage.

Mr. SHERMAN. I'll take a minute to put into the RECORD the statements of Adam Levitin, a professor of law at the Georgetown University Law School, in support of this bill. He came before our committee in May of 2012 and stated "there are unquestionably financial regulations that do little other than add to regulatory burdens." He cited, in particular, the provision that this bill addresses, and said: "I would also urge the elimination of the privacy disclosure requirement even if there is no substantive replacement for it." But then he added: "And, at the very least, eliminate the requirement of an annual disclosure when there has been no change to the policy." I couldn't agree more with the professor.

#### SMALL BANKS' REGULATORY BURDENS

While many small banks and credit unions believe that their regulatory burden is too great, it has little to do with the Dodd-Frank Act. Therefore, concerns about the regulatory burdens on small banks do not provide a good justification for altering or repealing provisions of the Dodd-Frank Act. If there is a problem with the burdens created by specific regulations, then by all means, we should reexamine those regulations and decide if they make sense.

There are unquestionably financial regulations that do little other than add to regulatory burdens. For example, the Gramm-Leach-Bliley Act/Reg P privacy disclosures create an ongoing regulatory burden for financial institutions, which have to craft their privacy policies and send annual disclosures to consumers, irrespective of whether there have been changes to the policies. Yet the benefits from these disclosures are at best small and likely non-existent or negative; few consumers read the policies, and

they cannot be negotiated. Gramm-Leach-Bliley Act privacy disclosures instead substitute for meaningful substantive privacy protections. While I would urge Congress to consider more substantive privacy protections rather than mere disclosure that there are few protections, I would also urge the elimination of the entire Gramm-Leach-Bliley Act privacy disclosure requirement even if there is no substantive replacement, and, at the very least, eliminate the requirement of an annual disclosure when there has been no change to the policy.

Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much.

The language which is in question here is language which was spurred by Mr. BARTON and I in 1999 as part of the consideration of the Gramm-Leach-Bliley bill. The language for privacy, none had been included in the Senate and none had been included in the rest of the process. But as the bill came to the Energy and Commerce Committee in 1999, Mr. BARTON and I, we added privacy language, believing that as companies are able to consolidate banking records, insurance records, brokerage records, the physical examinations of customers and their medical secrets, that there should be privacy here. We were no longer talking about just going into a bank and having old Mr. Wentworth there that you and your family had known your entire life, and you trusted Mr. Wentworth, and there was actually a whole long family history. That is no longer the case. We are now basically living in a world where we have moved from an era of privacy keepers to privacy peepers and data-mining reapers trying to create profiles of people, using all of their financial information as a way of basically making their companies more efficient, but simultaneously compromising the privacy of families all across our country. So, while ultimately the language which Mr. BARTON and I included on the House side in Gramm-Leach-Bliley was watered down in the final compromise, that's the privacy that's in the bill.

So, one of the things, of course, that I believed and Mr. BARTON believed was that people should get the information that their privacy could be compromised by these now huge megabanks.

□ 1620

So what this bill is saying is, you don't have to notify people of that each year. You don't have to tell them. If they didn't figure that out when the bank first signed you up as a company, they never have to tell you again because they notified you once right there in the beginning.

Ladies and gentlemen, the amount of information which we get at home from these banks, massive, as you know. You open up your mailbox every

day, and there's like 25 solicitations from financial institutions all across the country. They've got loads of money to do that, loads of money. You look at their TV commercials, loads of money. "You're in safe hands when you give your family's wealth over to this financial institution."

But if you ask them to just provide a scintilla of information on what privacy rights they have in terms of protecting all of their family secrets inside of that financial information, the banks say, Oh, no, that's too expensive. We can't do that. How can you afford that?

So this just gets right back to the same argument that we had during Gramm-Leach-Bliley, the same exact debate, the same exact terms. And all I can tell you is, there's a looming privacy catastrophe coming in this country. People just don't understand the full consequences of what this new cyberworld makes possible in terms of the compromise of information.

You know, when you're writing out the information to buy the Ritalin for your child, that's a check that the bank has. There it is. You haven't told anyone else in your family that you have a daughter who needs it. All of this has to be told to the public on an ongoing basis.

I urge a "no" vote on this suspension.

Mrs. CAPITO. Madam Speaker, I yield 2 minutes to my friend from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentlelady from West Virginia for her courtesy. She didn't have to yield me time since I'm in opposition to the bill, and I appreciate it.

I am in opposition to this bill, although it is very well-meaning and well-intentioned. Who could be opposed to saving some money for our struggling financial institutions when they have to send out these privacy notices? And for the smaller institutions, there's no question that they're very expensive.

The problem is that you can't just give away your privacy rights. And while this bill does nothing about the underlying issue of privacy, it does, at least, require that once a year, banks and financial institutions subject to Gramm-Leach-Bliley inform people that there are some privacy protections in the law. I don't think they're very strong. I think they need to be upgraded. And Congressman MARKEY and I, who are cochairmen of the bipartisan Privacy Caucus, have legislation that does that.

Having said that, we should not willingly give up the privacy protections that we have. And this bill would eliminate a requirement of notification, which is, I admit, not the same as reducing the privacy that is in the law. But when you start down that slippery slope where you know that you don't have to notify of privacy protection,

the next step is to not even have privacy at all. So I do oppose this bill—respectfully so—and would ask for a "no" vote when we call for the yeas and nays.

Again, I want to thank the gentlelady for her courtesy, and I commend the sponsor for his efforts on the bill.

Mr. SHERMAN. I rise again in support of this bill, and I yield to no Member in terms of my dedication to privacy.

If this bill passes, you're going to get notification of what the privacy rules are when you start with the financial institution. You are going to get notified every time they make a change. And you are going to be notified any time of the night or day when you simply go onto the Web site and look at the required privacy notification.

When Gramm-Leach-Bliley was passed, not everybody had access to the Internet. I realize today not everybody does. But a much larger percentage of Americans are familiar with the Internet, have access to the Internet, and know that if they want to see the privacy notification, the privacy rules of their financial institution, it's there on the Internet in a way that most Americans are going to have easy access to.

The idea that you are mailed a copy of something you've already been mailed a copy of, which hasn't changed, that does little or nothing to provide additional privacy, except that we can say, Oh, we're for privacy.

If we want to protect the privacy of our constituents, we ought to do so in a meaningful way, not to simply say, The same thing you got a copy of a year ago today, which is available to you any time of the day or night, is something we're going to chop down some more trees and send you a copy of again. And that's the best idea we can come up with to protect your privacy.

I think, instead, we ought to pass this bill, know that we've given everybody a copy of the privacy policy of the financial institution on paper, that they get another paper notice if there's any change, and there is a continuous notice on the Internet every day of the year, every night of the year.

With that, I yield 1 minute to the gentleman from Massachusetts.

Mr. MARKEY. For the record, for anyone who's listening, the American Civil Liberties Union opposes this; the American Library Association opposes this; the Consumer Union opposes this; the Liberty Coalition opposes this; and the Coalition for Patient Privacy opposes this.

And the reason is this: You signed up with a bank 10 years ago—Megabank Inc. They sent you a privacy notice. Then every year for the next 10 years, they buy a new entity that locks right in as an affiliate. And you've already signed off on everything they do, but they don't have to notify you that this new entity, this new affiliate is going

to have a totally new use for that information. But you are supposed to have already been notified in 2002.

Moreover, ladies and gentlemen, why can't they just email this notice each year to people? Why can't they just email it to people? "Here's your privacy." And every year it goes out. No tree is chopped down. There is nothing done that affects the environment. Everybody just gets the email each year. "Here are your privacy rights." And it goes in a separate email so that everyone is really getting the opportunity to single it out. It doesn't cost anything. It gives everyone all the information they need.

Mr. SHERMAN. I thank the gentleman for his presentation.

I would be happy to cosponsor legislation to require an email notification once a year to every customer who's willing to provide their email address to the financial institution. There are some who would say, I don't want to give my email address to my financial institution. But to everybody who is willing to provide that email. I couldn't agree with you more. If this was done by email, it ought to be done at least annually.

I look forward to joining with the Members who are here in this room and are interested in requiring an annual email notification. I don't know if the sponsor of the bill would be interested in that. But I will join the gentleman from Massachusetts in legislation on that.

But let's act today to end the expensive and resource-consuming annual paper notification.

And with that, I reserve the balance of my time.

Mrs. CAPITO. Madam Chair, I yield such time as he may consume to the gentleman from Missouri, the principal sponsor of the legislation.

Mr. LUETKEMEYER. I thank Chairwoman CAPITO.

I would like to respond to some of the comments that have been made. First, I want to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) for their work on the privacy notice and protection of our private information. I think it is extremely important, and I applaud those efforts, and I support those efforts.

If you will look at this particular bill, this is not an effort to thwart any sort of ability for people to protect their private information. Within the privacy law, there are all sorts of other protections. So it doesn't change one single dot of an I or a cross of a T on the rest of the notifications there, whether it deals with the kind of information you can collaborate on or the different kinds of information that you can be a part of.

□ 1630

All it does is just say that the notification that is supposed to be required

annually is not made unless there is a change.

The gentleman from Massachusetts made some comments with regards, Madam Speaker, to the amount of mail that he gets from the banks. That's not necessarily something that is the compliance area; it's called marketing. Whenever they're trying to market for their credit cards or market for their services, that's part of their marketing budget. That's where those dollars come from to be able to do those things. That's part of being a business.

When it comes time for an individual to be notified of changes, such as you merge another bank or another institution with others and you're one of the individuals whose institution was bought out, you will receive a new notice because obviously there will be a change in the information that's going to be held by the banks. You'll be notified of that because it is a significant change.

I'm not sure that the gentlemen that spoke in opposition have quite thought through their arguments. Basically, all we're doing is allowing for some book-keeping things to be done here. We're not impacting the individual's privacy at all. I think if you went on the street and you asked 10 people whether they thought this was a good idea or not, I guarantee there would be at least nine, and probably one would say, I can take it either way. I don't see any opposition from the consumers themselves whenever they're actually paying for these notices through higher charges through their bank accounts.

I think that there is a lot of good we're trying to do here. We're not trying to change the world. All we're trying to do is continue to protect the integrity of the information the banks and credit unions are holding on these individuals and provide for the ability of those institutions to do it in a more effective and cost-effective manner.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

I would just state that I agree with the gentleman from Massachusetts, that we ought to require email notification of what the privacy policy is annually as a good compromise. I would hope that some of the others here on the floor would take a minute to comment on that, or I would yield to them. Obviously, such an email could be sent only to those customers who voluntarily provide their email address to the financial institution.

When you look at the idea of an expensive postal mailing using resources to provide an exact copy of something that was previously mailed in hard copy on paper to the same consumer a year earlier, on balance, that is not a good use of societal resources nor a good use of most consumers' time. I think the fact that these policies are up on the Web and available whenever

somebody takes an interest in them is also important.

With that, I reserve the balance of my time.

Mrs. CAPITO. Does the gentleman have any more speakers? I'm prepared to close if you're prepared.

Mr. SHERMAN. I have no further speakers, and I yield myself such time as I may consume.

I would just add that there are many of us who are dedicated to privacy, but not every privacy requirement makes sense. Here's a case where people are notified on paper.

Finally, I want to address the gentleman from Massachusetts' comment that maybe when you were notified on paper your financial institution only had two or three subsidiaries and 10 years later they have several more subsidiaries with whom they may share information. The fact is that isn't disclosed in another copy of the financial institution's privacy policies. It may, in fact, be that your financial institution is offering more products, sharing your information with more subsidiaries. But voting down this bill is not a solution to that issue.

What is a solution is to have a policy where you have to send it in writing once, send it in writing when it changes, provide it on the Web. And I would join with others, I would hope, in introducing legislation requiring annual email distribution.

With that, I have no speakers, I have no further comments, and I yield back the balance of my time.

Mrs. CAPITO. Madam Speaker, I recognize myself just simply to close to say privacy is an issue that is of concern to all of us. In these new ways of communicating that we have—and we can only imagine in our future—I think it becomes more and more difficult.

I would respond to the gentleman from California when he says that email notices—I haven't discussed it with the bill's sponsor. I wouldn't have an objection to that. However, many of us live in areas where the penetration of email is not like it is in California or Massachusetts or probably areas of Texas. There is a long way to go before that could be. Maybe next time this is debated in 10 years or whatever, that would be the norm. So I would make sure that that option for those who want to receive the paper can still do this.

Frankly, I think we're overcomplicating this issue. I think it is a commonsense revision. If we took the gentleman's 10 people that he met on the street and said, What would you think if the bank didn't mail these privacy notices to you every year, if he further questioned them and asked them how many read these point by point—and I put myself in this category—it is probably very small, as well. Not to say that it doesn't need to be publicly available. When changes are made, we

have to have public notification. I agree with that.

But I do believe, serving on the Financial Services Committee, I think it's become very apparent, when you talk to institutions and when you talk to customers that the piling on of new regulations, without weeding out some of these old regulations that have either been antiquated or duplicative or repetitive or wasteful or whatever, is burdening not just the institution, it is burdening the customer, too. I'm not sure it gets the wanted understanding of what's going on to the customer that we're trying to achieve here, and I do believe it's been overcomplicated.

Mr. SHERMAN. Will the gentleman yield?

Mrs. CAPITO. I yield to the gentleman from California.

Mr. SHERMAN. This bill was passed by the House as part of a package on March 8, 2006; this bill was pretty much in this exact form and was passed by this House June 24, 2008, as part of a package; then finally, as a separate bill, H.R. 3506 was passed by this House on April 14, 2010. So the House has a strong record of passing this legislation, and I hope we continue to do so.

With that, I thank the gentlelady for yielding.

Mrs. CAPITO. I thank the gentleman for bringing that up. I think it's an important point.

With that, I urge support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5817.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 3, 2012.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 3, 2012 at 3:08 p.m.:

That the Senate passed S. 2170.

That the Senate agreed to S. Res. 607.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 1640

#### DEPARTMENT OF LABOR "HOT GOODS" ISSUES

(Mr. WALDEN asked and was given permission to address the House for 1 minute.)

Mr. WALDEN. Madam Speaker, I rise today to ask Labor Secretary Hilda Solis a simple question on behalf of the farmers of Oregon: When will we get answers about the Department's heavy-handed enforcement tactics?

In August, my colleagues and I from the Oregon delegation—Republicans and Democrats alike—wrote to the Secretary about reports that the Department of Labor had been discarding rights of due process and appeal in using "hot goods" orders to enforce labor laws on farms in the Pacific Northwest. So far, we are still waiting for a written response 108 days later.

We know the Department can move with great speed when it wants to—when it's trying to shut down a farm with little due process or appeal. So why does it take so long to get answers for Oregon farmers? Again, I ask the Secretary to clarify in writing the Department of Labor's procedures for due process after a farm inspection.

Certainly, no one is advocating for unfair labor practices, but our farmers deserve due process and a clear understanding of what to expect from an investigation. Only the Department of Labor can provide these answers to Oregon's congressional delegation and to the citizens we represent. 108 days later, we and they still do not have those written answers, and that is simply unacceptable.

#### JOHNNY "FOOTBALL" MANZIEL FOR HEISMAN

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I rise in strong support of freshman sensation Johnny "Football" Manziel's quest to become the first freshman to win the Heisman Trophy. He is a redshirt freshman quarterback at Texas A&M who has led the Texas Aggies to a 10-2 record this year, losing only to Florida, which is currently ranked No. 3 in the Nation, and to LSU, which I believe is currently ranked No. 7 in the Nation.

He has broken the record for total offense, not once but twice this year, in the Southeastern Conference. His total offense for the year exceeds that of both Cam Newton's, of Auburn, and Tim Tebow's, of Florida, when they were playing, and they both won the Heisman Trophy in their years.

Texas A&M is going to play Oklahoma in the Cotton Bowl on January 7. It would be a supreme blessing if the Heisman Trophy voters for the first time were to vote for Johnny "Football" Manziel, quarterback of the fighting Texas Aggies.

#### HOUSE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

September 28, 2012:

H.J. Res. 117. A joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

October 5, 2012:

H.R. 1272. An Act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. An Act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2139. An Act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Club International.

H.R. 2240. An Act to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. An Act to prohibit the sale of billfish.

H.R. 3556. An Act to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 4158. An Act to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. An Act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. An Act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Booechever United States Courthouse".

H.R. 5512. An Act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. An Act to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. An Act to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. An Act to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. An Act to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. An Act to make corrections with respect to Food and Drug Administration user fees.

November 27, 2012:

H.R. 2606. An Act to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

H.R. 4114. An Act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

#### SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

September 28, 2012:

S. 3625. An Act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

October 5, 2012:

S. 300. An Act to prevent abuse of Government charge cards.

S. 710. An Act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

October 19, 2012:

S. 3624. An Act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

November 27, 2012:

S. 743. An Act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1956. An Act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

#### SENATE BILL REFERRED

Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Oversight and Government Reform.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 30, 2012, she

presented to the President of the United States, for his approval, the following bill:

H.R. 915. To establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

#### ADJOURNMENT

Mr. BARTON of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 4, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8534. A letter from the Director — National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Hispanic-Serving Agricultural Colleges and Universities (HSACU) (RIN: 0524-AA39) received November 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8535. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting third periodic Report to Congress: Summary of Significant Safety-Related Infrastructure Issues at Operating Defense Nuclear Facilities; to the Committee on Armed Services.

8536. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Free Trade Agreement—Panama (DFARS Case 2012-D044) (RIN: 0750-AH79) received November 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8537. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Major General William E. Ward, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8538. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8539. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8053] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8540. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8541. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption [Release No.: IC-30268; File No.: S7-07-11] (RIN: 3235-AL02) received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8542. A letter from the Director, Directorate of Construction, Occupational Safety and Health Administration, transmitting the Administration's final rule — Revising the Exemption for Digger Derricks in the Cranes and Derricks in Construction Standard [Docket ID: OSHA-2012-0025] (RIN: 1218-AC75) received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8543. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8544. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's eighth annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8545. A letter from the Secretary, Department of Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

8546. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 13611 of May 16, 2012; to the Committee on Foreign Affairs.

8547. A letter from the Administrator and Chief Executive Office, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2012 Annual Report, pursuant to Public Law 89-448; to the Committee on Oversight and Government Reform.

8548. A letter from the Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2012; to the Committee on Oversight and Government Reform.

8549. A letter from the Secretary, Department of Labor, transmitting the Department's Fiscal Year 2012 Agency Financial Report; to the Committee on Oversight and Government Reform.

8550. A letter from the Secretary, Department of Veterans Affairs, transmitting that the Department's Performance and Accountability Report for Fiscal Year 2012 is available online; to the Committee on Oversight and Government Reform.



8551. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2012; to the Committee on Oversight and Government Reform.

8552. A letter from the Chairman, National Credit Union Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8553. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC320) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8554. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC323) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8555. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC324) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8556. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule Extension, Closure of the Delmarva Access Area [Docket No.: 120330235-2014-01] (RIN: 0648-BC04) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8557. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit [Docket No.: 0907301205-0289-02] (RIN: 0648-XC290) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8558. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC288) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8559. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet; Correction [Docket No.: 120416007-2464-01] (RIN: 0648-BB67) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8560. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Gag And South Atlantic Shallow-Water Grouper [Docket No.: 0907271173-0629-03] (RIN: 0648-XC135) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8561. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 34 [Docket No.: 120416008-2525-02] (RIN: 0648-BB72) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8562. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC295) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8563. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC271) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8564. A letter from the Acting Administrator, General Services Administration, transmitting a letter requesting approval of the prospectus proposing alteration of the Southern Maryland U.S. Courthouse in Greenbelt Maryland; to the Committee on Transportation and Infrastructure.

8565. A letter from the Over-All Supervising Commander, Walter Cushing Veterans of World War II, Inc., transmitting a letter from the Walter Cushing Guerrillas Units; to the Committee on Veterans' Affairs.

8566. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Unpaid Losses Discount Factors and Payment Patterns for 2012 (Rev. Proc. 2012-44) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8567. A letter from the Assistant Secretary, Department of Defense, transmitting a certification of renewal pertaining to a collection of photographs assembled by the Department that were taken in the period between September 11, 2001 and January 22,

2009; jointly to the Committees on Armed Services and Oversight and Government Reform.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mr. COLE, Mr. McHENRY, and Mr. SIMPSON):

H.R. 6625. A bill to grant Indian tribes jurisdiction over crimes of domestic violence that occur in the Indian country of that tribe; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA:

H.R. 6626. A bill to foster further innovation and entrepreneurship in the health information technology sector; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 6627. A bill to amend the Internal Revenue Code of 1986 to allow a credit for veteran first-time homebuyers and for adaptive housing and mobility improvements for disabled veterans, and for other purposes; to the Committee on Ways and Means.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

295. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 44 recognizing September 2012 and each September thereafter, as Sickle Cell Anemia Awareness Month; to the Committee on Energy and Commerce.

296. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 39 supporting the use of a portion of federally generated seafood product import revenues for domestic marketing and promotion of California fish and seafood; to the Committee on Agriculture.

297. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 37 urging the Congress to recognize the importance of the F-35 aircraft and to support the full funding of the F-35 Joint Strike Fighter Program; to the Committee on Armed Services.

298. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 37 urging the Congress to recognize the importance of the F-35 aircraft and to support the full funding of the F-35 Joint Strike Fighter Program; to the Committee on Armed Services.

299. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 40 urging the Federal Housing Finance Agency to immediately allow the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to offer principal reductions to homeowners; to the Committee on Financial Services.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ISSA:

H.R. 6625.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. Article II, section 2, clause 2: [The President] shall have the power, by and with the Advice and Consent of the Senate, to make Treaties." For much of the Nation's history, Indian treaties, and legislation made pursuant to Indian treaties, governed the relations between the Federal Government and Indian tribes. The U.S. Supreme Court has acknowledged that these and other provisions of the Constitution of the United

States grant Congress with broad plenary to legislate with regard to Indian affairs. The Court in *Oliphant v. Suquamish Indian Tribes* held in part that Congress' treaty and other dealings with tribes inherently divested tribes of criminal jurisdiction over persons who were not citizens of the host tribe. Similarly, the Court in *U.S. v. Lara* upheld Congress' restoration of tribal criminal authority over non-member Indians.

By Mr. HONDA:

H.R. 6626.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. LANGEVIN:

H.R. 6627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 797: Ms. PINGREE of Maine.

H.R. 1546: Mr. LYNCH.

H.R. 1672: Ms. DEGETTE, Mr. CONNOLLY of Virginia, and Ms. WASSERMAN SCHULTZ.

H.R. 2325: Mr. BARLETTA.

H.R. 2948: Mr. THOMPSON of California.

H.R. 2989: Mr. GARRETT.

H.R. 3357: Ms. EDWARDS.

H.R. 3627: Mr. AMODEI.

H.R. 3762: Mr. CARSON of Indiana.

H.R. 3993: Mrs. NAPOLITANO.

H.R. 5817: Mr. PAULSEN.

H.R. 5943: Mr. DUNCAN of Tennessee.

H.R. 6428: Ms. HANABUSA.

H.R. 6446: Mrs. BLACK.

H.R. 6457: Ms. FUDGE and Mr. POLIS.

H.R. 6527: Mr. BRADY of Pennsylvania.

H.R. 6582: Mr. LUETKEMEYER.

H.R. 6589: Mr. GENE GREEN of Texas, Mr. CARTER, and Mr. GONZALEZ.

H.R. 6616: Mr. BOUSTANY, Mr. MARCHANT, and Mrs. BLACK.

H.J. Res. 88: Mr. PERLMUTTER.

H. Con. Res. 21: Mr. NUNNELEE and Mr. PALAZZO.

H. Res. 220: Mr. DOYLE and Ms. SCHWARTZ.

H. Res. 814: Mr. ROSKAM and Mr. CARTER.

### PETITIONS, ETC.

Under clause 3 of rule XII,

65. The SPEAKER presented a petition of John Wardlaw, Citizen, relative to a letter regarding the Social Security fund; which was referred to the Committee on Ways and Means.

## SENATE—Monday, December 3, 2012

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, king of kings and governor of all things, thank You for this opportunity to boldly approach Your throne of grace. It is at Your throne, God, that we obtain mercy to sustain us throughout the challenging seasons of living.

Lord, we build this moment of prayer into our day, aware of our need of You. Be for our lawmakers their shelter in the time of storm. Lord, prepare them to meet whatever difficulties that may lurk in life's shadows, as they seek to cultivate an experiential relationship with You. Give them the wisdom to persevere through tough times and never, ever give up.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 3, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Following leader remarks, if any, the Senate will resume consideration of the National Defense Authorization Act. The filing deadline for second-degree amendments is 4 o'clock today.

At 5 p.m., the Senate will proceed to executive session to consider the nomination of Paul William Grimm to be United States District Judge for the District of Maryland. At 5:30 p.m., there will be two rollcall votes: first on confirmation of the Grimm nomination, and then on the motion to invoke cloture on S. 3254, the Defense bill I just spoke about.

Mr. President, significant progress has been made on this legislation. The two managers of the bill, as I indicated, know how this place works, and they worked extremely hard to clear a lot of amendments. We soon will be approaching 100 amendments that have been dealt with in this legislation. In fact, for all I know, they could have already done it since this morning, so I think we have made great progress. I know there is more progress that can be made by their continuing to work on this.

### NEGOTIATION

Mr. REID. Mr. President, before I came to Congress I was a lawyer. I tried lots of cases, more than 100 cases to juries. My greatest victories, though, weren't the cases that we spent in a courtroom and worked on in a courtroom. My greatest victories were the cases that never saw the inside of a courtroom.

As English poet George Herbert said, "A lean compromise is better than a fat lawsuit," and that is true. It is always better to settle than to fight. I have done my fair share over the years of negotiating, both as a lawyer and as a Senator and as a Member of the House. I have a bit of negotiating advice for Republican leaders: You are doing it wrong. Generally during a negotiation, each side brings an offer or demand to the table. That is how it has always worked. Then the two sides sit down and find middle ground. It is not always easy and it is rarely fun. True compromise means no one gets everything they want, but unless both sides come to the negotiating table with an offer, you can't even begin the negotiation. In fact, unless both sides come to the table with an offer, there is no negotiation.

Over the last week, Republican leaders from both Chambers have complained that Democrats put forward a

proposal for resolving the fiscal cliff that reflected our priorities—our priorities. What did they expect?

Our proposal is simple. We want to end unnecessary tax breaks for the richest of the rich and provide security for everyone making less than \$250,000 a year. No one should be surprised at President Obama's offer. It is exactly what he has said he supports time and time again. For months now, it is what I have said I support. I have said it time and time again. It is what Democratic Senators campaigned on across the country this election cycle. This plan would protect 98 percent of American families and 97 percent of small businesses from tax increases. It also passed the Senate 4 months ago, and it has the support of the American people. The vast majority of Americans—Independents, Democrats, and even more than 40 percent of Republicans—supports this.

I wish I could share with you the details of the Republicans' answering proposal, but there hasn't been one. They haven't produced a single proposal.

We are not doing their homework for them. It is the Republicans' responsibility to respond with a counteroffer—not a hint dropped during, perhaps, an interview with the Washington Post, the New York Times or even the Wall Street Journal or a Sunday talk show but a real modified offer. President Obama has told Republicans and the world where he stands. The sooner the Republicans make a legitimate offer, the sooner we can all start working to find middle ground.

So let me remind my Republican colleagues that as we work toward a final agreement, millions of middle-class families are nervously watching and waiting. For 4 months Republicans have held them hostage to protect the richest 2 percent of taxpayers. Reasonable rank-and-file Republicans are urging their leadership to stop delaying Senate-passed legislation that would give millions of middle-class families making less than \$250,000 the certainty that their taxes won't go up by about \$2,200 on January 1.

It will be hard for Speaker BOEHNER to pass our bill—no, it wouldn't be hard at all; it would be so easy. Every Democrat in the House will vote for it—every Democrat in the House. To reach 218 votes, which is half plus 1 in the House, it takes only 26 reasonable Republicans willing to put the needs of the middle-class demands ahead of Grover Norquist. That is so simple.

So when my friend, the Speaker, says he can't pass it, that is simply without foundation or fact, and it is not true.

As my friend and colleague, the senior Senator from Missouri, CLAIRE MCCASKILL, said on a Sunday talk show yesterday, JOHN BOEHNER has a decision to make. This is what she said: "He's got to decide, is his speakership more important or is the country more important." That is a pretty easy question to answer for everyone. It should be an easy question to answer for Speaker BOEHNER.

As we continue to hope for a balanced agreement that will safeguard the economy, I hope Speaker BOEHNER ends the suspense for millions of American families and does it soon.

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for and for other purposes.

Pending:

Kyl modified amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the majority leader while he is still here on the floor for the support he has given to Senator MCCAIN and myself and all of us who are working so hard to get a Defense authorization bill passed for the 52nd straight time, I believe. We haven't missed a year in 51, and I think this will be the 51st and 52nd.

I want to thank Senator MCCAIN and his staff and all of my staff for the extraordinarily hard work they have put in on the bill, both in committee and here on the floor. I thank all of my colleagues for the cooperation which has been shown to allow us to dispose of somewhere now in the area of 100 amendments.

There will be even more amendments that can be cleared this afternoon. We, I believe, have a package that is ready, or almost ready, of amendments. I believe that after that, this afternoon there could be a second package of amendments which has been cleared for action by the body.

We will be here this afternoon. I haven't had a chance to talk yet with Senator MCCAIN today, but I am sure it is his plan, as it is mine, to be here with our staffs this afternoon to work with colleagues to see if we can't clear additional amendments.

The cloture vote is scheduled. There has been more than adequate time. I want to thank the leader, again, for giving this time. We are now into our fourth day where we are able to address the issues on this bill.

I hope cloture will pass this afternoon when the vote is taken, and that early tomorrow, since I am hopeful there won't be a need for postcloture time, we can perhaps adopt even a third package of cleared amendments tomorrow morning at some point, and then move to final passage at some time as determined by the leader, of course.

I want to again urge colleagues who have amendments that we have been working on to keep working with our staffs so we can hopefully clear as many amendments as possible prior to cloture. I think that would be beneficial to all of us. We have worked together well as a body.

There have been a number of accommodations which have been made by many of our colleagues to each other and to us as managers which has made it possible for us to have a smooth passage at least until this point.

With that, again, I give thanks to my ranking member.

I yield the floor.

Mr. MCCAIN. I want to thank Senator LEVIN and also the majority leader for giving us this time. Also I am in agreement that the time has come for cloture to be invoked, unfortunately. The total time of debate for this bill up to now has been 27 hours of debate and 371 amendments have been filed. We have disposed of 94 amendments, some by voice vote, some by rollcall vote.

Of those amendments, many of them were offered by members of the committee, but a majority of them were offered by nonmembers of the Senate Armed Services Committee. So I think we have had a very inclusive and interesting debate and voting.

I tell my friend Senator LEVIN, I have just been informed that the Senator from Kentucky has objected, voiced an objection to taking up any further unanimous consent agreements or votes. That means that there will be many amendments which have been approved by both sides which will now not be allowed to be offered or acted upon. It also means that if cloture is invoked, and I anticipate that cloture will be invoked—I understand that will be the second vote we have today—a number of those amendments that are nongermane, which we have cleared and would have been passed, will now be put aside.

I will have a reading of a number of those amendments. There are 15 to 16

amendments that we would be ready shortly to approve. I am not exactly sure how many of them are nongermane in nature, which will fall when cloture is invoked.

All I can say to my friend the chairman is that, again, I find it disappointing that one Member of the Senate feels his particular agenda is so important that it affects the lives, the readiness, and the capabilities of the men and women who are serving in the military and our ability to defend this Nation. I think it is hard to answer to the men and women in the military with this kind of behavior, but I will leave that up to the Senator from Kentucky to do so.

In the meantime, I guess postcloture, we will continue with the legislation and try to get it completed. I have some guarded optimism that we may be able to do so.

Mr. Chairman, I again apologize for what seems to have happened. Much to my dismay, it lends some credence to the argument that maybe we ought not to do business the way we are doing here in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, let me tell my dear friend from Arizona that I am sorry to hear about that objection that apparently is going to be placed against the unanimous consent agreement to adopt amendments which had been cleared by both sides. But perhaps during the afternoon we could hear from the Senator from Kentucky. Perhaps he can come over and talk to us about what the problem is. But in the meantime, we are going to continue to try to line up cleared amendments in the chance he will relent from his position.

Sometimes with these packages, when they are put together and someone says they object at the last minute, that objection can be addressed in some way or another. So I hope our staffs will continue to try to find ways to clear amendments—subject, of course, to there being an objection. If there is an objection, then that, of course, given the fact that we are late in the day here now and having a cloture vote late this afternoon, would be able to thwart the will of the rest of the body.

But I hope the Senator from Kentucky can personally come over and let us know what the problem is. Perhaps my friend from Arizona knows what it is, but I don't. I would like to get involved in it.

I yield.

Mr. MCCAIN. In the meantime, I would ask my friend if he agrees that colleagues with amendments they would like to debate or wish to come and talk about them—we are certainly open to that.

Mr. LEVIN. The floor is open.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I will proceed under my leader time.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### RULES CHANGES

Mr. McCONNELL. Mr. President, we have been discussing the plans of the Democratic majority to repudiate its clear commitment to respect the rights of the minority, which is a hallmark of the Senate, and instead to break the rules to change the rules. That is how my friend from Nevada repeatedly described it when Republicans were considering doing something similar several years ago. Of course, Republicans never did break the rules to change the rules, but Democrats are contemplating doing so in the name of "efficiency."

Last week I noted how my Democratic colleagues seek to minimize this major change in how the Senate governs itself by calling this heavyhanded power play "tiny" and a "minor change" and adjusting the Senate rules just "a little bit." But this eleventh-hour rhetoric stands in stark contrast to what they have previously said and what they have systematically done.

My friend the majority leader told one of my new Members, in essence, that even if this new so-called "tiny" rules change removed all chance that this new Member would have any recourse to get an amendment to a bill, that new Member could simply "vote against the bill." And my friend told Senator McCain this fall that "the amendment days are over" in the Senate. That was the majority leader to Senator McCain earlier this year.

But, of course, it is much more than what has been said that is at issue, it is what the Democratic leadership has systematically done to marginalize the voice of the minority. As I noted, it has used, to an unprecedented extent, Senate rule XIV. This rule allows the majority to bypass committees and write bills behind closed doors—doing so, of course, to deprive all of us, Republicans and Democrats, of the chance to have their committee work matter.

According to the Congressional Research Service, the majority has used this rule to bypass committees nearly 70 times. When Republicans were last in the majority under Senator Frist, we used that rule less than half as often—only 30 times. And when a bill

that has bypassed committee goes straight to the floor, under the current majority there often isn't an opportunity to participate there either. Again, according to the Congressional Research Service, the current Democratic leadership has blocked Senators from both sides of the aisle from offering amendments on the floor 68 times—68 times. No amendments at all. This is 70 percent greater than the number of times the six prior majority leaders combined—combined—shut their colleagues out of the amendment process.

Now, the majority leader dismissed this unprecedented practice, saying it "has no bearing on what is going on around here." Well, maybe it doesn't to him, but he is the only one who, under this unprecedented amendment blockage, is picking amendments. It is a little bit bigger deal to the other 99 of us who are shut out from representing our constituents by having our ability to offer any amendments on their behalf blocked.

By the way, that is not how the majority leader viewed this practice when he was in the minority. When Senator Frist, as majority leader, blocked his colleagues from offering amendments a relatively modest 15 times in 4 years—15 times in 4 years—my friend from Nevada said it was "a bad way to run the Senate" and a "very bad practice" and it ran "against the basic nature of the Senate." That is when Senator Frist did it 15 times over 4 years. This majority leader has done it nearly 70 times in his tenure. What would be a fair way to describe that record?

But the current Democratic leadership hasn't been content to stop there in marginalizing the minority. They have prevented the minority from offering amendments in committee, they have prevented them from offering amendments on the floor before cloture, and then they changed Senate procedure with a heavyhanded majoritarian motion to stop the minority from offering motions after cloture was invoked. Since such motions to suspend the rules require 67 votes to be successful, I gather that having even to deal with such motions interfered with "efficiency," as did allowing bills to be marked up in committee, as did allowing Senators of both parties to have amendments on the floor. So our Democratic colleagues have shut out the minority there too.

But even that is not enough. Now the same Democratic leadership wants to take away the right to extend a debate on motions to proceed to a measure. Throughout its history, the unique role of the Senate has been to protect the voice of the minority, expressed through the equal rights of all Senators to debate and amend legislation. This has stood in contrast with the House of Representatives, where a simple majority rules. So it should be startling—literally startling—to every

Senator and to the people who elected us to represent them to look at the facts.

How does the Senate compare with the House of Representatives? This is something we have not discussed before in this debate. How does the Senate compare with the House of Representatives? At the same time the current Senate majority is finding every way it can to marginalize the minority, the majority in the House is moving in the opposite direction—in exactly the opposite direction.

The Wall Street Journal reported last year that the majority in the House was "giving lawmakers more opportunity to amend bills on the floor" and that "even some Democrats acknowledged that the GOP leaders have done a better job than their predecessors." According to the article, last year the House held more votes on amendments on the floor than the two previous years combined when congressional Democrats were in the majority. How does that compare to the Senate? According to the Congressional Research Service, this year the majority in the House has given the minority in the House 214 occasions to affect legislation on the House floor through amendments and motions to commit or recommit. That is what they have done in the House this year. By contrast, the majority in the Senate has only allowed the minority in the Senate 67 occasions to affect legislation on the Senate floor in the same way.

So listen to this, Mr. President. This is astonishing. The minority in the House has had more than three times the opportunity to express its views and to represent its constituents than the minority in the Senate. The minority in the House has had more than three times as many opportunities to record its views than the minority in the Senate. It appears that in terms of respect for minority rights and the constituents the minority represents, the House is becoming more like the Senate and, unfortunately, the Senate is becoming more like the House.

Now, it doesn't have to be this way in the Senate, of course. Senators LEVIN and MCCAIN are reminding those of us who have been here a while and showing those who haven't that it is possible for the Senate to actually legislate. We are in the process of doing that right now.

Despite the fact that the Senate has devoted much less floor time to the Defense authorization bill than is historically the practice and many fewer amendments than are historically the practice, the majority is allowing amendments to receive votes and the minority, for our part, is not insisting that we get to vote on every single amendment we want. We need to get back to conducting business that way again, and the majority leader and I need to discuss how to achieve that.

But what the Democratic majority must not do is change the Senate by using a bare majority to ram through a rules change as if this were the House. Such a rules change will not do them any good in the short term—the House is in the hands of the Republicans. But it will do the institution irreparable damage in the long term and will establish precedent in the Senate for breaking the rules to change the rules that our Democratic colleagues will have to endure when they are in the minority again, which will certainly happen.

We should work together, instead, to resolve our differences. As I said last week, that is what the Standing Rules of the Senate anticipate and that has been how changes to the Senate rules have occurred in our history.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Will the Chair please let me know when 5 minutes remains?

The ACTING PRESIDENT pro tempore. Certainly. The Senator is recognized.

#### THE FILIBUSTER

Mr. ALEXANDER. Mr. President, I want to speak this afternoon about the Senate as an institution; about its majority leader, Senator REID, who is my friend; about various conversations we have been having in the Senate and discussions about what the majority leader has said about how the Senate should operate. I know the majority leader cares about this institution. I believe it. He has said it. He shows it. He has one of the most difficult jobs anybody could possibly have.

One time he told me: My job is to make everybody mad. In many ways it is, when you have a body of 100 that operates by unanimous consent and every one of us is equal. It is a very difficult job to be the minority leader, which the Republican leader is today. It is a more difficult job to be the majority leader.

I emphasize this because I know Senator REID cares about this institution, and I know Senator REID does not want to go down in history as the man who ended the Senate. But if he persists in doing what he says he will do—which is to break the rules of the Senate to

change the filibuster rules—that will be his legacy. He will go down in history as the Senator who ended the Senate.

You might say: Senator ALEXANDER, that is a very serious charge to make about a majority leader whom you know and respect and who you just said cares about this institution. It is a serious charge to make. The only reason I would say it is because Senator REID said it himself.

Shortly after I came to the Senate, in 2005, we Republicans, including this Senator, were very upset about what we believed were unfair efforts by Democrats to keep President Bush from securing an up-or-down vote on his judicial nominees. We were in the majority, we Republicans. We had a Republican President of the United States. We believed that attacks on the President's nominees were extraordinarily unfair, and the other side was using the rules of the Senate to prevent an up-or-down vote. They were filibustering President Bush's nominees.

We could not change their minds, so a number of Senators persuaded Senator Frist, my colleague from Tennessee who was then the majority leader, that we should then change the filibuster rules in order to get an up-or-down vote on the judges. We knew our goal was right, so we were going to, if we had to, break the rules to change the rules.

As you might guess, the minority, the Democrats at the time, erupted in indignation. They said this has not been done in the 240 or 250 years of the Senate. They pointed out the differences between the Senate and the House of Representatives. Almost every distinguished Member of the Democratic side of the Senate—the majority leader; Senator BIDEN, now the Vice President of the United States; Senator Obama, now the President of the United States; Senator Clinton, now the Secretary of State of the United States—denounced this evil Republican plan to change the rules of the Senate, to in effect break the rules of the Senate—because the rule says we can only change the rules with 67 votes—in order to change the filibuster rule.

Here is what the majority leader said in his book, "The Good Fight."

The storm had been gathering all year and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the majority leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations. And once you opened that Pandora's box it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

That is Senator REID when he was the minority leader of the Senate.

Today another storm is gathering, and the shoes are reversed. The majority leader is the one who wants to invoke what he then called the nuclear option. That was the Democrats' name for what the Republicans were trying to do, and we are the ones who are saying: Please don't do that; stop and think about this; this is not what you want to do to the Senate.

People who are listening might say: Wait a minute. This filibuster business has gotten out of hand. What is wrong with having a majority vote in the Senate? Don't we learn in the first grade—at least we did in Maryville, TN—if we have an election for the class president everyone raises their hands and whoever gets the majority wins. That is the American way.

That is the American way except it is not the way of the Senate from the beginning of our country. We had a Frenchman who wandered through this country in the 1830s, a young man called de Tocqueville. He wrote a book called "Democracy In America," which is still the finest exposition of our democracy that we have because it was an outsider's look at us. He saw two great dangers to the United States at the time. One was Russia. He was prescient about that. But the second was what he called the tyranny of the majority—that in a great, big, complicated country like this that somehow the majority, in its passions and suddenness and enthusiasm, would run over the minorities. Somehow he must have known we would be a nation filled with minorities; that we would be almost a minority nation, and somehow those minorities needed protection.

What has happened over all those years is that the Senate has stood, as Senator Byrd used to say, as the necessary fence that protected minorities in America from the tyranny of the majority. That is why we have a Senate, so if a freight train runs through the House it cannot run through here. It has to slow down and stop and we have to think about it.

That is why we have a tradition in the Senate of unlimited amendment and unlimited debate on any subject until 60 of us decide that is enough—which is what we are about to do with the Defense authorization bill. We have had, under the leadership of Senator MCCAIN and Senator LEVIN, the chairman—and I give Senator REID great credit for this as well—I think it is 90 amendments that have been dealt with. We will have a cloture vote tomorrow. It will probably pass. I will vote for it. That means it is time to end the debate, time to limit the discussion and come to a conclusion. That is the way the Senate is supposed to work.

Here is an image of the difference between the House and the Senate. Most of us know of the work of Robert Caro, who has written the book on Lyndon



Johnson. When I first came to the Senate 10 years ago I read that first chapter in Caro's book, the chapter called "The Desks Of The Senate." I imagine the Presiding Officer has had a chance to read that as well. I still say to new Senators or anybody else interested in this body, if they really want to understand the Senate, read Robert Caro's chapter "The Desks Of The Senate."

He talked about all these desks and how after an election—just as they will this time—they move two from over here to over there because Democrats won a couple of seats, and that is the way this works. This is the image of the Senate where everybody is equal, and it takes 60 to get a result. The idea is unlimited debate and consideration to protect the minority. It also reminds us that the people who are out of the majority right now may not be out tomorrow.

What is the image of the House? The image of the House is that all legislation goes to the House Rules Committee. I have been there. DAVID DREIER took me there. He is the chairman of the House Rules Committee. It is an ornate office. Every piece of legislation in the House has to go through the Rules Committee. Republicans have a narrow majority in the House of Representatives but, guess what, the composition of the Rules Committee is eight Republicans, four Democrats. What if the Democrats gained a one-vote majority in the House? Eight Democrats and four Republicans.

What would happen is any piece of legislation the majority wants to push would run through the House like a freight train. That is not what the U.S. Senate is about. That is why Senator Dodd, in his farewell address, said to those who have never been the minority in the Senate, please be careful before changing these filibuster rules.

In January, we will have 30 Democratic Members of the U.S. Senate who have never been in the minority. They have not had a chance to experience what some of us have had a chance to experience. While I have not been in the Senate all that long by Senate standards—I have been here 10 years—I have watched the Senate for a long time. I first came here in 1967 as a legislative aide to Howard Baker. Everett Dirksen was the Republican leader and Mike Mansfield was the Democratic leader. The Senate has never worked perfectly. Every majority and minority leader will say that.

In the 1960s it was Senator Williams from Delaware who would object and slow down things. In the 1970s it was Senator Allen from Alabama. He would tie up the Senate in complete knots. Because of the individual rights a Senator has, it was just one Senator. In the 1980s it was Senator Metzenbaum. He held up my own nomination to be U.S. Education Secretary for 3 or 4 months, and there was nothing I could

do about it. I thought that was very unfair, but it was part of this process whereby a Senator can slow down things.

How do leaders respond to that? Well, in 2005 I was as angry as anyone about the Bush judges who were not getting an up-or-down vote, but I did not think it was right to break or change the rules of the U.S. Senate. I didn't want to turn the Senate into the House of Representatives.

I made two speeches on the floor and suggested what became, in effect, the Gang of 14. I didn't participate in the gang because my colleague Senator Frist was the Republican leader, and out of respect to him I didn't want to undermine him. Fourteen Senators, including Senator PRYOR and Senator MCCAIN on this side, got together and said we cannot let this happen. They met and worked and agreed they would not change the rules and would not filibuster. So when that happened, that meant there could not be a change of the rules by the Republicans and there could not be a filibuster by the Democrats if these 14 Senators agreed with one another. They then created a compromise solution which is where we are today.

There have been other ways that leaders have responded. During the Panama Canal debates in 1978 and 1979, I believe Senator Byrd and Senator Baker were the leaders. I believe Senator Byrd was the majority leader. The opponents of the Panama Canal—and this was a time when the Panama Canal was very unpopular with a lot of people. According to Senator Byrd, opponents centered their efforts of winning approval of killer amendments. We all know what those are. I believe one of the main reasons the majority leader does not like bills to come to the floor is because he thinks some of the amendments offered by the minority are going to be unpleasant for Democrats, or even Republicans, to vote for. Well, my feeling about that is: Why would you join the Grand Ole Opry if you don't want to sing? We come here to debate, amend, and vote.

Here is what Senator Byrd said: Opponents centered their efforts on winning approval of killer amendments. I made it clear that only the leadership amendments and certain clarifying reservations and understandings would be acceptable. Opponents attempted to circumvent this strategy by offering amendments that were phrased in such a way that Senators would find them difficult to turn down.

At first glance many of the amendments seemed innocuous and pro-American. Had they succeeded, however, they would have effectively killed the treaty—this is Senator Byrd. In all 145 amendments, 26 reservations, 18 understandings, 3 declarations—for a total of 192 changes—were proposed. 88 of these were voted on. In the final

analysis, nothing passed that was not acceptable to the joint leadership.

In other words, the joint leadership sat up there, let everybody vote, let them ventilate, have their say, do their job, and then they defeated them. They either tabled their amendment or they beat them. That is what they were able to do. That is very different from way we are operating today, and that is the way I respectfully suggest we should operate.

In the 1980s—and I mentioned it was never perfect—during the Byrd-Baker era, basically the leaders would put a bill on the floor. If it was a bill like the one we are currently considering—the Defense authorization bill—and it had the support of the chairman and ranking minority member, they would simply open the bill for amendments. They might get 300 amendments. They would then ask for unanimous consent to close off amendments and, of course, they would get it because if anybody objected, they would tell them to throw their amendment in there and then they would start voting.

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. ALEXANDER. For example, during the Panama Canal debate, they would table a lot and vote a lot. They would stay up on Monday, Tuesday, Wednesday, and Thursday nights. Pretty soon Senators would be thinking about going home or seeing their grandchildren or maybe their amendment was not so important and their bill would either be passed or defeated, but everybody went home thinking: I have had a chance to be a U.S. Senator. I may be in the minority, I may be in the majority, but I have given voice to the feelings of the people of my State which is what I was elected to do.

So is the filibuster rule a problem? No, the filibuster rule is not the problem. The problem is if I come down to the floor with an amendment, the majority leader uses a procedural motion to cut me off and I don't get to vote on it. I don't get to talk about it and I don't get to vote on it.

To his great credit, he is not doing that with the Defense authorization bill. He did not do that with the postal reform bill. There have been a number of other bills this year that proved the Senate can work. There is even an amendment by the Senator from Kentucky that Members of both sides did not want to vote on. It had to do with cutting off aid to three Middle Eastern countries. The administration did not want to vote, but we finally voted and what happened? We had a huge, great debate. Many Senators spoke their feelings, and in the end the vote was 81-10 and the amendment failed. It did not do any damage to anybody. In fact, it made the Senate look more like what it should be.

The filibuster is and has been democracy's greatest show: the right to talk

your head off. We need to get back to the situation where we have committee bills like the Defense authorization bill where we bring them to the floor and the majority leader asks for amendments. Let us all put our amendments in and let us start voting. Let's get back to the time where the majority leader and the minority leader, or the committee chairman and the ranking member, have a product they are invested in and they work together to keep it intact. If they do that, they usually defeat Republican amendments or Democratic amendments, or occasionally an amendment will come along that has so much support that it seems like an improvement to the bill, and it is adopted.

My purpose today is not to make a hard job harder. I said at the beginning the majority leader has the toughest job in town and maybe one of the toughest in the country. My hope is that maybe if he has a few minutes tonight, he would go back home and reread his own book. He and I agreed at that time that that would be a bad result. And remember the words he said in 2005 about the value of the filibuster, the value of having a body that protected the minority rights and how damaging it would be to make the Senate like the House.

I hope the majority leader and the Republican leader could quietly meet and talk this through. Senator SCHUMER and I and many others spent a lot of time on this 2 years ago. It took 6 months and we thought we had an agreement, but somehow it broke down. There is no reason it should break down. We can operate the Senate under the rules we have. We can get bills through committee. We can get them to the floor. We can let anybody have an amendment and we can talk about it, vote on it, and pass it or defeat it. That is what we should be doing.

I know the majority leader cares about this institution. I know he cares about it deeply. He spent his life here devoted to it. I know he is responding to a variety of suggestions from Members of his caucus as to what is best to do. I think it is the responsibility of the leaders of both sides and people who have seen this body for a while to remind everyone, particularly those who have never been in the minority, that this is a body to protect the minority. Any of us can be in the minority at some time. I know he does not want to destroy the U.S. Senate, but in his words: If we change the filibuster rule, it would be the end of the United States Senate. I don't want that to happen. I don't want that to be the majority leader's legacy, and I don't believe he wants that. I, as one Senator, am willing to encourage the Republican leader and the majority leader to work together, solve this problem, and get our attention focused back on the

big problem facing our country, which is how to get a budget agreement that gets our economy moving again.

Mr. President, I ask unanimous consent to put into the RECORD a few articles: a excerpt from the majority leader's book, an article from *The Hill* by Martin Paone—who used to work here and makes the points I have been making—an article by Richard Arenberg, who worked on Senate and House staffs for 30 or 40 years. We find that people who have worked in the Senate and leave it, whether they are Republicans or Democrats, seem to have the same view.

I wish also to put in Senator Byrd's statement which he made during his last appearance before the Senate Rules Committee before he died. I was there and he urged us not to break down this fence. His comments go hand in hand with those of Senator Chris Dodd's final address to the Senate on November 30, 2010. And finally, I include a copy of an address I gave at the Heritage Foundation on this subject 2 years ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE NUCLEAR OPTION

Peaceable and productive are not two words I would use to describe Washington in 2005.

I just couldn't believe that Bill Frist was going to do this.

The storm had been gathering all year and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the Majority Leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations. And once you opened that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

It is the genius of the founders that they conceived the Senate as a solution to the small state/big state problem. And central to that solution was the protection of the rights of the minority. A filibuster is the minority's way of not allowing the majority to shut off debate, and without robust debate, the Senate is crippled. Such a move would transform the body into an institution that looked just like the House of Representatives, where everything passes with a simple majority. And it would tamper dangerously with the Senate's advise-and-consent function as enshrined in the Constitution. If even the most controversial nominee could simply be rubber-stamped by a simple majority, advise-and-consent would be gutted. Trent Lott of Mississippi knew what he was talking about when he coined a name for what they were doing: the nuclear option.

And that was their point. They knew—Lott knew—if they trifled with the basic framework of the Senate like that it would be nuclear. They knew that it would be a very radical thing to do. They knew that it would shut the Senate down. United States senators can be a self-regarding bunch sometimes, and I include myself in that description, but there will come a time when we will all be gone, and the institutions that we

now serve will be run by men and women not yet living, and those institutions will either function well because we've taken care with them, or they will be in disarray and someone else's problem to solve. Well, because the Republicans couldn't get their way getting some radical judges confirmed to the federal bench, they were threatening to change the Senate so fundamentally that it would never be the same again. In a fit of partisan fury they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or sixty-seven senators. The Republicans were going to do it illegally with a simple majority, or fifty-one. Vice President Cheney was prepared to overrule the Senate parliamentarian. Future generations be damned.

Given that the filibuster is a perfectly reasonable tool to effect, compromise, we had been resorting to the filibuster on a few judges. And that's just the way it was. For 230 years, the U.S. Senate had been known as the world's greatest deliberative body—not always efficient, but ultimately effective.

[From *The Hill*, May 14, 2012]

#### SENATE RULE CHANGES COME WITH RISK

(By Martin P. Paone)

It's an election year, and the Senate can't agree on how to keep the student loan interest rate from doubling on July 1 from 3.4 percent to 6.8. While both sides agree that it should be done, how to pay for it is the stumbling block. A party-line cloture vote failure has once again brought calls for changing the Senate's rules by majority vote at the beginning of the next Congress, bypassing the two-thirds cloture requirement if there's opposition.

The Senate's membership has changed considerably in the last decade, but the Senate rules, with the exception of some changes that were enacted in the Ethics in Government Act, have not undergone any major changes since the Senate went on TV in 1986. While the House has its Rules Committee, which allows the majority to exert its will and control the flow of legislation, the Senate has a tradition of protecting the rights of the minority and of unfettered debate. Its own website describes "[t]he legislative process on the Senate floor [as] a balance between the rights guaranteed to Senators under the standing rules and the need for senators to forgo some of these rights in order to expedite business."

The Senate has for centuries functioned by this compact of selectively forgoing one's rights, but now that compact, to some, seems to have broken down—hence the call to enact rules changes at the beginning of the next Congress by majority vote. These calls have come from Democrats, but they are quick to admit that it should apply regardless of who is in the majority at the time.

Such changes can certainly quicken the process and allow for the majority to pass legislation and confirm presidential nominees with little hindrance. While the initial rules reforms will probably be limited to restricting debate on a motion to proceed and other less dramatic changes, eventually such majority rules changes at the beginning of a Congress will result in a majority-controlled body similar to the House. Once the Pandora's Box of granting the majority the unfettered ability to change the rules every two years has been opened, having seen how the current situation has escalated, tit for tat over the last 30 years, it is difficult to believe that strict majority rule would not be the ultimate result. Thereafter, a member of

the minority in the Senate will be just as impotent as his or her House counterparts.

Filibusters and the forcing of a cloture vote have been repeatedly used to stop legislation and nominations and to waste time. This is why the number of successful cloture votes, many on noncontroversial nominations and on motions to proceed to bills, has gone up dramatically in recent years. By requiring the cloture vote and then voting for it, the minority has been able to waste considerable time and thus reduce the amount of time available to act on other items of the president's agenda.

The call for changing the Senate's rules by majority vote at the beginning of a Congress is not new; it was attempted without success in 1953 and 1957 and in 1959. When faced with such an effort, then-Majority Leader Lyndon Johnson negotiated a cloture change back down two-thirds of those present and voting, but as part of the compromise he had to add Paragraph 2 to Senate Rule V, which states "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."

So is it time to ignore the existing rules and change them at the beginning of the next Congress by a majority vote? Perhaps it is time—so many other changes have occurred in our lives in the recent past, why shouldn't the Senate change the way it does business? However, should that occur, one must be prepared to live with the eventual outcome of a Senate where the majority rules and the rights of the minority have been severely curtailed.

While I can sympathize with those demanding such changes, it's the manner of their implementation that keeps reminding me of the exchange between Sir Thomas Moore and his son-in-law, William Roper, in the movie "A Man For All Seasons":

Roper: "So, now you give the devil the benefit of law?"

Moore: "Yes! What would you do? Cut a great road through the law to get after the devil?" Roper: "Yes, I'd cut down every law in England to do that!"

Moore: "Oh? And when the last law was down, and the devil turned 'round on you, where would you hide, Roper, the laws all being flat? . . . Yes, I'd give the devil benefit of law, for my own safety's sake!"

[From the Washington Post, Nov. 14, 2012]

FILIBUSTER REFORM: AVOID THE 'NUCLEAR OPTION'

(By Richard A. Arenberg)

Richard A. Arenberg, who worked on Senate and House staffs for 34 years, is co-author of "Defending the Filibuster: The Soul of the Senate." He is an adjunct professor at Brown University, Northeastern University and Suffolk University.

Majority Leader Harry Reid, frustrated by abuse of the filibuster, has vowed to change the Senate's rule on the first day of the new Congress.

If he chooses to invoke the "constitutional option"—the assertion that the Senate can, on the first day of a session, change its rules by a majority vote—he will be heading down a slippery slope that the current president of the Senate, Vice President Biden, once excoriated as an abuse of power by a majority party.

The argument over the constitutional option is more than 200 years old. The Senate has consistently held that it is a continuing body since at least two-thirds of its members are always in office. That's why it uses a rule book written in 1789 by the first Senate and does not adopt rules on the first day of

a new Congress, as the House of Representatives does. To underscore the point, the Senate adopted in 1965 Rule V, which states, "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."

Senate Rule XXII requires a two-thirds vote to end a filibuster against a rules change. This means that changing Senate rules must be a bipartisan matter. The danger is that the majority party will attempt to use the "constitutional option" and ignore the Senate's rules. Republicans threatened this in 2005 when Democrats were filibustering 10 of President George W. Bush's judicial nominations. Because Democrats vowed to respond by bringing the Senate to a near-halt, the tactic was widely referred to as the "nuclear option."

The "constitutional option" could be accomplished in January (or, really, any time) if the Senate's presiding officer decides to ignore the rules and the advice of the parliamentarian—which presiding officers usually rely upon—and declares that debate can be ended by majority vote. Republicans would appeal, but if 51 Democrats hold the line they can table the appeal, which would allow the ruling to stand as the new precedent of the Senate.

No one should be fooled. Once the majority can change the rules by majority vote, the Senate will soon be like the House, where the majority doesn't consult the minority but simply controls the process. Gone would be the Senate's historic protection of the minority's right to speak and amend. In the House, the majority tightly controls which bills will be considered; what amendments, if any, will be in order; how much time is allotted for debate; and when and under what rules votes occur. Often, no amendments are permitted.

Since the Senate's presiding officer is likely to be the vice president, it is instructive to remember what Biden said about this ploy from the floor of the Senate in 2005:

"This nuclear option is ultimately an example of the arrogance of power. It is a fundamental power grab by the majority party . . . to eliminate one of the procedural mechanisms designed for the express purpose of guaranteeing individual rights and they also, as a consequence, would undermine the protections of the minority point of view. . . .

"[Q]uite frankly it's the ultimate act of unfairness to alter the unique responsibility of the United States Senate and to do so by breaking the very rules of the United States Senate. . . . But the Senate is not meant to be a place of pure majoritarianism. . . . At its core, . . . the filibuster is not about stopping a nominee or a bill. It's about compromise and moderation."

He went on to call the constitutional option "a lie about the rule."

Reid said at the time, "If there were ever an example of an abuse of power, this is it. The filibuster is the last check we have against the abuse of power in Washington."

In 2005, crisis was averted by the bipartisan "Gang of 14" senators who forged a compromise. Perhaps it's time for a new gang. Five of the original 14 will be in the 113th Congress. They would no doubt be joined by others of both parties. A critical mass of senators who revere the institution can arrive at a bipartisan approach, reshaping the filibuster rule while retaining it as a protection for minority rights.

In recent days President Obama and the leaders of the House and Senate have called for bipartisan cooperation. Imposing rules changes by partisan fiat would be just the

opposite and would destroy the fabric of the Senate. Now is a good time for a new gang of senators to rise above partisan bickering and negotiate changes based on what's best for the Senate and our democracy, not just what's best for the majority.

STATEMENT OF SENATOR ROBERT C. BYRD (D-W.VA.), SENATE RULES AND ADMINISTRATION COMMITTEE, MAY 19, 2010

"THE FILIBUSTER AND ITS CONSEQUENCES"

On September 30, 1788, Pennsylvania became the first state to elect its United States senators, one of whom was William Maclay. In his 1789 journal Senator Maclay wrote, "I gave my opinion in plain language that the confidence of the people was departing from us, owing to our unreasonable delays. The design of the Virginians and of the South Carolina gentlemen was to talk away the time, so that we could not get the bill passed."

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood this since the Senate first convened.

In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were "first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led. . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils." That "fence" was the United States Senate.

The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.

During this 111th Congress in particular the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to each Senator's duty to act in good faith.

I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are far too grave, and too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delay.

There are many suggestions as to what we should do. I know what we must not do.

We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.

The path to solving our problem lies in our thoroughly understanding it. Does the difficulty reside in the construct of our rules or in the ease of circumventing them?

A true filibuster is a fight, not a threat or a bluff. For most of the Senate's history, Senators motivated to extend debate had to hold the floor as long as they were physically able. The Senate was either persuaded by the strength of their arguments or unconvinced by either their commitment or their stamina. True filibusters were therefore less frequent, and more commonly discouraged, due to every Senator's understanding that such undertakings required grueling personal sacrifice, exhausting preparation, and a willingness to be criticized for disrupting the nation's business.

Now, unbelievably, just the whisper of opposition brings the "world's greatest deliberative body" to a grinding halt. Why?

Because this once highly respected institution has become overwhelmingly consumed by a fixation with money and media.

Gone are the days when Senators Richard Russell and Lyndon Johnson, and Speaker Sam Rayburn gathered routinely for working weekends and couldn't wait to get back to their chambers on Monday morning.

Now every Senator spends hours every day, throughout the year and every year, raising funds for re-election and appearing before cameras and microphones. Now the Senate often works three-day weeks, with frequent and extended recess periods, so Senators can rush home to fundraisers scheduled months in advance.

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn.

I heartily commend the Majority Leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.

I also know that current Senate Rules provide the means to break a filibuster. I employed them in 1977 to end the post-cloture filibuster of natural gas deregulation legislation. This was the roughest filibuster I have experienced during my fifty-plus years in the Senate, and it produced the most-bitter feelings. Yet some important new precedents were established in dealing with post-cloture obstruction. In 1987, I successfully used Rules 7 and 8 to make a non-debatable motion to proceed during the morning hour. No leader has attempted this technique since, but this procedure could be and should be used.

Over the years, I have proposed a variety of improvements to Senate Rules to achieve a more sensible balance allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter (except for changes to Senate rules), or limiting debate to a reasonable time on such motions, with Senators retaining the right to unlimited debate on the matter once before the Senate. I have authored several other proposals in the past, and I look forward to our committee work ahead as we carefully examine other suggested changes. The Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule XXII where a two-thirds majority is required.

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

THE FILIBUSTER: "DEMOCRACY'S FINEST SHOW . . . THE RIGHT TO TALK YOUR HEAD OFF"

(Address by Senator Lamar Alexander, Heritage Foundation, Jan. 4, 2011)

Voters who turned out in November are going to be pretty disappointed when they learn the first thing some Democrats want to do is cut off the right of the people they

elected to make their voices heard on the floor of the U.S. Senate.

In the November elections, voters showed that they remember the passage of the health care law on Christmas Eve, 2009: midnight sessions, voting in the midst of a snow storm, back room deals, little time to read, amend or debate the bill, passage by a straight party line vote.

It was how it was done as much as what was done that angered the American people. Minority voices were silenced. Those who didn't like it were told, "You can read it after you pass it." The majority's attitude was, "We won the election. We'll write the bill. We don't need your votes."

And of course the result was a law that a majority of voters consider to be an historic mistake and the beginning of an immediate effort to repeal and replace it.

Voters remembered all this in November, but only 6 weeks later Democratic senators seemed to have forgotten it. I say this because on December 18, every returning Democratic senator sent Senator Reid a letter asking him to "take steps to bring [Republican] abuses of our rules to an end."

When the United States Senate convenes tomorrow, some have threatened to try to change the rules so it would be easier to do with every piece of legislation what they did with the health care bill: ram it through on a partisan vote, with little debate, amendment, or committee consideration, and without listening to minority voices.

The brazenness of this proposed action is that Democrats are proposing to use the very tactics that in the past almost every Democratic leader has denounced, including President Obama and Vice President Biden, who has said that it is "a naked power grab" and destructive of the Senate as a protector of minority rights.

The Democratic proposal would allow the Senate to change its rules with only 51 votes, ending the historical practice of allowing any senator at any time to offer any amendment until sixty senators decide it is time to end debate.

As Investor's Business Daily wrote, "The Senate Majority Leader has a plan to deal with Republican electoral success. When you lose the game, you simply change the rules. When you only have 53 votes, you lower the bar to 51." This is called election nullification.

Now there is no doubt the Senate has been reduced to a shadow of itself as the world's greatest deliberative body, a place which, as Sen. Arlen Specter said in his farewell address, has been distinctive because of "the ability of any Senator to offer virtually any amendment at any time."

But the demise of the Senate is not because Republicans seek to filibuster. The real obstructionists have been the Democratic majority which, for an unprecedented number of times, used their majority advantage to limit debate, not to allow amendments and to bypass the normal committee consideration of legislation.

To be specific, according to the Congressional Research Service:

1. the majority leader has used his power to cut off all amendments and debate 44 times—more than the last six majority leaders combined;

2. the majority leader has moved to shut down debate the same day measures are considered (same-day cloture) nearly three times more, on average, than the last six majority leaders;

3. the majority leader has set the record for bypassing the committee process, bring-

ing a measure directly to the floor 43 times during the 110th and 111th Congresses.

Let's be clear what we mean when we say the word "filibuster." Let's say the majority leader brings up the health care bill. I go down to the floor to offer an amendment and speak on it. The majority leader says "no" and cuts off my amendment. I object. He calls what I tried to do a filibuster. I call what he did cutting off my right to speak and amend which is what I was elected to do. So the problem is not a record number of filibusters; the problem is a record number of attempts to cut off amendments and debate so that minority voices across America cannot be heard on the floor of the Senate.

So the real "party of no" is the majority party that has been saying "no" to debate, and "no" to voting on amendments that minority members believe improve legislation and express the voices of the people they represent. In fact, the reason the majority leader can claim there have been so many filibusters is because he actually is counting as filibusters the number of times he filed cloture—or moved to cut off debate.

Instead of this power grab, as the new Congress begins, the goal should be to restore the Senate to its historic role where the voices of the people can be heard, rather than silenced, where their ideas can be offered as amendments, rather than suppressed, and where those amendments can be debated and voted upon rather than cut off.

To accomplish this, the Senate needs to change its behavior, not to change its rules. The majority and minority leaders have been in discussion on steps that might help accomplish this. I would like to discuss this afternoon why it is essential to our country that cooler heads prevail tomorrow when the Senate convenes.

One good example Democrats might follow is the one established by Republicans who gained control of both the Senate and House of Representatives in 1995. On the first day of the new Republican majority, Sen. Harkin proposed a rule change diluting the filibuster. Every single Republican senator voted against the change even though supporting it clearly would have provided at least a temporary advantage to the Republican agenda.

Here is why Republicans who were in the majority then, and Democrats who are in the majority today, should reject a similar rules change:

First, the proposal diminishes the rights of the minority. In his classic *Democracy in America*, Alexis de Tocqueville wrote that one of his two greatest fears for our young democracy was the "tyranny of the majority," the possibility that a runaway majority might trample minority voices.

Second, diluting the right to debate and vote on amendments deprives the nation of a valuable forum for achieving consensus on difficult issues. The founders knew what they were doing when they created two very different houses in Congress. Senators have six-year terms, one-third elected every two years. The Senate operates largely by unanimous consent. There is the opportunity, unparalleled in any other legislative body in the world, to debate and amend until a consensus finally is reached. This procedure takes longer, but it usually produces a better result—and a result the country is more likely to accept. For example, after the Civil Rights Act of 1964 was enacted, by a bipartisan majority over a filibuster led by Sen. Russell of Georgia, Sen. Russell went home to Georgia and said that, though he had fought the legislation with everything he

had, "As long as it is there, it must be obeyed." Compare that to the instant repeal effort that was the result of jamming the health care law through in a partisan vote.

Third, such a brazen power grab by Democrats this year will surely guarantee a similar action by Republicans in two years if Republicans gain control of the Senate as many believe is likely to happen. We have seen this happen with Senate consideration of judges. Democrats began the practice of filibustering President Bush's judges even though they were well-qualified; now Democrats are unhappy because many Republicans regard that as a precedent and have threatened to do the same to President Obama's nominees. Those who want to create a freight train running through the Senate today, as it does in the House, might think about whether they will want that freight train in two years if it is the Tea Party Express.

Finally, it is hard to see what partisan advantage Democrats gain from destroying the Senate as a forum for consensus and protection of minority rights since any legislation they jam through without bipartisan support will undoubtedly die in the Republican-controlled House during the next two years.

The reform the Senate needs is a change in its behavior, not a change in its rules. I have talked with many senators, on both sides of the aisle, and I believe most of us want the same thing: a Senate where most bills are considered by committee, come to the floor as a result of bipartisan cooperation, are debated and amended and then voted upon.

It was not so long ago that this was the standard operating procedure. I have seen the Senate off and on for more than forty years, from the days in 1967 when I came to the Senate as Sen. Howard Baker's legislative assistant. That was when each senator had only one legislative assistant. I came back to help Sen. Baker set up his leadership office in 1977 and watched the way that Sen. Baker and Sen. Byrd led the Senate from 1977 to 1985, when Democrats were in the majority for the first four years and Republicans were the second four years.

Then, most pieces of legislation that came to the floor had started in committee. Then that legislation was open for amendment. There might be 300 amendments filed and, after a while, the majority would ask for unanimous consent to cut off amendments. Then voting would begin. And voting would continue.

The leaders would work to persuade senators to limit their amendments but that didn't always work. So the leaders kept the Senate in session during the evening, during Fridays, and even into the weekend. Senators got their amendments considered and the legislation was fully vetted, debated and finally passed or voted down.

Sen. Byrd knew the rules. I recall that when Republicans won the majority in 1981, Sen. Baker went to see Sen. Byrd and said, "Bob I know you know the rules better than I ever will. I'll make a deal with you. You don't surprise me and I won't surprise you."

Sen. Byrd said, "Let me think about it."

And the next day Sen. Byrd said yes and the two leaders managed the Senate effectively together for eight years.

What would it take to restore today's Senate to the Senate of the Baker-Byrd era?

Well, we have the answer from the master of the Senate rules himself, Sen. Byrd, who in his last appearance before the Rules Committee on May 19, 2010 said: "Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady [abuse of the filibuster]. Most recently, Senate Ma-

jority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn . . . I also know that current Senate Rules provide the means to break a filibuster."

Sen. Byrd also went on to argue strenuously in that last speech that "our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators," he said, "have understood this since the Senate first convened."

Sen. Byrd then went on: "In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were 'first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led. . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.' "That fence," Sen. Byrd said in that last appearance, "was the United States Senate. The right to filibuster anchors this necessary fence. But it is not a right intended to be abused."

"There are many suggestions as to what we should do. I know what we must not do. We must never, ever, ever, ever tear down the only wall—the necessary fence—this nation has against the excess of the Executive Branch and the resultant haste and tyranny of the majority."

What would it take to restore the years of Sens. Baker and Byrd, when most bills that came to the floor were first considered in committee, when more amendments were considered, debated and voted upon?

1. Recognize that there has to be bipartisan cooperation and consensus on important issues. The day of "we won the election, we jam the bill through" will have to be over. Sen. Baker would not bring a bill to the floor when Republicans were in the majority unless it had the support of the ranking Democratic committee member.

2. Recognize that senators are going to have to vote. This may sound ridiculous to say to an outsider, but every Senate insider knows that a major reason why the majority cuts off amendments and debate is because Democratic members don't want to vote on controversial issues. That's like volunteering to be on the Grand Ole Opry but then claiming you don't want to sing. We should say, if you don't want to vote, then don't run for the Senate.

3. Finally, according to Sen. Byrd, it will be the end of the three-day work week. The Senate convenes on most Mondays for a so-called bed-check vote at 5:30. The Senate during 2010 did not vote on one single Friday. It is not possible either for the minority to have the opportunity to offer, debate and vote on amendments or for the majority to forcefully confront a filibuster if every senator knows there will never be a vote on Friday.

There are some other steps that can be taken to help the Senate function better without impairing minority rights.

One bipartisan suggestion has been to end the practice of secret holds. It seems reasonable to expect a senator who intends to hold up a bill or a nomination to allow his col-

leagues and the world know who he or she is so that the merits of the hold can be evaluated and debated.

Second, there is a crying need to make it easier for any President to staff his government with key officials within a reasonable period of time. One reason for the current delay is the President's own fault, taking an inordinately long time to vet his nominees. Another is a shared responsibility: the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements and financial disclosures required both by the Senate and the President of nominees. I spoke on the Senate floor on this, titling my speech "Innocent until Nominated." The third obstacle is the excessive number of executive branch appointments requiring Senate confirmation. There have been bipartisan efforts to reduce these obstacles. With the support the majority and minority leaders, we might achieve some success.

Of course, even if all of these efforts succeed there still will be delayed nominations, bills that are killed before they come to the floor and amendments that never see the light of day. But this is nothing new. I can well remember when Sen. Metzenbaum of Ohio put a secret hold on my nomination when President George H.W. Bush appointed me education secretary. He held up my nomination for three months, never really saying why.

I asked Sen. Rudman of New Hampshire what I could do about Sen. Metzenbaum, and he said, "Nothing." And then he told me how President Ford had appointed him to the Federal Communications Commission when he, Rudman, was Attorney General of New Hampshire. The Democratic senator from New Hampshire filibustered Rudman's appointment until Rudman finally asked the president to withdraw his name.

"Is that the end of the story?" I asked Rudman.

"No," he said. "I ran against the [so-and-so] and won, and that's how I got into the Senate."

During his time here Sen. Metzenbaum would sit at a desk at the front of the Senate and hold up almost every bill going through until its sponsor obtained his approval. Sen. Allen of Alabama did the same before Metzenbaum. And Sen. John Williams of Delaware during the 1960's was on the floor regularly objecting to federal spending when I first came here forty years ago.

I have done my best to make the argument that the Senate and the country will be served best if cooler heads prevail and Democrats don't make their power grab tomorrow to make the Senate like the House, to permit them to do with any legislation what they did with the health care law. I have said that to do so will destroy minority rights, destroy the essential forum for consensus that the Senate now provides for difficult issues, and surely guarantee that Republicans will try to do the same to Democrats in two years. More than that, it is hard to see how Democrats can gain any partisan advantage from this destruction of the Senate and invitation for retribution since any bill they force through the Senate in a purely partisan way during the next two years will surely be stopped by the Republican-controlled House of Representatives.

But I am not the most persuasive voice against the wisdom of tomorrow's proposed action. Other voices are. And I have collected some of them, mostly Democratic leaders who wisely argued against changing the institution of the Senate in a way that would deprive minority voices in America of their right to be heard:

QUOTES FROM MEMBERS AND MR. SMITH GOES TO WASHINGTON

Senator Robert Byrd: We must never, ever, ever, ever, tear down the only wall, the necessary fence, that this nation has against the excesses of the Executive Branch.

Sen. Byrd: That's why we have a Senate, is to amend and debate freely.

CONGRESSIONAL RECORD, JANUARY 4, 1995, S40-41

The filibuster has become a target for rebuke in this efficiency-obsessed age in which we live. We have instant coffee, instant potatoes to mix, instant this and instant that. So everything must be done in an instant; must be done in a hurry. . . .

Anyhow, everything has to be done in a hurry. We have to bring efficiency to this Senate. That was not what the Framers had in mind.

Recently, much of the talk of abolishing filibusters was coming from the other body, but apparently the criticism has begun to seep in the Senate Chamber, as well.

The filibuster is one of the easier targets in this town. It does not take much imagination to decry long-winded speeches and to deplore delay by a small number of determined zealots as getting in the way of the greater good.

It does, however, take more than a little thought to understand the true purpose of the tactic known as filibustering and to appreciate its historic importance in protecting the viewpoint of the minority.

In many ways, the filibuster is the single most important device ever employed to ensure that the Senate remains truly the unique protector of the rights of the people that it has been throughout our history.

BYRD DID VOICE SUPPORT FOR LIMITING DEBATE ON THE MOTION TO PROCEED THOUGH

So we have had unlimited debate in the Senate now for 200 years, and surely with 200 years of trial and testing, we should know by now it is something to be prized beyond measure.

And so it is not a matter of pride and prerogative and privilege and power with this Senator. It is a matter not only of protecting this institution, it is a matter of protecting the liberties of free men under our Constitution. And as long as I can stand on this floor and speak, I can protect the liberties of my people. If I abuse the power by threatening to filibuster on motions to proceed, take away that power of mine to abuse. Let us change the rule and allow a motion to proceed under a debate limitation of 2 hours, 1 hour, or whatever, except on motions to proceed to a rules change. I am for that.

Sen. Dodd: I'm totally opposed to the idea of changing the filibuster rules. I think that's foolish in my view.

Sen. Dodd: I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such temptation is motivated by a noble desire to speed up the legislative process or by pure political expediency, I believe such changes would be unwise.

Sen. Dodd: Therefore to my fellow Senators, who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules.

Sen. Reid: The Filibuster is far from A 'Procedural Gimmick.' It's part of the fabric of this institution that we call the Senate. For 200 years we've had the right to extend the debate. It's not procedural gimmick. Some in this chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr.

Smith, as depicted in that great movie, being able to come to Washington. They want to do away with the filibuster. They think they're wiser than our Founding Fathers, I doubt that's true.

SEN Reid: In a fit of partisan fury, they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or sixty-seven senators. The Republicans were going to do it illegally with a simple majority, or fifty-one. Vice President Cheney was prepared to overrule the Senate parliamentarian. Future generations be damned.

Sen. Reid: Given that the filibuster is a perfectly reasonable tool to effect compromise, we had been resorting to the filibuster on a few judges. And that's just the way it was. For 230 years, the U.S. Senate had been known as the world's greatest deliberative body—not always efficient, but ultimately effective.

Former Sen. Obama: Then if the Majority chooses to end the filibuster, if they choose to change the rules and put an end to Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

Former Sen. Clinton: You've got majority rule. Then you've got the Senate over here where people can slow things down where they can debate where they have something called the filibuster. You know it seems like it's a little less than efficient, well that's right, it is. And deliberately designed to be so.

Sen. Chuck Schumer: The checks and balances which have been at the core of this Republic are about to be evaporated. The checks and balances which say that if you get 51% of the vote, you don't get your way 100% of the time.

Sen. Gregg: You just can't have good governance if you don't have discussion and different ideas brought forward.

Sen. Roberts: The Senate is the only place in government where the rights of a numerical minority are so protected. A minority can be right, and minority views can certainly improve legislation.

FROM MR. SMITH GOES TO WASHINGTON

Jimmy Stewart: Wild horses aren't going to drag me off this floor until those people have heard everything I've got to say, even if it takes all winter.

Reporter: H.V. Kaltenborn speaking, half of official Washington is here to see democracy's finest show. The filibuster—the right to talk your head off.

Mr. ALEXANDER. Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S.—CUBA RELATIONS

Mr. DURBIN. Mr. President, I recently had an opportunity to visit

Cuba for the first time. I have been frustrated for many years about the impasse between the United States and Cuba. I believed, and continue to believe, that the best way to change the Castro regime in Cuba is to open Cuba. As we learned in Eastern Europe, once those who have lived under a controlled economy and autocratic rule are exposed to the real world and the opportunities of that world, they start pushing for change.

I went to Cuba hoping that with the transitional leadership from Fidel Castro to his brother Raúl, there might be an opportunity to turn a new page. President Raúl Castro has taken a number of small but notable steps to opening his country's economy. He has also released a number of political prisoners, albeit forcing many of them to leave Cuba if they wish to be released.

Yet a genuine start to turning the page with the United States would also have to include the release of a detained U.S. citizen, Alan Gross, a man with whom the Presiding Officer and I have met. Today marks the third full year in prison in Cuba for Alan Gross. What was Alan Gross's crime? He provided Internet equipment to some of the Cuban population. That is right, Internet equipment.

The Presiding Officer may have read that in war-torn Syria under the ruthless dictator Bashar al Assad, the Internet was recently turned off for a few days but was restored. In fact, Internet access in Cuba is between 1 percent to 3 percent, making it among the lowest rates in the world. The Cubans have tried to exclude news from the outside world to those living on the island.

In 2011, the Cuban and Venezuelan Governments—two governments not known for political freedoms—launched a much ballyhooed project to lay an undersea fiber optic cable between the two countries to help improve Cuba's phone and Internet services.

The \$70 million project was expected to be in operation for the entire Nation by the summer of 2011, but as of May 2012 reports indicate that use has been restricted to only Cuban and Venezuelan Government entities, and Internet access by the general public still remains slow and very expensive. It is no wonder that trying to use the Internet in Cuba can land a person in jail, but 15 years in jail for American Alan Gross?

I have come to this floor many times to plead for his freedom, and I will continue to do so. Gross's incarceration is a tragic reminder of the stale and tired policies from another era. It is difficult to imagine how relationships between the United States and Cuba can improve while Alan Gross continues to be held as a hostage to the contrived grievances of the Cuban Government.

Today, December 3, marks the third anniversary of Alan's detention—3



long, painful, and damaging years—3 years. However, that is only a small fraction of his 15-year sentence. Alan is a 63-year-old man from Maryland who simply wanted to give basic communication tools—just a shadow of what average Americans enjoy every day—to the Cuban people.

When he arrived in Cuba, he went through their customs with all of his equipment and handed over everything he brought in, which they dutifully inspected. They proceeded to allow him to leave with the equipment and then turned around and arrested him for being a spy trying to sneak something into the country. He fully disclosed everything he brought in. He didn't believe he was violating the law. It is a mere technicality that has him sitting in prison today.

Now he is fighting for his life, trying to sustain his emotional and physical health, and that is a growing concern. When I met with Alan Gross, he explained to me his daily routine. It is the only thing that keeps him sane. He gets up and marches around his room, pacing off the feet as he goes, trying to make sure he walks a certain distance each day. They let him outside in the sunlight for a little while each day, and he tries to do exercises outside to maintain his physical condition.

Recently, they found a mass on his shoulders. The Cuban doctors diagnosed it as hematoma and said it would go away, but it hasn't. It is a source of growing concern. His family is worried that it may be worse than a hematoma—perhaps even a tumor—and Alan Gross repeatedly has asked for a doctor of his own to examine him, but Cuba has refused.

Facing outside pressure, Cuban doctors recently took another biopsy of the mass and made a big effort to publicly announce last week that their tests concluded it wasn't cancerous, but Alan and his doctor in the United States are not satisfied with the methods the Cubans used and don't trust the results.

Just last week, Judy Gross, Alan's wife, came to see me again. She has been in before. She talked about her worry and the worry of her family about her husband's condition. Who can blame them. Alan's daughter and mother are both battling cancer. He has reason to fear that he could have it too. Alan deserves a medical evaluation from a doctor he knows and believes in. Cuba should at least give him that. Furthermore, they should allow the examination to take place in the United States so he can visit his ailing mother and daughter.

I have pleaded with them to give him a chance to come home. One of the Cuban Five, a group of five Cubans who were arrested for espionage, was given that opportunity to return to Cuba so they could visit a sick brother. During my visit to Cuba, I had the privilege of

meeting with Alan in person, and I thank the Cuban Government for that visit. I was moved by our conversation and impressed by the sincerity of Alan's affection for the Cuban people.

This is a picture that was taken during the course of my visit with Alan. Alan Gross is not a threat to the sovereignty of the Cuban Government as they claim. He is a good man with good intentions, an honest man who just wants to come home to his family. Instead, he is trapped in Cuba, now for 3 years, being used by a regime as a pawn in a standoff with the United States. Holding Alan Gross as a political hostage is the wrong way to solve any problem between our countries.

I am no fan of this Cuban regime. Its disregard for human rights and basic freedoms trouble me greatly. The recent suspicious death of Cuban democracy leader Oswaldo Paya and continued harassment of blogger Yoani Sanchez are deeply troubling, but I believe in the Cuban people and in their right for economic and political expression. I am inspired by the passionate and courageous activists on the island—those who follow the example of Paya and Sanchez—and I am hopeful they will break through the repression and bring real change to that country.

Today Senators CARDIN and MORAN submitted a resolution calling for the immediate and unconditional release of Alan Gross. I support it and join them as a cosponsor, and I call on my colleagues to do the same.

Last week when I met with Alan's wife Judy, it almost broke my heart. She has fought tirelessly for her husband's release and her pain is palpable. As is Alan, she is frustrated, but she continues to fight for his freedom and works hard to ensure he is not forgotten.

Judy Gross, I assure you, Alan is not forgotten. I hope the Cuban Government takes note of the same. Alan Gross deserves to come home, and we will continue to fight for him until he does.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES  
SERGEANT JOSEPH RICHARDSON

Mr. BOOZMAN. Mr. President, the men and women who wear our Nation's uniform are selfless heroes who embody the American spirit, courage, honor, and patriotism. We must always remember to honor those who risk their

lives to protect our country because our troops have given the greatest sacrifice in defense of our freedoms.

Today I am here to pay my respects to Army SGT Joseph A. Richardson, an Arkansas soldier who sacrificed his life for his country while in support of Operation Enduring Freedom.

As a student at Booneville High School in Booneville, AR, Sergeant Richardson took an interest in the military. His guidance counselor told Arkansas media outlets that during his sophomore year he became interested in military service and was anxious to take the necessary entrance exams even before he could qualify. His counselor said, "He felt like it was going to be an honor to serve his country." In 2008, he joined the Army.

His passion for his service to his country remained constant. Sergeant Richardson's family said he loved his job, he loved fighting for his country and our freedom. He liked it so much he recently reenlisted for 6 more years of service in the Army.

While Sergeant Richardson's desire to serve his country was well known, so was his enthusiasm for life. His family and friends describe Sergeant Richardson as a kind-hearted man who always put others first and made those around him laugh.

As a member of A Company, 1st Battalion, 28th Infantry Regiment, First Infantry Division, Fort Riley, Kansas, 23-year-old Sergeant Richardson gave his life for his country on November 16, 2012, while on patrol in Afghanistan.

SGT Joseph Richardson is a true American hero who paid the ultimate sacrifice. I ask my colleagues to keep his wife Ashley and the rest of his family and friends in their thoughts and prayers during this very difficult time. On behalf of a grateful nation, I humbly offer my sincerest gratitude for his patriotism and selfless service.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE AND MEDICAID

Mr. GRASSLEY. Mr. President, today, America faces no greater threat to its growth and prosperity than our uncontrolled national debt. Currently, the country's debt exceeds \$16 trillion. We are passing this amount of money on to our children and grandchildren to

pay off. It is simply far too large a burden to be placing on them.

As we move forward, it is clear that we must discuss spending.

I know that President Obama is hyper-focused on increasing taxes as part of a deficit-reduction proposal. However, if we are serious about reducing our debt, we must talk about spending—not sometime next year, not only after we talk about taxes. We must talk about our spending Now.

We need to have a thoughtful conversation that focuses on where our Federal spending most calls for control and containment.

I would like to begin by drawing your attention to this chart I have in the Chamber.

This chart from the Congressional Budget Office details noninterest spending as a percentage of GDP.

We already know the significant role health care spending plays in our budget.

Over the next decade, the Federal Government will spend over \$7 trillion on Medicare and \$4.5 trillion on Medicaid. Together these two programs account for one-quarter of the entire Federal Government's spending throughout the next 10 years. But look closely at the even longer term projections of our spending.

According to the Congressional Budget Office, this middle graph—Social Security, as a percentage of GDP—will remain relatively stable over the next 25 years.

Noninterest spending, the bottom graph, as a percentage of GDP will also remain relatively stable over the same period.

Now, look at this top graph. Over the next 25 years, spending on health care entitlements will basically double as a percentage of GDP.

Unless we take a serious look at health care spending, we aren't genuinely acting to reduce our country's debt.

Twenty-five years is not a lot of time. We need to be talking about health care spending now—not sometime next year, not just once we have discussed taxes; now.

In Washington, we can get all wrapped up over semantic terms. Do we need Medicare and Medicaid reform? Should we call it restructuring, reorganization, improving and strengthening?

To me, the terms are irrelevant and the conclusion is undeniable. We must gain control of health care spending.

As we move forward in debt talks, I know a lot of attention will be devoted to taxes and revenue. Those conversations are important and should conclude with tax policy that fosters economic growth. But conversations about the health care entitlements should not be postponed or relegated to second-tier status, and they certainly should not be confined to cost reduction exercises that ignore the fundamental cost drivers.

I have read reports of the savings in Medicare and Medicaid that President Obama has proposed. In my mind, they do little more than take cash out of the system without making fundamental changes necessary to bend the growth curve. Let's take a look at a few of those in the President's 2013 budget.

There is increasing income-relating of Medicare premiums. That one takes more money from rich seniors. There is increasing copays for home health. That will increase costs for all seniors. There is getting bigger rebates from drug companies, even if it harms Part D. That one takes money from drug companies. There is cutting provider taxes in Medicaid. That one will take money from States at a time when the administration is encouraging them to expand Medicaid to cover childless adults. As an aside, I notice that the Washington Post had a banner editorial last Friday supporting a reduction in Medicaid provider taxes. I wish that the Post had been so helpful in 2006 when the Bush administration made a similar proposal.

There is also something called a "blended rate" for State reimbursement under Medicaid.

That breaks the promise to pay for 100 percent of the costs of those made eligible under Obamacare.

These proposals will certainly reduce the Federal outlay in Medicare and Medicaid. However, these proposals will not solve the larger problem of health care spending growth. Instead, we should also focus on where our spending really is.

I am fully aware that there is significant opposition from Democrats to Republican ideas like premium support for Medicare and block grants for Medicaid. I am not here promoting either of those ideas. But opposition to those ideas should not allow Democrats to walk away from the issue. We must address the growth of health care entitlements.

I believe our Medicare and Medicaid spending problems can be explained in three straightforward charts. This chart I have in the Chamber is the first one.

Here we look at the Federal Medicare and Federal and State Medicaid spending divided into three groups.

On the left is spending by the Federal Government for people who are eligible only for Medicare.

On the right is Federal and State spending for people only eligible for Medicaid.

In the middle is Federal and State spending for people eligible for both Medicare and Medicaid, also known as dual eligibles or duals.

This middle group, the duals, accounts for just over 10 percent of the entire Medicare and Medicaid population. However, there is more spending on duals than on the Medicare-only

beneficiaries or the Medicaid-only beneficiaries.

When we talk about the need to find ways to control spending on duals, it is for good reason. We must find ways to realign the disparate incentives of the federally run Medicare Program and the State-run Medicaid Programs.

However, focusing on solutions exclusive to duals misses the fullness of the problem. For one, the duals are not a homogeneous population. While most people consider people on Medicare to be typically elderly, fully 38 percent of the duals are nonelderly. Also, while many of the duals are clearly high-cost, there are a large number of duals who utilize very few services.

So while improvements to the care model that we use for duals are necessary, they are far from sufficient in reducing the totality of the growth driving health care costs.

Consider this next chart, I have in the Chamber.

In this chart, we see the most expensive individuals in the Medicare program. This is a population who has two to three chronic conditions and functional impairments. Among the most expensive Medicare beneficiaries, more than half—57 percent—qualify only for Medicare.

Providing better coordinated care and reducing costs for high-cost beneficiaries is critical for the future of Medicare and Medicaid. I have strong reservations about splitting these two groups based solely on individuals' income.

Proposals that give the States greater control of acute care services for the 43 percent who are duals, essentially, divide two similarly situated, expensive individuals between one Federal model and 50 States models based solely on their income. That makes no sense to me. A Medicare-only beneficiary may exhaust income and assets and become dually eligible. The separation between the two populations is arbitrary and artificial.

Whatever we do to find a better model to coordinate care and reduce costs for high-cost beneficiaries, it needs to address all beneficiaries, not just duals.

To find rational solutions to our health care spending, we must first accurately target the populations who incur the most significant expenditures. This includes individuals who are not only the duals but also those Medicare-only seniors with multiple chronic conditions and functional impairments.

Finally I would like to draw attention to this chart I have in the Chamber.

This final chart details spending on long-term services and supports in 2010. Two years ago, a total of \$208 billion—8 percent of all U.S. personal health care spending—was spent on long-term services and supports. Among this

spending, Medicaid, the single largest payer of such services, picked up 62.2 percent of the cost, while the private market paid for just over a third of it.

With 80 million baby boomers entering retirement age, and 7 out of every 10 seniors needing long-term care at a certain point in their lives, the demand for those services will only increase and further drive health care spending if we don't take action. We must find ways to increase private spending and decrease public spending on long-term services and supports.

If we are going to argue that we are reducing the growth of health care costs, we must actually do it.

In closing, we have an opportunity before us. We can either make real changes to our health care entitlements that will impact the growth curve for years to come, or we can simply take cash out of the system and call it reform. We have to be willing to re-examine the effectiveness of our current overall Medicare and Medicaid structure. We should not be afraid to ask tough questions.

Should Medicare and Medicaid be structured in a way that provides benefits to individuals in the most efficient and effective way possible?

Are Medicare and Medicaid, in fact, structured in a way that guarantees we will spend Federal and State dollars inefficiently or ineffectively?

When you look at the spending on duals, the spending on high-cost beneficiaries and the spending on long-term supports and services, I believe the answer to both questions is yes.

Medicare and Medicaid proposals must address these three areas.

President Obama hasn't come to the table yet. I know there are people telling us we shouldn't talk about health care entitlements now. We don't have a choice. Look at the numbers. Look at the spending. We only make the problem worse by putting it off. We can save Federal dollars by extracting more from beneficiaries, providers, and States, but that won't bend the long-term growth curve. We have to talk about solutions to actually lower the growth curve now.

We are \$16 trillion in debt. One of every four dollars we will spend in this next decade will be on Medicare and Medicaid. We will see health care entitlements double as a percentage of GDP in the next 25 years. If we want Medicare and Medicaid to not only survive but also thrive for the next generation, we need to be willing to ask fundamental questions and seek solutions that can affect the growth curve.

I sincerely hope we are willing to look for solutions that can make a real difference.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, as a member of the Senate Armed Services Committee—and I appreciate your leadership in that role as well on that committee—I would like to speak for a few minutes on the National Defense Authorization Act.

In the midst of an ongoing war, with our brave sons and daughters, husbands and wives fighting in Afghanistan, our country continues to face a very serious threat from radical Islamist terrorists and other challenges and threats throughout the world. With increased threats posed by rogue states such as Iran and North Korea, it is so important that we pass the Defense Authorization Act.

I would like to take a minute to thank Chairman LEVIN and Ranking Member MCCAIN for their leadership and for the hard work and dedication they have shown in bringing us together around this Defense authorization. In a place where we typically have seen many times that things have come down on party lines, I can tell you that the Senate Armed Services Committee is a welcome exception to the gridlock and partisanship in Washington, and both of them have brought us together. In fact, the Defense authorization bill passed out of the Senate Armed Services Committee unanimously. It reflects the committee's bipartisan commitment to making sure our troops and their families have what they need to ensure our Nation is protected.

As the ranking member of the readiness subcommittee, I have had the pleasure of working with Chairman MCCASKILL to ensure that our men and women in uniform have the resources they need to protect themselves and our country. At the same time, the readiness subcommittee has also worked very hard to achieve significant reforms that save taxpayer dollars without endangering our military readiness. I look forward to continuing to work with the chairman to seek additional efficiencies within the Department of Defense budget, while guarding against irresponsible cuts that would leave our troops and our Nation less prepared for future contingencies and increase the likelihood of conflict.

I also wish to recognize the work I have had the opportunity to do with my colleagues on both sides of the aisle that further supports our troops, our veterans, and their families. I am proud to have worked with my colleagues across the aisle to include several very important provisions in this year's Defense Authorization Act.

During the markup, Senator BEGICH, Senator MCCAIN, Senator SHAHEEN,

Senator VITTER, and Senator UDALL joined me—three Republicans and three Democrats working together—to introduce and successfully incorporate an amendment to the Defense authorization that would save \$400 million by cutting off funding to the over-cost and behind-schedule Medium Extended Air Defense System, or MEADS. This is a weapons program that the Pentagon has said it will never procure, it will never happen. Yet we continue to put taxpayer dollars into this weapons system. I know that in the President's comments about the bill, he has expressed concern about this—his administration has—but at a time when we are facing grave fiscal challenges in this country, we cannot afford to spend \$400 million on a weapons system that will never come to be when there are so many other needs that need to be addressed.

In another bipartisan effort, more than a dozen of my colleagues joined Senator BEGICH and me in ensuring that veterans buried at the Clark Veterans Cemetery in the Philippines will have the dignified and final resting place they deserve. There is still more work we have to do on this issue.

What this comes down to is when the Air Force abandoned Clark Air Force Base in 1991 in the wake of a volcanic eruption, Clark Veterans Cemetery was abandoned and the tombstones and the remains of 8,300 U.S. servicemembers and their dependents were left buried in ash and overgrown weeds. That is completely unacceptable for those who have served our Nation, that we would not ensure that this cemetery would be kept in a way that is dignified and consistent with the respect they deserve, having served our Nation.

To prevent this from ever happening again, I am pleased that the Defense authorization includes my provision, which would require the Secretary of Defense to provide Congress a plan to ensure that an appropriate Federal or private agency assumes responsibility for the continued maintenance and oversight of cemeteries located on overseas military bases after they close.

What happened here is that we left, and there was nothing in place to ensure that we would take responsibility to make sure this cemetery was maintained with dignity and respect. This provision will make sure that if we are in that position again, this will not happen.

Additionally, Senator JACK REED and I worked together to include a provision aimed at enhancing the Department's research, treatment, education, and outreach initiatives focused on addressing the mental health needs of members of the National Guard and Reserve.

In addition to the provisions I have just mentioned which we have been able to put in this bill on a bipartisan

basis, I would also like to talk about some additional amendments that have already been included in the Defense authorization. Here are some of the provisions or reporting requirements that are included within this bill:

First, requiring the Pentagon to complete a full statement of budget resources by 2014 to improve financial stewardship at the Pentagon.

This has been an issue we have been working on for too long. It is time that the Pentagon is able to undergo an audit, and this requirement that is contained within the Defense Authorization Act is consistent with what Secretary Panetta has said he is seeking to do, to make sure the Pentagon can complete a full statement of budget resources by 2014.

When we are at a time when we are \$16 trillion in debt, the fact that we are not able to audit the Pentagon, aren't able to really take that information and make critical decisions on what we need versus what we would want to do and what we can afford to do, this is very important, that the Pentagon get to a position where it can be audited. This provision ensures that this critical step is in this bill, and I am hopeful it will get passed.

Additional provisions that will save millions of dollars in acquisitions by prohibiting the Department of Defense from using cost-type contracts for the production of major defense acquisition programs are in this bill.

We can't afford the years where we are paying much more for weapons systems than we can afford and it takes much longer to produce them. We can improve our acquisition systems, and by prohibiting the Department of Defense from using cost-type contracts for the production of major defense acquisition programs, this is a very important step.

There are also provisions in this bill to ensure that our nuclear deterrent remains strong as we modernize our nuclear arsenal.

Without a nuclear deterrent, if you look at what is happening around the world, with Iran trying to acquire the capability of having a nuclear weapon, with North Korea having that capability, it is very important that we have that deterrent in our country and that it remains modern and able if, God forbid—we hope we will never have to use that, but it is a very strong deterrent to rogue actors around the world that are seeking this capability.

In addition, there are provisions that increase oversight of the Department of Defense's proposed reduction in the number of soldiers and marines and looks at the issue of minimizing involuntary separations.

This is one of the things we are facing right now. With the defense cuts, some of our men and women in uniform who have served multiple tours on our behalf are now in a position where they

may receive a pink slip. We owe it to them to make sure we minimize the situation where they come home, they are given a pink slip, and then they are put in a situation where they are looking for a job. We need to make sure we do this in a way that they can assimilate into the civilian society without being left unemployed, given the sacrifices they have made for our country.

There are other provisions I would like to highlight briefly. There is a provision to ensure that military amputees have access to top-quality prostheses and prosthetic sockets. Whether servicemembers who require prosthesis choose to leave the military or continue to serve, they deserve the best, top-quality prostheses and prosthetic sockets, and included in this mark is a provision that will ensure there are standards to make certain they receive the best. They deserve it.

In addition, there is a provision that will require that the Navy let us know what our current military capabilities require in terms of the number of ships and submarines that are in our fleet. The Chief of Naval Operations testified last year the Navy needs 313 ships and submarines to meet its strategic requirements. Right now we only have 285. If sequestration goes forward, we are going to have dramatically less. Right now, we can only meet 61 percent of attack submarine requirements set by our combatant commanders. The administration has said we are going to shift to the Asia Pacific region given the rise in investments China is making in its navy, so I am simply asking that the Navy tell us what they need to make sure our country is protected.

We have conflicting information, and it is important that we have a strong and robust Navy to make sure America is protected from the threats we face around the world.

In conclusion, I want to just thank Chairman LEVIN and Ranking Member MCCAIN for all their hard work and leadership on the Armed Services Committee. This is a bill of which we can be proud. I am pleased that last week the Senate adopted my amendment to ban terrorists who are being held at Guantanamo Bay from being transferred to U.S. soil. I know that is something the American people feel strongly about.

I know the bill, overall, will continue to have debate on a number of amendments, but it is a bill that is very important to our servicemembers—the men and women in uniform who serve us—and their families. They deserve the very best. They deserve to know we will pass this bill to make sure they have the equipment and the support they need given the sacrifices they have made for our country.

Again, I thank Chairman LEVIN and Ranking Member MCCAIN for all their hard work.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2954, 2978, 3015, 3022, 3024, 3028, 3042, AS MODIFIED, 3054, AS MODIFIED, 3066, 3091, AS MODIFIED, 3160, 3164, 3176, AS MODIFIED, 3188, 3208, 3218, 3227, 3268, 3289, AND 3119

Mr. LEVIN. Mr. President, I now call up a list of 20 amendments which have been cleared by myself and Senator MCCAIN: Begich amendment No. 2954; Inhofe amendment No. 2978; Blumenthal amendment No. 3015; Cardin amendment No. 3022; Cardin amendment No. 3024; Tester amendment No. 3028; Collins amendment No. 3042, as modified by the changes at the desk; McCain amendment No. 3054, as modified by the changes at the desk; Toomey amendment No. 3066; McCain amendment No. 3091, as modified by the changes at the desk; Brown of Massachusetts amendment No. 3160; Levin amendment No. 3164; Rubio amendment No. 3176, as modified by the changes at the desk; Warner amendment No. 3188; Bingaman amendment No. 3208; Snowe amendment No. 3218; Conrad amendment No. 3227; Hatch amendment No. 3268; Coons amendment No. 3289; and Paul amendment No. 3119.

Mr. MCCAIN. The amendments have been cleared by our side.

The PRESIDING OFFICER. Is there further debate on the amendments en bloc?

If not, the question is on agreeing to the amendments?

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2954

(Purpose: To authorize space-available travel on Department of Defense aircraft of certain unremarried spouses of members and former members of the Armed Forces)

On page 187, between lines 15 and 16, insert the following:

“(4) The unremarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unremarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

#### AMENDMENT NO. 2978

(Purpose: To require the Secretary of the Air Force to submit to Congress a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solution-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract)

At the end of subtitle E of title VIII, add the following:

**SEC. 888. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.**

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) **CONTENT.**—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

#### AMENDMENT NO. 3015

(Purpose: To extend the stolen goods offense to cover all veterans' memorials)

At the end of subtitle H of title X, add the following:

#### SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.

(a) **TRANSPORTATION OF STOLEN MEMORIALS.**—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

"In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance."

(b) **SALE OR RECEIPT OF STOLEN MEMORIALS.**—Section 2315 of such title is amended by adding at the end the following:

"In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance."

#### AMENDMENT NO. 3022

(Purpose: To express the sense of the Senate concerning the conflict-induced Afghan refugee situation)

On page 405, line 4, strike "Section" and insert the following:

(a) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011-12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and

the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) **EXTENSION OF AUTHORITY.**—Section

#### AMENDMENT NO. 3024

(Purpose: To include the Coast Guard in the requirements for the achievement of diversity in the Armed Forces)

On page 124, between lines 6 and 7, insert the following:

(f) **APPLICABILITY TO COAST GUARD.**—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

#### AMENDMENT NO. 3028

(Purpose: To authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care)

At the end of subtitle H of title X, add the following:

#### SEC. 1084. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

#### "§ 111A. Transportation of individuals to and from Department facilities

"(a) **TRANSPORTATION BY SECRETARY.**—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care."

(b) **CONFORMING AMENDMENT.**—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting "TRANSPORTATION BY THIRD-PARTIES.—" before "The Secretary."

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

"111A. Transportation of individuals to and from Department facilities."

#### AMENDMENT NO. 3042, AS MODIFIED

At the end of subtitle C of title XV, add the following:

#### SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel ("insider attacks") in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (a), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would

have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

AMENDMENT NO. 3054, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

AMENDMENT NO. 3066

(Purpose: To require an independent study and report on simulated tactical flight training in a sustained gravity environment)

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.**

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight train-

ing in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as “G readiness” and “G tolerance”).

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

AMENDMENT NO. 3091, AS MODIFIED

(Purpose: To authorize additional amounts for new programs identified and requested by the Department of Defense as unforeseen, urgent, and high priority requirements, and to provide an offset)

At the end of subtitle C of title I, add the following:

**SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.**

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNET/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in sup-

port of requirements of the commanders of the combatant commands.

At the end of subtitle E of title I, add the following:

**SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.**

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

At the end of subtitle B of title II, add the following:

**SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.**

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, \$3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C-Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

**SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.**

(a) ADDITIONAL AMOUNT FOR RDT&E, ARMY.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by \$38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

At the end of subtitle A of title X, add the following:

**SEC. 1005. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.**

(a) **TRANSFER AUTHORIZED.**—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of \$46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) **COVERED FUNDS.**—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN-133, \$12.5 million; Army C-RAM, BLIN-90, 158 million; Army non-system training devices, BLIN-182, \$9.8 million; Defense wide 12/14 VSSOCOM C-150 modifications, \$4.0 million; Defense wide 12/14 combat mission requirements, \$4.2 million.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**AMENDMENT NO. 3160**

(Purpose: To improve the authorities relating to rates of basic allowance for housing for National Guard members on full-time National Guard duty)

On page 176, line 8, insert before the period the following: “, unless the transition results in a permanent change of station and shipment of household goods”.

**AMENDMENT NO. 3164**

(Purpose: To authorize the transfer of defense articles and the provision of defense services to the military and security forces of Afghanistan and certain other countries)

At the end of subtitle B of title XII, add the following:

**SEC. 1221. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.**

(a) **NONEXCESS ARTICLES AND RELATED SERVICES.**—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) **LIMITATIONS.**—

(1) **VALUE.**—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) **SOURCE OF TRANSFERRED ARTICLES.**—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) **APPLICABLE LAW.**—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) **REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) **NOTICE ON EXERCISE OF AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) **ELEMENTS.**—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles

are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) **QUARTERLY REPORTS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) **INCLUSION IN OTHER REPORT.**—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410) or any follow on report to such other report.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) **DEFENSE ARTICLES.**—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) **DEFENSE SERVICES.**—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).



(4) **MILITARY AND SECURITY FORCES.**—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) **EAST AFRICA REGION.**—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) **EXPIRATION.**—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) **EXEMPTIONS.**—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) **CONSTRUCTION EQUIPMENT.**—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

AMENDMENT NO. 3176, AS MODIFIED

At the end of title XXVII, add the following:

**SEC. 2705. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the Air Force Materiel Command's reorganization on other commands' responsibilities for—

(A) Operational Test and Evaluation; and

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

AMENDMENT NO. 3188

(Purpose: To express the sense of Congress on the Joint Warfighting Analysis Center)

At the end of subtitle E of title X, add the following:

**SEC. 1048. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.**

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

AMENDMENT NO. 3208

(Purpose: To promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.)

(The amendment is printed in the RECORD of Thursday, November 29, 2012, under “Text of Amendments.”)

AMENDMENT NO. 3218

(Purpose: To remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns)

At the end of subtitle C of title VIII, add the following:

**SEC. 847. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.**

(a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking “who are economically disadvantaged”;

(2) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—

“(1) **STUDY.**—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) **REPORT.**—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

AMENDMENT NO. 3227

(Purpose: To require the Director of the American Folklife Center at the Library of Congress to carry out a national public awareness and participation campaign for the Veterans' History Project of the American Folklife Center)

At the end of subtitle H of title X, add the following:

**SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.**

(a) **IN GENERAL.**—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) **COORDINATION AND COOPERATION.**—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) **VETERANS SERVICE ORGANIZATION DEFINED.**—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

AMENDMENT NO. 3268

(Purpose: To modify the age and retirement treatment under the Federal Employees Retirement System for certain retirees of the Armed Forces)

At the end of title XI, add the following:

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) **INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.**—

(1) **LAW ENFORCEMENT OFFICERS.**—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”;

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) **OTHER POSITIONS.**—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of

such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) **ELIGIBILITY FOR ANNUITY.**—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(c) **MANDATORY SEPARATION.**—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) **COMPUTATION OF BASIC ANNUITY.**—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”; and

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.

“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(e) **EFFECTIVE DATE.**—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

#### AMENDMENT NO. 3289

(Purpose: To make technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment)

At the end of subtitle H of title X, add the following:

#### **SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”; and

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

#### AMENDMENT NO. 3119

(Purpose: To provide for the more accurate and complete enumeration of members of the Armed Forces in any tabulation of total population by the Secretary of Commerce)

At the end of subtitle H of title X, add the following:

#### **SEC. 1084. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) **IN GENERAL.**—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any

tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”

(b) **CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3124, AS FURTHER MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that notwithstanding the adoption of the Blumenthal amendment No. 3124, as modified, the amendment be modified further with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

#### AMENDMENT NO. 3124, AS FURTHER MODIFIED

At the end of title VIII, add the following:

#### **Subtitle F—Ending Trafficking in Government Contracting**

##### **SEC. 891. SHORT TITLE.**

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

##### **SEC. 892. DEFINITIONS.**

In this subtitle:

(1) **COMMERCIAL SEX ACT.**—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) **SUBCONTRACTOR.**—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) **UNITED STATES.**—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

##### **SEC. 893. CONTRACTING REQUIREMENTS.**

(a) **IN GENERAL.**—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons;

“(ii) the procurement of a commercial sex act during the period of time that the grant,

contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

“(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

#### **SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section;

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) **LIMITATION.**—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) **DISCLOSURE.**—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) **GUIDANCE.**—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) **REGULATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) **EFFECTIVE DATE.**—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

#### **SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **REFERRAL AND INVESTIGATION.**—

(1) **REFERRAL.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) **INVESTIGATION.**—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) **CRIMINAL INVESTIGATION.**—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract,

grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) **REPORT AND DETERMINATION.**—

(1) **REPORT.**—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) **DETERMINATION.**—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) **REMEDIAL ACTIONS.**—

(1) **IN GENERAL.**—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) **SAVINGS CLAUSE.**—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) **MITIGATING FACTOR.**—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) **AGGRAVATING FACTOR.**—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) **INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.**—

(1) **IN GENERAL.**—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) **AMENDMENT TO TITLE 41, UNITED STATES CODE.**—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111-84); or

“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”.

**SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

(a) **IN GENERAL.**—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting “(a) **WORK INSIDE THE UNITED STATES.**—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so,”; and

(2) by adding at the end the following new subsection:

“(b) **WORK OUTSIDE THE UNITED STATES.**—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other prop-

erty or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) **SPECIAL RULE FOR ALIEN VICTIMS.**—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

**SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”;

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

**SEC. 899. RULES OF CONSTRUCTION.**

(a) **LIABILITY.**—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) **PROSPECTIVE EFFECT.**—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

Mr. LEVIN. Mr. President, we are making some very important progress. We are hopeful there may be another package of cleared amendments even before the vote on cloture later this afternoon. If not, we will nonetheless be offering that list of cleared amendments postcloture.

Mr. MCCAIN. Mr. President, the previous hold objection has been lifted, which has allowed us now to continue with this process. We lost 3 hours or so due to that, but we are still pleased to be able to make this progress. We will be having further cleared amendments, and hopefully we will have the end in sight after the cloture vote around 5:30.

I thank my friend from Michigan.

Mr. LEVIN. I join in Senator MCCAIN's thanks to our staff, which he

invariably remembers, because they are critically important. They are helping us to clear additional amendments, and the progress is real. I think we are right at just about 100 amendments now that have been either adopted by rollcall vote, voice vote or by cleared unanimous consent.

So I thank all our colleagues for working so closely with us and for their cooperation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the Casey-Hutchison amendment which was added to the bill before us last week. I did not speak before the amendment was agreed to, but I think it is important to highlight it, particularly in light of things that happened just last week in Afghanistan.

The amendment that was agreed to is an amendment that would focus on women and girls in Afghanistan and their plight. Sadly, the day before Senator CASEY and I filed our amendment—with many wonderful cosponsors from the Senate—to help address the plight of women and girls, a tragedy was reported in the newspaper. A 14-year-old girl from a village in Afghanistan was beheaded by two men. The justification for beheading this child—who was going to fetch water—was that she, with the support of her family, had declined to marry one of the men.

Gasitina was a student—a brave act in itself for a girl in Afghanistan—and she was butchered while fetching water because she would not, at the age of 14, marry one of the men.

In October, another young woman's throat was slashed because she refused to work as a prostitute. Honestly, some of the women who are forced into prostitution are killed because of what they do.

In September, three young women, two of them sisters, were attacked by six men because they were television actors and the six fundamentalists believed their dress was immodest. The sisters barely survived, but their friend bled to death from horrific stab wounds outside a mosque.

This is life in a situation that has improved for women since the fall of the Taliban rule. Clearly, there are still entrenched cultural and societal ills that will take much more work to cure. Despite the strides that have been made, Afghanistan is still ranked as the most dangerous country for women in the world. Afghanistan falls

behind the Democratic Republic of Congo, Pakistan, and Somalia.

Women and girls are constantly under attack, particularly if they try to go to school in some areas where there are still police who do not believe girls should be able to do so. If they teach others, there is a price to pay, and if they want to participate or speak out, there is another price to pay.

Women are frequently incarcerated for moral crimes—such as leaving home. It is estimated that half the country's imprisoned women and girls are incarcerated for such offenses.

The life of many women in Afghanistan is, of course, incomprehensible to us. Here are a few statistics: An estimated 70 to 80 percent of marriages are forced; 87 percent of women face at least one form of physical, sexual or psychological violence or forced marriages in their lifetimes; women in Afghanistan have a 1 in 11 chance of dying in child birth and roughly 87 percent of women are illiterate.

The Afghan Women and Girls Security Promotion Act—which Senator CASEY and I cosponsored, along with many others in this body—will help improve the lives of these women and make Afghanistan a safer place, where our goal and their goal would be that they could freely participate in public life, get an education, raise their families without fear of retaliation for fully realizing their full potential and making their own life choices.

Here is what the bill does. It requires the Department of Defense to produce a three-part plan to support the security of women and girls during and after the transition process. It is monitoring and responding to changes in women's security during and after the transition. If it appears there is a deterioration in women's security, the bill would require the DOD and our partners that will remain there to take concrete action to support the women in these situations.

It also will improve their opportunities and treatment by the Afghan National Security Forces personnel, and it would increase the recruitment and retention of women in the Afghan National Security Forces.

Last week, I read in the Washington Post about a 17-year-old Afghan girl who had dreamed of becoming a doctor. If she had been in America, we would have been speaking about her now as an example of success. Instead, I am speaking of a child so desperate to escape an arranged marriage that she had been promised to since she was 9 years old she jumped off the roof of her house. Killing herself was the outlet she could see. She survived this suicide attempt, though she is now paralyzed. While her story is tragic in every way, there is a glimmer of hope because, in fact, her family has backed her, now petitioned to annul her engagement.

Her family stood with her after she took such a bold step. Even that would never have happened under Taliban rule.

We know change will be slow, but if it is encouraged and if progress is protected it can come.

I wish to say Secretary of State Hillary Clinton, when she was a Senator, and myself, were the honorary co-chairs of Vital Voices, which is an organization that looked for the women in Third World countries who are so mistreated yet still looked for things to celebrate in those countries. We have honored the women who have stood up in those countries and achieved great success, either in economics or in humane treatment for women in those countries. I think we have begun to raise the awareness in many areas.

Our former First Lady Laura Bush, also reading of this amendment that was adopted last week, reached out to say what a great thing we are doing. I know Secretary of State Clinton also will be supportive of keeping this amendment in conference.

I am very pleased we have been able to have the agreement of the managers who are on the floor to unanimously accept the Casey-Hutchison amendment. I am going to implore them or twist their arms to assure that this amendment stays in conference so there will be clear support and that the women and girls of Afghanistan will know they do not have to do such drastic things as try to kill themselves or be in harm's way such that a rejected suitor would actually murder his 14-year-old intended because she said she would not marry him. This is a human rights issue if there ever was one.

I am very proud to cosponsor the amendment with Senator CASEY, Senator MIKULSKI, Senator FEINSTEIN, Senator GILLIBRAND, Senator MURKOWSKI, Senator SNOWE, Senator LAUTENBERG, Senator CARDIN, Senator BOXER and Senator FRANKEN. We must keep this as one of the things we wish to achieve for the Afghan people as we exit militarily. We must keep the transition force to assure that all the lives of our brave military that have been lost in Afghanistan will not have been in vain. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent a vote on or in relation to the Kyl-Kerry amendment No. 3123, as modified, which has been cleared by both managers, will occur at a time to be determined by the managers in consultation with the leaders following the vote on cloture on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3291, 3282, 3292, 3165 EN BLOC

Mr. LEVIN. Mr. President I call up amendments en bloc: Pryor No. 3291, Collins No. 3282, Reed No. 3292, and Reed No. 3165.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are pending en bloc.

Mr. LEVIN. I know of no further debate on the amendments.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 3291

(Purpose: To require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses)

At the end of subtitle of subtitle H of title X, add the following:

**SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver's license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

## AMENDMENT NO. 3282

(Purpose: To provide for a prescription drug take-back program for members of the Armed Forces and their dependents)

At the end of subtitle D of title VII, add the following:

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

## AMENDMENT NO. 3292

(Purpose: To provide for the enforcement of protections on consumer credit for members of the Armed Forces and their dependents)

At the end of subtitle E of title VI, add the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) **ENFORCEMENT.**—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

## AMENDMENT NO. 3165

(Purpose: To establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans)

(The text of the amendment is printed in the RECORD of Wednesday, November 28, 2012, under “Text of Amendments.”)

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3292

Senator REED’s amendment, amendment No. 3292, to the National Defense Authorization Act, seeks to further ad-

dress the problem of predatory lenders taking advantage of members of our Armed Forces. Predatory lending practices are a serious problem for members of the Armed Services throughout the country, and I know it has impacted Vermonters serving in our Nation’s military.

This amendment further strengthens the Military Lending Act by extending enforcement authority to certain Federal Agencies. Senator REED’s amendment seeks to expand the universe of parties who can bring enforcement actions against predatory lenders, and therefore provide additional protections to the members of our Armed Services. Allowing additional Federal Agencies to bring enforcement actions helps ensure that fewer instances of predatory lending in the Armed Services community go unprosecuted. It is important to me, as it is to Senator REED, that members of our Armed Services be free from harmful and deceptive lending practices.

I am glad Senator REED reached out to me on this amendment regarding the expansion of enforcement authority, and I thank him for his leadership on this issue.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

**NOMINATION OF PAUL WILLIAM GRIMM TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, after months of unjustifiable delays, the Senate will finally be allowed to vote on one of President Obama’s qualified, consensus judicial nominees. The nomination of Paul William Grimm to the United States District Court for the District of Maryland was reported by the Judiciary Committee nearly-unani-

mously 6 months ago. Judge Grimm and the people of Maryland have been forced to wait 6 months for this day for no good reason. He is one of the 19 judicial nominees who should have been confirmed before the August recess.

Since 1997 Judge Grimm has served as a United States Magistrate Judge and since 2007 as Chief Magistrate Judge on the United States District Court for the District of Maryland. Prior to joining the bench, Judge Grimm had wide legal experience as a lawyer in Maryland State government, private practice, and as a Judge Advocate General. The ABA Standing Committee on the Federal Judiciary unanimously rated him “well qualified” to serve on the U.S. District Court, its highest possible rating. He has the strong support of his home State Senators, Senator MIKULSKI and Senator CARDIN. There was no opposition on the merits to his confirmation when he was considered by the Republican and Democratic Senators on the Judiciary Committee.

This is another judicial nominee whose service has been stalled by unnecessary, partisan obstruction. In her recent comments at Huffington Post, Jen Bendery correctly noted:

The pattern throughout the president’s tenure has been uncontroversial judicial nominees clearing the Senate Judiciary Committee but going nowhere [on] the Senate floor. Then, after months of opposition, GOP leaders agree to clear some of the backlog and long-stalled nominees sail through virtually unopposed. . . . [W]hat has changed is the degree to which obstruction has become standard operating procedure since Obama took office. After four years, Obama has seen about 75 percent of his nominees confirmed. By contrast, the Senate confirmed . . . 88.7 percent of Bush’s nominees by this point in [his] presidency.

Two months ago, the Senate went into recess without taking action on 19 judicial nominees, nearly all of whom have support from both parties.

Regrettably, the Senate has not been allowed to make real progress for the American people by reducing the number of judicial vacancies. There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. There are now more than 80 vacancies once again.

In stark contrast, there were only 29 vacancies at this point in President George W. Bush’s first term and we had lowered vacancies during those four years to 28, not the 83 at which they stand today. When George W. Bush was President, we routinely considered four to six judges per week. In 2002, we confirmed 18 judges in 1 day. That is what it takes to make real progress. The Senate should proceed to consider and confirm all 19 judicial nominations ready for a final vote without further delay.



There is no justification for holding up final Senate action on the 19 judicial nominations that have been approved by the Senate Judiciary Committee and are pending on the Senate Executive Calendar. President Obama has consistently reached across the aisle, consulted with home State Senators from both parties and appointed moderate, well-qualified judicial nominees. Seven of the 19 nominees currently waiting for final Senate consideration are supported by Republican home State Senators. Seventeen of these nominees received bipartisan support in the Judiciary Committee. The Senate should be learning the lesson of the recent elections and working in a bipartisan manner to consider and vote on these nominees. It is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people. Delay for delay's sake is wrong and should end.

Whatever justification Senate Republicans contended they had by resort to their misapplication of the Thurmond Rule to stall judicial nominations before the election is gone. The American people have voted and chosen to reelect President Obama. The President is not a lame duck. He is the President elected and reelected by the American people. It is time for the Senate to vote on his judicial nominees.

From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lame duck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including one very controversial circuit court nominee, in the lame duck session after the elections in 2002. I remember, I was the Chairman of the Judiciary Committee who moved forward with those votes. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006, and proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, as well. The reason that I am not listing confirmations for the lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September.

That is our history and recent precedent. Those across the aisle who contend that judicial confirmations votes during lame duck sessions do not take place are wrong. It is they with their obstruction who are creating a wrong-

headed precedent. The Senators from Kentucky, Tennessee, Utah, Iowa, Arizona, Texas, Alabama, South Carolina and Mississippi should all remember the judicial nominees from their home States Democrats moved forward to confirm in lame duck sessions in 2002, 2004 and 2010.

If the Senate will be allowed to vote on these 19 judicial nominees, we can help fill nearly one-quarter of our Nation's Federal judicial vacancies. We can fill almost one-third of all judicial emergency vacancies. Most importantly, we can help hardworking Americans to have better access to justice.

I congratulate Judge Grimm and his family as well as the Senators from Maryland who have continued to press for this day. There is no reason the Senate should not be allowed to vote on the other 18 long-pending judicial nominations. The American people deserve no less.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, for only the fourth time in over 70 years, we will confirm a Federal judge during a lame-duck session in a Presidential election year. According to the Congressional Research Service, the Senate has confirmed judicial nominees during a lame-duck session in a Presidential election year on only three occasions since 1940. It occurred in 1944, 1980, and 2004. So for those who say we are treating this President differently, I would say we have treated him far better than most Presidents have been.

This year we have already confirmed 31 District Judges and five circuit judges. That meets or exceeds the confirmations for Presidential election years in recent memory.

That is more confirmations than we did in 2008; it exceeds the district confirmations in 2004 and ties the circuit confirmations for that year. It is the same number of district confirmations in 2000, and it is considerably more than we confirmed in 1996. So for the past five Presidential election years, this year stands near the top for judicial confirmations.

Yet, despite that record, and despite the fact that we are about to confirm yet another district court nominee, all we hear from the other side are complaints. I must say, it makes it quite difficult to work cooperatively with the other side when, no matter what you do, all you hear are complaints.

Lately we have heard the other side argue that since the President won reelection, we should not follow past practice, but rather we should confirm a large number of nominations during this lame duck session.

The last time a President was reelected—President Bush in 2004—we heard a different tune from Democrats. That year the other side was in no hurry to confirm President Bush's

nominees. In fact, only 3 judicial nominees were confirmed after the November 2004 election. That year, following President Bush's reelection, 23 judicial nominations that were pending either on the Senate Executive Calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December.

Recently one of my colleagues on the other side stated, "From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed."

I suppose this is meant to imply there is some long record of routine confirmations following a Presidential election. But that is simply not the case.

Let me tell my colleagues what that means: One Circuit confirmation in 1980 and 3 District confirmations in 2004. That's it. From 1980 through 2008, those four nominations represent the entire list. There were no such confirmations in 1984, 1988, 1992, 1996, 2000, or 2008.

Furthermore, limiting this list to "reported with bipartisan committee support" fails to take into account that many judicial nominees in the past administration were subjected to a "pocket filibuster." That means, of course, that they never had a hearing or opportunity to be reported out of Committee. So it is somewhat misleading to suggest the Senate routinely confirms nominees during Presidential lame-duck sessions of Congress.

Again, the last time a President was reelected, only three of his nominees were confirmed following the election. Today we will add to that exclusive list, and the Senate has a time agreement for a vote on a second District nominee before we adjourn.

This afternoon, we are considering the nomination of Paul William Grimm to be United States District Judge for the District of Maryland. With his confirmation, the Senate will have confirmed 159 of President Obama's nominees to the District and Circuit Courts.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges, 24 district and four circuit. This Presidential election year we have exceeded those numbers. We have confirmed five circuit nominees, and Judge Grimm will be the 32nd district judge confirmed. That is a total of 37 judges this year versus 28 in the last Presidential election year.

So once again, I want to set the record straight, and I hope I have done so. Republicans have been more than fair to this President and his judicial nominees.

Judge Grimm received his J.D. degree in 1976, graduating magna cum laude from the University of New Mexico School of Law. He began his legal career serving in the U.S. Army Judge



Advocate General, JAG, Corps. After resigning his active duty commission in 1979, he established a general practice law partnership of Daniels and Grimm. In 1980, Grimm left the firm to serve as a prosecutor in the Baltimore County state's attorney's office. In this position, he handled both misdemeanor and felony cases. From 1981 to 1984, Judge Grimm served in the Maryland attorney general's office as the chief of litigation and administration for the Department of Licensing Regulation.

Judge Grimm had his first prolonged stint in private practice serving as an attorney for the firm of Niles, Barton and Wilmer from 1984–1987. He was initially hired as an associate, but was promoted to partner in 1985. At Niles, Barton and Wilmer, he handled products liability cases, fidelity and surety cases, general tort cases, professional malpractice cases, and construction cases. In 1987, he joined Jordan, Coyne, Savits and Lopata as the managing partner of the Baltimore Branch. In 1991, he returned to Niles, Barton and Wilmer when Jordan, Coyne closed its Baltimore office.

Throughout his time in private practice, his typical clients included government agencies, insurance companies, private corporations, partnerships, law firms, accounting firms, and individuals.

In 1997, the U.S. District Judges for the District of Maryland appointed Judge Grimm to be a United States Magistrate Judge. In 2006, he was elevated to Chief United States Magistrate Judge.

Judge Grimm has served as an Adjunct Professor of law at the University of Maryland, Francis King Carey School of Law, 1990–present, and at the University of Baltimore School of Law, 1997–present. The American Bar Association's Standing Committee on the Federal Judiciary has rated him unanimously well qualified.

I support this nomination and congratulate Judge Grimm.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I am pleased to join with Senator MIKULSKI in recommending to the Senate the confirmation of Judge Paul William Grimm of Maryland to be a U.S. district judge for the District of Maryland.

I am very proud of the process Senator MIKULSKI has instituted for making recommendations to the President to fill judicial appointments. I believe that under this process, we are able to get the very best to recommend to the President and then to our colleagues for confirmation. Judge Grimm clearly falls within this line.

The Senate Judiciary Committee favorably reported Judge Grimm's nomination by a voice vote on June 7 of this year. Judge Grimm was nominated to fill the vacancy that was created in

Maryland when U.S. District Judge Benson E. Legg took senior status in June.

Judge Grimm brings a wealth of experience to this position. Early in his career he served in the military in the Judge Advocate General's Corps, handled commercial litigation in private practice, and served as an assistant attorney general in Maryland. He also sat as a Federal magistrate judge in Maryland for 15 years.

Judge Grimm was born in Japan and received his undergraduate degree from the University of California in 1973, and graduated from the University of New Mexico School of Law in 1976. Judge Grimm was admitted to the Maryland bar in 1977.

He has strong roots, legal experience, and community involvement in the State of Maryland. Judge Grimm lives with his family in Towson, MD.

After graduating law school, Judge Grimm began his legal career in Maryland as a captain in the United States Army Judge Advocate General's Corps at Aberdeen Proving Ground, MD. He then worked in the Pentagon before heading back to the Baltimore region, alternating between working in private practice and working in the State attorney general's office, while continuing to serve as a U.S. Army JAG Corps officer with occasional stints in the Pentagon.

In 1997 Judge Grimm was selected as a magistrate judge by the judges of the U.S. District Court for the District of Maryland. In 2006, Judge Grimm became the chief U.S. magistrate judge in Baltimore.

In 2009, Chief Justice John Roberts appointed Judge Grimm to serve as a member of the Advisory Committee for the Federal Rules of Civil Procedure. In 2010 he was designated as chair of the Civil Rules Committee's Discovery Subcommittee.

I mention that because it is evident from the Chief Judge's appointment that Judge Grimm is a nationally recognized expert on cutting-edge issues of law and technology. He has written numerous authoritative opinions, books, and articles on the subject of evidence, civil procedure, and trial advocacy. He also continues to inspire the next generation of lawyers by teaching classes at both of our law schools. On several occasions Professor Grimm has been awarded the title of outstanding adjunct faculty member. As a magistrate judge, Judge Grimm has found time not only to teach but to be an outstanding professor. He has shown his commitment in so many ways to public service.

As a magistrate judge, Judge Grimm is responsible for handling criminal matters such as issuing search warrants, conducting preliminary criminal proceedings, and presiding over misdemeanor criminal cases.

Judge Grimm is also responsible for handling civil cases and has presided

over bench and jury trials with the consent of the parties. Judge Grimm has conducted settlement conferences, resolved discovery disputes, and handled other nondispositive matters at the referral of the U.S. district judges.

Judge Grimm has estimated that in his 15 years as a magistrate judge he presided over approximately 50 civil trials, 150 criminal misdemeanor trials, including jury and bench trials. He is well qualified and has the experience necessary to serve on our district court. He received a unanimous rating of well qualified, the highest possible rating for a judicial nominee from the American Bar Association's Standing Committee on the Federal Judiciary. As I previously mentioned, he received a voice vote of confidence from the Judiciary Committee.

I am absolutely confident that Judge Grimm possesses the qualifications, temperament, and passion for justice to make him an outstanding United States District Court judge for the District of Maryland.

I urge my colleagues to vote for his confirmation here on the Senate floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I rise to speak on the pending nomination of Judge Paul Grimm on which we will vote shortly.

I am so proud to be here to support the nomination of Judge Paul Grimm. He is a stellar Marylander, he has an outstanding legal mind, and he has been nominated to serve on the District Court of Maryland.

Senator CARDIN and I recommended Judge Grimm to President Obama with the utmost confidence in his abilities, talent, and competence for the job. The ABA agreed with us and gave him the highest rating of "unanimously well qualified." I wish to thank Senators REID and MCCONNELL for breaking the logjam so that we could bring this to everyone's attention, and I commend Senator LEAHY for the swift movement through the committee process.

I have had an opportunity to recommend several judicial nominees and I take my advise-and-consent responsibility very seriously. I have four criteria. My nominee must have absolute integrity, judicial competence and temperament, a commitment to core constitutional principles, and a history of civic engagement in Maryland, so the nominee is familiar with the life and times of the people they will adjudicate over. I mention these standards often because I mean it.

Judge Grimm does exactly that. He brings the right hard-working values to the bench, and the necessary experience, having sharpened his legal skills for many years as a litigator, a Judge Advocate General, a lawyer, a JAG officer, an indispensable asset to the District Court of Maryland, and as a chief magistrate judge.

Judge Grimm knows what it means to be of service to the legal profession, to Maryland, and to the country. He is a public servant first and foremost. His father was in the military. Judge Grimm started very early prosecuting courts martial while attending law school on an ROTC scholarship. He then served in the JAG Corps for 3 years beginning at Aberdeen Proving Ground and later at the Pentagon. But it didn't end there. He went on to serve as a Reserve JAG officer for 22 years, ultimately retiring as a decorated lieutenant colonel.

His life and résumé are a display of civic engagement, from his service on numerous bar associations in Maryland, professional organizations, and, at the same time, he was a Boy Scout leader. He also helped young students in high school learn how to do a mock court.

Let's go, though, to his being a good lawyer. Judge Grimm is known as a trailblazer in the Maryland community. He is well respected not only for his extensive writing and teaching but his commitment to the improvement of the practice of law and the administration of justice. He has spent his entire legal career in Maryland, and he is absolutely prepared for service on the court and for the court. He has already served 16 years as a magistrate judge in the District Court of Maryland, and for 6 of those years he has been the chief magistrate.

Prior to taking the bench, Judge Grimm served 13 years as a litigator in private practice and handled primarily civil cases. He was an assistant attorney general for Maryland and a prosecutor in Baltimore County. Also, as my colleagues can see, his experience and service are unparalleled. Most recently, he served on the advisory committee for the Federal Rules of Civil Procedure since 2009 and was later designated as the chair of the Discovery Subcommittee.

He has been honored by the ABA, the Maryland Daily Record, which is a kind of legal paper in Maryland, and he has been twice recognized by the University of Maryland Law School. By every index of what makes a great judge—absolute integrity, judicial temperament, legal experience, well regarded by peers and all who appear before him—I think this is a nominee we want to maintain a constitutional imperative of an independent judiciary, where judges come from the best background and have the best values. It is critical that we have judges who are

able to do that, and I hope my colleagues join me in voting for Judge Paul Grimm.

I also hope with the other 19 nominees on the calendar, many of whom have been voice-voted through the committee, we also confirm those during this lameduck session.

Mr. President, I have completed my presentation on the outstanding qualifications of Judge Paul Grimm. I now yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I yield back all time on this side.

Mr. GRASSLEY. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland?

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 217 Ex.]

YEAS—92

|            |           |              |
|------------|-----------|--------------|
| Akaka      | Carper    | Gillibrand   |
| Alexander  | Casey     | Graham       |
| Ayotte     | Chambliss | Grassley     |
| Barrasso   | Coats     | Hagan        |
| Baucus     | Coburn    | Harkin       |
| Begich     | Cochran   | Hatch        |
| Bennet     | Collins   | Heller       |
| Bingaman   | Conrad    | Hoever       |
| Blumenthal | Coons     | Hutchison    |
| Boozman    | Corker    | Inhofe       |
| Boxer      | Cornyn    | Inouye       |
| Brown (MA) | Crapo     | Isakson      |
| Brown (OH) | DeMint    | Johanns      |
| Burr       | Durbin    | Johnson (SD) |
| Cantwell   | Enzi      | Johnson (WI) |
| Cardin     | Feinstein | Kerry        |

|            |             |            |
|------------|-------------|------------|
| Klobuchar  | Mikulski    | Sessions   |
| Kohl       | Moran       | Shaheen    |
| Kyl        | Murkowski   | Shelby     |
| Landrieu   | Murray      | Snowe      |
| Lautenberg | Nelson (NE) | Stabenow   |
| Leahy      | Nelson (FL) | Tester     |
| Lee        | Paul        | Thune      |
| Levin      | Portman     | Toomey     |
| Lieberman  | Pryor       | Udall (CO) |
| Lugar      | Reed        | Udall (NM) |
| Manchin    | Reid        | Warner     |
| McCain     | Risch       | Webb       |
| McCaskill  | Roberts     | Whitehouse |
| McConnell  | Rubio       | Wicker     |
| Menendez   | Schumer     |            |

NAYS—1

Blunt

NOT VOTING—7

|         |             |       |
|---------|-------------|-------|
| Franken | Rockefeller | Wyden |
| Kirk    | Sanders     |       |
| Merkley | Vitter      |       |

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the previous order with respect to treaty document 112-7, the vote on ratification will occur at 2:15 Tuesday, tomorrow, December 4, with all the provisions of the previous orders remaining in effect. What this does is rather than having the vote at noon on the disability treaty, we would have it after our caucus.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Under the previous order, the motion to reconsider is considered made and laid on the table.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We hope cloture will be voted now. We have disposed of 119 amendments to this bill. I talked to the majority leader, and if we do vote cloture tonight, which of course Senator MCCAIN and I hope we will, we are still going to try to clear some additional amendments using the same process we have used up to now. We would hope we could clear some additional amendments right up to the time of final passage. Hopefully we can get to final passage tomorrow at some point.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule

XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Kay R. Hagan, Barbara A. Mikulski, Tom Udall, Jeff Merkley, Al Franken, Tom Harkin, Jon Tester, Richard Blumenthal, Jeff Bingaman, Patrick J. Leahy, Robert P. Casey, Jr., Amy Klobuchar, Max Baucus, Michael F. Bennet, Mark Begich, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum has been waived.

The question is, Is it the sense of the Senate that the debate on S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 218 Leg.]

#### YEAS—93

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Coons        | Kohl        |
| Alexander  | Corker       | Kyl         |
| Ayotte     | Cornyn       | Landrieu    |
| Barrasso   | Crapo        | Lautenberg  |
| Baucus     | DeMint       | Leahy       |
| Begich     | Durbin       | Lee         |
| Bennet     | Enzi         | Levin       |
| Bingaman   | Feinstein    | Lieberman   |
| Blumenthal | Gillibrand   | Lugar       |
| Blunt      | Graham       | Manchin     |
| Boozman    | Grassley     | McCain      |
| Boxer      | Hagan        | McCaskill   |
| Brown (MA) | Harkin       | McConnell   |
| Brown (OH) | Hatch        | Menendez    |
| Burr       | Heller       | Mikulski    |
| Cantwell   | Hoeven       | Moran       |
| Cardin     | Hutchison    | Murkowski   |
| Carper     | Inhofe       | Murray      |
| Casey      | Inouye       | Nelson (NE) |
| Chambliss  | Isakson      | Nelson (FL) |
| Coats      | Johanns      | Paul        |
| Coburn     | Johnson (SD) | Portman     |
| Cochran    | Johnson (WI) | Pryor       |
| Collins    | Kerry        | Reed        |
| Conrad     | Klobuchar    | Reid        |

|          |          |            |
|----------|----------|------------|
| Risch    | Shelby   | Udall (CO) |
| Roberts  | Snowe    | Udall (NM) |
| Rubio    | Stabenow | Warner     |
| Schumer  | Tester   | Webb       |
| Sessions | Thune    | Whitehouse |
| Shaheen  | Toomey   | Wicker     |

#### NOT VOTING—7

|         |             |       |
|---------|-------------|-------|
| Franken | Rockefeller | Wyden |
| Kirk    | Sanders     |       |
| Merkley | Vitter      |       |

The PRESIDING OFFICER. On this vote the yeas are 93, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative the motion is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 2923, AS MODIFIED, 2943, 2997, AS MODIFIED, 3023, 3121, AS MODIFIED, 3142, 3144, 3172, AS MODIFIED, 3276, 3298, 3278, AS MODIFIED, 2996, AND 3047, AS MODIFIED

Mr. LEVIN. Madam President, I call up a list of 13 amendments which have been cleared by myself and Senator MCCAIN: Coats amendment No. 2923, as modified by the changes at the desk; Webb amendment No. 2943; Casey amendment No. 2997, as modified by the changes at the desk; Cardin amendment No. 3023; Wicker amendment No. 3121, as modified by the changes at the desk; Portman amendment No. 3142; Webb amendment No. 3144; Corker amendment No. 3172, as modified by the changes at the desk; Lieberman amendment No. 3276; Lautenberg amendment No. 3298; Blunt amendment No. 3278, as modified by the changes at the desk; Rockefeller amendment No. 2996; and Reid of Nevada amendment No. 3047, as modified by the changes at the desk.

Mr. MCCAIN. They have been cleared by our side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2923, AS MODIFIED

At the end of Subtitle B of title III, add the following:

#### SEC. 314. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) MILITARY INSTALLATION DEFINED.—In this section, the term “military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

#### AMENDMENT NO. 2943

(Purpose: To make Department of Defense law enforcement officers eligible under the Law Enforcement Officers Safety Act)

At the end of subtitle H of title X, add the following:

#### SECTION 1084. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”;

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”;

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

#### AMENDMENT NO. 2997, AS MODIFIED

At the end of subtitle E of title X, add the following:

**SEC. 1048. TRANSITION ASSISTANCE ADVISOR PROGRAM.**

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

**“§ 1144a. Transition Assistance Advisors**

“(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

“(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

“(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(2) At any time not covered by paragraph (1)—

“(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

“(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) Provide information on educational support services available to members of the

National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

“(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

“(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

“(B) A description of the transition services that the member and the member's family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

“(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

“(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

“(e) FUNDING.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from amounts authorized to be appropriated for operations and maintenance for the National Guard for that fiscal year.

“(f) STATE DEFINED.—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United States.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

“1144a. Transition Assistance Advisors.”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

**AMENDMENT NO. 3023**

(Purpose: To include the Coast Guard in the requirements relating to hazing in the Armed Forces)

On page 139, line 3, add at the end the following: “Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.”.

**AMENDMENT NO. 3121, AS MODIFIED**

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—

“(1) EXEMPTION AUTHORITY.—The Chief”; and

(2) by inserting at the end the following new paragraph:

“(2) The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization of appropriations for the High Performance Computing Modernization Program (Program Element 0603461A), if the Chief Information Officer determines that the exemption is in the best interest of national security.”

**AMENDMENT NO. 3142**

(Purpose: To require a report on Department of Defense support for United States diplomatic security)

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**AMENDMENT NO. 3144**

(Purpose: To amend section 704 of title 18, United States Code)

At the end, add the following:

**DIVISION E—STOLEN VALOR ACT****SEC. 5001. SHORT TITLE.**

This division may be cited as the “Stolen Valor Act of 2012”.

**SEC. 5002. FINDINGS.**

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious

means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

#### SEC. 5003. MILITARY MEDALS OR DECORATIONS.

Section 704 of title 18, United States Code, is amended to read as follows:

##### “§ 704. Military medals or decorations

“(a) IN GENERAL.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

“(1) IN GENERAL.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) DEFINITION.—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”.

#### SEC. 5004. SEVERABILITY.

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

#### AMENDMENT NO. 3172, AS MODIFIED

At the end of subtitle C of title XII, add the following:

#### SEC. 1233. REPORTS ON SYRIA.

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and

Secretary of Defense shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria's political opposition.

(d) FORM.—The reports required by this section may be submitted in a classified form.

#### AMENDMENT NO. 3276

(Purpose: To authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution)

At the end of division A, add the following:

#### TITLE XVIII—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION

##### SEC. 1801. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

##### SEC. 1802. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means the parcel of land—

(i) identified as “Area I”; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term “Federal land” does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term “memorial” means the memorial authorized to be established under section 3(a).

**SEC. 1803. MEMORIAL AUTHORIZATION.**

(a) **AUTHORIZATION.**—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) **PROHIBITION ON USE OF FEDERAL FUNDS.**—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) **APPLICABLE LAW.**—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

**SEC. 1804. REPEAL OF JOINT RESOLUTIONS.**

Public Law 99-558 (110 Stat. 3144) and Public Law 100-265 (102 Stat. 39) are repealed.

**AMENDMENT NO. 3298**

(Purpose: To express the sense of Congress on health care for retired members of the uniformed services)

At the end of subtitle A of title VII, add the following:

**SEC. 704. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

**AMENDMENT NO. 3278, AS MODIFIED**

At the end of subtitle H of title X, add the following:

**SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

(a) It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

**AMENDMENT NO. 2996**

(Purpose: To authorize certain maritime programs of the Department of Transportation, and for other purposes)

Beginning on page 590, strike line 11 and all that follows through page 595, line 7, and insert the following:

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

**SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) **ASSESSMENT.**—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with anti-trust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3503. SHORT SEA TRANSPORTATION.**

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or  
“(2) promotes short sea transportation.”;

and  
(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

**SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

**“§ 50307. Maritime environmental and technical assistance**

“(a) **IN GENERAL.**—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) **REQUIREMENTS.**—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the United States Coast

Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) **COORDINATION.**—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) **ASSISTANCE.**—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance.”.

**SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.**

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) **IN GENERAL.**—When the head”; and

(2) by adding at the end the following:

“(2) **DETERMINATIONS.**—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) **NOTICE TO CONGRESS.**—

“(A) **IN GENERAL.**—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) **CONTENTS.**—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

**SEC. 3506. MARITIME WORKFORCE STUDY.**

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;



(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

**SEC. 3508. REQUIREMENT FOR BARGE DESIGN.**

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

**SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.**

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting "or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof" after "a non-profit training institution".

AMENDMENT NO. 3047, AS MODIFIED

At the end of subtitle D of title VI, add the following:

**SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) **IN GENERAL.**—Section 1413a(b)(3) of title 10, United States Code, is amended by striking "shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds" both places it appears and inserting "may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

Mr. LEVIN. I yield the floor and thank all our colleagues for their cooperation. We will continue until vote on final passage, which we expect tomorrow, to clear additional amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we continue, after a few hours' pause today because of the objection of one Senator by long distance. But I am very confident, with the cooperation of our colleagues, we can finish this amendment process tomorrow, and I hope we can have the cooperation of all our colleagues.

We have tried very hard to make sure every amendment gets consideration and is brought up. We have now approved well over 100 amendments, and I think most Members have had at least one amendment approved so far. So I hope we can continue the cooperation and we can finish this bill tomorrow.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Tomorrow, a vote is scheduled on the Convention on the Rights of Persons with Disabilities, and I would like to take a few minutes to talk about the upcoming vote.

The first thing I think we ought to understand is this is not anybody's treaty. It is not President Obama's treaty. It is not JOHN KERRY's treaty. It is not even Bob Dole's treaty, although he certainly is the person who has been deeply involved.

The vote on the treaty is the right thing to do on its merits. It is important to note a list of veterans groups in support.

I have not forgotten that 36 Republicans signed a letter opposing consideration of any treaty during the lameduck, but there is no reason we shouldn't have a vote. The letter says they would oppose consideration, but

we did have the motion to proceed. Some may be worried about passing a treaty in the lameduck session. The argument has no basis in the Constitution or Senate practice. Since the 1970s alone, the Senate has approved treaties during lameduck sessions a total of 19 times. There is nothing special or different about lameduck sessions. So I would like to address a few of the misconceptions about the treaty that I keep hearing.

It is true that the treaty establishes a committee, but that committee has exceedingly limited powers. It can review reports submitted by countries on the steps they have taken to implement the convention, and it can make nonbinding recommendations for additional steps, and that is it, nothing else. It can't require our Federal or State governments or courts to take any action. There is no threat to the United States or our sovereignty from the committee.

With respect to abortion, this is a disabilities treaty. It has nothing to do with abortion and doesn't change our law on abortion in any way. Trying to turn this into an abortion debate is wrong on substance and bad politics.

I have heard people say that ratifying the disabilities convention would take decisions out of parents' hands and let the U.N. or the Federal Government decide what is best for our children. That is just wrong. The treaty doesn't give the Federal Government or any State government new powers with regard to children with disabilities. The treaty cannot be used as a basis for a lawsuit in State or Federal court.

Former Attorney General Dick Thornburgh made this crystal clear in his testimony before the Senate Foreign Relations Committee and in every conversation that I have had with him. I wouldn't support the treaty if it were any other way.

So let's take a step back and look at how this looks if America rejects this treaty. China has joined. Russia has joined. We are the country that set the standards on rights of the disabled. We want everybody to play by international rules. We lose credibility if we turn around and refuse to participate in a treaty that merely asks other nations to live up to our standards and our rules.

We received a letter from the blind Chinese dissident Chen Cuangcheng talking about the plight of the disabled around the world and what a strong message it would send if the United States ratified this treaty. There is no reason we can't say we lived up to our obligations. We need to step up and do the right thing—for Bob Dole and our veterans throughout the world.

I ask unanimous consent to have printed in the RECORD a copy of a letter from the internationally known blind Chinese dissident who, thank



God, miraculously recently left China through the efforts of our State Department and our government.

There being no objection, the material was ordered to be printed in the RECORD as follows:

NOVEMBER 26, 2012.

Hon. JOHN KERRY,  
*Chair, Senate Foreign Relations Committee,*  
*U.S. Senate, Washington, DC.*

Hon. RICHARD LUGAR,  
*Ranking Member, Senate Foreign Relations*  
*Committee, U.S. Senate, Washington, DC.*

DEAR SENATORS, I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities (CRPD). As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world today. Worldwide, there are over 1 billion people with disabilities—and 80% of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook.

When the United States enacted the Americans with Disabilities Act over twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect and dignity for people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world, and by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

Sincerely,

CHEN GUANGCHENG.

Mr. MCCAIN. I will read from his letter:

When the United States enacted the Americans with Disabilities Act over twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect, and dignity for people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world, and by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

And he concludes:

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

I couldn't say it with any more passion nor any more authority.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I rise to address an issue that concerns families and children and veterans and so many children in North Carolina and Ohio and around the country and around the world. I rise for millions of Americans, family members friends, loved ones, and colleagues who experience some level of disability.

People living with disabilities have long been isolated, pushed to the margins of society. An example of that is America's deaf community. The deaf community strongly supports this treaty. Gallaudet University is a university founded in 1864 by an act of Congress, the charter signed by President Lincoln. The university shows that people with disabilities are capable of doing so much more to enrich our culture. I sit on the board, the only Senator in this body who sits on the board of Gallaudet, this great university. It is the only one of its kind in the world. It is close to 150 years old. We know how important it is.

Many students at Gallaudet from other countries want to be able to go home to the same kinds of accessibility they have experienced while studying in the United States, but they do not have it in far too many places. A recent State Department report found that people with disabilities remain one of the groups most at risk of being trafficked. That should spur all of us to do what we can to ensure that every human being has the chance to reach her or his God-given potential.

Yet too many people with disabilities around the world and Americans abroad lack this protection. This includes being forced into low-wage employment, being forced to beg for meals, being less likely to have access to transportation and the justice system in whatever country they happen to be located.

In America, we fought to pass the Americans With Disabilities Act, and we lead the world in services and accessibility for disabled people. We passed it because democracy is only as vibrant as it is open to the participation of all citizens. That is why I was proud to co-sponsor critical amendments to the ADA, the Americans With Disabilities Act, to make the definition of disability more inclusive. We fought hard for the ADA Amendments Act of 2008 because access to a good-paying job, to

public transportation, to public accommodation should be universal.

Some detractors say Americans are taken care of here at home; why should we worry about discrimination that disabled people in other countries might suffer? Dr. King wrote in "Letter from the Birmingham Jail" that:

Injustice anywhere is a threat to justice everywhere.

He explained that:

We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

If we are to maintain our global leadership, if we believe in American exceptionalism, and if we are to strengthen our moral leadership, then surely we must ratify treaty No. 112-7 in support of the Convention on the Rights of Persons with Disabilities.

This is not a liberal or conservative issue. It is not a Republican or Democrat issue. This is a cause for people who fight for what is right. That is why some 300 organizations support ratification, including the Leadership Conference on Civil and Human Rights, the Wounded Warrior Project, the Hindu American Foundation, the Islamic Society of North America, the Jewish Federation of North America, the National Catholic Social Justice Lobby, the African Methodist Episcopal Church, and Veterans of Foreign Wars.

Let me share a couple letters. Bernard from Franklin County, in the center of my State, wrote:

I am concerned about recent grumblings . . . I have a lot of regard for the ADA and a keen awareness of discrimination against people with disabilities.

When will the Senate take up this U.N. Resolution? What can I do to help convince oppositional Senators that this is an important and necessary resolution for people with disabilities, especially our Nation's veterans?

Bernard, my colleague on the other side of the aisle, Senator MCCAIN, former majority leader Bob Dole, both of whom served our country honorably in the Armed Forces, and 21 veterans organizations agree with you. Senator MCCAIN wrote: "Ratifying this treaty affirms our leadership on disability rights and shows the rest of the world our leadership commitment continues."

This should be an opportunity for all Americans to come together and show the world we are committed to ensuring the basic dignity of every human being.

An advocate for people with disabilities, Deborah Kendrick of Cincinnati, recently wrote that supporting the U.N. Convention on the Rights of Persons with Disabilities is "the good old-fashioned right thing to do."

She is absolutely right. The CRPD is an antidiscrimination treaty, a civil rights issue, a human rights issue. It embraces the values of our own Americans with Disabilities Act.

It will not affect U.S. law and does not infringe upon U.S. sovereignty. Ratifying this treaty does allow us to reassert our leadership globally on disability rights. It will give us a seat at the table as parties to the convention grapple with how best to implement it. This treaty is important for Americans with disabilities, including soldiers and veterans when they work abroad, study abroad or simply travel abroad. That is why I urge my colleagues to join in ratifying this treaty, to stand up for people with disabilities in Ohio, throughout America, and around the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DAVID BETTS DOUBLE PLAY DIAMOND

Mr. BROWN of Ohio. Madam President, I rise to commemorate the grand opening of the David Betts Double Play Diamond, which will take place a week from today in Bryan, OH.

As the result of a community's commitment to working together, an unused farm field will soon cultivate the next generation of Bryan-area baseball players—nourishing friendships and supporting sportsmanship.

This new indoor field in Williams County honors the life of an extraordinary young Ohioan.

David Betts would have been 26 years old on December 10, 2012, the day that this field will open for members of the entire Bryan community to enjoy.

David, the beloved son of John and Joy, died in a March 2007 motorcoach accident along with other members of the Bluffton University baseball team in Atlanta, GA.

He was a graduate of Bryan High School.

After this tragedy, John and Joy Betts made a promise that David's death—and the loss of four other players and the bus driver and his wife—would not be in vain.

Out of the Bluffton bus tragedy—and other tragedies like it—Senator HUTCHISON and I introduced the Motorcoach Enhanced Safety Act—to help

prevent the loss of life on our nation's roadways.

President Obama signed the bill into law earlier this year to ensure that tour buses are equipped with seatbelts, stronger roofs, safer windows, and drivers that are better trained.

This safety bill was written with the support of the Betts Family, the Bryan community, and a national community of people who have lost loved ones in motorcoach crashes.

Some 5 years later, this close-knit Ohio community also has a tangible monument in memory of one of their sons.

May the David Betts Double Play Diamond serve as a remembrance to this wonderful young man and help this community continue to heal and move forward.

#### HONOR FLIGHT OF NORTHERN COLORADO

Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the military service of a group of remarkable Coloradans. At critical times in our Nation's history, these veterans played a role in defending the world from tyranny, truly earning their reputation as guardians of democracy and peace through their service and sacrifice. Now, thanks to an organization dedicated to honoring those who have defended us abroad, these great Coloradans have come to Washington, D.C. to visit the national memorials built to honor their service, to share their experiences with later generations, and to pay tribute to those who gave their lives. It was an honor to have them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to say a word about the volunteers from Honor Flight of Northern Colorado who made this trip possible. They are great Coloradans in their own right, and their mission to bring our Northern Colorado veterans to Washington, D.C. is truly commendable. They have been doing great work since their inception in 2008 and their flight in September brought another group of American heroes to Washington, D.C. The volunteers of Honor Flight of Northern Colorado believe our veteran heroes aren't asking for recognition, but they certainly deserve it. This opportunity to come to Washington is just a small token of appreciation for those who gave so much.

I want to publicly recognize the members of the Northern Colorado Honor Flight who are visiting their Nation's capital today, many seeing for the first time the memorials that stand as a tribute to their selfless service. These Coloradans risked their lives to defend freedom, and they have earned our deepest respect. I rise today to thank the veterans of Northern Colorado Honor Flight, and pause to re-

member those who laid down their lives for us all. I would like to read the names of all those who made this visit to our Nation's capital and to each of them, I say thank you.

Veterans from World War II include: Willard Bauer, Robert Bell, Edward Coleman, Floyd Ewing, Albert Fairweather, Marvin Fowler, Elwyn Frazier, Robert Fulton, William Garcia, Edward Glover, Herold Hettinger, Raymond Holiday, Buford Johnson, William Kammlade, Donald Lawless, Russell Maxwell, Dale Norwood, Philip Owen, Paul Painter, George Parker, Theodore Pratt, Henry Redd, Kenneth Robb, Harley Rouze, Harold Scatterday, Dean Severin, Leonie Shannon, Keith Simons, Jacob Stieb Jr., Howard Teague, Margaret Thompson, Charles Vogel, Thomas Weathers, Victor Weidmann, Milo Whitcomb, John Williams, and Quentin Younglund. Veterans from the Korean War include:

Bobby Andersen, Emmett Achuletta, Donald Armagost, Robert Arnbrecht, Gary Beverlin, Stanley Black, Ronald Brasseur, Earl Buckendorf, Robert Buttner, Donald Campbell, Clarence Carnes, Jerald Clark, Robert Clayton, Keith Coates, Kenneth Comin, Victor Crenshaw, Dean Daggett, Lester Edgett, Arnold Engele, Roy Erickson, William Erickson, Bernard Erthal, Donald Fenske, Donald Fickenscher, Russell Foster, Franklin Fronek, Porfelio Garbiso, William Goble, Carl Goeglein, Delbert Gorsline, George Gray, Kenneth Hoff, Robert Hull, Robert Jones Jr., George Knaub, Arthur Kober, John Leach, Roger London, Willard Loose, Joseph Lopez, Arthur Lukemire, Charles Mahoney, Eathon Marr, Vernon Marston, Robert Martin, George Maxey, Loren Maxey, and Albert Melcher.

Veterans who served in Vietnam include:

Leonard Beutelspacher, John Gruver, Gaylord Mekelburg, and Cloyd Rael.

And from the War in Iraq:

Marshall Spring

Our Nation asked a great deal of these individuals. They left their families to fight in distant lands against our nation's enemies. And each of these brave Coloradans bravely answered the call, placing themselves between this country and harm. They served our country through dangerous times, when democratic nations and ideals around the world were threatened, and they saved millions of people from falling to fascism and tyranny.

Please join me in thanking these American veterans and the volunteers of Honor Flight of Northern Colorado for their tremendous service to an eternally grateful nation.

#### REMEMBERING LARRY HAGMAN

Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring Larry Hagman, who passed away

last week in Dallas at the age of 81. Like most Americans and millions around the world, I knew Larry Hagman as J.R. Ewing, the best loved villain in television history. But I was also fortunate to know Larry as a passionate advocate and friend, and I will miss him.

J.R. was larger than life, but Larry Hagman's life was much more than his most famous character. He was a devoted family man, a true friend, and an active citizen who worked with me to ensure that our families are protected from pollution and toxins. He also worked for years to fight lung cancer and promote alternative energy. His tireless commitment to improving his community and country continued until the very end of his extraordinary life. Just last month he launched the Larry Hagman Foundation to promote the educational benefits of theater, visual arts, music and dance and to fund organizations providing these instructional programs for low-income children.

Born in Fort Worth, Larry was brought up by his maternal grandmother in Los Angeles. After attending a series of boarding schools, he moved back to Texas to live with his father, attorney Benjamin Hagman, whose clients later helped shape the character of J.R. Ewing. In 1951, Larry's mother—the great stage actress Mary Martin—got him a small role in the London production of *South Pacific*. A year later, Larry joined the Air Force and stayed in Europe as a director of USO theatrical shows.

After working in New York theater and television, Larry Hagman became a TV star in the 1960s as Major Tony Nelson in the popular comedy series "I Dream of Jeannie." In the 1970s, he appeared in numerous movies and television shows before landing the role of a lifetime on the primetime soap opera "Dallas."

As the charming and conniving businessman J.R. Ewing, Larry Hagman was the best-known television actor on earth. In 1980, between two seasons of "Dallas," hundreds of millions of fans in 57 countries anxiously awaited the answer to the most famous question in TV history: "Who Shot J.R.?" Last year, Larry returned to television to begin a new series of "Dallas," which became a hit on the TNT network; he was at work on the new season when he died.

On behalf of the people of California and Larry's millions of fans and admirers, I send my appreciation and condolences to his wife, Maj; his children, Preston and Kristina; and his five granddaughters. I know that they—and all of us—will miss this marvelous man.

#### ADDITIONAL STATEMENTS

##### STOCKTON GURDWARA 100TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of the Stockton Gurdwara, the first Sikh temple in the United States.

In the 1890s, the first Sikh immigrants, mostly from Punjab in northwestern India, arrived at Angel Island Immigration Station. These pioneering immigrants had crossed the vast Pacific and came to the shores of California in hopes of a better and freer life.

The San Joaquin Valley of California, with its Mediterranean climate and abundance of fertile soil and arable land reminded the new immigrants of their native Punjab, and became a place where many of them settled to raise crops that were native to Punjab.

A tight-knit community, the Sikh residents of the San Joaquin Valley formed a committee to raise money for a temple. In September 1912, a plot of land was purchased on South Grant Street in Stockton to build the first Sikh temple in the United States. When the temple was consecrated on November 22, 1915, the *Stockton Record* reported that it was celebrated with impressive ceremonies. The Stockton Gurdwara became the birthplace of Sikhism in America.

Over the past century, the Stockton Gurdwara has been a site of both religious and historical significance. It was home to America's first Punjabi-language newspaper and to the Ghadar Party, which supported Indian independence for decades before it was achieved. Bhagat Singh Thind, a civil rights advocate and the first Sikh to serve in the United States Army during World War I, and Dalip Singh Saund, the first Asian American elected to Congress, were members of the Stockton Gurdwara.

Today, the Stockton Gurdwara remains the spiritual home to generations of Sikh Americans in the San Joaquin Valley. It also stands as a testament to the rich history, invaluable contributions, and progress of the Sikh community in America.

I congratulate the Stockton Gurdwara on its 100th anniversary and wish its members continued success.●

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8375. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8376. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8377. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia, Singapore, and/or Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC-8378. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8379. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2012-1740); to the Committee on Foreign Relations.

EC-8380. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants" (Regulatory Guide 1.82) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8381. A communication from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2012; to the Committee on Environment and Public Works.

EC-8382. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Foundation's fiscal year 2012 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8383. A joint communication from the Chairman and the Acting General Counsel,

National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8384. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8385. A communication from the Chairman of the United States Holocaust Museum, transmitting, pursuant to law, the Museum's fiscal year 2012 Report on Audit and Investigative Activities; to the Committee on Homeland Security and Governmental Affairs.

EC-8386. A communication from the Treasurer of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8387. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled "Federal Election Commission 2012 Performance and Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-8388. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8389. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8390. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Service's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8391. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8392. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8393. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8394. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; Reopening of the 2012 Commercial Sector for South Atlantic Red Snapper, Gag, and South Atlantic Shallow-Water Grouper" (RIN0648-XC332) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

2012; to the Committee on Commerce, Science, and Transportation.

EC-8395. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska Management Area" (RIN0648-XC346) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8396. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XC344) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8397. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Western Regulatory Area of the Gulf of Alaska Management Area" (RIN0648-XC333) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8398. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A" (RIN0648-XC156) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8399. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Compatibility with Consumer Electronics Equipment" (MB Docket No. 11-169; PP Docket No. 00-67, FCC 12-126) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8400. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, Knox City, Rule, and Quanah, Texas)" (MB Docket No. 08-97; RM-11428) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-133. A resolution adopted by the House of Representatives of the State of Michigan memorializing the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging harbors of refuge and repairing and

maintaining seawalls of harbors of refuge in Michigan; to the Committee on Environment and Public Works.

#### HOUSE RESOLUTION No. 325

Whereas, Regular dredging and maintenance and repair of breakwater seawalls is needed to keep recreational harbors open to boaters in Michigan and the other Great Lakes states. Natural shoaling exacerbated by continued low lake levels has left many recreational harbors too shallow for boaters to enter safely, which is jeopardizing charter fishing operations, local communities, and other businesses that depend on boating. Portage Lake Harbor, Leland Harbor, and Arcadia Harbor are just a few of the fifteen Great Lakes harbors of concern that are dangerously shallow for boaters; and

Whereas, Not only is dredging and maintenance and repair of breakwater seawalls needed to accommodate recreational boaters, but also to provide safe harbor to all types of boaters, including commercial shippers. Maintaining harbors of refuge is a requirement to ensure that our obligation of providing safe shipping lanes for trade is met. With Portage Lake Harbor being one of the four Michigan harbors of refuge along the western side of the state and one of the thirteen statewide, it is a necessity that it be maintained and dredged to a proper depth; and

Whereas, The federal budget did not include funding for dredging harbors of refuge and maintenance and repair of breakwater seawalls of harbors of refuge maintained in the past by the United States Army Corp of Engineers. This lack of funding will cripple the Great Lakes recreational boating and charter fishing industry, impacting millions of boaters, businesses, and communities that they support. Because no funding has been provided, local Great Lakes communities have had to acquire private funding to be able to keep tourism alive during the boating season; and

Whereas, The U.S. Army Corps of Engineers never completed a replacement seawall at Portage Lake Harbor begun in 2003. The seawall is now undermined, further narrowing the shipping channel. The Army Corps has designated the seawall as facing "imminent failure"; and

Whereas, It is necessary, for the safety of commercial shippers and all other Great Lakes traffic, to maintain harbors of refuge and, therefore, it should be deemed worthy to appropriate funds from the federal Harbor Maintenance Trust Fund, which holds surplus funds in excess of \$8 billion, to Great Lakes harbors. The relatively small federal investment needed to maintain these harbors is insignificant compared to the billions of dollars and thousands of jobs generated; now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging harbors of refuge and repairing and maintaining seawalls of harbors of refuge in Michigan, particularly Portage Lake Harbor located in Onekama, MI; and be it further

*Resolved,* That we call on Congress to include funding for the United States Army Corps of Engineers to rebuild and complete the Portage Lake Harbor seawall; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-134. A resolution adopted by the Senate of the State of Rhode Island urging Congress to pass and send to the states a constitutional amendment permitting state and federal regulation and restriction of independent political expenditures; to the Committee on the Judiciary.

JOINT RESOLUTION S. 2656

Whereas, The growing influence of large independent political expenditures by corporations and wealthy individuals is a great and growing concern to the people of the United States and the State of Rhode Island; and

Whereas, In a democracy the assurance of a fair and uncorrupted election process is of the utmost importance, and the Rhode Island General Assembly believes that it is a legitimate and vital role of government to regulate independent political expenditures by corporations, unions, and wealthy individuals; and

Whereas, In fulfillment of this important role the government of the United States and a majority of states have regulated and restricted independent political expenditures by corporations; and

Whereas, In 2010, the Supreme Court of the United States decided by a bare majority in *Citizens United v. Federal Elections Commission* that the First Amendment of the Constitution of the United States prohibits restrictions on the use of corporate and union treasury funds for electioneering; and

Whereas, *Citizens United* was a dramatic reversal of established Supreme Court precedent, and overturned decades of statutes enacted by Congress and numerous state legislatures; and

Whereas, *Citizens United* has served as precedent for further legal decisions harming our democratic system of government, including *SpeechNow.org v. FEC*, which allows wealthy individuals to anonymously channel unlimited political expenditures through Super PACs; and

Whereas, In the wake of *Citizens United* there has been an exponential increase in large independent political expenditures by corporations and wealthy individuals which threatens the integrity of the election process, corrupts our candidates, dilutes the power of individual voters and distort the public discourse; and

Whereas, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to amend their constitution; now, therefore be it

*Resolved*, That this General Assembly of the State of Rhode Island and Providence Plantations respectfully urges the Congress of the United States to pass and send to the states for ratification an amendment to the constitution to effectively overturn the holding of *Citizens United* and its progeny and to permit the governments of the United States and the several states to regulate and restrict independent political expenditures by corporations and wealthy individuals; and be it further

*Resolved*, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from Rhode Island in the Congress of the United States.

POM-135. A resolution adopted by the House of Representatives of the State of Rhode Island urging Congress to pass and send to the states a constitutional amendment permitting state and federal regulation and restriction of independent political expenditures; to the Committee on the Judiciary.

JOINT RESOLUTION H. 7899

Whereas, The growing influence of large independent political expenditures by corporations and wealthy individuals is a great and growing concern to the people of the United States and the State of Rhode Island; and

Whereas, In a democracy the assurance of a fair and uncorrupted election process is of the utmost importance, and the Rhode Island General Assembly believes that it is a legitimate and vital role of government to regulate independent political expenditures by corporations, unions, and wealthy individuals; and

Whereas, In fulfillment of this important role the government of the United States and a majority of states have regulated and restricted independent political expenditures by corporations; and

Whereas, In 2010, the Supreme Court of the United States decided by a bare majority in *Citizens United v. Federal Elections Commission* that the First Amendment of the Constitution of the United States prohibits restrictions on the use of corporate and union treasury funds for electioneering; and

Whereas, *Citizens United* was a dramatic reversal of established Supreme Court precedent, and overturned decades of statutes enacted by Congress and numerous state legislatures; and

Whereas, *Citizens United* has served as precedent for further legal decisions harming our democratic system of government, including *SpeechNow.org v. FEC*, which allows wealthy individuals to anonymously channel unlimited political expenditures through Super PACs; and

Whereas, In the wake of *Citizens United* there has been an exponential increase in large independent political expenditures by corporations and wealthy individuals which threatens the integrity of the election process, corrupts our candidates, dilutes the power of individual voters and distort the public discourse; and

Whereas, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to amend their constitution; now, therefore be it

*Resolved*, That this General Assembly of the State of Rhode Island and Providence Plantations respectfully urges the Congress of the United States to pass and send to the states for ratification an amendment to the constitution to effectively overturn the holding of *Citizens United* and its progeny and to permit the governments of the United States and the several states to regulate and restrict independent political expenditures by corporations and wealthy individuals; and be it further

*Resolved*, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from Rhode Island in the Congress of the United States.

POM-136. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Kansas urging the Congress of the United States to extend equal benefits and compensation for the treatment of Agent Orange exposure to Vietnam era veterans who served outside of Vietnam; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 5016

Whereas, Thousands of veterans of the Vietnam War suffer from the effects of exposure to Agent Orange, a powerful and toxic defoliant used to clear areas of dense vegetation used as enemy hideouts; and

Whereas, Agent Orange exposure causes a variety of devastating health effects, such as increased rates of cancer, immune system disorders and genetic maladies which lead to birth defects in the children of those exposed; and

Whereas, Although the use of Agent Orange is most commonly associated with the country of Vietnam, it was also used extensively in surrounding areas such as Thailand; and

Whereas, Many veterans affected by exposure to Agent Orange proudly and bravely served their country without ever actually setting foot in Vietnam itself; and

Whereas, These veterans are struggling to obtain the same medical benefits and compensation to deal with their exposure as those who served on the ground in Vietnam: Now, therefore, be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein*: That the Congress of the United States is urged to work with the Department of Veterans Affairs to ensure that Vietnam era veterans who served in support of the Vietnam War are able to receive the same medical benefits and compensation for the treatment of Agent Orange exposure as those who served within the country's borders.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 2038, An original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes (Rept. No. 112-244).

ADDITIONAL COSPONSORS

S. 823

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 823, a bill to permit aliens who lawfully enter the United States on valid visas as nonimmigrant elementary and secondary school students to attend public schools in the United States for longer than 1 year if such aliens reimburse the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance.

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.

2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 2318

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2318, a bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3199

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3274

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. 3636

At the request of Mr. BLUMENTHAL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3636, a bill to provide increased consumer protections for gift cards.

S. 3638

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3638, a bill to establish an Office of Entrepreneurial Support within the Small Business Administration, and for other purposes.

S. 3649

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3649, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

S. 3650

At the request of Mr. UDALL of Colorado, the name of the Senator from

Wyoming (Mr. ENZI) was added as a cosponsor of S. 3650, a bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

AMENDMENT NO. 3006

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3006 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3013

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3013 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3049

At the request of Mr. UDALL of New Mexico, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3049 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3054

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 3054 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3095

At the request of Mrs. HAGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3095 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3165

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 3165 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3174

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3174 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3176

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3176 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3192

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3192 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3193

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 3193 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3218

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3218 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of



the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3253

At the request of Mr. WICKER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 3253 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3259

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3259 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3265

At the request of Mrs. BOXER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 3265 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3276

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3276 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3293. Mr. MCCAIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 3054 proposed by Mr. MCCAIN to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3294. Mr. WICKER submitted an amendment intended to be proposed to amendment

SA 2935 submitted by Mr. WICKER and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3295. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3296. Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 2941 submitted by Mr. BLUMENTHAL and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3297. Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3015 proposed by Mr. BLUMENTHAL to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3298. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3300. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3301. Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3302. Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3303. Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3304. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3263 submitted by Mr. TESTER and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3305. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 3216 submitted by Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3306. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3307. Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3308. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3293. Mr. MCCAIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment

SA 3054 proposed by Mr. MCCAIN to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

SA 3294. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2935 submitted by Mr. WICKER and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. 526. REPORT ON COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of



Defense shall submit to the congressional defense committees a report on the custody of military remains. The report shall include the following:

(1) An update on the efforts of the Department of Defense to ensure accountability of all military remains beginning with the initial recovery of the remains until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482 of title 10, United States Code, to direct disposition of the remains.

(2) An identification of the responsible authority at each stage of the process of the handling of military remains.

(3) Such recommendations for legislative action, if any, as the Secretary considers appropriate to ensure a defined chain of custody for all military remains.

**SA 3295.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

**SA 3296.** Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 2941 submitted by Mr. BLUMENTHAL and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, at the end, add the following:

**SEC. 1085. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.**

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery that the American Battle Monuments Commis-

sion and the Secretary of the Army decided under such section will become a permanent cemetery and the Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the enactment of this Act shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

**SA 3297.** Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3015 proposed by Mr. BLUMENTHAL to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, at the end, add the following:

**SEC. 1085. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.**

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery that the American Battle Monuments Commission and the Secretary of the Army decided under such section will become a permanent cemetery and the Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the enactment of this Act shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

**SA 3298.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

**SA 3299.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

**SA 3300.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following new section:

**SEC. \_\_\_\_.**

This Act shall become effective one day after enactment.

**SA 3301.** Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 10 and all that follows through page 2, line 9, and insert “shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

**SA 3302.** Mr. REED submitted an amendment intended to be proposed to

amendment SA 3014 submitted by Mr. REED and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

**SA 3303.** Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

**AMENDMENT NO. 3303**

At the appropriate place insert the following:

Sense of Congress:

(1) It is the sense of the Congress that the Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy.

(2) For retirements of ships owned by the U.S. Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger U.S. national security and the objectives of the combatant commanders.

(3) Further, it is the sense of the Congress that revitalizing the Navy's 30-year ship-building plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

**SA 3304.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3263 submitted by Mr. TESTER and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of De-

fense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_\_, between lines \_\_ and \_\_, insert the following:

**TITLE XXXVI—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**SEC. 3601. SHORT TITLE.**

This title may be cited as the “Sportsmen’s Act of 2012”.

**Subtitle A—Hunting, Fishing, and Recreational Shooting**

**PART I—HUNTING AND RECREATIONAL SHOOTING**

**SEC. 3611. MAKING PUBLIC LAND PUBLIC.**

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended—

(1) by striking “SEC. 3. APPROPRIATIONS.—Moneys” and inserting the following:

**“SEC. 3. FUNDING.**

“(a) IN GENERAL.—Amounts”; and

(2) by adding at the end the following:

“(b) PRIORITY LIST.—

“(1) IN GENERAL.—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

“(2) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(3) CRITERIA.—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 4601–5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”;

(B) in the first sentence of section 9 (16 U.S.C. 4601–10a), by striking “by section 3 of this Act”; and

(C) in the third sentence of section 10 (16 U.S.C. 4601–10b), by striking “by section 3 of this Act”.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)”.

**SEC. 3612. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen’s Act of 2012.”.

**SEC. 3613. TRANSPORTING BOWS THROUGH NATIONAL PARKS.**

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

**PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT**

**SEC. 3621. TARGET PRACTICE AND MARKSMANSHIP TRAINING.**

This part may be cited as the “Target Practice and Marksmanship Training Support Act”.

**SEC. 3622. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a

variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) **PURPOSE.**—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

#### **SEC. 3623. DEFINITION OF PUBLIC TARGET RANGE.**

In this part, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate archery or rifle, pistol, or shotgun shooting.

#### **SEC. 3624. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

(a) **DEFINITIONS.**—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

- “(A) is identified by a governmental agency for recreational shooting;
- “(B) is open to the public;
- “(C) may be supervised; and
- “(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) **NON-FEDERAL SHARE.**—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) **REGULATIONS.**—The Secretary”;

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) **EXCEPTION.**—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State

under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) **FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.**—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **ALLOCATION OF ADDITIONAL AMOUNTS.**—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) **COST SHARING.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) **PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.**—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) **EXCEPTION.**—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

(d) **TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**—

(1) **TECHNICAL AMENDMENTS.**—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by striking “(c) APPORTIONMENT” and inserting “(d) APPORTIONMENT”.

(2) **CONFORMING AMENDMENTS.**—

(A) **DEFINITIONS.**—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking “section 4(d)” and inserting “section 4(e)”.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e)” and inserting “section 4(e)”.

#### **SEC. 3625. SENSE OF CONGRESS REGARDING CO-OPERATION.**

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

### **PART III—FISHING**

#### **SEC. 3631. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.**

(a) **IN GENERAL.**—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

(2) in clause (vi) by striking the period at the end and inserting “, and”;

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) **RELATIONSHIP TO OTHER LAW.**—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

### **Subtitle B—National Fish Habitat**

#### **PART I—NATIONAL FISH HABITAT**

#### **SEC. 3641. DEFINITIONS.**

In this part:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **AQUATIC HABITAT.**—

(A) **IN GENERAL.**—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) **INCLUSIONS.**—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) **ASSISTANT ADMINISTRATOR.**—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) **BOARD.**—The term “Board” means the National Fish Habitat Board established by section 3642(a)(1).

(5) **CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.**—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) **FISH.**—

(A) **IN GENERAL.**—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) **INCLUSIONS.**—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) **FISH HABITAT CONSERVATION PROJECT.**—

(A) **IN GENERAL.**—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 3644; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) **INCLUSIONS.**—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) **NATIONAL FISH HABITAT ACTION PLAN.**—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) **PARTNERSHIP.**—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 3643(a).

(12) **REAL PROPERTY INTEREST.**—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(14) **STATE AGENCY.**—The term “State agency” means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 3642. NATIONAL FISH HABITAT BOARD.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) **MEMBERSHIP.**—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) **COMPENSATION.**—A member of the Board shall serve without compensation.

(4) **TRAVEL EXPENSES.**—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) **APPOINTMENT AND TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) **INITIAL BOARD MEMBERSHIP.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) **TRIBAL REPRESENTATIVES.**—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) **TRANSITIONAL TERMS.**—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) **VACANCIES.**—

(A) **IN GENERAL.**—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) **TRIBAL REPRESENTATIVES.**—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) **CONTINUATION OF SERVICE.**—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) **REMOVAL.**—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) **CHAIRPERSON.**—

(1) **IN GENERAL.**—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) **TERM.**—The Chairperson of the Board shall serve for a term of 3 years.

(d) **MEETINGS.**—

(1) **IN GENERAL.**—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) **PUBLIC ACCESS.**—All meetings of the Board shall be open to the public.

(e) **PROCEDURES.**—

(1) **IN GENERAL.**—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 3643; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

#### SEC. 3643. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### SEC. 3644. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(1) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity

is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation

projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

**SEC. 3645. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this part;

(4) assist the Secretary in carrying out the requirements of sections 3646 and 3648;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 3649;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) **STAFF AND SUPPORT.**—

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 3653.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) **DETAILEES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) **WAIVER OF REQUIREMENT.**—The Secretary may waive all or part of the non-Fed-

eral contribution requirement under section 3644(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

**SEC. 3646. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

**SEC. 3647. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

**SEC. 3648. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

**SEC. 3649. ACCOUNTABILITY AND REPORTING.**

(a) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 3644(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 3644(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 3644(b) that was based on a factor other than the criteria described in section 3644(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) **REVISIONS.**—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

**SEC. 3650. REGULATIONS.**

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

**SEC. 3651. EFFECT OF PART.**

(a) **WATER RIGHTS.**—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **STATE AUTHORITY.**—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) **EFFECT ON INDIAN TRIBES.**—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) **EFFECT ON OTHER AUTHORITIES.**—

(1) **ACQUISITION OF LAND AND WATER.**—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) **PRIVATE PROPERTY PROTECTION.**—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) **MITIGATION.**—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

#### **SEC. 3652. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### **SEC. 3653. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 3644(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) **NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 3649, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) **REQUIRED TRANSFERS.**—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 3645(c).

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 3646—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) **PLANNING AND ADMINISTRATIVE EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) **AGREEMENTS AND GRANTS.**—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) **DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) **TREATMENT.**—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

### **PART II—DUCK STAMPS**

#### **SEC. 3661. FINDINGS.**

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since its inception, the Federal duck stamp program has—

(A) generated more than \$500,000,000;

(B) preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) been called one of the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5)(A) with the price unchanged during the 20-year period preceding the date of enactment of this Act, duck stamps have lost 40 percent of their value based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre; and

(B) a duck stamp would need to cost more than \$24 as of the date of enactment of this Act just to maintain the earlier buying power of the stamp.

#### **SEC. 3662. COST OF STAMPS.**

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) **COST OF STAMPS.**—

“(1) **IN GENERAL.**—For the 5-fiscal-year period beginning with fiscal year 2014, and for each 5-fiscal-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section, which amount shall not exceed \$25 for the first such 5-fiscal-year period and \$30 for any subsequent period.

“(2) **COLLECTION OF AMOUNTS.**—The Postal Service or the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) **AMOUNTS.**—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”

#### **SEC. 3663. WAIVERS.**

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) **WAIVERS.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) **LIMITATION.**—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”

#### **SEC. 3664. PERMANENT ELECTRONIC DUCK STAMPS.**

(a) **DEFINITIONS.**—In this section:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird



hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) **AUTOMATED LICENSING SYSTEM.**—

(A) **IN GENERAL.**—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) **INCLUSION.**—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) **ELECTRONIC STAMP.**—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.**—

(1) **IN GENERAL.**—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) **CONSULTATION.**—The Secretary shall implement this subsection in consultation with State management agencies.

(c) **STATE APPLICATION.**—

(1) **APPROVAL OF APPLICATION REQUIRED.**—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) **NUMBER OF NEW STATES.**—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) **CONTENTS OF APPLICATION.**—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) **PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.**—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) **STATE OBLIGATIONS AND AUTHORITIES.**—

(1) **DELIVERY OF ACTUAL STAMP.**—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) **COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.**—

(A) **REQUIREMENT TO TRANSMIT.**—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) **TIME OF TRANSMITTAL.**—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) **ADDITIONAL FEES NOT AFFECTED.**—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) **ELECTRONIC STAMP ISSUANCE FEE.**—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) **DUPLICATE ELECTRONIC STAMPS.**—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) **LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.**—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) **ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.**—

(1) **STAMP REQUIREMENTS.**—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) **RECOGNITION OF ELECTRONIC STAMP.**—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) **DURATION.**—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) **TERMINATION OF STATE PARTICIPATION.**—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

**PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS**

**SEC. 3671. PURPOSES.**

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

**SEC. 3672. DEFINITIONS.**

In this part:

(1) **CONSERVATION ACTION.**—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 3672.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **JOINT VENTURE.**—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 3671 and in accordance with section 3673.

(6) **MANAGEMENT BOARD.**—The term “Management Board” means a Joint Venture Management Board established in accordance with section 3673.

(7) **MIGRATORY BIRDS.**—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) **PROGRAM.**—The term “Program” means the Joint Ventures Program conducted in accordance with this part.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

(1) **STATE.**—The term “State” means—  
(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

#### SEC. 3673. JOINT VENTURES PROGRAM.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

#### SEC. 3674. ADMINISTRATION.

(a) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 3671.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their

habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 3671;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

#### SEC. 3675. GRANTS AND OTHER ASSISTANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 3674.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

#### SEC. 3676. REPORTING.

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-

year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 3671;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

#### **SEC. 3677. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

#### **SEC. 3678. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

### **PART IV—REAUTHORIZATIONS**

#### **SEC. 3681. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

#### **SEC. 3682. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

#### **SEC. 3683. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

(a) **BOARD OF DIRECTORS OF THE FOUNDATION.**—

(1) **IN GENERAL.**—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) **IN GENERAL.**—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall ap-

point 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) **TERMS.**—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) **IN GENERAL.**—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) **EXECUTIVE DIRECTOR.**—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) **CONFORMING AMENDMENT.**—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) **RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) **POWERS.**—To carry out its purposes under” and inserting the following:

“(c) **POWERS.**—

“(1) **IN GENERAL.**—To carry out the purposes described in”; and

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”; and

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”; and

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) **TREATMENT OF REAL PROPERTY.**—

“(A) **IN GENERAL.**—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) **ENCUMBERED REAL PROPERTY.**—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) **SAVINGS CLAUSE.**—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) **AMOUNTS FROM FEDERAL AGENCIES.**—

“(A) **IN GENERAL.**—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) **ADVANCES.**—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) **MANAGEMENT FEES.**—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”; and

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) **ADMINISTRATION OF AMOUNTS.**—

“(A) **IN GENERAL.**—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVICES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devices, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

#### SEC. 3684. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

#### SEC. 3685. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

#### SEC. 3686. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

#### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

#### SEC. 3687. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “24”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2013.

#### SEC. 3688. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and in Louisiana” and inserting “, the State of Louisiana, and other coastal States”;

(B) in paragraph (2), by striking “in Maryland and Louisiana on Federal, State, and private land” and inserting “on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States”; and

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

“(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act

(16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

“(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States”; and

(2) by striking subsection (b) and inserting the following:

“(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

“(1) to eradicate or control nutria; and

“(2) to restore nutria damaged wetlands.”.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

#### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) COASTAL STATE.—The term ‘coastal State’ means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

“(2) PROGRAM.—The term ‘program’ means the nutria eradication program established by section 4(a).

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

“(1) to eradicate or control nutria; and

“(2) to restore wetlands damaged by nutria.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “the State of” before “Maryland”; and

(B) in paragraph (2), by striking “other States” and inserting “the coastal States”; and

(C) in paragraph (3), by striking “marshland” and inserting “wetlands”;

(3) in subsection (c)—

(A) by striking “(c) ACTIVITIES” and inserting “(c) ACTIVITIES IN THE STATE OF MARYLAND”; and

(B) by inserting “, and updated in March 2009” before the period at the end;

(4) in subsection (e), by striking “financial assistance provided by the Secretary under this section” and inserting “the amounts made available under subsection (f) to carry out the program”; and

(5) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized

to be appropriated to the Secretary to carry out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

“(1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;

“(2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

“(3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.”.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking “2002 document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’; and” and inserting “March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ and originally dated March 2002”;;

(2) in paragraph (2)—

(A) by striking “develop” and inserting “continue”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (2) the following:

“(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

“(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

“(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.”.

#### SEC. 3689. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508(o) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is amended—

(1) in paragraph (1)(B), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;;

(2) in paragraph (2)(A), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(i) a portion of crop insurance premium subsidies under this subtitle in accordance with paragraph (3);

“(ii) benefits under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

“(iii) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in paragraph (2)—

“(i) paragraph (2) shall apply to 65 percent of the applicable transitional yield; and

“(ii) the crop insurance premium subsidy provided for the producer under this subtitle shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(B) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this

subsection, a producer may not substitute yields for the native sod acreage.

“(4) APPLICATION.—This subsection shall only apply to native sod in—

“(A) the Prairie Pothole National Priority Area; and

“(B) any other area designated by the Secretary as a national conservation priority area.”.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amended—

(1) in subparagraph (A)(ii), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;;

(2) in subparagraph (B)(i), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(I) benefits under this section;

“(II) a portion of crop insurance premium subsidies under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) in accordance with subparagraph (C); and

“(III) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”; and

(3) by striking subparagraph (C) and inserting the following:

“(C) ADMINISTRATION.—

“(i) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in subparagraph (B)—

“(I) subparagraph (B) shall apply to 65 percent of the applicable transitional yield; and

“(II) the crop insurance premium subsidy provided for the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this paragraph, a producer may not substitute yields for the native sod acreage.

“(D) APPLICATION.—This paragraph shall only apply to native sod in—

“(i) the Prairie Pothole National Priority Area; and

“(ii) any other area designated by the Secretary as a national conservation priority area.”.

(c) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the cropland acreage in each county and State, and the change in cropland acreage from the preceding year in each county and State, beginning with calendar year 2000 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2014, and each January 1 thereafter through January 1, 2017, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each county and State.

**SA 3305.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3216 sub-

mitted by Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 12 and 13, insert the following:

(d) EFFECTIVE DATE.—Section 303A of the Servicemembers Civil Relief Act, as added by subsection (a), and the amendments made by this section shall take effect on October 1, 2013.

**SA 3306.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment, on page 2, line 5, strike “January 1, 2013” and insert “October 1, 2013”.

**SA 3307.** Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, beginning on line 2, strike “LIMITATION” and all that follows through page 2, line 14, and insert the following: “SENSE OF CONGRESS ON NAVY FLEET REQUIREMENTS.

It is the sense of Congress that—

(1) the Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain the operational capability of and perform the necessary maintenance on each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States national security and the objectives of the combatant commanders; and

(3) revitalizing the Navy’s 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help

close the gap between requirements and the current size of the fleet.

**SA 3308.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207.

#### PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Yajuan Lu, a health care fellow in my office, be allowed privileges of the floor for the remainder of the 112th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Igor Dubinski, an Army fellow in my office, be allowed floor privileges for the remainder of the consideration of S. 3254.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, and all nominations placed on the Secretary's desk in the Army and Navy; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

##### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### *To be brigadier general*

Colonel John H. Hort

The following named officer for appointment in the United States Army Medical Corps to the grade indicated under title 10, U.S.C., sections 624 and 3064:

##### *To be major general*

Brig. Gen. Joseph Carvalho, Jr.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### *To be brigadier general*

Col. Clayton M. Hutmacher

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

##### *To be brigadier general*

Col. Kyle E. Goerke

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

##### *To be brigadier general*

Col. Peter A. Bosse

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

##### *To be brigadier general*

Col. Joseph E. Whitlock

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

##### *To be major general*

Brig. Gen. Karen E. LeDoux

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

##### *To be major general*

Brig. Gen. David G. Clarkson

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### *To be lieutenant general*

Maj. Gen. Mark A. Milley

##### IN THE MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 5044 and 601:

##### *To be general*

Lt. Gen. John M. Paxton, Jr.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### *To be general*

Gen. Joseph F. Dunford, Jr.

##### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE ARMY

PN1944 ARMY nomination of William A. Christmas, which was received by the Senate and appeared in the Congressional Record of September 13, 2012.

PN1982 ARMY nomination of Alan F. Pomaville, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1983 ARMY nomination of James Bentley, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1984 ARMY nomination of Vincent D. Thompson, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1985 ARMY nomination of Luis F. Diaz, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1986 ARMY nomination of David C. Buckhannon, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1987 ARMY nomination of Anthony Cascarano, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1988 ARMY nomination of Rena L. P. Hope, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1989 ARMY nomination of Derek D. Hyun, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1990 ARMY nomination of Michael T. Simpson, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1991 ARMY nomination of Michael D. Pierce, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1992 ARMY nomination of Tammie E. Crews, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1993 ARMY nominations (2) beginning Kenneth M. Jordan, and ending Suzanne McNellis, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1994 ARMY nominations (3) beginning MADLENE M. ESKAROSE, and ending ALEXANDER K. JHANG, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1995 ARMY nominations (4) beginning MILTON J. FOUST, and ending CHARLES E. LERNER, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1996 ARMY nominations (6) beginning WILLIAM T. MONACCI, and ending HUA C. YANG, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1997 ARMY nominations (3) beginning STEPHEN J. DALAL, and ending TIMOTHY L. SETTLE, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1998 ARMY nominations (5) beginning JESSE J. ABBOTT, and ending RHETT M. STARNES, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1999 ARMY nominations (5) beginning JOHN E. BALSER, and ending SCOTT W. SHAFFER, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2000 ARMY nominations (11) beginning FRANCISCO DIAZGONZALEZ, and ending DAVID B. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2001 ARMY nominations (14) beginning GREGORY M. BARROW, and ending JAMES E. VALLEE, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2002 ARMY nominations (15) beginning GREGORY L. BOWMAN, and ending D011022, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2003 ARMY nominations (24) beginning TRACY L. BAKER, and ending GAYLA W. WILSONDUNN, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2004 ARMY nominations (39) beginning BRIAN ALMQUIST, and ending D011046, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

#### IN THE NAVY

PN2005 NAVY nomination of Terry N. Traweek, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2006 NAVY nomination of Stefanie M. Wheelbarger, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2007 NAVY nomination of Carl A. Riddick, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2008 NAVY nominations (2) beginning KEVIN S. HART, and ending MICHAEL J. JACQUES, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### MEASURE READ THE FIRST TIME—H.R. 6429

Mr. BROWN of Ohio. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant bill clerk read as follows:

An act (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

Mr. BROWN of Ohio. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

#### ORDERS FOR TUESDAY, DECEMBER 4, 2012

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 4, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved until later in the day; that following any leader remarks, the Senate proceed to executive session under the previous order; and that the Senate recess following the vote in relation to the Disabilities Treaty until 2:15 p.m. to allow for the weekly caucus meetings; further, that all time during adjournment, morning business, executive session, and recess count

postcloture on S. 3254, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BROWN of Ohio. Madam President, the first vote tomorrow will be at 12 noon on the resolution of ratification of the Convention on Rights of Persons with Disabilities. Additional votes in relation to the Defense bill are expected.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Tuesday, December 4, 2012, 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, December 3, 2012:

##### THE JUDICIARY

PAUL WILLIAM GRIMM, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL JOHN H. HORT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be major general

BRIG. GEN. JOSEPH CARVALHO, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. CLAYTON M. HUTMACHER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### To be brigadier general

COL. KYLE E. GOERKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. PETER A. BOSSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. JOSEPH E. WHITLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. KAREN E. LEDOUX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. DAVID G. CLARKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. MARK A. MILLEY

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

##### To be general

L.T. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be general

GEN. JOSEPH F. DUNFORD, JR.

##### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH DEMEA A. ALDERMAN AND ENDING WITH FELISA L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

##### IN THE ARMY

ARMY NOMINATION OF WILLIAM A. CHRISTMAS, TO BE COLONEL.

ARMY NOMINATION OF ALAN F. POMAVILLE, TO BE COLONEL.

ARMY NOMINATION OF JAMES BENTLEY, TO BE COLONEL.

ARMY NOMINATION OF VINCENT D. THOMPSON, TO BE COLONEL.

ARMY NOMINATION OF LUIS F. DIAZ, TO BE MAJOR.

ARMY NOMINATION OF DAVID C. BUCKHANNON, TO BE MAJOR.

ARMY NOMINATION OF ANTHONY CASCARANO, TO BE MAJOR.

ARMY NOMINATION OF RENA L. P. HOPE, TO BE MAJOR.

ARMY NOMINATION OF DEREK D. HYUN, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL T. SIMPSON, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL D. PIERCE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TAMMIE E. CREWS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH KENNETH M. JORDAN AND ENDING WITH SUZANNE MCNELLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH MADLENE M. ESKAROSE AND ENDING WITH ALEXANDER K. JHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH MILTON J. FOUST AND ENDING WITH CHARLES E. LERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH WILLIAM T. MONACCI AND ENDING WITH HUA C. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH STEPHEN J. DALAL AND ENDING WITH TIMOTHY L. SETTLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH JESSE J. ABBOTT AND ENDING WITH RHETT M. STARNES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH JOHN E. BALSER AND ENDING WITH SCOTT W. SHAFFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH FRANCISCO DIAZGONZALEZ AND ENDING WITH DAVID B. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH GREGORY M. BARROW AND ENDING WITH JAMES E. VALLEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH GREGORY L. BOWMAN AND ENDING WITH D011022, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH TRACY L. BAKER AND ENDING WITH GAYLA W. WILSONDUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH BRIAN ALMQUIST AND ENDING WITH D011046, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.



IN THE NAVY

NAVY NOMINATION OF TERRY N. TRAWEEK, TO BE  
LIEUTENANT COMMANDER.

NAVY NOMINATION OF STEFANIE M. WHEELBARGER,  
TO BE LIEUTENANT COMMANDER.  
NAVY NOMINATION OF CARL A. RIDDICK, TO BE CAP-  
TAIN.

NAVY NOMINATIONS BEGINNING WITH KEVIN S. HART  
AND ENDING WITH MICHAEL J. JACQUES, WHICH NOMINA-  
TIONS WERE RECEIVED BY THE SENATE AND APPEARED  
IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

## EXTENSIONS OF REMARKS

HONORING RAYMOND J. AHEARN

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. CAMP. Mr. Speaker, I rise today with my colleague Ranking Member LEVIN to honor Raymond J. Ahearn, Specialist in International Trade and Finance in the Foreign Affairs, Defense and Trade Division of the Congressional Research Service (CRS). After a distinguished career of more than 37 years of service to Congress on international trade and economic policy issues, Ray will retire on December 28.

During Ray's years of direct support for Congress, he achieved a remarkable record of accomplishment. His authoritative, non-partisan and objective expertise and analysis, as exemplified in his many reports, confidential memoranda, committee prints, and confidential consultative work for Members and congressional staff, have addressed just about all major international trade and economic policy issues before Congress. His institutional knowledge of U.S. trade policy and the policymaking process has been invaluable, especially to the Ways and Means Committee and its Members.

Ray's deep institutional knowledge of U.S. trade policies and laws, the global trading system and architecture, multilateral and bilateral trade negotiations, regional economic groupings, and the fundamental trends in the global economy have played a critical role in Congress' consideration of these issues. He has also provided intellectual leadership to the overall research agenda of the CRS Trade and Finance Section, working closely with the Ways and Means Committee, as well as many other congressional offices and committees, in ensuring that the CRS international trade and finance work was closely aligned with policy issues of core congressional interest in an authoritative, objective and timely manner.

We congratulate and thank Ray for his years of excellent service to Congress. We wish him the very best in his retirement.

HONORING MR. WAYNE NICHOLS  
OF FORT WORTH, TEXAS**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Ms. GRANGER. Mr. Speaker, I rise today to congratulate Mr. Wayne Nichols of Fort Worth, Texas for winning the "Outstanding Teaching of the Humanities Award" from Humanities Texas.

Each year, Humanities Texas selects eleven teachers who have demonstrated outstanding skill and dedication in the teaching of the hu-

manities to Texas students. The winning teachers and their schools receive a generous grant to purchase materials to enhance humanities education.

Mr. Nichols teaches a variety of History, Geography and Culture classes for grades six through eight at the Middle Level Learning Center in Fort Worth, Texas, and was recognized for his ability to instill a love of learning in his students through innovative and interactive teaching methods.

Because of Mr. Nichols' work, thousands of students have been given a new appreciation of the vital subjects that he teaches and the importance of those subjects in their own lives.

I offer my hearty congratulations to Mr. Nichols for this well-deserved award, and I am proud to have such an outstanding educator in my district.

IN RECOGNITION OF THE 100TH  
BIRTHDAY OF LORAINE PLUMB**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. KEATING. Mr. Speaker, I rise today in recognition of Ms. Loraine Plumb as she celebrates her 100th birthday.

Loraine was born on December 4, 1912 in St. Paul, Minnesota to a proud family of Norwegian industrialists. She developed a love of teaching, and after graduating from the University of Minnesota and the graduate teaching program at Eastern Michigan University, she applied her training for 35 years teaching physical education and art in both Michigan and Minnesota.

In addition to countless children who passed through her classroom, Loraine has given her love to her two children, son Tracy Plumb and daughter Jeri Gardner Thompson. Her family and friends have referred to Loraine as a "happy little bluebird flitting from fence post to fence post"—an apt description for a woman who has touched so many lives over the years.

Today Loraine enjoys her daily afternoon coffee with friends, and all of the laughter they have given her over the years. She does not attribute her longevity to any one thing except her overall happiness and joy. The Town of Plympton has recently recognized her as the oldest resident of the town, and she is proud to call it her home.

Mr. Speaker, I am proud to honor Loraine Plumb on this joyous occasion. I ask that my colleagues join me in wishing her many more years of happiness and health.

PERSONAL EXPLANATION

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise regarding my absence from rollcall votes 605–608 on Thursday and Friday, November 15, 2012 and November 16, 2012. Had I been present, I would have voted as follows: For rollcall vote 605, I would have voted "no". For rollcall vote 606, I would have voted "no". For rollcall vote 607, on the Senate Amendment to H.R. 2453—Mark Twain Commemorative Coin Act to direct the Secretary of the Treasury to mint and issue gold and silver coins with a design emblematic of Mark Twain, I would have voted "aye". For rollcall vote 608, on H.R. 3803 "Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012" to provide normal trade relations status to Russia and Moldova, ends Jackson-Vanik restrictions on both economies, and establishes new human rights-related sanctions on Russia, I would have voted "aye".

IN RECOGNITION OF SACRAMENTO  
CITY COUNCILWOMAN SANDY  
SHEEDY**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Ms. MATSUI. Mr. Speaker, I rise today to recognize Sacramento City Councilwoman Sandy Sheedy, as she steps down from the Sacramento City Council after 12 years of honorable service. As her colleagues, friends and family gather to honor her dedication to the people of Sacramento, I ask my colleagues to join me in recognizing Councilwoman Sheedy's outstanding leadership as a public servant.

Councilwoman Sheedy was born and raised in Colusa, California. Before being elected to the City Council, she served with distinction on various commissions and boards including the City Planning Commission, the Sacramento County Civil Service Commission, the Stanford Settlement Board, the Sacramento Association for the Retarded and the Camellia Symphony Orchestra.

Councilwoman Sheedy was elected to the Sacramento City Council in 2000. As Councilwoman, she served as Chair of the City Council's Code Enforcement Ad Hoc Committee and sponsored a wide variety of local ordinances, including the promotion of a stronger local government role in curbing tobacco sales to minors and codes against illegal trash dumping and dangerous dogs. She extended

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

her reach to as many citywide issues as possible, while always fighting for the Del Paso Heights, Robla, and North Sacramento neighborhoods.

Her tenure on the City Council included the construction of a new fire station in North Sacramento and the city's first "green street" project, which allowed for the beautification of Dixie Avenue. In addition, Councilwoman Sheedy has been a long-time patron of public parks as she looked over the construction of five new parks, and I had the pleasure of joining with her for the opening of Five Star Park in 2008. Councilwoman Sheedy also helped upgrade the bridges and streetlights throughout her district, which were in clear need of repair.

Councilwoman Sheedy represented the City of Sacramento well, serving on the boards of the Sacramento Metropolitan Air Quality Management District, the Sacramento Regional Solid Waste Authority, the Sacramento Metropolitan Cable Television Commission and the Sacramento Public Library Authority. As she dedicated her energy to the betterment of the people of Sacramento, Councilwoman Sheedy leaves the City Council with a high level of energy and large possibilities for the continued revitalization of District 2.

Mr. Speaker, as Councilwoman Sandy Sheedy's husband Ted, family, friends and colleagues gather to commemorate her for her service to the people of Sacramento, I ask all my colleagues to join me in saluting this dedicated public servant for helping make Sacramento a better place for families to live and prosper.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,369,548,799,604.93. We've added \$5,742,671,750,691.85 to our debt in nearly 4 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### IN HONOR OF PEARL HARBOR REMEMBRANCE CEREMONY RESTORATION VOLUNTEERS

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the forty-five volunteers who have dedicated their time to commemorating the 71st anniversary of the Pearl Harbor attack.

These volunteers have been working tirelessly throughout the year to prepare for the Pearl Harbor Remembrance Ceremony held in

December in Camden, New Jersey aboard the USS *New Jersey*.

The volunteers who have helped prepare the USS *New Jersey* for this historically-significant event are a necessary element in the production of the ceremony honoring those who were present that fateful day.

Their selfless hard work and devotion to honoring the 71st anniversary of Pearl Harbor should not go unnoticed. I join the citizens of Southern New Jersey, members of our military, as well as friends and family in congratulating these volunteers for a job well done.

#### HONORING WALT EKARD

#### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. BILBRAY. Mr. Speaker, I rise to recognize the retirement of Walter F. Ekard, the Chief Administrative Officer for the County of San Diego. As the chief executive for the fifth largest county in the United States, Mr. Ekard manages a workforce of over 16,000 employees and an annual budget of \$5 billion.

Mr. Ekard was appointed to this position by the five-member Board of Supervisors on May 4, 1999. He previously served as the Assistant Chief Administrative Officer and was the Boards' "first and only choice" for the job because of his experience and strong leadership skills.

Since he began working for the County in 1996, Mr. Ekard has been a part of its dramatic transformation, including a creation of a structurally-balance budget and the implementation of a general management system. Working closely with the Board and the County's executive team, Mr. Ekard works to institute private business management practices throughout the County, stressing customer service, fiscal accountability and teamwork. He has overseen the successful implementation of the innovative information technology outsourcing project that begun in late 1998 and is currently working to prepare San Diego County government to manage with significantly less revenue due to the State of California's budget crisis and funding cuts anticipated as a result.

Mr. Ekard brings a unique combination of qualifications and experience to this post. In fact, he served as my Chief of Staff during my time at the Board of Supervisors. He also worked as a senior policy advisor to former County Supervisor Paul Fordem (1981–1984). He also managed the Rancho Santa Fe Association from 1987 to 1996, transforming this 70-year-old organization into a smooth-running, productive and powerful regional influence. During his tenure with the Association, he worked in a capacity much like a city manager, developing linkages between the Association and other community organizations, created a long-term strategic plan to secure needed support from local and regional government agencies, and reduced administrative staff while streamlining the budget process and privatizing certain Association functions.

A native of San Diego County, Mr. Ekard received his Bachelor of Arts degree from San

Diego State University and a Allis Doctor degree from the University of San Diego, School of Law. He is a member of the State Bar of California and has served on a number of community boards and commissions. He and his wife, Pam, reside in El Cajon with their family.

I hope my colleagues will join me in recognizing the professional achievements of Mr. Walt Ekard. Without question, the community of San Diego has been made better by his contributions and are worthy of recognition by the House of Representatives today.

#### RECOGNIZING COMMODORE WILLIAM C. VOGEL, JR. FOR HIS MANY CONTRIBUTIONS TO METROPOLITAN DETROIT COMMUNITY

#### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. PETERS. Mr. Speaker, I rise today to honor William C. Vogel, Jr. on the occasion of his installation as Commodore of the Grosse Pointe Yacht Club during its 84th Annual Commodore's Ball. Serving as the club's face to the community and monitor of its policies both present and future, the position of commodore is an esteemed office befitting an individual like Mr. Vogel.

Bill has long been an active member of the Club, serving on its executive board for many years, including multiple terms as the Club's Vice Commodore. Under his leadership, the Grosse Pointe Yacht Club has continued on a path of success and prosperity. Its membership has grown and it has undertaken projects to expand and improve both its facilities and the Grosse Pointe Harbor, one of Michigan's most precious treasures.

Outside of his involvement in the Grosse Pointe Yacht Club, Bill has been steadfastly engaged in the support of groups and issues that have historically made the Grosse Pointes a thriving group of communities. Through his support as a member and past director of the Detroit Goodfellows, he has taken the initiative to provide Detroit youth with educational scholarships and other necessities which have enhanced their quality of life. Bill has also been instrumental to the Lakeshore District of the Boy Scouts of America, serving as Chair of the Friends of the Scouts Campaign.

Bill's passion for his community is mirrored in his dedication to his profession. With over thirty years of accomplishments in the field of engineering, he has earned the respect and admiration of his peers and coworkers. During his tenure with General Motors as a systems analyst, project planner and marketing planner, Bill received both the Chairman's Award and the GM North American Special Achievement Award. At EDS, he was honored with the prestigious Inner Circle Award, Circle of Excellence, and Diamond Club recognitions for his achievements as Client Delivery Executive and Solutions Delivery Executive. He also received recognition from Wayne State University's College of Engineering in 2006, earning their Outstanding Engineering Alumni Award

for Industry Achievement. Finally, in August of 2012, Bill retired from his post as director of EDS's OnStar account for General Motors, leaving behind a legacy of hard work and success. He currently serves on the Board of Visitors for both Wayne State and Western Michigan Universities' Colleges of Engineering.

Mr. Speaker, I am honored today to recognize William C. Vogel, Jr. on the occasion of his installation as Commodore of the Grosse Pointe Yacht Club. I join with Bill's wife of 37 years, Susan, as well as his children, William III, Joseph, Elizabeth, and Michael in congratulating him on this joyful occasion.

#### PERSONAL EXPLANATION

### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. BARBER. Mr. Speaker, due to my surgery and recuperation during the week of November 26 through December 2, 2012, I missed five recorded votes during that week. I would like to indicate how I would have voted had I been present for these votes.

On rollcall No. 609, H.R. 5997, the Medical Preparedness Allowable Use Act, I would have voted "yea" to authorize the use of Urban Area Security Initiative and State Homeland Security Grant Program funding to allow for the local use of these funds to enhance emergency medical preparedness programs such as medical surge capacity and preventing the spread of mass disease. This legislation will help ensure that we have the medical tools and resources needed to protect the public.

On rollcall No. 610, H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act, I would have voted "yea" to establish within Immigration and Customs Enforcement (ICE) a Border Enforcement Security Task Force (BEST) program to foster coordinated efforts among federal, state and local border and law enforcement officials to protect cities and communities from crime along our borders. Southern Arizonans are in the direct path of the most serious drug cartel smuggling activity of any region in the nation and are heavily and disproportionately affected by criminal activities along the border. The BEST program will help to improve the safety and security of my constituents.

On rollcall No. 611, H. Res. 821, a rule to provide for consideration of H.R. 6429, the STEM Jobs Act of 2012,<sup>1</sup> I would have voted "nay" and opposed consideration of the legislation in its current form without amendment.

On rollcall No. 612, a Motion to Recommit H.R. 6429, the STEM Jobs Act of 2012, I would have voted "yea" to amend the bill to strike the provision that eliminates the Diversity Visa program that makes visas available to people from countries that have low rates of immigration to the United States.

On rollcall No. 613, H.R. 6429, the STEM Jobs Act of 2012, I would have voted "yea" to create a STEM Visa program under which foreign students that earn advanced degrees in the high-demand fields of Science, Technology, Engineering and Math (STEM) at

American universities could remain in our country to work in those fields. The program would provide 55,000 such visas annually. I regret that the legislation takes away the Diversity Visa program in order to add 55,000 visas for STEM graduates. However, finding qualified candidates to fill these positions is a very serious issue in my district, which is home to many high tech companies. These companies are too often unable to find qualified American candidates to work in this industry that is so essential to the growth of our local economy. While my first priority is supporting STEM education and jobs for American students and workers, allowing foreign STEM graduates to work in the U.S. in jobs for which American workers cannot be found will contribute to our economy and global competitiveness.

#### IN RECOGNITION OF THE COMPASSION OF THE PEOPLE OF TAIWAN

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the Taiwanese government who has so generously donated \$1.3 million to the Superstorm Sandy relief effort. The donation will be divided between the State Governments of New Jersey and New York, the City of New York, as well as the United Way International and Habitat for Humanity International. Although the media coverage and national attention on Superstorm Sandy has subsided in the wake of new stories, the impact of the storm continues to be felt by New York and New Jersey citizens. I am moved by this tremendous act of solidarity from our friends thousands of miles away, and I would like to officially recognize this gesture in hopes that the consideration and empathy displayed by the Taiwanese may serve as a reminder to others that this plight is still ongoing. On behalf of the 1st district of New Jersey, the State of New Jersey, and the American people I would like to extend sincere thanks to the Taiwanese people for this act of kindness.

#### HONORING DIANN JACOX

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Diann Jacox, the superintendent of the Cedar Creek and Belle Grove National Historical Park, who has announced her decision to retire.

Ms. Jacox is retiring from the National Park Service after 35 years of outstanding service to our country. According to the National Park Service, Ms. Jacox began her career as a historian in the Philadelphia regional office. She was later appointed regional cultural compliance coordinator for 32 parks in the mid-Atlantic area where she worked to incorporate his-

toric preservation requirements with the National Park Service design and construction plans. Ms. Jacox also served as the chief historian of Philadelphia's Independence National Historical Park and manager of Washington DC's Mary McLeod Bethune Council House National Historic Site. In 2004, Ms. Jacox became the founding superintendent of Cedar Creek and Belle Grove National Historical Park in Middletown, Virginia.

I had the privilege of working with Ms. Jacox to create Cedar Creek and Belle Grove National Historical Park in her capacity as founding superintendent. The park would not have been possible without her leadership and steady hand. Last month the park celebrated its 10-year anniversary.

I want to commend Diann for her tireless years of service and her dedication to historic preservation. I wish her all the best as she returns to Philadelphia in her retirement.

#### HONORING THE COUNTY OF SOLANO

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I along with Mr. GARAMENDI and Mr. MIKE THOMPSON of California invite our colleagues to join us in honoring the County of Solano, California, for its 2012 designation by America's Promise Alliance as one of the "100 Best Communities for Young People."

Selected from 320 applicants across all 50 States in a competitive process, Solano County is the only California community to receive this designation six consecutive times. Over 75 local partners contributed to this most recent application, including community and faith-based organizations, city and county agencies, educational institutions, businesses and service groups serving children, as well as many young individuals.

This application exhibits the outstanding collaboration that has brought repeated recognition to Solano County. Programs involved include the YIPPEE Foundation's Teen Mentoring and Job-Training programs, Lawrence Hall of Science Inventor's Lab, Solano Transportation Authority's "Safe Routes to School," Solano County Court's Teen Interns, Dixon Teen Center, Benicia Library's Teen Librarian, Vacaville Youth Roundtable, Rio Vista Care/Family Resource Center, each of which resulted in strong support for Solano County's children and youth. Furthermore, Solano's school districts and community leaders continue to actively work to raise graduation rates with innovative approaches to tutoring, mentoring, recreation and health activities, as well as volunteer opportunities for youth.

Young people in Solano County have worked hard to achieve academic and personal excellence, and the community has provided them an opportunity to do so. Programs including the Junior Reserve Officer Training Corps cadets at Armijo, Jesse Bethel, and Vanden High Schools, the Eagle Scout program, and Solano County 4-H deserve recognition for facilitating thousands of hours of

community service. We also recognize our students' determination to reach the regional and statewide Academic Decathlons as well as the effort put forth by each of the volunteers participating in tutoring and mentoring programs at the Matt Garcia Center, The Boys and Girls Clubs, and the Big Brothers/Big Sisters programs.

Mr. Speaker, we ask our colleagues to join with us in recognizing the Solano County Department of Child Support Services, which served as the lead agency for the 2012 application and extend our sincere congratulations to each of the organizations, agencies and individuals involved who have worked tirelessly on behalf of Solano's children and youth.

#### IN RECOGNITION OF SACRAMENTO CITY COUNCILMAN ROB FONG

#### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Sacramento City Councilman Robert King Fong who has successfully served the people of Sacramento for the past fourteen years, most recently for eight years on the City Council and previously for six years on the Sacramento City Unified School District Board of Trustees. As his colleagues, friends and family gather to celebrate his career and his outstanding accomplishments, I ask all my colleagues to join me in recognizing Councilman Fong as an outstanding public servant.

Councilman Fong is a third generation Sacramentan who attended McClatchy High School, the same high school that my late husband Robert Matsui attended. He then went on to receive his undergraduate degree from the University of California, Berkeley and his law degree from the University of California, Davis School of Law. After college, Councilman Fong returned to Sacramento where he practiced law and began his life in public service. He was elected to the City Council in 2004 with over 75% of the vote.

Among Councilman Fong's many accomplishments was his involvement in creating a trade partnership with the city of Chongqing, China. Close to home, he was an unwavering supporter of a number of key projects, such as the R Street Improvement Project, Southside Park Improvements, and public art projects in the Southside Community Garden and the Fremont Community Garden.

Councilman Fong was fortunate to represent many of Sacramento's most unique neighborhoods, including Land Park, Newton Booth, Poverty Ridge, Southside Park, Downtown, Midtown, and River Oaks. He balanced the neighborhoods' needs with city priorities, always with an eye on the big picture. This afforded him many opportunities to advocate for issues critical to the Sacramento region, including greater transportation options and improved flood protection. Councilman Fong has also been devoted to finding additional aid for the homeless and promoting arts in local schools.

Mr. Speaker, as Councilman Fong's children Rebecca and Christian, friends and colleagues

gather to honor him for his service to the people of Sacramento and to wish him well in future endeavors, I ask all my colleagues to join me in thanking him for helping make Sacramento a great place to live, work and play.

#### IN HONOR OF STAND DOWN OF SOUTH JERSEY VOLUNTEERS

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 3, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the volunteers of Stand Down of South Jersey. These volunteers dedicate their time and effort year-round to aid homeless veterans in communities across the state of New Jersey.

The culmination of Stand Down's efforts is an event held annually at the Army National Guard Armory in Cherry Hill, New Jersey. Each year, this event is a place where veterans go for haircuts, receive assistance in applying for government support, guidance on employment and job training opportunities, health-related counseling, and more.

At the event, held in September, Stand Down aided and supported approximately 278 homeless veterans from the area as a result of the volunteer efforts. In addition, volunteers have collected winter coats, blankets, and other supplies that they donated to the Marine Corps League Detachment 796 at Toms River.

The tireless efforts of these volunteers should not go unnoticed. I join the citizens of Southern New Jersey and the veterans in our community to thank these volunteers for their continued hard work and dedication to this important cause.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 4, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

DECEMBER 5

9 a.m.

Foreign Relations  
African Affairs Subcommittee

To hold hearings to examine assessing developments in Mali, focusing on restoring democracy and reclaiming the north.

SD-419

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act, the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, and any pending nominations.

SD-430

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine Hurricane Sandy, focusing on response and recovery and progress and challenges.

SD-192

DECEMBER 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the fiscal cliff, focusing on how to protect the middle class, sustain long-term economic growth, and reduce the Federal deficit.

SH-216

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Federal Housing Administration, focusing on Housing and Urban Development's response to fiscal challenges.

SD-538

Finance

To hold hearings to examine the nomination of Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court.

SD-215

Judiciary

Business meeting to consider S. 1223, to address voluntary location tracking of electronic communications devices, and the nominations of Katherine Polk Failla, to be United States District Judge for the Southern District of New York, Troy L. Nunley, to be United States District Judge for the Eastern District of California, Sheri Polster Chappell, to be United States District Judge for the Middle District of Florida, Pamela Ki Mai Chen, to be United States District Judge for the Eastern District of New York, and Mark A. Barnett, to be a Judge of the United States Court of International Trade.

SD-226

10:30 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Subcommittee

To hold hearings to examine superstorm Sandy, focusing on the devastating impact on the nation's largest transportation systems.

SR-253

2:30 p.m.

DECEMBER 12

Assistant Secretary of Labor for Veterans' Employment and Training.

Intelligence

10 a.m.

SR-418

To hold closed hearings to examine certain intelligence matters.

Veterans' Affairs

To hold hearings to examine the nomination of Keith Kelly, of Montana, to be

SH-219

## HOUSE OF REPRESENTATIVES—Tuesday, December 4, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HARPER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 4, 2012.

I hereby appoint the Honorable GREGG HARPER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### THE J. WELLINGTON WIMPY REVENUE PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Well, yesterday the Republicans released a vague press release saying it constituted a counteroffer to the President's roadmap to avoid driving over the fiscal cliff.

Now, the Republican plan purports to cut \$1.3 trillion and raise \$800 billion in new revenues. It did contain four specifics. Four.

Cut Medicare, specific number 1, \$600 billion.

Cut Medicaid, pays for nursing homes for seniors, of course, priority number 2.

Cut the already inadequate COLA for seniors on Social Security, even though 40 percent of seniors depend principally or totally upon Social Security, and the COLA already underestimates inflation, particularly for medical care, prescription drugs, and other essentials they have to buy. Cut that. Not a driver of the deficit but, hey, why not? Cut that.

One more specific, preserve the Bush-era tax rates for income over \$250,000.

Now, there's a big misunderstanding about that. It's not a tax increase on everybody who earns over \$250,000. It's only the income over \$250,000 that would get additional taxes if the Bush-era rates went away and the President's proposal was passed.

But, no, they want to preserve that, totally preserve tax cuts for people with income over \$250,000. They also want to preserve the reduced capital gains rate and dividends rate which principally benefits—who else—millionaires and billionaires.

Now, they did promise the J. Wellington Wimpy revenue plan. Remember J. Wellington Wimpy? Popeye, I'll gladly pay you Tuesday for a hamburger today.

That's their revenue plan. Next year we'll close unspecified tax loopholes, but we're going to lower the tax rates on investor income, lower the tax rates on the people at the top. But they're going to raise \$800 billion by closing unspecified loopholes.

What would that be?

Do they want to take away the middle class' one tax shelter, that is, the ability to deduct the interest on their home mortgage? Probably.

If they're going to raise that \$800 billion, it's going to come from something pretty big, and they don't want to touch the billionaire-millionaire job-creator class.

Now, that's a pretty interesting position, and their position is the job creators who earn over \$250,000 a year will go on strike, strike if their tax rates go up. They won't produce jobs.

Tell me about the jobs they have produced in the last decade with those tax cuts. It doesn't seem to work, does it?

But in the Clinton era, when their rates went up to 39.6 from 35, they paid a little bit more and, guess what, the economy boomed. We had 3.8 percent unemployment, we balanced the budget, and we paid down debt.

But now they're saying if they went back to those Clinton-era rates, disaster would result. Well, you know what?

That's the same thing they said when they opposed Clinton tax increases in '94. They said disaster will result. Not a single Republican, fiscal conservatives that they are, voted for the increases in taxes that President Clinton put forward, which ultimately led to a balanced budget and paying down debt for the first time in 50 years. Not one of them because they said it would bring economic disaster and, instead, it brought prosperity.

So they just brought out that old broken record. They glued it back together, or maybe they, you know, translated it into a digital format or something, but they're playing it again, and it's as valid now as it was then.

So it's the same old plan. Stick it to the middle class, stick it to the seniors, and benefit the ultra-wealthy in this country. That's not a new plan. That's the same old broken record.

### SAFER ACT FOR SEXUAL ASSAULT VICTIMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, one of the most marvelous scientific breakthroughs in the criminal justice system has been DNA evidence. I remember when I was a judge in the courthouse when DNA started being used at the courtroom.

Prior to DNA, many times prosecutors and law enforcement had to rely on blood samples and fingerprints. But once DNA came in, we learned that everybody has a unique genetic makeup that can be tested and it can be traced to perpetrators of crime when they commit a crime, especially in sexual assault cases.

And convictions have gone up. The evidence is better. The proof beyond a reasonable doubt is much more concrete in DNA cases.

In 1985, there was a 13-year-old girl named Lavinia Masters. Lavinia lived in Dallas, Texas. One evening she told her folks good night. She went to her bedroom, which should be, Mr. Speaker, the safest place on Earth for children. Went to sleep, and during the middle of the night, she was woken up by an outlaw putting a knife to her throat. He sexually assaulted her. Then he snuck away in the darkness of the night.

That was in 1985. She went to the hospital. Her parents took care of her medical needs. DNA evidence was taken from her and put in a "rape kit". It was given to the law enforcement authorities, but that DNA evidence from that sexual assault that night in 1985 was not tested for 20 years. It sat on the shelf in a crime lab somewhere in Dallas, Texas.

Because the Dallas Police Department had a new incentive to go and look at those old cases, this case was looked at 20 years later. That evidence was tested, and the Dallas Police Department discovered that Kevin Glen



Turner had committed this crime back in 1985. But that was 20 years ago. The statute of limitations had run, and justice could not occur in Lavinia's case because the system waited too long to find the outlaw.

Kevin Turner turned out to be a criminal in other cases and ended up in the penitentiary for those crimes, but justice was denied for Lavinia, denied because of bureaucratic red tape.

You see, Mr. Speaker, many rape kits sit on the shelves of evidence rooms across the country untested. Some of them sit there so long that they're discarded by law enforcement, and the statute of limitations runs like it ran in Lavinia's case.

She is not alone, Mr. Speaker. There are 400,000 untested rape kits in this country—400,000, that's a number; but every one of those represents a person. To try to put it in some perspective, there were a little over 400,000 Americans killed in World War II. They were killed by the enemies of our country. 400,000, primarily young women, have been assaulted by rapists who try to kill the soul of these victims. It's important that we not stop prosecuting these cases because of funding.

That's why I've introduced, along with Congresswoman MALONEY from New York, the bipartisan SAFER Act, companion bill with the bipartisan bill in the Senate by Senator CORNYN and Senator BENNET.

The SAFER Act does a lot of good things, but basically it allows funding to go so to make sure that we test these cases. It audits these backlogs so that we know where these cases are that are sitting on the shelves. So it does the audit. It gets more funding. It brings these cases to justice so that we can make sure that these victims of crime have their day in court as well.

□ 1010

DNA is a wonderful thing. It's important that we make sure that that evidence is available for law enforcement, prosecutors, and judges in the courtroom.

She was a child. Lavinia was a child when she was sexually assaulted. That was a long time ago. But there are 400,000 cases waiting to be tested. This is something that we can do in a bipartisan way today, to test those cases so we can bring justice to the victims of crime and make sure those outlaws get their day in court as well and be held accountable for the rape of children in our country.

And that's just the way it is.

#### FIGHTING HIV/AIDS: A PILLAR OF SMART SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this past weekend, we observed World AIDS

Day, a time to remember those lost to this horrific disease and to recommit ourselves to prevention, treatment and, ultimately, a cure. For more than 30 years now, HIV/AIDS has exacted a huge toll, killing more than 25 million people. Every 9.5 minutes in our country, someone is infected. But this is predominantly a disease of the developing world. A shocking 33.4 million people are living with HIV/AIDS today, almost all in the world's poorer countries, particularly sub-Saharan Africa. Too many of them don't have access to the medication and overall health care infrastructure that they need.

AIDS is linked to many other problems of poverty, malnutrition, and other infectious diseases as well. It contributes to instability and a sense of hopelessness in countries that are already susceptible to violence and terrorism. If we don't contain and defeat this epidemic, it will undermine democratic governments, it will continue to impede economic growth overseas, and it will threaten us right here in the United States. In other words, this isn't just an economic issue or a health care issue; it's a national security issue.

Unfortunately, Mr. Speaker, over the last decade, "acting in our national security interests" has come to mean invading and occupying foreign nations. The Iraq war lasted 9 years and was responsible for untold human misery. The Afghanistan war, now in its 12th year, continues to damage our national security interests instead of enhancing them. It hasn't defeated the Taliban, nor has it alleviated crushing poverty or produced a stable democracy in Afghanistan. And then there's the cost—some \$10 billion a month. That would be a staggering amount of money for a successful policy. For a failed policy, it's downright scandalous. And it is rarely mentioned in all the conversations about so-called deficit crises and fiscal cliffs.

USAID and other civilian arms of government could do a world of good towards solving the AIDS crisis with a fraction of that money. Why does the Pentagon get a blank check while agencies that dispense aid have to fight for every single nickel that they receive? Why do we spend without restraint on wars and weapons that destroy lives but we squeeze those programs that save lives?

For many years now—and you have all heard me; this is my 443rd 5-minute speech on this issue. For many years now, I have been promoting the idea of SMART Security. SMART Security means protecting our interests not with military force or by maintaining a massive nuclear arsenal, but by investing in development and diplomacy and through humanitarian assistance and partnerships around the world.

At the AIDS Conference in Washington this past summer, there was a

panel discussion on how, in the struggle against HIV/AIDS, we can do more with less. And what I want to know is: Why do we have to settle for less when it comes to HIV/AIDS? This is a humanitarian crisis. Our sense of moral decency should compel us to invest whatever it takes to bring an end to it.

It's not just the right thing, Mr. Speaker; it's the smart thing to do for our national security. Let's bring our troops home, let's implement SMART Security now, and let's have the resources available for what we really need to invest in around the world.

#### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I find it so ironic that our Nation is on the cliff of collapse and yet we continue to borrow money from China to prop up a corrupt leader in Afghanistan. Our country is in the most dire of fiscal straits, and we continue to send money to Afghanistan. The worst part is, the money we are sending, we cannot audit, and many times the taxpayers' money ends up in the hands of the Taliban to buy weapons to kill Americans.

Mr. Speaker, this poster beside me is a book that I read. The title is, "Funding the Enemy." The subtitle is, "How U.S. Taxpayers Bankroll the Taliban."

I would like to quote Lisa Freeman, who recently acknowledged that we have lost 2,000 young Americans in Afghanistan. She lost her son, Captain Matthew Freeman, in 2007, in Afghanistan. Ms. Freeman said:

Where is America's outrage? Where is America's concern that we're still at war?

I agree with Ms. Freeman. Where is the outrage here in Congress? Does it make any sense that we continue to borrow money from foreign governments to prop up a corrupt leader and half the money going to the leader of Afghanistan ends up in the hands of the Taliban to buy weapons to kill Americans? Our Nation is broke—China owns us—and we're sending our young men and our money to Afghanistan, yet we're going to cut programs right here in America for the American people.

The American people need to put the pressure on Congress to bring our troops home now and not wait until December of 2014. Mr. Speaker, I assure you, if we start bringing them home in December of 2014, it will become 2015 and it will become 2016, and how many more families have to cry about their loved ones being killed in a war that has no end to it?

Mr. Speaker, again, I ask the people to look at this poster and realize that this war is costing us in so many, many ways—the most important, our young men and women who are dying. If you agree with me that we need to bring

our troops home before the current December 2014 deadline, please go to [www.bringthemhome2013.com](http://www.bringthemhome2013.com) and sign the petition.

Mr. Speaker, I have been to Walter Reed and Bethesda now so many times to see the broken bodies, to see the faces of the moms and dads with pain in their face, to see the young men or women's faces that know that they will never be physically able to do what they had done before going to Afghanistan.

With that, Mr. Speaker, I make one last reference. I would hope that colleagues of mine in both parties would read this book, "Funding the Enemy," by Douglas Wissing, "How the U.S. Taxpayers Bankroll the Taliban."

This is a sin, and it must stop.

Mr. Speaker, I ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, to bless the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to help this Congress come together with the Senate and come forward with a plan that we, the American people, can be proud of. I ask three times, God please, God please, God please continue to bless America.

#### NAMES OF RECENTLY DECEASED IN AFGHANISTAN

Spc. Daniel L. Carlson  
Pfc. Brandon L. Buttry  
Staff Sgt. Dain T. Venne  
Spc. Ryan P. Jayne  
Spc. Brett E. Gorniewicz  
Petty Officer 2nd Class Matthew G. Kantor  
Cpl. Alex F. Domion  
Staff Sgt. Kashif M. Memon  
Sgt. Clinton K. Ruiz  
Chief Warrant Officer Michael S. Duskin  
Pfc. Shane G. Wilson  
Sgt. Robert J. Billings  
Spc. Brittany B. Gordon  
Cmdr. Joel Del Mundo Tiu  
Sgt. First Class Ryan J. Savard  
Sgt. Thomas R. Macpherson  
Culinary Specialist 2nd Class Milton W. Brown  
Warrant Officer Joseph L. Schiro  
Staff Sgt. Justin C. Marquez  
Sgt. Camella M. Steedley  
Sgt. 1st Class Daniel T. Metcalfe  
Sgt. Thomas J. Butler IV  
Sgt. Jeremy F. Hardison  
Sgt. Donna R. Johnson  
Sgt. 1st Class Aaron A. Henderson  
Sgt. 1st Class Riley G. Stephens  
Staff Sgt. Orion N. Sparks  
Sgt. Jonathan A. Gollnitz

□ 1020

#### DO WHAT'S RIGHT FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, America has always been known to rise to the occasion—the American people, our values—when there is a need for us to come together. Just a few minutes ago, I sat in for a

moment on the recapturing of the enormous bravery of those who were on Flight 93, Americans who came together and made a sacrifice. So although all my remarks will not speak to the issue of sacrifice, some of what I say this morning speaks to the values of the American people who always, when called upon, have said: Send me.

But first I'd like to speak to an issue of just basic fairness. Let me give great respect to the constitutional premise that the Senate has the right to advice and consent. Of course that comes with the Presidential right to nominate persons to serve in his or her administration—either at the Cabinet level, under Secretaries, various appointees—throughout the administration, administrations from years gone by. So I rise today to query the character assassination of Ambassador Susan Rice. She has not been nominated.

We are so fortunate to have such a dynamic Secretary of State in Hillary Clinton, who has indicated her desire to leave the administration at the end of her term, but has also indicated her willingness to continue her work—recently in Syria, possibly even today in that devastating area.

Certainly, her partner at the United Nations for 4 years in diligent, excellent, astute, thoughtful and patriotic service has been Susan E. Rice, a daughter of Washington, D.C. and parents who loved America, a graduate of Stanford University, where of course she earned department honors and university distinction, became a Harry S. Truman scholar, Phi Beta Kappa and a Rhodes scholarship, certainly a beginning that did not warrant the kind of personal attacks that we have seen.

I think we should leave politics and campaigns and won or lost races to November 6, 2012, for you cannot debate a political and Presidential campaign around a patriotic public servant. If there is a nomination for Ambassador Rice, the Senate has every right to advice and consent, and the votes need to be taken on up and down.

I can assure you that if she is nominated by the President she will serve this Nation well, as she has done in the past. I know her well as the Assistant Secretary for African Affairs under the Clinton administration, dealing with very difficult issues involving African countries such as Ethiopia and Eritrea, responsive and detailed. Why in the world, with others who may have been equally culpable in misunderstanding what actually occurred on that day—the tragic day where we should be speaking more to the loss of brave Americans in Benghazi, Libya—why is she the one that is pinpointed, pinpointed, pointed, and with, I think, inappropriate accusations, casting aspersions and doing damage to a reputation of service that is undeserving?

So my words are simply this: let's be fair. Let's carry on our rights as Mem-

bers of Congress to speak to the issue of what a tragic incident occurred in Benghazi. If there is a nomination—which I hope there will be—among the many talented people that the President has, it will be his choice. Senators that are eager, friends of mine, Senator KERRY and others, may have this opportunity. But let us hold to the premise that you are innocent until proven guilty, that someone's great service is deserving of respect—and she is deserving of respect. Susan Rice is deserving of respect.

Let me move quickly to this idea that America cannot settle its issues of financial concern before the fiscal deadline. See, there is no cliff, because as we all well know, the simple premise of making sure that we have tax cuts for those making \$250,000 and below have the right to follow through on the President's premise because this is what the American people voted on.

Vote for the tax relief for \$250,000 and below, Mr. Speaker, and move forward in reconciliation on doing the right thing for Medicare holders, Social Security, and Medicaid. None of that has anything to do with the deficit; therefore, we need to know that we are in a nonstarter position, Mr. Speaker. We need to go forward and reconcile to do what is right for the American people.

#### BUHLER, KANSAS, IS UNDER ASSAULT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. POMPEO) for 5 minutes.

Mr. POMPEO. Mr. Speaker, today I rise in support of the 1,300 citizens of Buhler, Kansas—and indeed all Kansans—and in fact all Americans who value religious freedom and religious liberty.

The citizens of Buhler are under assault. They are the latest victims of an ungodly extortion racket perpetrated by the Freedom from Religion Foundation based in Madison, Wisconsin.

On September 14, 2012, the Freedom from Religion Foundation sent a letter to the mayor of the town of Buhler, Daniel Friesen, alerting him to the foundation's intent to sue the city for its city seal, which contained a cross, and for a billboard that included elements of that city seal that was in a city park. Mr. Speaker, this is an outrage. The seal and sign are harming no one; they are widely embraced by the citizens of Buhler, Kansas.

The seal contains the words "traditional values" and "progressive ideas." Unfortunately, in this case, progressive ideas are making war on traditional values, and it's high time for that to stop.

Some will claim that the First Amendment to the Constitution requires the cross to be removed from this seal and sign. That's hogwash. The First Amendment begins with the

words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In this instance, Congress made no law. For that reason alone the First Amendment does not apply.

Furthermore, it cannot be said that this simple seal in any way is an establishment of religion; meaning that there is no officially supported sect or denomination here in the manner that some of the American colonies had. This is not in any way an endorsement of any particular religion or any religious denomination.

In short, the First Amendment, as originally written, has nothing to do with this city's sign. Indeed, for the first 175 years of our constitutional history, no one would have read the First Amendment in any way that would have prevented this seal or this sign.

Mr. Speaker, in this very room in which I stand, this very Chamber, right over my right-hand shoulder is a sign that says "In God We Trust." Near the rotunda of the Capitol is the Congressional Prayer Room, a chapel that's been in use since 1955 as a place where Members go to pray for divine guidance in debating the issues of the day. A stained glass window there shows President George Washington kneeling in prayer and the words of Psalm 16:1 surround him: "Preserve me, O God, for in thee do I put my trust." And a Holy Bible rests on the alter beneath that window in this very building.

Of course I grant you that the First Amendment has been badly interpreted by the U.S. Supreme Court. Indeed, the 10th Circuit's rulings are even more troubling. It could well be that in this case the city would lose this case.

I don't fault the citizens of Buhler, Kansas, for the process that they're going through in trying to figure out how to proceed. Indeed, the Freedom from Religion Foundation knows this. They know that they've attacked a city, threatened to sue a city with very few resources. We will have a very difficult time battling an extended period of litigation. I do not fault the folks in Buhler at all for trying to figure out a way to move forward without resulting in litigation.

But why didn't the Freedom from Religion Foundation sue the United States Congress for all that I spoke about just a minute ago? The reason is obvious. The reason is they are being bullies. They are seeking to put their secular vision in a place where they believe they can do it without opposition, a place that has fewer resources. Folks will face a very, very difficult decision about how the town and the city should move forward.

Mr. Speaker, I hope that this assault on religion in the public square will end soon. I am very saddened by the recent events in Buhler, Kansas. I am angered by the extortionary tactics of the Freedom from Religion Foundation.

And, above all, I am determined to ensure that the religious heritage of our great Nation will not be cast aside.

□ 1030

#### AMERICA'S FINANCIAL FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there is a great deal of hyperactive rhetoric about the fiscal cliff and the trouble ahead. The fact is that people should just take a deep breath and focus on where we are and where we need to go.

First of all, it's not a fiscal cliff but a slope. There are many opportunities for us in the weeks ahead to be able to change the unsustainable trajectory of America's financial future. There are many efforts already evident and people taking steps to try to cope with it.

The President campaigned very explicitly on raising the top tax rates. It was something that was embraced by Democrats running for the Senate and virtually all of them running for the House. The President won. The Senate actually increased in Democratic numbers. There were more Democrats added to the House. And more Americans voted for the President and his vision, for the Senate Democrats, and for Democrats in the House than my Republican friends on the other side of the aisle.

It's encouraging that the President has decided that he's no longer going to negotiate with himself. He's laid out his positions and has encouraged a response. I, for one, was pleased that there was a proposal offered up by my Republican friends, signed not just by the Speaker but the entire Republican leadership. While it still does not have the specifics about what those elusive tax loopholes that they want to close are, which will raise sufficient revenue, I find this an encouraging sign that there is an effort, for the first time, to put something back, and I think there are opportunities for people to flesh out the details. There is an opportunity for tax reform; our system now is not efficient. It's chaotic. It's expensive. It's unfair and perplexing. There is an opportunity for us going forward to add a little more rationality to it while it raises more revenue.

There are countless opportunities in the Department of Defense to save money, starting with \$250 billion in the nuclear arsenal for weapons that we will never use and don't need. There are opportunities for agricultural reform. And it's been my pleasure to work on bipartisan reform efforts with Senator-elect JEFF FLAKE of Arizona and my friend from Wisconsin, PAUL RYAN. And there are real opportunities in health care.

Now I hope my Republican friends will stop the charade we went through this last 2 years repealing ObamaCare some 37 times. That train has left the station. The President was reelected. It's not going to be repealed. The Supreme Court has decided that it's constitutional. And most of the major health care players are busy at work implementing health care reform. But we have barely scratched the surface of the ability to squeeze more value out of the health care system.

The United States does not have to spend nearly twice as much as all the other developed countries and actually have health care results that, on average, are worse than our European and Japanese friends.

We have the best health care in the world for some Americans. But too many are denied regular health care, and others are paying too much for results that aren't good enough.

We know what to do: embedded in the health care reform act are elements of reform that used to have bipartisan support, starting with the mandate that was cosponsored by 16 Republican Senators, elements of reform that were implemented by Republican and Democratic Governors alike, including Governor Romney. It's time for us to act on those elements, to accelerate the reform.

I note with no small amount of irony that the \$716 billion that the Republican ticket, Mr. Romney and Mr. RYAN, used to campaign against the President, PAUL RYAN's budget included the same reductions, and it's likely that they will be in his budget that's coming forward.

Let's act on things that we agree. Let's rebuild and renew America and find ways to save money and put us on the path to fiscal responsibility that the American public needs and demands.

#### WHAT IS THE FISCAL CLIFF?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Well, in a few days, we're going to have to resolve the fiscal cliff—ironically enough, something that the House of Representatives passed last May. In April, we set out a tax plan. In May, we set out a sequestration plan, passed it through the House, sent it to the Senate who said, We will see you during the lame duck time period.

We are in the lame duck now, and this has to be resolved. We have to solve the problem. But quite frankly, the first thing we need to do is to be able to define what the problem even is. It seems that one group is talking about how the real problem is the fiscal cliff, and the other group is talking about how the real problem is the debt

and the deficit. Well, what is the problem? The issue is, we have \$16.3 trillion in debt as a Nation, \$1 trillion or more in overspending each year for the last 4 years.

Let me set the example of what this really means: in 2007, our tax revenue—how much we are bringing into the Treasury—was almost exactly what it is in 2012. From 2007 to 2012, the revenue is almost identical. The difference is, our spending has gone up \$1 trillion a year from 2007 to 2012, so now that's \$1 trillion total over the course of that time that's slowly built up. But each year, we've been over \$1 trillion in spending. While our revenue has stayed consistent, basically, from 2007 to 2012, that dramatic spending increase has happened.

We seem to identify that as the real problem. We're overspending. And until you deal with that issue, you cannot raise taxes enough to be able to keep up with \$1 trillion of accelerated spending.

So what is the cliff? And I have to tell you, I have so many people from my district and other places that catch me, pull me aside quietly and say, We hear about the fiscal cliff. We're not even 100 percent sure of what it is. Well, it's really the combination of three things:

The first of them is, the ObamaCare taxes begin January 1 of next year. Those taxes will hit the middle class and the upper brackets. Those taxes, when they kick in, will raise the rates on people making \$200,000 or more and will also remove deductions from the middle class, things like the flexible spending accounts. For those that have high medical bills, their taxes will now go up. For people that have high medical bills and are able to offset some of the taxes they pay because they pay more than 7.5 percent of their own income in medical bills, they will now have their taxes go up. So people like diabetics, heart patients, stroke patients, people with special needs children, their taxes all go up January 1, as well as people making \$200,000 or more, their tax rates will also go up on January 1. That's the first part of the fiscal cliff.

The second part of it is the spending decrease that this Congress and the President agreed to last summer. We have dramatically increased spending; we have to reduce that spending. That spending decrease that was agreed to had a deadline by the end of this year. If it didn't, there would be across-the-board cuts. The House passed all of our spending decreases in May. The Senate has yet to pass any. So with that, we're stuck with across-the-board cuts that kick in early January.

The third part of that is the expiration of the tax rates for all Americans. In 2001, in 2003, and then extended during the lame duck of 2010, every American's tax rates were extended out to

expire the 31st of December. Every tax rate from the lowest to the highest is set to go up.

Now some people see that the problem is that we're not taxing enough, and so that solves the problem—to just go off the fiscal cliff, and everyone will be taxed more. Some people see that we don't take enough from one group and give to another group, so we can solve that. Some people have even said, Let's go back to the Clinton tax rates; with the Clinton tax rates, we had a booming economy, and we were creating more jobs. Well, to that, I would say, well, if increasing taxes increases economic activity, why don't we go to a 95 percent tax rate, and then we'll really have a booming economy. The reason that no one proposes that is because no one really believes that. That is why the accelerated tax rate that is being recommended by the White House is also being proposed with a stimulus plan, another spending plan to offset the damage that's going to be done with the tax increases.

Here is the example that I can talk about with this: when people talk about, just raise taxes on the upper 2 percent, well, let me give you an example of what's being proposed by the President. Capital gains will go from 15 percent to 23.8 percent next year. Dividends would go from 15 percent to 43.4 percent.

Now I have a lot of people that will say to me, just raise it on the upper brackets. But when I tell them, can I tell you what that means—their taxes go from 15 percent to 43.4 percent—I have yet to have anyone stop me and say, Oh, that sounds fair. It doesn't. It just sounds so much easier to say, raise it on someone else, not on us.

We have to solve the problem. Just raising taxes doesn't solve the problem. We're spending \$1 trillion more than what we did 5 years ago with a tax revenue the same. If we do not focus on spending, we will never solve the problem.

□ 1040

#### SAVING THE 911TH AIRLIFT WING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Speaking of saving money, here is an interesting story.

Just 2 weeks after Texans in Randall County voted for Republican Barry Goldwater over their native son, Lyndon Johnson, in the Presidential race in the 1960s, the Pentagon announced Randall County's Air Force base was closing. Folks were "flabbergasted" said an Amarillo newspaper columnist. The Air Force had just made millions in investments at the base, but now airmen and equipment were moving to

a nearby county that supported Johnson.

It was this kind of abuse of executive power that led Congress to write a new law ensuring we had proper oversight over base closures. In my Pennsylvania's 18th Congressional District, we're finding out why that law must be strengthened. Last week, I learned the Air Force is again attempting to shut down the 911th Airlift Wing, an Air Force Reserve base, for a reason that has nothing to do with cost or military strategy. In fact, the 911th is one of the most lean and cost-effective bases in the country.

How and why they can do this without congressional approval is interesting. The Air Force claims inaccurately there are fewer than 300 civilian employees authorized to be employed at the 911th, allowing the Pentagon to close the base without congressional review. The Pentagon, however, has invested over \$50 million in improvements in the base, including new buildings in the last 5 years. The 911th, however, has lower overhead costs because emergency responses like fire and safety, air traffic control, security, runway maintenance, and land are provided by Pittsburgh International Airport for free. Hence, if the 911th were forced to in-source those activities, the number of authorized personnel would be hundreds more, and would far exceed the 300-person threshold. Thus, the Pentagon would be prevented from unilaterally closing it. Further, the Air Force Reserve would have to invest millions more in equipment and training if it was not provided for free, but the Air Force did not look at any of these numbers, and they did not review the cost of the space.

The Pentagon is trying to close the base because they can, not because they should. In their haste to come up with a quick cut, it will cost the taxpayers over \$100 million in coming years, and that is why Congress needs to have oversight.

The House has passed a defense bill to prevent a suboptimal decision like this one in the future. The House bill includes language requiring the Pentagon to notify Congress about any base closure or transfer of troops impacting more than 1,000 uniform personnel. Unlike the way the Air Force is operating now, the Defense Department would have to include a justification for the reduction, an evaluation of the costs and benefits, and an evaluation of the local, economic, environmental, strategic, and operational consequences. By requiring significant reductions in uniform personnel to be included in the budget request, Congress will have two opportunities to review, block, or approve a base closure in the annual defense authorization bill and the defense appropriations bill.

The Senate is nearing completion of its version of the defense bill today,

and it's my hope that both Chambers will work to restore Congress' proper oversight authority. The issue facing Congress is not a new one. Since the 1960s, the executive branch has tried repeatedly to close bases for reasons other than the best interests of taxpayers or the military. The necessity of a strong base closure law giving Congress oversight of these decisions was perhaps best expressed in 1985 by Senator CARL LEVIN. He said:

These protections against untrammelled executive power to close bases came because Members of this Senate and this Congress felt that the power to close bases had been abused and had been used as a club over Members of Congress.

Today, it is the 911th, but tomorrow it could be a base in any Member's district. I urge my colleagues to support efforts to strengthen the base closure law.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Dr. Glen Bohannon, College Acres Baptist Church, Wilmington, North Carolina, offered the following prayer:

Our Father in Heaven, who desires that all people breathe the fresh air of freedom, enable us to walk worthy of all rights sacrificially handed down to us by patriots past and present.

So lead us that we will not take for granted the blessings of our Constitution, our laws, and all institutions that help make these United States an instrument of peace and purpose.

Strengthen our resolve not to confuse liberty with license, restraint with weakness, and half error with full truth.

Empower and motivate us to cultivate a spirit of goodness and a high sense of honor. Deepen our desire to practice virtues of conduct to help make our Nation strong and deserving to endure.

Our eternal God, open our eyes today to see that our Nation's greatest threat is not all external, but the inner thought that we can afford to live without dependence upon You. This I pray in the name of our Lord Jesus Christ.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALZ of Minnesota. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ of Minnesota led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### POSTPONING CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Without objection, the Private Calendar will be called after 1-minute speeches today.

There was no objection.

#### WELCOMING REVEREND DR. GLEN DALE BOHANNON

The SPEAKER. Without objection, the gentleman from Texas (Mr. CULBERSON) is recognized for 1 minute.

There was no objection.

Mr. CULBERSON. Mr. Speaker, it is a privilege to have with us today as our guest chaplain, Dr. Glen Dale Bohannon, who now pastors a church in North Carolina, but who understands clearly the importance of this great institution that it's our privilege to represent. I think Dr. Bohannon's prayer was appropriate to strengthen these great institutions that were created for the sole purpose of protecting our liberty.

Dr. Bohannon was married to Jo Ann Summers on October 26, 1957, was saved on February 2, 1959, and became an ordained pastor on November 20, 1960. Dr. Bo is a graduate of Southeast Missouri University and received his master's of

divinity from Midwestern Baptist Theological Seminary in 1972 and his doctorate of ministry in 1985.

Glen and his wife, Jo Ann, have three children: Lisa, John, and Glen, Jr. John and his wife, Jody, have three children, Glen and Jo's grandchildren: Summer, Levi, and Joelle.

Dr. Bohannon has served churches in Missouri, Virginia, and North Carolina. He retired from full-time pastorate in 1996 after serving at Central Baptist Church of Richmond, Virginia, for 10½ years. He received his intentional interim training from 1996-1997, and has since served as an intentional interim pastor and as an interim pastor in several churches in Virginia and North Carolina.

Dr. Bohannon currently serves as the interim senior pastor at College Acres Baptist Church in Wilmington, North Carolina. He recently completed an intentional interim at Memorial Baptist Church in Arlington, Virginia, where my family attends when we're in the D.C. area. We're honored to have our good friend, Dr. Glen Bohannon, here as the pastor of the House for the day.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YODER). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

#### DR. HARRY ROSENBERG

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Mr. Speaker, I come to the floor today to recognize Dr. Harry Rosenberg, founding president of Roseman University of Health Sciences.

In 1999, Dr. Rosenberg rented a small office space in Henderson, Nevada, believing he could establish a pharmacy school that would produce highly skilled graduates ready to be recruited for work across the country.

His innovative approach to education led him to develop a block format curriculum that emphasizes a student-centered active learning environment, allowing students to participate in experiential education from the very beginning of their studies and complete their doctoral degree in just 3 years instead of the traditional 4 years, making Roseman one of the most affordable pharmacy schools in the Nation.

During his tenure, Dr. Rosenberg helped transform Roseman from a local school of 38 students to a regional institution with over 1,000 and offering an array of quality programs in nursing, dentistry, and business administration.

As he prepares for retirement, I commend Dr. Rosenberg for his vision, innovation, and commitment to offering

students an affordable, state-of-the-art education that has and will benefit the State of Nevada and the Nation.

#### THE POLITICS OF THE POSSIBLE

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, today, let's show the American people the politics of the possible. Let's focus on what we agree on, not what we disagree on. Let's find common ground. We can accomplish this by extending the middle class tax cuts immediately. Let's have the people's House break this ridiculous stalemate. Let families across the Nation go into the holiday season with certainty.

Everyone here agrees taxes should not go up on middle class families. Democrats and Republicans can come together to make that happen. By extending the tax cuts, every American will get a tax break on the first \$250,000 of income. Let me repeat that 100 percent of Americans will receive a tax break on \$250,000 of income.

It also extends the child tax credit, makes it easier for small businesses to invest, makes it affordable to go to college, and fixes the alternative minimum tax.

If we fail to act in the next 10 days, middle class families could see their income taxes go up by \$2,000. No one wants it, and the economy doesn't need it. The Senate has already passed a bill; the President said he would sign it today. It can be done now.

Please stand up, sign the discharge petition, and make a difference for the American public.

#### KEVIN KLINE

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I'd like to introduce the American people to Kevin Kline.

Kevin is a friend and a popular DJ back home on the 93Q Morning Zoo. But Kevin is more than a voice on the radio. He is the man of the year according to the Fort Bend Focus Magazine. He earned that honor because of the Snowdrop Foundation, an organization he and his wife, Trish, created to help children fighting life-threatening cancer.

Kevin's inspiration was a remarkable young lady, Chelsey Campbell. Chelsey lost her battle with cancer on December 9, 2006. She was 16 years old. Kevin was a pallbearer at her funeral. Kevin is always looking for an outlet to tell Chelsey's story and keep her memory alive.

If Kevin were here, I'd thank him for sharing Chelsey's story with me so I

could enshrine her life forever in the CONGRESSIONAL RECORD of the United States of America. Because of Kevin, we all look forward to meeting Chelsey in heaven.

□ 1210

#### MIDDLE CLASS TAX CUTS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. This discharge petition frames the issue immediately before us: will Republicans take America over the cliff, and the middle class tax cuts with them, in order to protect tax breaks for the very wealthy. And will they take the economy with them over the cliff?

The fiscal cliff confronting us threatens an economic mess, half of which could be resolved in one fell swoop—by passing the middle class tax cuts. The Senate has already acted. The President is waiting to sign it. Republicans should join with Democrats and give 98 percent of Americans and 97 percent of small businesses the certainty that they won't face a tax increase on January 1.

Colleagues, Republicans as well as Democrats, sign now—the signal that America needs.

#### THE PRESIDENT IS NOT TAKING THE FISCAL CLIFF SERIOUSLY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, Speaker BOEHNER sent a letter to the President in response to his unreasonable proposal suggesting how Congress can avert the fiscal cliff. Shortly after the election, the House Republican leadership presented the President with a balanced framework by coupling spending cuts and reforms.

The Speaker's letter to the President also states, "Regrettably, the proposal outlined on behalf of your administration contains very little in the way of common ground. The proposal calls for \$1.6 trillion in new tax revenue—twice the amount you supported during the campaign."

House Republicans understand the necessity of finding a reasonable solution. We have made it very clear that we are willing to work with the Senate leadership to find middle ground legislation. It is my hope the President will begin taking these negotiations seriously and will work with the House Republicans to find a balanced approach to this challenge.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### THE WHITE HOUSE MUST PRODUCE ITS LEGAL JUSTIFICATION FOR DRONE STRIKES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Before Congress adjourns, this House will vote on my resolution of inquiry about the U.S.' use of drones.

The vote will not be about the thousands of deaths of innocent civilians caused by drones, though that's important. It won't be about whether the drones are creating more terrorism. It won't be a vote to stop the killing of American citizens without due process guaranteed by the Constitution. It won't be about whether our ongoing use of drones constitutes violations of the Constitution and violations of international law.

The vote will, however, be about something fundamental.

We will determine whether or not Congress has the power to require the administration to release their still secret legal justification to use drones. In matters of the Constitution, in matters of war, "trust us" is neither sufficient legally, constitutionally, nor is it morally acceptable.

I urge Members of the House to reclaim Congress' constitutional imperative by supporting H. Res. 819, the resolution of inquiry demanding the White House produce its legal justification for drone strikes.

#### SERVING THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. There should be one powerful driving force for all of us—and that is to serve the American people.

The least we can do before December 31, 2012, is to provide the middle class of America—the working men and women of America, those who every day get up at 6 a.m., at 4 a.m., and work night shifts—a tax break. I am proud to commit to giving Americans making incomes of \$250,000 and below a tax break, and I stand here today proudly in having signed the petition.

Let me say what else we can do very quickly.

As a cochair of the Congressional Children's Caucus, we have passed a bipartisan bill on the intervention in and prevention of bullying. Everywhere you go, you're hearing about the dastardly conditions of our children who are going to school across America.

To our Members of the United States Congress, let's pass that legislation before we leave here, and let's go into 2013 with America recognizing that the Congress understands that the safety and security of our children in the schools of America are vital. That's the

least we can do—to protect the children of America. Pass the Bullying Prevention and Intervention Act of 2012 now.

#### MIDDLE CLASS TAX CUTS

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. As we race toward this fiscal cliff, we are faced with a number of looming problems, not the least of which is the threat of a crushing middle class tax hike. If we fail to act, middle class Americans could see their next tax bills rise by more than \$3,000, and while there will be much to disagree on in the coming negotiations, no one wants this to happen. A tax hike of this size on the middle class would be a terrible burden on families who are just beginning to recover from this Great Recession.

With congressional approval at an all-time low, we cannot pass up this opportunity to prove to the American people that we can work together. President Obama's legislation to extend the middle class tax cuts has already been passed by the Senate, and it now depends on us. We should embrace this opportunity to vote on something we can agree on and bring this legislation to the floor.

I've already signed this petition. I urge all of my colleagues to come down to the House floor right now and sign this discharge petition. Bring this to the floor. Let's give the American people a real holiday present.

#### MIDDLE CLASS TAX CUTS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, last month, the American people went to the polls and delivered Congress a resounding message—that Republicans and Democrats should be working together to solve our Nation's problems. Although our constituents have made it clear that the time for partisan games is over and despite overwhelming support for the idea, the House Republican leaders are refusing to hold a vote on extending tax cuts for middle class families. Instead, they plan to keep holding them hostage to tax breaks for the wealthiest Americans.

So, today, we have filed a discharge petition to force a vote on the Middle Class Tax Cut Act so that 98 percent of Americans and 97 percent of small businesses don't have to worry about their taxes going up at the end of this year. It will ensure that 100 percent of Americans will see a tax cut for the first \$250,000 of family income.

The Senate has already passed an equivalent bill, but today the House is still standing in the way of tax relief

for middle class families. I urge my colleagues on both sides of the aisle to do the right thing for working families: force the House Republican leadership to hold a vote on the middle class tax cut bill by signing this discharge petition and by forcing the bill to the floor so that we can do right by the American people.

#### TIME TO VOTE ON MIDDLE CLASS TAX CUTS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, when it comes to the fiscal cliff, Republicans and Democrats have one major thing in common—we both believe tax rates shouldn't go up on 98 percent of Americans and 97 percent of small businesses. The difference is that Democrats won't use middle class families as a bargaining chip.

Today, House Republicans have a chance to show that they are more serious about making good policy than making political hostages of the middle class. We have filed a discharge petition to bring to the floor legislation that preserves tax cuts for 98 percent of Americans and 97 percent of small businesses. It has already passed the Senate. The President says he will sign it immediately.

With our deadline less than a month away, the clock is ticking, and if House Republican leadership is wondering when in our pressing schedule we might be able to fully consider this legislation, they might rethink their astonishing decision to cancel House business on Thursday—one of the few days Congress has left in the current session.

Mr. Speaker, we know what we must do, and it might come as a surprise that we actually agree on a solution. All that's left is to vote. I urge my colleagues to sign the discharge petition and to vote immediately to keep middle class tax rates from going up.

#### THE POWER TO PULL AMERICA BACK FROM THE FISCAL CLIFF

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, in the well of the House, a few feet away from me, we have the power as Members to actually pull this country back from a fiscal cliff which endangers an economic recovery and threatens middle class families all across the country.

The good news is there right now. Consumer confidence is up, car sales are up, even the housing market is making a recovery. If we do not, however, act to sign this discharge petition and to protect middle class families, we will go backwards as a Nation.

It will also solve three-quarters of the sequestration challenge that the Budget Control Act still has sitting out there for January 2. If we sign this discharge petition and get this bill passed, three-quarters of that problem will be solved: we will protect Medicare, we will protect our military, we will protect education, and it will reduce the size of the challenge to avoid sequestration.

All Members—Republicans and Democrats—should come together, sign this discharge petition, and help the American people get this economy back on its feet.

□ 1220

#### MIDDLE CLASS TAX CUTS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, the American people have spoken. In this last election, they said to all of us: start to work together; have an agenda that serves the people of our country.

We've all heard the expression that time is fleeting. Never before has that expression been more important in my 14 years here in the House of Representatives. We have very few working days and even fewer days this week because of the House schedule put before us by the leadership of the House to actually work on the people's business and pass a middle class tax cut that will affect 98 percent of working Americans. Ninety-eight percent of working Americans will get a tax cut by passing the Senate bill that they passed already that is now at the desk here in the House of Representatives in the form of a discharge petition.

We're taking this action because we believe that time is running out. If we fail to pass this bill or something like it, the middle class in this country will see on average a \$2,000 increase in their taxes. I don't know about anyone here in this Chamber, but I know my constituency doesn't want to pay a \$2,000 tax.

#### MIDDLE CLASS TAX CUTS

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, for any negotiation to be successful, both parties involved must first identify things on which they can agree. Fortunately, we already have agreed: middle class tax cuts need to be protected. Sixty percent of Americans agree that extending the middle class tax cuts and letting those for the wealthiest expire is a good compromise and the right thing to do.



Some of our Republican colleagues agree, saying we ought to give 98 percent of all Americans an early Christmas present by extending the middle class tax cuts. Sadly, other Republicans do not share that holiday spirit. In their zeal to protect the tax breaks for the wealthiest 2 percent, they are willing to present themselves as the grinch that stole Christmas.

Let's not let another opportunity pass. Let's show that we were listening on election day to our constituents who want us to work together to protect the middle class and the economy and get something done for America. Sign the discharge petition.

#### MIDDLE INCOME TAX CUT

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, as we all know, in the course of the election the President made it very clear that he was supporting the extension of the middle income tax cut and everyone, 100 percent of the American people, would benefit from it—100 percent of taxpayers, small businesses, wage earners, and the rest.

Republicans are saying that rather than passing that, they want to hold it hostage to giving an additional tax cut to people making over \$250,000 a year. That's not negotiating; that's hostage-taking.

So today on the floor of the House, the Democrats have proposed a discharge petition which, if it receives 218 signatures, that's only a couple dozen Republicans joining the Democrats, it would automatically come to the floor and I predict would receive overwhelming support of the House of Representatives.

The American people want us to work together. We are in agreement on this subject. Why—why, my Republican colleagues—can we not vote on something where we have agreement, where we have fairness that will work to create jobs, to reduce the deficit and will again have fairness.

This is the heart of the matter that is holding us here. As the public watches—what is this about—this is about the \$250,000 line that the President said in the campaign that he would honor and that this legislation today brings to bear.

I urge my colleagues, out of 435 Members of the House, we only need a couple dozen Republicans to sign the discharge petition. Each one of them holds the key to a \$2,000 tax cut for the middle class.

Either sign the petition, urge the Speaker to bring the bill to the floor, or explain to your constituents why you do not want them to have this \$2,000 tax break for 100 percent of the American people. Please sign the discharge petition. Let's get this done

this week. We could bring this bill up under unanimous consent. The message would be clear to the American people: we heard you in the campaign. Be fair, do something that works, work together. This gives us that opportunity.

#### HOMESAFE GEORGIA

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to discuss the HomeSafe Georgia Program. HomeSafe provides temporary assistance to homeowners who are unemployed or underemployed due to no fault of their own. I'm hosting my second HomeSafe Georgia Foreclosure Prevention Event of 2012, Saturday, December 8, at the Salem Bible Church Fellowship Hall in Lithonia, Georgia, from 10 a.m. to 3 p.m. My friend, Jasper Williams, is the pastor.

My last HomeSafe event helped hundreds of homeowners temporarily lower their mortgage payments, and I expect to help hundreds more after this weekend's Georgia HomeSafe event. The event is free, and I hope Georgians who need help will attend. For more information contact me at hankjohnson.house.gov.

#### EXTEND MIDDLE CLASS TAX CUTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the message from the American people is loud and clear: extend the middle class tax cuts now. Republicans are holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans. Once again Republicans are playing politics with something that will help Americans get back as we work to repair the damage that 8 years of Republican leadership created.

Democrats have a commonsense solution, and we can't wait around any longer to let real proposals languish until the House GOP gets its act together. Spearheaded by Congressman TIM WALZ, Democrats filed the Walz discharge petition to automatically bring to the House floor the Senate-passed middle class tax cuts which the President has said he will sign immediately. We have no time to waste, Mr. Speaker. Pass the extension of the middle class tax cuts now as we find a bold, balanced, and fair agreement to avoid the fiscal cliff.

#### PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar.

#### BARTOSZ KUMOR

The SPEAKER pro tempore. The Clerk will call the first bill on the calendar.

The Clerk called the bill (H.R. 1857) for the relief of Bartosz Kumor.

There being no objection, the Clerk read the bill as follows:

H.R. 1857

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PERMANENT RESIDENT STATUS FOR BARTOSZ KUMOR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Bartosz Kumor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Bartosz Kumor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Bartosz Kumor, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Bartosz Kumor shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DANIEL WACHIRA

The SPEAKER pro tempore. The Clerk will call the second bill on the calendar.

The Clerk called the bill (H.R. 824) for the relief of Daniel Wachira.

There being no objection, the Clerk read the bill as follows:

H.R. 824

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR DANIEL WACHIRA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Daniel Wachira shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Daniel Wachira enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Daniel Wachira, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Daniel Wachira shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1230

**MARIA CARMEN CASTRO RAMIREZ AND J. REFUGIO CARRENO ROJAS**

The SPEAKER pro tempore. The Clerk will call the third bill on the calendar.

The Clerk called the bill (H.R. 823) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

There being no objection, the Clerk read the bill as follows:

H.R. 823

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR MARIA CARMEN CASTRO RAMIREZ AND J. REFUGIO CARRENO ROJAS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application

for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Maria Carmen Castro Ramirez or J. Refugio Carreno Rojas enters the United States before the filing deadline specified in subsection (d), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) WAIVER OF GROUNDS FOR REMOVAL OR DENIAL OF ADMISSION.—

(1) IN GENERAL.—Notwithstanding sections 212(a) and 237(a) of the Immigration and Nationality Act, Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas may not be removed from the United States, denied admission to the United States, or considered ineligible for lawful permanent residence in the United States by reason of any ground for removal or denial of admission that is reflected in the records of the Department of Homeland Security or the Visa Office of the Department of State on the date of the enactment of this Act.

(2) RESCISSION OF OUTSTANDING ORDER OF REMOVAL.—The Secretary of Homeland Security shall rescind any outstanding order of removal or deportation, or any finding of inadmissibility or deportability, that has been entered against Maria Carmen Castro Ramirez or J. Refugio Carreno Rojas by reason of any ground described in paragraph (1).

(d) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(e) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

(f) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**ALLAN BOLOR KELLEY**

The SPEAKER pro tempore. The Clerk will call the fourth bill on the calendar.

The Clerk called the bill (H.R. 794) for the relief of Allan Bolor Kelley.

There being no objection, the Clerk read the bill as follows:

H.R. 794

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR ALLAN BOLOR KELLEY.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Allan Bolor Kelley shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Allan Bolor Kelley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Allan Bolor Kelley, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Allan Bolor Kelley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CORINA DE CHALUP TURCINOVIC**

The SPEAKER pro tempore. The Clerk will call the fifth bill on the calendar.

The Clerk called the bill (H.R. 357) for the relief of Corina de Chalup Turcinovic.

There being no objection, the Clerk read the bill as follows:

H.R. 357

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR CORINA DE CHALUP TURCINOVIC.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Corina de Chalup Turcinovic shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Corina de Chalup Turcinovic enters the United States

before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) **DEADLINE FOR APPLICATION AND PAYMENT OF FEES.**—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) **REDUCTION OF IMMIGRANT VISA NUMBER.**—Upon the granting of an immigrant visa or permanent residence to Corina de Chalup Turcinovic, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) **DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.**—The natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ESTHER KARINGE

The SPEAKER pro tempore. The Clerk will call the sixth bill on the calendar.

The Clerk called the bill (H.R. 316) for the relief of Esther Karinge.

There being no objection, the Clerk read the bill as follows:

H.R. 316

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PERMANENT RESIDENT STATUS FOR ESTHER KARINGE.

(a) **IN GENERAL.**—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Esther Karinge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) **ADJUSTMENT OF STATUS.**—If Esther Karinge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) **DEADLINE FOR APPLICATION AND PAYMENT OF FEES.**—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) **REDUCTION OF IMMIGRANT VISA NUMBER.**—Upon the granting of an immigrant

visa or permanent residence to Esther Karinge, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) **DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.**—The natural parents, brothers, and sisters of Esther Karinge shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SOPURUCHI CHUKWUEKE

The SPEAKER pro tempore. The Clerk will call the seventh bill on the calendar.

The Clerk called the bill (S. 285) for the relief of Sopuruchi Chukwueke.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that S. 285, Calendar No. 7, be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6582

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “American Energy Manufacturing Technical Corrections Act”.

#### SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

Section 342(f) of the Energy Policy and Conservation Act (42 U.S.C. 6313(f)) is amended—

(1) in paragraph (1), by striking “paragraphs (2) through (5)” and inserting “paragraphs (2) through (6)”;

(2) by adding at the end the following new paragraph:

“(6) **INNOVATIVE COMPONENT TECHNOLOGIES.**—Subparagraph (C) of paragraph (1) shall not apply to a walk-in cooler or walk-in freezer component if the component manufacturer has demonstrated to the satisfaction of the Secretary that the component reduces energy consumption at least as much as if such subparagraph were to apply. In support of any demonstration under this paragraph, a manufacturer shall provide to the Secretary all data and technical information necessary to fully evaluate its application.”.

#### SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) **UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **COVERED WATER HEATER.**—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired hot water storage tank (as defined in section 340).

“(ii) **FINAL RULE.**—The term ‘final rule’ means the final rule published under this paragraph.

“(B) **PUBLICATION OF FINAL RULE.**—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) **PURPOSE.**—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) **EFFECT OF FINAL RULE.**—

“(i) **IN GENERAL.**—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) **EFFECTIVE DATE.**—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) **CONVERSION FACTOR.**—

“(i) **IN GENERAL.**—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) **APPLICATION.**—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Clause (iv) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on the later of 1 year after the date of publication of the conversion factor, or December 31, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or

“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”

#### SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

“(C) The term ‘service over the counter, self-contained, medium temperature commercial refrigerator’ or ‘(SOC-SC-M)’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(D) The term ‘TDA’ means the total display area (ft<sup>2</sup>) of the refrigerated case, as defined in AHRI Standard 1200.”

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4)(A) Each SOC-SC-M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than 0.6 TDA + 1.0.

“(B) Not later than 3 years after the date of enactment of this paragraph, the Secretary shall—

“(i) determine whether the standard established under subparagraph (A) should be amended; and

“(ii) if the Secretary determines that such standard should be amended, issue a final rule establishing an amended standard.

“(C) If the Secretary issues a final rule pursuant to subparagraph (B) establishing an amended standard, the final rule shall provide that the amended standard shall apply to products manufactured on or after the date that is—

“(i) 3 years after the date on which the final amended standard is published; or

“(ii) if the Secretary determines, by rule, that 3 years is inadequate, not later than 5 years after the date on which the final rule is published.”

#### SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMINISTRATIVE CHANGES.

(a) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

“(4) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term ‘small duct, high velocity system’ means a heating and cooling product that contains a blower and indoor coil combination that—

“(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

“(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

“(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms ‘through-the-wall central air conditioner’ and ‘through-the-wall central air conditioning heat pump’ mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

“(I) is not weatherized;

“(II) is clearly and permanently marked for installation only through an exterior wall;

“(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

“(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

“(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

“(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

“(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than—

“(I) 11.00 for products manufactured on or after January 23, 2006; and

“(II) 12.00 for products manufactured on or after January 1, 2015.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

“(I) 6.8 for products manufactured on or after January 23, 2006; and

“(II) 7.2 for products manufactured on or after January 1, 2015.

“(C) SUBSEQUENT RULEMAKINGS.—The Secretary shall conduct subsequent rulemakings for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps, and small duct, high velocity systems as part of any rulemaking under this section used to review or revise standards for other central air conditioners and heat pumps.”

(b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) in subparagraph (A)(i), by inserting “the standard levels or design requirements applicable under that standard to” immediately before “any small commercial”; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking “Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part,” and inserting “Every 6 years.”; and

(ii) by inserting after “the Secretary shall” the following: “conduct an evaluation of each class of covered equipment and shall”; and

(B) by adding at the end the following:

“(vi) For any covered equipment as to which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of the date of enactment of this clause, the first notice required under clause (i) shall be published by December 31, 2013.”

(c) PETITION FOR AMENDED STANDARDS.—Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting

a petition for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”.

**SEC. 6. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.**

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

**SEC. 7. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.**

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector and other stakeholders, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector and other stakeholders.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector and other stakeholders, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

**SEC. 8. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) PLAN.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(A) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(B) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(4) BEST PRACTICES REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) COMPONENTS.—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”.

**SEC. 9. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”.

**SEC. 10. TECHNICAL CORRECTIONS.**

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking “supplies is” and inserting “supply is”.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking “6313(a)” and inserting “6314(a)”.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking “If the Secretary” and inserting the following:

“(i) IN GENERAL.—If the Secretary”;

(ii) by striking “clause (ii)(II)” and inserting “subparagraph (A)(ii)(II)”;

(iii) by striking “clause (i)” and inserting “subparagraph (A)(i)”;

(iv) by adding at the end the following:

“(ii) FACTORS.—In determining whether a standard is economically justified for the

purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

“(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

“(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

“(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

“(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

“(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

“(VI) the need for national energy conservation; and

“(VII) other factors the Secretary considers relevant.

“(iii) ADMINISTRATION.—

“(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

“(II) UNAVAILABILITY.—

“(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

“(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.”; and

(B) in subparagraph (C)(iv), by striking “An amendment prescribed under this subsection” and inserting “Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph”.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking “subparagraphs (B) through (G)” each place it appears and inserting “subparagraphs (B), (C), (D), (I), (J), and (K)”;

(B) by striking “part A” each place it appears and inserting “part B”;

(C) in subsection (a)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.”;

(D) in subsection (b)(1), by striking “section 325(p)(5)” and inserting “section 325(p)(4)”;

(E) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4)”.

(6) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: “or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens”.

(7) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after “household appliance” and inserting “and”; and

(ii) by striking “and is sold at retail,”; and

(B) in clause (ii), by inserting “when sold at retail,” before “is designated”.

(8) Section 325(1)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking “only”.

(9) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) by striking clause (iii).

(10) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after “40 watts or higher”.

(11) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking “6995(i)” and inserting “6295(i)”.

(12) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking “6924(c)” and inserting “6294(c)”.

(13) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking “20°F” and inserting “negative 20°F”.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xiii) other motors.”.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking “Air-Conditioning and Refrigeration Institute” each place it appears in paragraphs (4)(A) and (7) and inserting “Air-Conditioning, Heating, and Refrigeration Institute”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6582, the American Energy Manufacturing Technical Corrections Act, and I want to thank Mr. WAXMAN and his staff for working with us on this legislation. Part of it has been passed in the Senate, and we've worked very closely with the Senate staff and Members as well.

This is a small but critical piece of energy legislation that I encourage my colleagues to support:

Section 2 deals with an outdated standard for walk-in coolers that is actually resulting in layoffs and loss of jobs in the State of Alabama;

Section 3 deals with a fix to water heater requirements that will reduce regulatory burdens on manufacturers by transitioning to a single definition for all covered water heaters;

Section 4 fixes a standard that cannot be met from the 2007 energy bill for “service over the counter” refrigerators;

Section 5 deals with small duct high velocity systems;

Sections 6 and 7 seek to improve Federal coordination to help develop and deploy industrial energy efficiency technologies;

Sections 8 and 9 aim to improve Federal energy efficiency, which will ultimately save taxpayers money;



Section 10 makes additional routine technical corrections to the 2007 energy bill.

This bill will reduce regulatory burdens and provide greater certainty for manufacturers, allowing them to stay in business, avoid layoffs, and will also ensure the continued benefits of energy savings and consumer savings because of increased energy efficiency.

H.R. 6582 carries the support of the Air Conditioning, Heating, and Refrigeration Institute, the Industrial Energy Consumers of America, as well as the American Council for an Energy-Efficient Economy, the Alliance to Save Energy, and the National Association of Manufacturers.

This bill shows that we can work together in Congress in a bipartisan manner to tackle important energy issues. To that end, I once again want to thank my colleagues on the other side of the aisle, Mr. WAXMAN and his staff, for working with us to help develop this legislation that we all can support.

I might add that many of us on this side of the aisle feel as though the 2007 energy bill has many provisions that we believe to be challenging for stimulating private growth and creating jobs. I hope my colleagues on the other side of the aisle will continue to work with us on these matters in the future.

As the 112th Congress comes to a close, the passage of this modest but important energy efficiency bill gives me hope that we can work together in the coming years to tackle the many energy challenges facing America. I encourage my colleagues to support passage of H.R. 6582.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, December 3, 2012.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Rayburn HOB, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 6582, the American Energy Manufacturing Technical Corrections Act. The suspension text version of H.R. 6582, posted on November 30, 2012 contains multiple provisions from H.R. 4850, the Enabling Energy Saving Innovations Act, as amended and passed by the Senate on September 22, 2012 under unanimous consent, which are outside the original scope of H.R. 4850, as introduced and passed by the House on June 26, 2012.

While the text of H.R. 6582 reflects an agreement reached by the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee, the text also contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our

mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 6582, as well as any similar or related legislation.

I ask that a copy of this letter be placed in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

RALPH M. HALL,

Chairman, Committee on Science,  
Space, and Technology.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, December 3, 2012.

Hon. RALPH M. HALL,  
Chairman, Committee on Science, Space, and  
Technology, Rayburn HOB, Washington,  
DC.

DEAR CHAIRMAN HALL: Thank you for your letter regarding H.R. 6582, the "American Energy Manufacturing Technical Corrections Act," which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Science, Space, and Technology with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 3, 2012.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 6582, the "American Energy Manufacturing Technical Corrections Act." There are certain provisions in the version of H.R. 6582 that will be considered on the House Floor that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of H.R. 6582, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in this bill or similar legislation which fall within the Committee's Rule X jurisdiction.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange

of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, December 3, 2012.

Hon. JOHN L. MICA,  
Chairman, Committee on Transportation and  
Infrastructure, Rayburn HOB, Washington,  
DC.

DEAR CHAIRMAN MICA: Thank you for your letter regarding H.R. 6582, the "American Energy Manufacturing Technical Corrections Act," which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

DECEMBER 4, 2012.

Representative UPTON,  
House of Representatives, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN UPTON: On behalf of the American Public Gas Association (APGA), and the American Gas Association (AGA) we would like to convey our concerns regarding H.R. 6582, The American Energy Manufacturing Technical Corrections Act.

APGA is the national association for publicly-owned natural gas distribution systems. There are approximately 1,000 public gas systems in 36 states and approximately 700 of these systems are APGA members. Publicly-owned gas systems are not-for-profit, retail distribution entities owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

AGA represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 71 million residential, commercial, and industrial natural gas customers in the U.S., of which 92 percent—more than 65 million customers—receive their gas from AGA members.

First, H.R. 6582 directs the Department of Energy to transition from the current, separate definitions for water heaters, to a uniform energy descriptor for all covered water heaters and to establish testing procedures. We have concerns about these testing procedures. The American Society of Heating, Refrigerating and Air-Conditioning (ASHRAE) is currently revising its Standard 118.2, Method of Testing for Rating Residential Water Heaters. ASHRAE is an internationally recognized American National Standards Institute (ANSI) accredited standards



developer. Standard 118.2 will provide testing changes as well as potential changes to energy descriptors. When drafting the testing procedures, DOE should consider ASHRAE 118.2. In fact, DOE is already engaged in rulemaking on test procedures for these products where ASHRAE 118.2 can be referenced for adoption.

Second, we are concerned that this legislation invites additional regulation of residential water heaters by the U. S. Consumer Product Safety Commission and may encourage the unnecessary expansion of that group's Flammable Vapor Ignition Resistant (FVIR) requirements beyond their current scope, which could have a chilling impact on the applications of condensing storage gas water heaters.

Third, we are concerned that the language in this bill that sets minimum efficiency levels for small-duct, high-velocity central systems, lowers existing efficiency standards and preferences the use of electric appliances over equivalent natural gas appliances. The first minimum efficiencies on these products were promulgated in 2004, effective January 23, 2006 and required 7.7 HSPF (heating seasonal performance factor) or higher, whereas this legislation requires only 6.8 HSPF and 7.2 HSPF minimums while comparable natural gas heat pumps are still subject to the higher minimum standard of 7.7 HSPF.

Despite these concerns, we do not oppose the bill. Our objective is to bring these concerns to your attention and to encourage the Department of Energy to work with APGA and AGA in the rulemaking process to ensure that the views of our members are considered.

APGA and AGA appreciate your consideration of our views and look forward to working further with you on this and other natural gas issues.

Sincerely,

BERT KALISCH,  
President & CEO,  
American Public Gas Association.  
DAVE MCCURDY,  
President & CEO,  
American Gas Association.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

The United States and the world are facing an enormous and growing threat: The pollution we are putting into the atmosphere is changing the climate around us. In this last year alone, New York City has been flooded by a superstorm, the Midwest has roasted in record-setting drought, and wildfires have scorched the West. These are not aberrations. They are the early warning signs of what the future will look like.

Today, on one of the very last days of this Congress, we're taking our first step to recognize this looming threat. It's not a big step—in fact, it's a tiny one—but it gives hope that we can work together, and it is a signal that at least we are headed in the right direction.

Energy efficiency is an essential part of any serious effort to address climate change. It is the low-hanging fruit that reduces pollution while saving Americans money and creating jobs. Whether it's a building code or appliance standard or home retrofit, we should be doing far more in this area. In fact, a

recent International Energy Agency analysis found that without new policies, two-thirds of the cost-effective energy efficiency gains that could be made will remain unrealized through 2035.

This bill includes a number of non-controversial technical fixes to appliance energy efficiency standards for water heaters, walk-in freezers, deli counter-style refrigerators, and certain types of air conditioners. The bill includes improvements to the process by which the Department of Energy updates its energy efficiency standards. In addition, there are a few sensible provisions to promote industrial energy efficiency and the efficiency of Federal Government buildings.

This bill will not produce large energy savings, but it's a worthwhile package of consensus improvements. The package is based on provisions that recently passed the Senate by unanimous consent. Both industry and energy efficiency advocates support the bill. This is a bill that has a very good chance of becoming law this month.

But we need to do much, much more. The beginning of a new Congress provides us an opportunity to work together on a bipartisan basis to enact commonsense energy efficiency legislation. Such legislation will save consumers money, boost domestic manufacturing, while cutting pollution, including the carbon pollution that is driving dangerous climate change.

I look forward to starting those discussions with Chairman UPTON and our Energy and Commerce Committee colleagues. There are many good ideas for policies that would reduce waste and save energy, and we should work together to explore those ideas and enact the ones we can agree on.

□ 1240

Today's bill is a first step. I encourage my colleagues to support it, and I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), who wrote a portion of this bill and whose State is at risk of losing jobs because of some technicalities.

Mr. ADERHOLT. I want to thank the gentleman from Kentucky for his time and just take a moment to say how much we appreciate working with him and his staff on this legislation as we've moved forward.

As has been mentioned here, the purpose of this legislation, in many respects, is to make critical technical changes to the 2007 Energy Independence and Security Act, known as EISA, which will both preserve jobs and create new jobs in several related fields of industry.

I want to speak in particular to section 313 of EISA as it relates to the efficiency standards of walk-in coolers

and freezers. The section mandates that cooler and freezer doors must meet a certain R-value as a measurement of their ability to retain temperature and use less energy. The problem here is that R-value is a measurement based primarily on one insulating product in particular—foam—and on how thick that foam actually is. However, requiring a product to meet an R-value prohibits technologies that are just as efficient even though they utilize alternative materials or technologies.

In this case, the technology is even more efficient. Although regulatory statutes many times provide the Department of Energy with a waiver authority, a waiver was not a part of this particular statute. This legislation provides the Department of Energy with the authority to waive the requirement if they determine a product meets or exceeds the desired energy-efficiency goals.

Bureaucratic red tape and Federal regulations can sometimes accidentally keep America's innovators and small businesses from creating jobs. Therefore, the Manufacturing Technical Corrections Act is a commonsense solution which maintains standards and yet corrects a problem which otherwise stifles growth and causes companies to lose jobs. Due to an increase in regulation over the past few years, too many small businesses have had to lay off employees, reduce production, and even shut their doors. This is precisely what happened to an innovative manufacturing company in the district I represent back in Alabama.

The Federal Government's embrace of outdated technology prohibits new and innovative solutions to improve energy efficiency. Without sacrificing the efficiency standards which drove the original bill, my bill here that we're discussing this afternoon merely makes a commonsense update.

Just to be clear, this legislation, H.R. 6582, does not create new standards, but it does make existing standards better for businesses and better for consumers. I can personally attest that this technical corrections bill will directly affect over 100 jobs in the State of Alabama, and potentially many others could be created with this new and innovative technology. The other sections of this bill affect a similar and, in some cases, I'm told, an even greater amount of jobs in other places in the country.

Simply put, this commonsense legislation provides technical corrections which remove barriers to technologies and which untie the hands of companies that manufacture here in the United States of America. This means jobs. And not only by moving this legislation will we be able to create jobs, but we'll be able also to make sure that we continue economic growth in this country.

Therefore, I suggest and urge my colleagues that they support this legislation that's on the floor today.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. I rise today on behalf of H.R. 6582, the American Energy Manufacturing Act. This is truly a commonsense, bipartisan bill. I've been proud to work on it with my friend and neighbor, Representative JOHN SHIMKUS of Illinois, and also with Congresswoman JUDY BIGGERT, who has been my cochair of the High-Performance Building Caucus. I want to thank Congressman WHITFIELD and Congressman WAXMAN for their leadership on this matter here on the floor today.

And, finally, the gentleman from Alabama (Mr. ADERHOLT) for his leadership in moving this bill forward today and for including legislation that I sponsored in 2010, the Small Duct, High Velocity Energy Efficiency Standards for America Act. Small duct, high velocity systems are a special type of heating, ventilation, and air conditioning systems. It is more energy efficient than traditional units, especially for older and historic homes and buildings with limited space for new duct work.

Even though it's more efficient, the Department of Energy lumped these new systems in with a rulemaking for regular systems in 2002. The Department eventually granted a waiver, basically saying that these new small duct systems could be sold anyway as efficient products. But the legislation before us today will codify that waiver into law so that American manufacturers and consumers can truly benefit from the advantages of these types of products.

Unico is a company that is one of several that manufacture these systems. It is a small business of about 80 employees in my hometown of St. Louis, Missouri. I've toured the Unico plant, and I've met with their employees. I've seen the pride in their work, the craftsmanship that they display. And those products go not just around the U.S., but around the world.

Unico is an American success story. It's a small business created in America, manufacturing products in America, and creating good-paying manufacturing and construction jobs—exactly what this Congress and this country should be all about. And when the actor Brad Pitt, also a Missouri native, and the Make It Right Foundation unveiled plans to build over 100 super-energy-efficient homes in New Orleans, they looked around the world to find low-cost, energy-efficient systems, and they chose Unico, creating more jobs in my hometown. We're proud of that. But it isn't just about jobs, though. It's about becoming more energy efficient as a Nation.

Heating and cooling account for 56 percent of energy use in the typical house, making it the largest energy expense for most families. Air conditioners alone use roughly 5 percent of all electricity nationwide, at a cost of over \$11 billion to homeowners, releasing nearly 100 million tons of carbon dioxide into the atmosphere.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. CARNAHAN. Domestic manufacturing and use of high-energy heating and cooling systems like the ones produced by Unico will reduce energy up to 50 percent, save consumers billions of dollars a year, and create jobs. I urge a "yes" vote on this bill and thank my colleagues for their work today.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is chairman of the Environment and Economy Subcommittee.

Mr. SHIMKUS. I also come down in support of H.R. 6582 and want to address the small duct, high velocity system provisions in this bill. But first let me talk about my friend and colleague, RUSS CARNAHAN. The Carnahan name in my neighboring State of Missouri is well known and well respected. RUSS added to that legacy, and I thank him for his service, and I thank him for his friendship.

Mr. Speaker, small duct, high velocity systems are a special type of heating, ventilating, and air conditioning used especially for older homes and buildings that don't have room for duct work. In terms of delivered efficiency, these units are more energy efficient than traditional HVAC units, a fact widely recognized, including by the Department of Energy.

Unfortunately, more than 10 years ago, these small duct units were incorrectly lumped into a rulemaking for regular HVAC units. Subsequent administrations have attempted to correct this error in the past through unrelated rulemaking regarding efficiency standards for different types of units. However, the rulemaking for these unrelated units was challenged and overturned. Because small duct, high velocity units were included, the court's findings applied to them as well.

□ 1250

The result of the court ruling forbids DOE efficiency rulemakings that ratchet down standards already in place, even if those in place were promulgated by mistake, as in the case of these units. Despite this ruling, DOE has recognized small duct high velocity systems as unique and that they should have their own set of efficiency standards. As a result, DOE has given these

systems waivers to be sold as efficient products.

Mr. Speaker, the provisions of H.R. 6582 related to small duct high velocity systems are taken from H.R. 1499 that Mr. CARNAHAN and I have been working on. The language will codify these waivers already in place and set up a regulatory process so sellers of these systems can have relief from this regulatory burden. Furthermore, consumers will have peace of mind that these products are truly energy efficient while meeting their needs and not just operating under a waiver.

I urge my colleagues to support the entire bill, H.R. 6582. And to my friend, Mr. WAXMAN, who is very passionate on climate, he also knows that there are those of us who are just as passionate about jobs and the economy and the fossil fuel economy, and I hope that we can work together in the next Congress.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), who is going to be joining again the Energy and Commerce Committee to my great delight.

Mr. WELCH. I thank the gentleman from California, and I look forward to returning to the committee and working with my colleagues on the other side of the aisle as well.

I'm very pleased to be here supporting this legislation. Energy efficiency makes sense. We have brutal arguments here about climate change, about what is the right fuel source. They're dividing us. But the fact is whether you believe in climate change or not, even under the bill that was passed—not this session, but a session ago—we could have met one-third of our climate reduction, carbon emission goals through efficiency. There is an enormous potential in efficiency to make this economy better, to create local jobs, to save people money. This legislation starts down that road, and it's very good.

I look and see some of my colleagues over there, even my friend from Georgia. I think we accidentally voted the same on one or two pieces of legislation this year—and I'm not quite sure who made the mistake. But our eyes are wide open on this one with efficiency. We know that this is good for Georgia, it's good for Vermont. And it does not matter what your fuel source is—you can be a nuclear person or a clean energy person—using less is good for the pocketbook, it's good for the economy.

I would like to expand on this when we come back next year, find that area where we're in agreement on efficiency and energy and intensify it. When I served on the committee, we did pass HOME STAR. I've partnered this session with Mr. MCKINLEY of West Virginia on a version of that, the HOMES Act, where we would give some incentive to homeowners to retrofit their

homes. The evidence is that if you did this in an aggressive way, 95 percent of the materials that are used in retrofitting a home are manufactured in America, so we put those manufacturing jobs back online.

Number two, the folks who do the work are the trade folks, who are really still reeling from the housing slump. So they've got the skills and they need the work; we put them back to work. Then your bill at home, as a homeowner—whatever your heat source—goes down. This is sensible and we can do it.

It's going to take some decisions on spending. I hope we can get past this notion that every dollar spent is a bad dollar spent. There are times when it makes sense to invest because you get a good return on it, and that's from somebody who does believe that we've got to bring our budget in balance.

So I say to the sponsors of this legislation, our leaders on the committee, and my colleagues on both sides of the aisle, this is a tremendous down-payment on efficiency that will be good for this Congress to work together on and good for this country to get it done.

Mr. WHITFIELD. Mr. Speaker, I might say that we're all looking forward to working with the gentleman from Vermont as he comes back to the Energy and Commerce Committee.

At this time, I'd like to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND), who wrote a portion of this bill.

Mr. WESTMORELAND. I want to thank the gentleman from Kentucky for yielding me the time. I also want to thank the gentleman from Alabama (Mr. ADERHOLT) for all the hard work that he and his staff and the staff of Energy and Commerce have put into this. I also want to thank the gentleman from California and his staff for working with us to get this small part into this bill.

Mr. Speaker, we are asked a lot of times what part of this job we enjoy the most, and whether you're talking to a school group or a group from one of the civic clubs, sometimes it's hard to come up with an answer. But in this case, this would be one of those cases where we have come together, both sides of the aisle, and actually worked together.

To my friend from Vermont, I will tell you that hopefully those occasions where we vote together will not be as unusual as they have been. But I look forward to voting with him on this issue because this is almost a jobs bill. We heard the gentleman from Alabama and the gentleman from Missouri and others talk about the number of jobs that this is going to save. This is taking into consideration our precious energy and making sure that we get the best efficiency out of it, and at the same time maintaining jobs.

My part of this legislation is section 342(c), which deals with the display

cases. In this case, in the State of Georgia and the city of Columbus, it has the potential of saving 1,180 jobs. At this point, with 13 million unemployed in this country and many more underemployed, it's very important for us to come together. I think this is a great example of how we can come together to make sure that we are good stewards of our energy, to make sure that our products are the best in the world, the most energy efficient, but yet have commonsense regulations that allow us to continue to push these and make these products here in this country.

So again, I want to thank everybody for their support and hard work on this, and especially from those 1,180 people in Georgia that will be able to maintain employment.

Mr. WAXMAN. Mr. Speaker, I continue to reserve my time.

Mr. WHITFIELD. At this time, Mr. Speaker, I would like to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN), who is a member of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I do rise in strong support of H.R. 6582 today. I am so pleased to stand and to thank Mr. WHITFIELD and Mr. ADERHOLT for the work that they have done on this. Also, I want to thank Mr. WAXMAN for his efforts in this bill.

I also want to commend my colleague, Mr. COOPER, from Tennessee. He and I had authored a piece of legislation, H.R. 482, the Water Heater Rating Improvement Act of 2011, and it is now section 3 of the underlying bill.

Essentially, what this section 3 would do is to fix a regulatory problem related to the test methodology that the DOE uses to calculate the efficiency levels of water heaters, which even the DOE has acknowledged that the way they're doing this is broken and it does need to be fixed.

This legislation will also level the playing field for our domestic water heater manufacturers who are currently at a competitive disadvantage with the foreign manufacturers. Of course we all know our focus is on jobs and the economy and getting our domestic manufacturing back to the pace where it should be for global competition.

□ 1300

Essentially the problem is this: under the current standards, the small and large water heaters are divided into two categories under two separate Federal statutes. These statutes are based on an arbitrary gallon capacity and energy input ratings. The smaller water heaters are covered by the National Appliance Energy Conservation Act and are rated using an Energy Factor, or an EF rating. Now the larger water heaters are within the scope of the Energy Policy Act and are rated using a Thermal Efficiency, or TE rating.

The problem facing American manufacturers is that under the current rules of the road, only the small water heaters are deemed eligible under the ENERGY STAR program. This is nonsensical. It's an outdated measure and disqualifies our large American-made water heaters from being covered by the ENERGY STAR ratings regardless of how advanced or how highly efficient they may be.

The legislation before us today would provide the necessary regulatory and business certainty that is needed by our manufacturers. This legislation has the potential of adding upwards of 1,000 jobs for domestic water heater manufacturers, many of them in my home State of Tennessee, where there are already 3,000 jobs directly involved in the manufacturing of water heaters.

I thank the chairman again. I thank the gentleman from Alabama (Mr. ADERHOLT), and I also want to commend the gentleman from Tennessee (Mr. COOPER).

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield for a period of 3 minutes to Dr. ROE of Tennessee, who is a member of the Education Committee.

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 6582. This legislation would establish a uniform energy-efficiency descriptor for all water heaters, walk-in freezers, and walk-in coolers. The legislation also improves the testing methods that determine whether or not these products are energy efficient, which will provide certainty for the manufacturers of these products.

The importance in my district, in my hometown, is one of our largest manufacturers there is A.O. Smith, which makes up to 8,000 water heaters a day. This is a real jobs issue in my hometown. These jobs have good retirement plans and health insurance. Their competitors are both in Canada and Mexico. And certainly we need to do anything we can to help support these local manufacturers.

This bill will make it easier for consumers to compare the energy efficiency of products and eliminate confusion that stems from having more than one type of label. The decision to invest in a large-scale appliance of this nature is a big one, and during these tough economic times, consumers deserve information that's easily understood so that they can make well-informed decisions. It's also helpful for manufacturers to have clear guidelines for how products will be judged for energy efficiency. And this is why—just to simplify what's going on to make it easier for our manufacturers.

And let me tell you, I've walked through A.O. Smith's plant. I've been through it. It's absolutely incredible to see a piece of sheet metal, to see our manufacturers take a piece of metal

and produce 8,000 water heaters in a single day for consumption in the United States. I have one in my home. That's what I use. And I proudly have one in my apartment here in Washington, D.C.

I would encourage support of this measure.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time on my side of the aisle to support this legislation. I know that almost all Democrats that I have talked to think it's a good bill. I have urged the others to join with them in supporting it. I think it's a worthwhile piece of legislation. It's a small step, but it's a step in the right direction. And it will clarify some issues that still need to be clarified. So let's get this done.

And in pursuit of that objective, I yield back the balance of my time.

Mr. WHITFIELD. I also want to urge everyone to support H.R. 6582, a small, modest, energy-efficiency bill that will save some jobs.

I certainly want to thank the Members of the Senate, the Senate staff, the gentleman from California (Mr. WAXMAN) and his committee staff, and certainly the Energy and Power staff here on the House side for being involved in these negotiations and working this out.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my support for the American Energy Manufacturing Technical Corrections Act.

The bill would lessen the regulatory burden on deli-style display cases (like the ones in grocery stores) by placing Service-Over-the-Counter (SOTC) refrigerator units into a separate product classification.

Currently, SOTC refrigerator units must meet the efficiency standards designed for commercial refrigerators otherwise called "reach-ins." These SOTC units are designed for maximum product visibility and presentation. They require more glass and lighting than conventional reach-ins. Their inherent design makes it impossible to reach the minimum efficiency standards established in the Energy Policy Act of 2005.

There are a number of companies that would be affected by this regulation, totaling about 8,500 jobs across the country. One of those five companies is Lennox, employs approximately 1,700 people in the State of Georgia. Kysor/Warren became a subsidiary of Lennox International in 2011, and the company has been a leading manufacturer of refrigerated systems and display cases for supermarkets throughout North America. By creating a separate product class for service-over-the-counter products, we can help save jobs in many communities.

Mr. Speaker, I ask my colleagues to join me in support of this important legislation to protect American jobs in our communities.

Mr. KIND. Mr. Speaker, I rise in strong support of H.R. 6582, the American Energy Manufacturing Technical Corrections Act as it provides technical corrections and regulatory cer-

tainty to a number of domestic manufacturers. The legislation, which I am proud to cosponsor, has bi-partisan and bi-cameral support, not to mention the support of manufacturers and the NGO community. More specifically I would like to thank Chairman WHITFIELD and Mr. ADERHOLT for including H.R. 482, the Water Heater Rating Improvement Act of 2011, or Section 3 of the underlying bill, that will fix a regulatory problem related to the test methodology that the Department of Energy uses to calculate the efficiency levels of water heaters, which the Department has acknowledged is broken. The legislation will also level the playing field for domestic water heater manufacturers vs. foreign manufacturers and provide the necessary regulatory and business certainty that domestic water heater manufacturers have been calling for over four years. This will also lead to significant energy saved by highly efficient U.S. produced water heaters, many of which were designed in my home state of Wisconsin. In addition, Mr. Speaker, the legislation has the potential of adding up to 1,000 jobs in domestic water heater factories, one of which is in Wisconsin, and thousands of more indirect jobs associated with the manufacturers supply chain.

Finally Mr. Speaker, I'd again like to thank Chairman WHITFIELD and Mr. WAXMAN for their hard work on the bill and steering an accommodative process, and Mr. ADERHOLT and Mr. CARNAHAN for their leadership on the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 6582, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WHITFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 1:45 p.m. today.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1345

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 1 o'clock and 45 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to suspend on H.R. 6582 and approval of the Journal, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

## AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 398, nays 2, answered "present" 1, not voting 30, as follows:

[Roll No. 614]

YEAS—398

|             |               |               |
|-------------|---------------|---------------|
| Adams       | Butterfield   | Cummings      |
| Aderholt    | Calvert       | Curson (MI)   |
| Alexander   | Camp          | Davis (CA)    |
| Altmire     | Campbell      | DeFazio       |
| Amodel      | Canseco       | DeGette       |
| Andrews     | Cantor        | DeLauro       |
| Austria     | Capito        | DeBene        |
| Bachus      | Capps         | Denham        |
| Baldwin     | Capuano       | Dent          |
| Barber      | Carnahan      | DesJarlais    |
| Barletta    | Carney        | Deutch        |
| Barrow      | Carson (IN)   | Diaz-Balart   |
| Barton (TX) | Carter        | Dicks         |
| Bass (CA)   | Cassidy       | Dingell       |
| Becerra     | Castor (FL)   | Doggett       |
| Benishek    | Chabot        | Dold          |
| Berg        | Chaffetz      | Donnelly (IN) |
| Berkley     | Chandler      | Doyle         |
| Berman      | Chu           | Dreier        |
| Biggert     | Cicilline     | Duffy         |
| Bilbray     | Clarke (MI)   | Duncan (SC)   |
| Billirakis  | Clarke (NY)   | Duncan (TN)   |
| Bishop (GA) | Clay          | Edwards       |
| Bishop (NY) | Cleaver       | Ellison       |
| Bishop (UT) | Clyburn       | Ellmers       |
| Black       | Coble         | Engel         |
| Blackburn   | Coffman (CO)  | Eshoo         |
| Blumenauer  | Cohen         | Farenthold    |
| Bonamici    | Cole          | Farr          |
| Boren       | Conaway       | Fattah        |
| Boswell     | Connolly (VA) | Fincher       |
| Boustany    | Conyers       | Fitzpatrick   |
| Brady (PA)  | Cooper        | Flake         |
| Brady (TX)  | Costa         | Fleischmann   |
| Braley (IA) | Costello      | Fleming       |
| Brooks      | Courtney      | Flores        |
| Brown (GA)  | Cravaack      | Forbes        |
| Brown (FL)  | Crawford      | Fox           |
| Buchanan    | Crenshaw      | Frank (MA)    |
| Bucshon     | Critz         | Franks (AZ)   |
| Buerkle     | Crowley       | Frelinghuysen |
| Burgess     | Cuellar       | Fudge         |
| Burton (IN) | Culberson     | Galleghy      |

Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Henger  
Herrera Beutler  
Himes  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas

Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Markey  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaull  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunnelee  
Olson  
Oliver  
Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney

## NAYS—2

McClintock

Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Smith (WA)  
Southernland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walbray  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## ANSWERED “PRESENT”—1

Emerson

## NOT VOTING—30

Ackerman  
Akin  
Baca  
Bachmann  
Bartlett  
Bass (NH)  
Bonner  
Bono Mack  
Davis (IL)  
Fortenberry  
Gingrey (GA)  
Grijalva  
Hastings (FL)  
Heinrich  
Higgins  
Hinchey  
Johnson (IL)  
Kline  
Mack  
Marino  
Miller, Gary  
Nunes  
Paul  
Pence  
Platts  
Rothman (NJ)  
Schilling  
Sullivan  
Townsend  
Welch

□ 1407

Ms. WILSON of Florida changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 290, nays 106, answered “present” 2, not voting 33, as follows:

[Roll No. 615]

## YEAS—290

Aderholt  
Alexander  
Altmire  
Amodei  
Austria  
Bachus  
Barber  
Bartlett  
Barrow  
Barton (TX)  
Becerra  
Berg  
Berkley  
Berman  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boren  
Boustany  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellmers  
Emerson  
Engel  
Farr  
Fattah  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Cravack  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
DeGette  
DeLauro  
DeBene  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Doggett  
Doyle  
Dreier  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellmers  
Emerson  
Engel  
Farr  
Fattah  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gerlach  
Gibbs  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Green, Al  
Griffith (VA)  
Grimm  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Harper  
Harris  
Hastings (WA)  
Hayworth  
Hensarling  
Herger  
Hinojosa  
Hirono  
Hochul  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (GA)  
Johnson, Sam  
Jones

Jordan  
Kaptur  
Keating  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kissell  
Labrador  
Lamborn  
Langevin  
Lankford  
Larsen (WA)  
Larsen (CT)  
LaTourette  
Levin  
Lewis (CA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Maloney  
Manzullo  
Markey  
Massie  
McCarthy (CA)  
McCarthy (NY)  
McCaull  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Moran  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Noem  
Nugent  
Nunnelee  
Olson  
Palazzo  
Pascarell  
Payne  
Pearce  
Pelosi  
Perlmutter  
Petri  
Pingree (ME)  
Pitts  
Polis  
Pompeo  
Posey  
Price (NC)  
Quigley  
Rangel  
Rehberg  
Reichert  
Reyes  
Ribble  
Richardson  
Richmond  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta  
Scalise  
Schiff  
Schmidt  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)

## NAYS—106

Adams  
Andrews  
Baldwin  
Bass (CA)  
Benishke  
Bishop (NY)  
Boswell  
Brady (PA)  
Burgess  
Capuano  
Clarke (NY)  
Coffman (CO)  
Conaway  
Costa  
Costello  
Crawford  
Critz  
Crowley  
Curson (MI)  
DeFazio  
Denham  
DesJarlais  
Dingell  
Dold  
Donnelly (IN)  
Duffy  
Ellison  
Eshoo  
Farenthold  
Fitzpatrick  
Foxy  
Gardner  
Garrett  
Gibson  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Guinta  
Hanna  
Hartzler  
Heck  
Herrera Beutler  
Himes  
Holt  
Honda  
Hoyer  
Hunter  
Israel  
Jackson Lee  
(TX)  
Johnson (OH)  
Johnson, E. B.  
Kildee  
Kind  
Kinzinger (IL)  
Kucinich  
Lance  
Landry  
Latham  
Latta  
Lee (CA)  
Lewis (GA)  
LoBiondo  
Lynch  
Marchant  
Matheson  
Matsui  
McDermott  
McGovern  
McKinley  
Meehan  
Miller, George  
Moore  
Mulvaney  
Neugebauer  
Oliver  
Pallone  
Pastor (AZ)  
Paulsen  
Peters  
Peterson  
Poe (TX)  
Price (GA)  
Quayle  
Rahall  
Reed  
Renacci  
Rigell  
Roe (TN)  
Rooney  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schock  
Southernland  
Terry  
Thompson (CA)  
Thompson (MS)  
Tipton  
Velázquez  
Visclosky  
Waters  
Woodall  
Woolsey  
Yoder  
Young (AK)

## ANSWERED “PRESENT”—2

Amash Owens

Amash

## NOT VOTING—33

|             |               |              |
|-------------|---------------|--------------|
| Ackerman    | Gingrey (GA)  | Marino       |
| Akin        | Gohmert       | Miller, Gary |
| Baca        | Granger       | Nunes        |
| Bachmann    | Grijalva      | Paul         |
| Bartlett    | Hastings (FL) | Pence        |
| Bass (NH)   | Heinrich      | Platts       |
| Bonner      | Higgins       | Rothman (NJ) |
| Bono Mack   | Hinchey       | Schilling    |
| Davis (IL)  | Johnson (IL)  | Sullivan     |
| Fortenberry | Kline         | Towns        |
| Frank (MA)  | Mack          | Walberg      |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

## MOTION TO ADJOURN

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. ELLISON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 393, not voting 35, as follows:

[Roll No. 616]

## AYES—3

|             |               |               |
|-------------|---------------|---------------|
| Conyers     | Cravaack      | Rangel        |
| NOES—393    |               |               |
| Adams       | Butterfield   | Davis (CA)    |
| Aderholt    | Calvert       | DeFazio       |
| Alexander   | Camp          | DeGette       |
| Altmire     | Campbell      | DeLauro       |
| Amash       | Canseco       | DelBene       |
| Amodei      | Cantor        | Denham        |
| Andrews     | Capito        | Dent          |
| Bachus      | Capps         | DesJarlais    |
| Baldwin     | Capuano       | Deutch        |
| Barber      | Carnahan      | Diaz-Balart   |
| Barletta    | Carney        | Dicks         |
| Barrow      | Carson (IN)   | Dingell       |
| Barton (TX) | Carter        | Doggett       |
| Bass (CA)   | Cassidy       | Dold          |
| Becerra     | Castor (FL)   | Donnelly (IN) |
| Benishek    | Chabot        | Doyle         |
| Berg        | Chaffetz      | Dreier        |
| Berkley     | Chandler      | Duffy         |
| Berman      | Chu           | Duncan (SC)   |
| Biggart     | Ciilline      | Duncan (TN)   |
| Bilirakis   | Clarke (MI)   | Edwards       |
| Bishop (GA) | Clarke (NY)   | Ellison       |
| Bishop (NY) | Clay          | Ellmers       |
| Bishop (UT) | Cleaver       | Emerson       |
| Black       | Clyburn       | Engel         |
| Blackburn   | Coble         | Eshoo         |
| Blumenauer  | Coffman (CO)  | Farenthold    |
| Bonamici    | Cohen         | Farr          |
| Boren       | Cole          | Fattah        |
| Boswell     | Conaway       | Fincher       |
| Boustany    | Connolly (VA) | Fitzpatrick   |
| Brady (PA)  | Cooper        | Flake         |
| Brady (TX)  | Costa         | Fleischmann   |
| Braley (IA) | Costello      | Fleming       |
| Brooks      | Courtney      | Flores        |
| Brown (GA)  | Crawford      | Forbes        |
| Brown (FL)  | Crenshaw      | Fox           |
| Buchanan    | Crowley       | Frank (MA)    |
| Bucshon     | Cuellar       | Franks (AZ)   |
| Buerkle     | Culberson     | Frelinghuysen |
| Burgess     | Cummings      | Fudge         |
| Burton (IN) | Curson (MI)   | Gallegly      |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Garamendi       | Luetkemeyer     | Ros-Lehtinen     |
| Gardner         | Lujan           | Roskam           |
| Garrett         | Lummis          | Ross (AR)        |
| Gerlach         | Lungren, Daniel | Ross (FL)        |
| Gibbs           | E.              | Roybal-Allard    |
| Gibson          | Lynch           | Royce            |
| Gonzalez        | Maloney         | Runyan           |
| Goodlatte       | Manzullo        | Ruppersberger    |
| Gosar           | Marchant        | Rush             |
| Gowdy           | Markey          | Ryan (OH)        |
| Granger         | Massie          | Ryan (WI)        |
| Graves (GA)     | Matheson        | Sánchez, Linda   |
| Graves (MO)     | Matsui          | T.               |
| Green, Al       | McCarthy (CA)   | Sanchez, Loretta |
| Green, Gene     | McCarthy (NY)   | Sarbanes         |
| Griffin (AR)    | McCauley        | Scalise          |
| Griffith (VA)   | McClintock      | Schakowsky       |
| Grimm           | McCollum        | Schiff           |
| Guinta          | McDermott       | Schmidt          |
| Guthrie         | McGovern        | Schock           |
| Gutierrez       | McHenry         | Schrader         |
| Hahn            | McIntyre        | Schwartz         |
| Hall            | McKeon          | Schweikert       |
| Hanabusa        | McKinley        | Scott (SC)       |
| Hanna           | McMorris        | Scott (VA)       |
| Harper          | Rodgers         | Scott, Austin    |
| Harris          | McNerney        | Scott, David     |
| Hartzler        | Meehan          | Sensenbrenner    |
| Hastings (WA)   | Meeks           | Serrano          |
| Hayworth        | Mica            | Sessions         |
| Heck            | Michaud         | Sewell           |
| Hensarling      | Miller (FL)     | Sherman          |
| Herger          | Miller (MI)     | Shimkus          |
| Herrera Beutler | Miller (NC)     | Shuler           |
| Himes           | Miller, George  | Shuster          |
| Hinojosa        | Moore           | Simpson          |
| Hirono          | Moran           | Sires            |
| Hochul          | Mulvaney        | Slaughter        |
| Holden          | Murphy (CT)     | Smith (NE)       |
| Holt            | Murphy (PA)     | Smith (NJ)       |
| Honda           | Myrick          | Smith (TX)       |
| Hoyer           | Nadler          | Smith (WA)       |
| Huelskamp       | Napolitano      | Southerland      |
| Huizenga (MI)   | Neugebauer      | Speier           |
| Hultgren        | Noem            | Stark            |
| Hunter          | Nugent          | Stearns          |
| Hurt            | Nunnelee        | Stivers          |
| Israel          | Olson           | Stutzman         |
| Issa            | Olver           | Sutton           |
| Jackson Lee     | Owens           | Terry            |
| (TX)            | Palazzo         | Thompson (CA)    |
| Jenkins         | Pallone         | Thompson (MS)    |
| Johnson (GA)    | Pascarell       | Thompson (PA)    |
| Johnson (OH)    | Pastor (AZ)     | Thornberry       |
| Johnson, E. B.  | Paulsen         | Tiberi           |
| Johnson, Sam    | Payne           | Tierney          |
| Jones           | Pearce          | Tipton           |
| Jordan          | Pelosi          | Tonko            |
| Kaptur          | Perlmutter      | Tsongas          |
| Keating         | Peters          | Turner (NY)      |
| Kelly           | Peterson        | Turner (OH)      |
| Kildee          | Petri           | Upton            |
| Kind            | Pingree (ME)    | Van Hollen       |
| King (IA)       | Pitts           | Velázquez        |
| King (NY)       | Poe (TX)        | Visclosky        |
| Kingston        | Polis           | Walberg          |
| Kinzinger (IL)  | Pompeo          | Walden           |
| Kissell         | Posey           | Walsh (IN)       |
| Kucinich        | Price (GA)      | Walsh (MN)       |
| Labadador       | Price (NC)      | Wasserman        |
| Lamborn         | Quayle          | Schultz          |
| Lance           | Quigley         | Watt             |
| Landry          | Rahall          | Waxman           |
| Langevin        | Reed            | Webster          |
| Lankford        | Rehberg         | Welch            |
| Larsen (WA)     | Reichert        | West             |
| Larson (CT)     | Renacci         | Westmoreland     |
| Latham          | Reyes           | Whitfield        |
| LaTourette      | Ribble          | Wilson (FL)      |
| Latta           | Richardson      | Wilson (SC)      |
| Lee (CA)        | Richmond        | Wittman          |
| Levin           | Rigell          | Wolf             |
| Lewis (CA)      | Rivera          | Womack           |
| Lewis (GA)      | Roby            | Woodall          |
| Lipinski        | Roe (TN)        | Woolsey          |
| LoBiondo        | Rogers (AL)     | Yarmuth          |
| Loeb sack       | Rogers (KY)     | Yoder            |
| Lofgren, Zoe    | Rogers (MI)     | Young (AK)       |
| Long            | Rohrabacher     | Young (FL)       |
| Lowey           | Rokita          | Young (IN)       |
| Lucas           | Rooney          |                  |

## NOT VOTING—35

|          |         |          |
|----------|---------|----------|
| Ackerman | Austria | Bachmann |
| Akin     | Baca    | Bartlett |

|              |               |              |
|--------------|---------------|--------------|
| Bass (NH)    | Hastings (FL) | Nunes        |
| Bilbray      | Heinrich      | Paul         |
| Bonner       | Higgins       | Pence        |
| Bono Mack    | Hinchey       | Platts       |
| Critz        | Johnson (IL)  | Rothman (NJ) |
| Davis (IL)   | Kline         | Schilling    |
| Fortenberry  | Mack          | Sullivan     |
| Gingrey (GA) | Marino        | Towns        |
| Gohmert      | Miller, Gary  | Waters       |
| Grijalva     | Neal          |              |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1431

Mr. MCINTYRE changed his vote from “aye” to “no.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 614, 615, and 616, I missed the votes due to stopping to assist at an automobile accident scene. Had I been present, I would have voted “aye” on rollcall No. 614, “aye” on rollcall No. 615, and “nay” on rollcall No. 616.

## HOUR OF MEETING ON TOMORROW

Mr. MCHEMRY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. FARENTHOLD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## FISCAL CLIFF

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. For 2 years, President Obama and Democrats have clamored for a so-called “balanced approach” to fix the budget deficit by raising taxes in exchange for entitlement reform. We must reform entitlements. We know that, without reform, Medicare becomes insolvent in just 10 years. Then there's welfare. For the first year ever, we spent over \$1 trillion on welfare, and food stamp usage is up now to 15 percent of the population. All of this is creating annual trillion-dollar deficits, which, along with anemic economic growth and stubbornly high unemployment, means 23 million Americans still have no jobs.

Now some Republicans say they'd consider a balanced approach, but how much revenue is gathered from the tax increases proposed by Democrats? About \$80 billion a year. That's barely enough to run Washington for 8 days.

Mr. Speaker, we are less than 4 weeks from falling off the fiscal cliff. It's time for Democrats to come to the table with something more than job-killing taxes. If they have serious ideas for entitlement reform, the American

people deserve to hear them. Unfortunately, Mr. Speaker, the reason we haven't heard Democrat ideas for entitlement reform may be because they have no plans to cut or to reform entitlement spending at all. This is just another game from their playbook—raise taxes and increase spending, as always.

#### CHRISTMAS CARDS AND HOLIDAY CARDS FOR OUR TROOPS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, on Christmas Day, most of us will wake up with our families, the smell of turkey in the oven, and homemade apple pie, but on the other side of the world, there are men and women who will wake up in the middle of the desert who are representing and protecting America's liberty. Those are our great American warriors.

In 2005, I went to see our troops in Iraq during the Christmas season. Before I left, I asked my staff to get local schoolkids to make some handmade Christmas cards that I could give the troops, and I took about 5,000 Christmas cards to our troops in Iraq and in Kosovo. Every year since then, Mr. Speaker, kids in southeast Texas have been making Christmas cards and holiday cards for our troops in Afghanistan and Iraq and in other parts of the world.

I want you to know that schoolchildren in southeast Texas made 69,000 handmade Christmas cards for our troops in Afghanistan and Iraq and in other parts of the world that will be taken to them this Christmas. I want to thank all of those numerous schools, teachers, and chambers of commerce in southeast Texas.

God bless every one of you for helping our men and women overseas have a better connection with our families and our young people in this country and for letting them know that Texans are thinking of them.

And that's just the way it is.

Hargrave High School JROTC; Humble ISD; Timbers Elementary; Douglass Learning Academy; KARW; Norma's Bookkeeping and Tax Service; Haude Elementary; Salyers Elementary; Crockett Elementary; Girl Scout Troop 21157; Tarkington Primary School; Cadette Girl Scout Troop; Goose Creek CISD; Brownie Girl Scout Troop 16253; Spring, 4-H, Girl Scout Troop 26184; Girl Scout Troop 26015; Marauder Composite Squadron; Holy Trinity Episcopal School; Hi Neighbors Group; Ronald Reagan Republican Women; Village Learning & Achievement Center; McAdams Associates Real Estate.

Schochler Elementary; Rikki Wheeler and the Baytown Chamber of Commerce; Operation Independence; Ross Sterling High School; Horace Mann Middle School; Alamo Elementary; San Jacinto Methodist Hospital; Kingwood Middle School; Woodland Hills Elementary; Sterling Middle School; Timberwood Middle School; Beaumont Independent School District; Lamar University;

Boy Scouts; Deerbrook Baptist Church; Port Neches Elementary; Chambers County Pilot Club; Neverland Rec. Center; Westbrook High School; Marshall Middle School; St. Thomas Episcopal Church, Beaumont, TX.

□ 1440

#### ADDRESSING THE FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker and colleagues and the general public, there has been a lot of discussion in the last several days about what to do with the fiscal cliff. Is it a cliff? Is it not a cliff? Is it a slope? Is it the end of America as we know it, or whatever. But in this debate, there are a few things that are absolutely critical—tax policy, the President has laid it out very, very clearly, as did the election. We're going to do tax reform, yes. And it's time for those at the upper end of this wealthy country to pay their fair share. So the President has made it very clear: we're going to raise the rates on those making over \$250,000 a year. And by the way, we ought to be very clear understanding what that means. That means 100 percent of Americans get a tax break on the first \$250,000 of income. Over that, yes, they'll pay a higher rate, marginal rate, for that over the top.

Hey, but what I really want to talk about today with my colleagues who will be joining me in the next few minutes is another part of this debate, and that is on the reductions in Federal expenditures. What's the best way to do it? How are we going to reduce Federal expenditures? There are those that say take on the entitlements. Make the seniors pay more. End Medicare as we know it. Turn it into a voucher program. Or maybe turn it into a premium support program which, as a former insurance commissioner, I know exactly what that means. That means if you're over 65, hey, you're going to get to go buy insurance from the rapacious health insurance companies. Good luck. Premium support, just another way to end Medicare as we know it. Voucher programs, another way to end Medicare as we know it.

In the last election, this was a central part of the debate here in America. And it was clear: no way, no how are we going that way. There are others who proposed, well, why don't we just raise the age to 67? Interesting, very interesting proposal. Well, it will save Medicare a little bit of money, but what does it do to those people who are 65 to 67 years of age? It denies them the opportunity to get affordable health insurance in the Medicare program and simply throws those people off to the wolves, again, to the rapacious health

insurance companies. And by the way, those are exactly the people that the health insurance companies don't want. They're the people who have higher expenditures. They're the ones who are beginning to get health issues, so the health insurance companies don't want them. How are they going to get insurance? They're going to get insurance at a very high cost, if at all.

And, oh, by the way, there are those that want to do away with the Affordable Health Care Act. In the Affordable Health Care Act, there's this thing called the Patients' Bill of Rights. The Patients' Bill of Rights guarantees that insurance companies cannot deny you based upon a preexisting condition. However, they can charge differential rates based upon age. So that notion of somehow saving Medicare by keeping people from getting Medicare is the back way to go, and it is a nonstarter, at least with me and I think many of my colleagues.

There are things that can be done in Medicare, and we're going to talk about those things that we can do here with our colleagues today. We also want to pick up the issue of Social Security. Let's be very clear: the deficit situation faced by the United States is not a Social Security problem. It is not a Social Security problem. Social Security is stand-alone. It is not part of the American deficit. It's an issue that over the years has come back before the American public. The Congresses in the past have dealt with it, extended the viability of Social Security for years and years, and this Congress does not need to deal with this problem this year or even next year in the 113th Congress. Down the road it must be dealt with—and there are numerous ways it can be—but to bring Social Security into the deficit debate is only to cloud this debate and to make it far more difficult for us to find a solution.

Now, my Democratic colleagues and I and the President have made it very clear we understand the necessity of solving this problem and we're willing to compromise. The President has put on the table a very complete, detailed program about how we can deal with the deficit both in the short term and in the years ahead. And we need to proceed with that. Unfortunately, it was just simply dismissed and a new—well, not a new—actually a rebaked, redone, rehashed proposal was put on the table by our Republican colleagues yesterday, one that really doesn't move us toward a compromise. We need to get there. We need to get a compromise under way. So let's see if we can figure out how to do it.

I see several of my colleagues here. I'm not sure which one was first up, but it looks like it might be Florida.

Ms. BROWN of Florida. I'm CORRINE BROWN from Florida, and I'm from the home of Claude Pepper. He was a House Member and a Senator, but he was Mr.



Social Security. He was here during the time of Ronald Reagan, and he made sure that Social Security, which was enacted under the Democrats, and I will never forget, Newt Gingrich said that he wanted it to "wither on the vine." That's been their philosophy.

Now, I feel that Medicaid, Medicare, and Social Security is the difference between us and many of the Third World countries. In fact, it has been the bedrock of American politics as far as helping to raise the standards.

You know, many of my colleagues often talk about the Bible. Well, the Bible says—I've never heard them say let's help the rich—the Bible always talks about the poor and what we need to do to help raise the standards. That's what we're supposed to be doing in the people's House. During the campaign, they constantly confused the American people, talking about the \$715 billion that was in both proposals that was savings, that we put back into the system that helped people that were receiving their prescription drugs. We were helping to lower the cost. In fact, we were plugging the doughnut hole. So that argument is over. And the fact is that it will be 434-1. I will never vote to do anything with Social Security as we speak.

And when you talk about Medicaid and Medicare, many of those people are in nursing homes that cannot speak for themselves. They only have us as their voices. And as we negotiate and discuss, let's look at one group, African American men. Most of them don't live long enough to benefit, and everything is not equal. When we look at jobs and professions, many of you have these nice cushiony jobs, and so we don't even have to worry about raising the age. But when we look at people who actually work for a living, whether we're talking about bridges or whether we're talking about driving trains or trucks, you want to raise the limit for them? So there are many issues that need to be discussed as we move forward.

But when President Clinton was in office, he left this country in the black. The people have weighed in. They've indicated that we want to move forward, put people to work; but we want to do it through a fair method of doing it, and that is not cutting programs that impact the working poor in this country.

Mr. GARAMENDI. Well, you're absolutely correct about that. The proposal to cut Medicare benefits is a non-starter. There are things that can be done in Medicare to reduce the cost, and much has already been done.

I would like to ask my colleague from the great State of Michigan to join us. Mr. CURSON is a new Member of Congress, came in a special election about a month ago. Welcome. We are delighted to have you join us.

Mr. CURSON of Michigan. Thank you, and I agree wholeheartedly with

what's been said so far, and what I really want to say is Medicare is run more efficiently than nearly any insurance company in the world.

□ 1450

They devote less than 2 percent of its funding to administrative expenses, and you compare that to a private insurance company that costs up to 40 percent of premiums for individuals and small group plans for administration and to pay their executives six- and seven-figure salaries to do the same thing that's administrated by Medicare officials.

Also, the attempt to move Medicare eligibility from 65 to 67 sounds like an easy fix. Well, not only, as was spoken earlier, the recipients, those people that are 64, 65, 66, going into that category are people that possibly are already struggling, lost their jobs, they need that health care, they have a pre-existing condition, and now their very life is threatened having to wait that much longer.

We all look to take care of small business and private insurance funds, such as VEBAs and those types of institutions that money is forecast to pay for various health care, and you stretch out 2 more years of their coverage, small business now has to pay higher premiums to cover those employees that last those 2 more years. And they either have to make a choice: They reduce what they give in coverage or they eliminate it altogether, or they shift those premium costs to the worker. It's happened over and over and over again, and we need to avoid that in this coming legislation.

Mr. GARAMENDI. Mr. CURSON, thank you so very much for your thoughtful discussion of the age issue—it's a profoundly important one—and also bringing up the issue of what is the cost of Medicare administration compared to the private health insurance companies. You're quite correct. Medicare is a very efficiently run program, very efficient in collecting the money and paying the bills, far more than you would ever find in the private health insurance sector, perhaps by a factor of 4-3, 4, maybe even 5 in some cases. Also, Medicare has had an extraordinary run of keeping the costs down.

I'd like now to call upon Mr. JOE COURTNEY of Rhode Island—Connecticut. I've made two mistakes today about my colleagues' locale.

JOE, it's yours.

Mr. COURTNEY. Thank you, Congressman GARAMENDI. And I realize there's congressional districts in California that are probably bigger than Rhode Island and Connecticut combined, so I won't hold it against you too hard.

Thank you for taking time on the floor today to spend some time talking about Social Security, Medicare, and

Medicaid. This really is the moment of truth right now.

Yesterday, the Republican leadership came out with their package in terms of trying to deal with the so-called fiscal cliff, and even though, for months, they have not really fleshed out with great detail where they wanted to see savings, yesterday they did. They came out with a proposal which talked about raising the eligibility age for Medicare from 65 to 67.

They talked about recalculating the cost-of-living-adjustment for seniors who are on Social Security. It's the so-called chained CPI, which would lower the year-in and year-out increase for people on Social Security in terms of keeping up with the cost of living.

These proposals really need a full, vigorous debate before the American people before we move in that direction, which I would argue, and certainly you and others here this afternoon, would be the wrong direction for middle class and working family Americans.

You know, in terms of Medicare, I think it's really important, historically, to review how Medicare came into existence.

In 1965, when it was signed into law by President Lyndon Johnson on the porch of Harry Truman's house in Independence, Missouri, only half of America's seniors had any insurance whatsoever. Because of age, because of pre-existing condition, because the insurance company, frankly, just viewed them as too high a risk, and because of cost, only half of America's seniors had any insurance whatsoever. Life expectancy in America in 1965 was 70 years old.

With that stroke of a pen by Lyndon Johnson, the genius of Medicare was created, which created a pool for people above the age of 65 and people on disability, a pool which could spread risk out and make the challenge of covering people at that age much more manageable. And for the following 47, 48 years, we have had a system which now has brought life expectancy for Americans up to age 78. In other words, having people in a situation where they can access needed medical care, in fact, lengthened people's lives and, in some instances, actually added to the economy because some people even continued to work, to a degree, who are on Medicare.

It has really accomplished its mission which was visualized the day that President Johnson signed it into law. It does face challenges. There's no question that demographics, with the baby boom coming on the horizon, is going to increase the number of people in the program, but the way you solve that problem is just make it smarter and more efficient.

When President Obama signed the Affordable Care Act in March of 2010, last year there were some really solid,

smart changes that were made to the Medicare system to make sure that the cost per patient would be moderated, but not that it would cut benefits or kick people off the program, which is what the Republicans are proposing to do, saying people who are 65 and 66 would no longer be eligible under their proposal.

This chart which I brought along with me this afternoon is based on Standard & Poor's Dow Jones Index, which tracks the Medicare program every single month in terms of per capita spending, and it shows, again, back as recently as 2005, 2006, per capita expenditure for Medicare was actually quite high. It was over 7 percent per patient, and that, obviously, is an unsustainable level under almost really any circumstance, but over time it moderated.

And then this red line shows the day that President Obama signed the Affordable Care Act, which put a number of really intelligent changes into Medicare, promoting preventive care services, prescription drug coverage, making sure people will get their colonoscopies and their cancer screenings, and also saying to hospitals, hey, if people show up at your emergency room 30 days after you just treated them, we're going to penalize you. You've got to do a better job of monitoring care in the community. And that change, by itself, is already promoting a lot more collaboration on a much more cost-effective, better way for people.

Who wants to be in an emergency room? You want to be home with your care being provided, not sitting, again, in a hospital room waiting for life-or-death treatment.

So since that date, when President Obama signed it into law, the per capita growth rate under Medicare is now down to its lowest level in the history of program—2 percent per capita growth. And the fact of the matter is we can do more. We can actually build on that success of the Affordable Care Act.

Anybody watch "60 Minutes" on Sunday? They had a story about a hospital system which basically was threatening to fire doctors if they didn't admit patients according to certain quotas because they're, again, chasing that fee-for-service incentive that is in old Medicare. I mean, those are the kinds of, in that case, fraud, but in other instances, you know, changing that fee-for-service incentive can actually bring this number down even much more dramatically, and we don't have to touch a hair on the head of any Medicare-eligible senior in America for decades to come if we make those smart changes.

So the fact of the matter is we're seeing great progress just, again, in the last 2 years, 2½ years. And the fact is that there are very good ideas about

ways of making the system much more efficient.

And I will tell you, and I know my Members that are here on the floor will agree with this. When you go and visit a hospital or when you go and visit medical groups, the changes in electronic records, the changes in terms of incentivizing preventive care have been embraced by the medical community. They actually understand how wasteful the high volume fee-for-service system is in terms of just not only taxpayers, but also the resources that are precious and should be really allocated to all Americans, not just those who have good insurance that can reimburse for those procedures.

So the fact of the matter is we can do far better than kicking 65- and 66-year-olds out of the system as a way of protecting Medicare solvency, and that should be the direction that we go with these discussions over the financial future of the public finances of this government.

Again, I want to thank Mr. GARAMENDI for organizing this discussion here today because it's important to get these facts out.

Mr. GARAMENDI. Mr. COURTNEY of the great State of Connecticut, thank you very much for bringing this information to us.

Your chart is a dramatic one, when you consider the period of time and the extraordinary reduction in the inflation rate in Medicare. If you had another line on that showing the general inflation in health care for the general population, it would actually be above Medicare, that entire slope all the way down.

□ 1500

And it's significantly above it. So what's happened—in part, I think, you're correct; there may be other forces involved here, but certainly you can see the effect of the Affordable Health Care Act. And you identified very well some of the critical cost savings that are in that. And it's well worth repeating it, which I will do with you. And we ought to go back so the public comes to understand what was in the Affordable Health Care Act.

For those over 65 that are in Medicare, those changes are critically important. First of all, stay healthy. If you want to save money on hospitals and doctors, stay healthy. And so you have an annual wellness visit. I think something like 50, 60 million Americans have been able to take advantage of that free annual visit. You've got high blood pressure? Well, let's take some blood pressure medicine. You're headed for diabetes? Here's a dietary program or exercise program. We can deal with those. You keep people out of the hospitals. The hospital infection rate, the other one you talked about, very powerful. I hear from hospitals in my district, and I'm sure my col-

leagues do also. They don't want that readmission because that comes right out of the hospital's pocket. And also there's a penalty.

So there are many, many issues here that are involved in the Affordable Health Care Act that have caused that slope downward to continue. Enormous savings to Medicare. Because when you look at the Medicare issue, it's a projection for 10 years. And the projected rate 2 years ago was 5, 6 percent. And where are you, down in the 2 percent range now? Those are multibillion dollars a year the American public will not have to pay in taxes and increases in expenditures. So these things begin to add up. But there are many, many more savings.

I don't want to dominate all this time. I see that other of our colleagues have come and joined us.

PETER WELCH from Vermont.

Mr. WELCH. Thank you. This is such an important issue about the future. We can get a deficit deal. The President is committed to doing it. It's got to be balanced. Balanced means there's got to be revenues. Our taxes, especially from the high-income, are at historic lows. We have to have health care reform, and that can get the cost of health care down, bring that rate of growth of spending down.

In Vermont, that's what we're trying to do. We're a single-payer State. We're trying to move towards a single-payer. And the reason is that it's the best way to get our arms around health care so you can continue the access. And we know that there are reforms that we can make in Medicare. Just for example, if we purchase drugs wholesale, why do we pay retail? In the VA and in Medicaid, the government is a big purchaser and it negotiates price discounts with the pharmaceutical companies that are quite eager to sell their prescription drugs to Medicare.

Mr. GARAMENDI. If I might interrupt you for a moment. Under the current law, the U.S. Government Medicare program, it is prevented by law.

Mr. WELCH. It's illegal to be a smart shopper. That's exactly right. You can't make that up. It's illegal. It would be like telling you, if you went into CVS to buy some aspirin, and you knew you were going to use them for a year—you had a family, if you wanted to buy the bottle that had 100 and the per unit price is one-third of what it is if you're going to buy the bottle of 20, it would be illegal for CVS to be able to sell it to you at a lower price per unit. That's what we have in Medicare.

Everybody understands you've got to pay for what you're going to get. But the fundamental debate here—and this is what was reflected in the Ryan budget with the voucher plan—is: are we going to try to address what are obvious failures in the system of the delivery of health care, like not allowing for prescription drug price negotiation?

That would save \$165 billion, and it wouldn't cut a single benefit. Or, are we going to go allow that system that makes no sense continue and instead take \$165 billion worth of benefits out of Medicare so that if you go to the doctor, they may treat you for a broken wrist but not a broken forearm. It doesn't make sense. And it certainly doesn't make sense to start talking about benefit cuts before you have the system reform and can get savings that are literally right on the table in front of you.

So we can deal with this debt situation that we have in this country. It is serious. Democrats understand that. The President understands it. It's a serious problem. It's a solvable problem. But to solve it we have to have a significant contribution from revenues. The top 2 percent can afford have their taxes go up to the Clinton year rates. That's number one. And number two, we can have reforms in health care that would benefit not just Medicare sustainability but health care expenses, whether you get your health care at work through your employer or whether you're a private-pay person.

The nice part of this is that we are all in it together. Thank you for doing this. We can solve this problem. And let's do it.

Mr. GARAMENDI. Mr. WELCH, we will do it.

Mr. COURTNEY from Connecticut has some ideas about other things that we can do.

Mr. COURTNEY. Again, I think it's important—and you touched on this, JOHN—when the Affordable Care Act was passed in March of 2010, the Congressional Budget Office was projecting out some savings because of the ACA. But they were figuring about 4 percent per capita growth. Again, as you pointed out, this chart now shows we're down to 2 percent. So they have actually been revising their estimates over the last 2 years. And the net savings, the recalculation just in the last 2 years has been hundreds of billions of dollars of lower expenditure than they had first thought was going to be the case.

When you compare that magnitude of savings with, for example, raising the eligibility age to 67, they're dwarfed. It is really just a small portion of what efficiencies in the system are capable of producing. And the fact of the matter is that raising the eligibility age, there's no free lunch. The fact is that even though these are people that will be challenged in the private insurance market, 65 and 66 are still the healthiest population within the Medicare pool. So the ones who remain in Medicare, their part B premiums are going to go up. And that's not just me saying it. It's the Kaiser Family Foundation, which analyzed the impact of raising the age to 67. You're going to raise premiums. You're going to, obviously,

leave people in a horrible situation in terms of trying to find any insurance. In the private market, which you regulated, you know that is the roughest area of older working-age individuals. And the net effect in terms of overall health care costs in terms of the system is zero. In fact, there's some that would argue that it would actually add cost to the system.

Mr. GARAMENDI. I think it really would add cost. We discussed earlier that the Affordable Health Care Act has a very powerful cost-saving mechanism called Staying Healthy. And that is the prevention programs. If you move that age from 65 to 67, you're going to have a significant population of seniors who will not have access to that preventative medicine program. It's not going to be there for them. So the potential for them to develop long-term, debilitating diseases increases. And when they get to Medicare, they will be much more expensive, to say nothing of what happens to them during that 2-year period when they can't get to Medicare.

You said something earlier on and I'm going to go back to this. You talked about what happened before Medicare—the 50 percent of the population of seniors without medical insurance, the poverty rate. When you said that, my mind flashed back to when I was a young man in the 1950s—actually, not even a teenager—my dad took me to the county hospital. We were ranchers out in the boondocks of California, and nobody had insurance who was in their senior years. The county hospital sticks in my mind as the reason for Medicare. It was beyond horrible. There was just a row of beds, the most horrible odor in that ward—people dying. It was so compelling.

And today, there are issues out there. But we have seen the population of seniors healthy, living longer—20 years longer than they were just 45 years ago—50 years ago now. This is so important to seniors. And it is the Democratic Party that has stood for Medicare all of these decades. And we're not going to let it go. We're not going to let Medicare go. It is a foundation of our humanity and our compassion as Americans for all because all of us want to live long enough to get into Medicare.

Reforms are possible. We've talked about several of them here today. I know that our colleague from Michigan spoke earlier. If you'd like to come back in and talk about this, we'd welcome you. We'll go back here for a little longer.

Mr. CURSON.

□ 1510

Mr. CURSON of Michigan. Well, again, as we talked earlier, it seems to so many in the public that moving that age—particularly young Americans—that just going from 65 to 67 doesn't

mean a lot; but if you look at the statistics of age in this country, that's the baby boomer generation. That's the greatest population this country has ever had is right in that area. I'm part of that, I'm 64. So many of my friends cannot wait 2 more years for health care. They can't afford the out-of-pocket. Some have preexisting conditions. Without question, if we move this, it will be a sentence of death for many, many Americans who won't be able to get the health care that they need.

As I went through and campaigned—I come from a district that was 60 percent Republican—it didn't matter what forum I was in, what group I talked to. There was no great calling to change Medicare, to take benefits away, to raise the age. There was a lot of calling to take the corruption out of Medicare, to take the phony doctors and the phony bills and other systems. This is what we talked about: not having the ability to negotiate prescription drugs; millions and millions and millions and millions of dollars just to make that part of the system competitive. We can't do that by law; that's ridiculous. Those are things that easily we could go in, we could do, and we could make the system much better without touching a single benefit for any American.

Mr. COURTNEY. You're mentioning the fact that there may be some young folks out there who might be of the belief that this is really not a big deal to bump that age up 2 years. The fact of the matter is that some of the folks who, again, analyze the impact of raising the eligibility age say that it would spill over to young Americans, and here's how:

There are a lot of private employers that have health insurance plans that when people hit retirement age, 65—or their hoped-for retirement age—they are able to, again, move into Medicare. They come off their employment-based plan, maybe get some supplemental coverage as part of their retirement package. But the fact of the matter is that helps move people out of the workforce at an appropriate age of 65 and opens up jobs for younger Americans. To the extent that you now are going to say that Medicare won't be there until age 67, it, frankly, is going to force a lot more people to stay in the workforce longer than I think really most people believe would be the case today. So, in fact, it would create that job lock that would prevent, again, the workforce to continue to refresh itself with young Americans.

So the fact is that having a solid retirement health insurance plan like Medicare helps young Americans because it, again, allows the workforce to continue to circulate people, older Americans out and younger Americans in. That's why, again, the folks who had the genius to have the strength to pass Medicare in 1965, they solved a lot of problems in the U.S. economy, in the

U.S. society that really extended far beyond just the patients who that program covers.

Mr. GARAMENDI. Well, there are certainly a series of things that we know we can do to reduce the cost of Medicare. Some of those are already in place. They've been brought forward by the Affordable Care Act. Others are yet to be done. The prescription drug issue is out there, enormous savings, \$160 billion or \$150 billion right there over a 10-year period.

The fraud in the system, some of that was dealt with with the Affordable Care Act, but there's much more that can be done. There are fraudulent billings for durable medical equipment as well as other kinds of services that are provided. Those need to be addressed. The systems that are being put in place, that is, moving away from fee-for-service, will significantly address that.

In the area of hospitalization, again, there are programs that are viable, that are not yet implemented, that are not part of the savings that have already been calculated, for example, programs on the dual eligibles. The dual eligibles are those people that do not have sufficient income, but are already quite ill that may be 20 years of age, and they're getting Medicaid as well as Medicare. There are savings that can be found in the way in which we organize that.

For those seniors that are on Medicare, an organized health care system that keeps them healthy, that is, taking the prevention program a step further, or two or three steps further, so that there is a continuity of care and there is a follow-up, maybe a social worker or simply somebody on the phone saying how are you doing; are you taking your medicine; are you able to get the food that you need so that people can stay healthy. A healthy population significantly reduces cost.

The use of the Affordable Care Act—not just for Medicare, but for the total cost of the system—has a very, very powerful cost reduction in it; and it's called "insurance." Forty million Americans are going to be insured. That means that those people are less likely, far less likely to go to the emergency room to get their care.

The Affordable Care Act also provides for clinics. Where a private doctor may not be available, a clinic would be available. So all of these things provide more care to people and, in doing so, reduce the cost of the extraordinarily expensive care that comes from when people don't get continuing services of health care.

So Medicare is a huge issue before all of us. On the Democratic side, we're saying, yes, there are savings available in Medicare, we should take advantage of those, but we're not going to cut benefits. And we're not going to privatize Medicare or end Medicare as we

know it. There are other things that we can do, we're willing to do it; let's compromise on those things that make sense without destroying the Medicare program.

Not on our watch are we going to see the benefit package reduced in such a way as to harm seniors—no way. And no way are we going to end Medicare as we know it. We'll draw a line in the sand; we'll save the money; we'll put that cost curve even on a better trajectory, and that is a very, very formidable and positive trajectory there.

Let's spend just a moment of time, as we come towards the end of our time, on Social Security, which many people—well, not on the Democratic side, but let's talk about Social Security and should it be on the cutting table here, should it be part of the deficit reduction.

Mr. COURTNEY.

Mr. COURTNEY. Well, again, what's remarkable—and I know both of you are well aware of this—is that Social Security, over the last 3 or 4 years, 2 out of those last 4 years there was no COLA; there was zero percent increase for seniors on Social Security. Again, as we all know, that's a formula that's tied to the Labor Department basket of goods that they spill out every year since the 1970s when COLA was first enacted, and where the economy at that point produced that result.

Now, the last 2 years there have been moderate increases through the COLA formula; but, again, Republicans want to go deeper. They want to come out with a new cost-of-living adjustment formula called the "chained CPI," which would depress the existing COLA formula that already ended up with a zero percent 2 out of the last 4 years and make that even lower for seniors.

As I think many of you know, you go to a senior center and you talk about, how come we didn't get a COLA this year or how come the COLA is so small, and you explain to them how the formula works. Well, the fact of the matter is that Labor Department formula that we use today uses a lot of goods and services that seniors don't buy. They don't buy flat screen TVs, they don't buy laptop computers, where prices have come down because of competition in those areas. They concentrate their spending on food and fuel and prescription drugs, which, if you look at just that basket of goods, the COLA would be higher than the existing formula, certainly not lower.

So for the Republicans to come out with a proposal that says we should depress the COLA formula that we have today that, again, really doesn't match up with the profile of what a senior goes out to the supermarket and buys one week to the next, and is really going backwards in terms of really the economic security of people over age 65.

I know the gentleman from Michigan would like to share his thoughts.

Mr. CURSON of Michigan. Well, I think the great majority of our citizens don't understand that Social Security is not funded by tax dollars. The confusion lies because over the years the contributions made by workers to fund Social Security created a surplus. With that surplus, they loaned that surplus to other government-funded projects, and they're being paid back with government money. That government money every year is now playing into the repayment. That's why people think that you can cut Social Security to take the tax dollars out.

□ 1520

Well, if that was a private insurance company that had a surplus and loaned that surplus to another company, that first company would expect the second company to pay it back. So that cannot be part of this equation. Social Security and the Federal money that goes into Social Security cannot be part of the equation in this fiscal cliff debate.

Now, certainly with the expectancy of Social Security only surviving until 2038, before it has reduced benefits, in the very near future, this great Hall has to discuss how to fix that; and all the great minds in this Hall, I'm sure, can. But it does not need to be a part of this debate. This should not be a part of whatever legislation we settle in this last lame-duck session of this Congress.

Mr. GARAMENDI. Well, you are certainly well stating my position and I believe the position of our colleagues and I believe of the President. Social Security is not part of the current deficit problem. It is an issue. We'll have to deal with it at any time between now and the next 7, 8 years. And we can. It's been done before.

At least three times in my memory, Social Security has been adjusted. One was discussed earlier with the issue of the COLA. That's been adjusted. There are things that can be done to deal with Social Security, but that is a debate separate and apart from the deficit and the fiscal cliff debate.

The fiscal cliff debate is a tax issue, and it's also a spending issue. Today we focus largely on the issue of what are we going to do about Medicare, a big part of the Federal expenditures. And our argument is this: we're here to protect Medicare for seniors, period. We're not here to cut the benefits for seniors. We're here to see to it that Medicare, which has been a program for seniors since 1964–65, is going to continue to be there for seniors as well as the benefits package that's there. There are reforms and changes that can be made to reduce the cost of Medicare but not to reduce the benefits. We've talked about many of those.

So here's where we're coming. Within that area, there are very, very significant savings that can be made. The

prescription drug benefit, \$150 billion over 10 years. Other issues having to do with keeping people healthy, to extend their health care, issues having to do with how much we pay for certain services, fraud and abuse. All of those things could add up to the potential savings—not the potential savings—to the savings that the President has called for, which is somewhere in the range of \$300 billion over 10 years—additional savings over and above what has already taken place in the Affordable Care Act. And we've seen in this decline in the inflation rate in health care some of the effects of the Affordable Care Act. So there are things that can be done and will be done.

Social Security is not a part of this debate.

But I also want to point out here in the last closing minutes of this a couple of things that I think are very, very important. The President has put forth a very detailed program calling for \$1.6 trillion in additional revenue over 10 years; and that is money that is to come from the expiration of the George W. Bush tax cuts for the top 2 percent.

Now I want to make this clear. I said this earlier—yes, it's worth repeating because it's not said very often—every American taxpayer gets a tax reduction. The superwealthy to the very minimum taxpayer in this Nation gets a reduction in what the President is proposing. And that is to continue at the current tax rate for those with under \$250,000 adjusted gross income. For those who have income over and above that, they get that tax reduction. And above that, they're going to pay an additional amount up to 3.9 percent in two different tranches. So everyone gets a tax break.

But those superwealthy, the 2 percent, they're going to pay more, and that will amount to a substantial amount of money over 10 years. And, frankly, they've had 12 years of really low, low taxes—the lowest taxes, really, ever since the 1930s.

The President has also proposed something that's very important. We talked about this last week. I want to talk about this again the next time we come here. And that is, how do we grow jobs? How do we put people back to work?

The President has proposed an additional \$50 billion. He did this more than a year ago in the American Jobs Act, and he's put it back on the table: \$50 billion in infrastructure. Let's build the foundation. That deserves a lot of discussion; and, frankly, it's something we ought to enact here right away and put people back to work.

There are other savings that he's proposed over the course of the next 2 years. We don't have time now. I notice my time has just about expired, if you would like to take a final shot at this, Mr. CURSON.

And by the way, this is the first opportunity I have had to spend part of

my hour with you. You are a very articulate spokesperson for the working men and women in this Nation. You know the issues of Medicare and Social Security so very, very well. And I know, coming from Michigan and Detroit, you know the need to build the jobs portion of our economy. So why don't you close, and then I will wrap this up.

Mr. CURSON of Michigan. Thank you for that, and I thank you for your comments.

But without a doubt, we could take an hour talking about rebuilding the infrastructure, the jobs it would create, the need in America to fix our bridges and our roads. If you are about to drive over a bridge, you want it safe. It doesn't matter if you are a Republican or a Democrat, you want that bridge to hold you and your car up as you go over it. That needs to be done.

Much of our infrastructure is crumbling. The power grid is crumbling. If it goes out, it doesn't matter what party you are affiliated with. You want your lights on; you want your refrigerator to work; you want your house warm.

So all of those things that could be done and would put America back to work and create revenue from people working, when they get that paycheck, then they would have money to send their kid to a dance class or to go get a haircut. All the small businesses in the area spawn off of that money from creating jobs, rebuilding our infrastructure. That should be on the forefront of our agenda, and I certainly hope we have a chance to talk about that.

Mr. GARAMENDI. How about next week? We'll come back to the floor next week, and we'll pick up the issues of infrastructure, of jobs and the like.

This week we need to focus on what has been put on the table by the Republicans and the Democrats on how to deal with the fiscal cliff, dealing with the issue of Social Security and Medicare. Social Security—no, not part of this problem. It is something we'll deal with perhaps in the next Congress or even in the one beyond that because we do have time to deal with Social Security.

Medicare—for those who want to privatize Medicare, end it as we know it with a voucher or a premium support program—no. No way, no how are we going to go there.

For those that want to work on changing the way in which Medicare operates to get savings, such as negotiating drug prices, dealing with fraud and abuse, the various payment systems that are in Medicare, all of which can save money and to continue the work of the Affordable Care Act, and the way it has already brought the inflation rate down from the 4 percent, 5 percent range down into 2, 2.5 percent range, this is an extraordinary savings right here. And that will be calculated

in the years ahead. And, frankly, this will add up to hundreds of billions of dollars in the reduction and the projected cost of Medicare in the years ahead.

So we're making progress. We've got work to do, and we're prepared to do it. The Democrats are prepared to put together a compromise. Let's get to work on it. The American public expects us to do that. And we can, and we will.

With that, Mr. Speaker, I yield back the balance of my time.

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the majority leader.

Mr. DANIEL E. LUNGREN of California. Thank you very much, Mr. Speaker.

I take to the floor at this time to talk about an issue that is of the utmost importance to this country, one that I have worked on for several decades, and one that has an urgency to it that cannot be denied, and that is the issue of immigration.

It is a multifaceted issue, one that has a number of subtexts to it but, nonetheless, is one that will not be confronted. The challenges will not be met unless or until we recognize the problem or the challenges as they truly exist.

And what I mean by that is this: immigration, in all its aspects, is a part of the heritage of this country. Immigration is one of the cornerstones of this Nation. It has been said—and I think it is true—that this is a Nation of immigrants. And what that means is that most of us, with the exception of those who are Native Americans, trace our ancestry to some foreign country, some foreign shore.

□ 1530

The rate of immigration has gone up and down over the two-plus centuries of the existence of this country. It has varied in terms of where the greatest numbers come from over the centuries. It has resulted from and has been altered by decisions made by previous Congresses and Presidents in terms of the laws that prevail with respect to immigration. But the fact of the matter is that we now are facing a question of immigration policy that has not, in fact, worked for some period of time to the extent that is necessary.

There are several aspects of it, as I mentioned before. One is the area of legal immigration. This country has a glorious history in terms of inviting and accepting and embracing peoples from all over the world. I think I can say without contradiction that this country has had the most open policy with respect to immigration over the

years of any country in the world. We had restrictions at times, some that, as we look back now, appear to have been at least misguided. We have had some discriminatory practices in the past with respect to people from certain parts of the world, certain parts of Asia at times. There was, in fact, a bias, if you will, towards Europe, and particularly Western Europe, over a number of years.

But in the 1960s, there was a decision made in this country by way of our laws that moved us towards a worldwide quota system, meaning that the chances for peoples around the world were to be in some ways viewed as equal, meaning that we did not have a bias towards Europe, we did not have a bias towards some other part of the world. The idea was that we would try and make our immigration policy work such that someone who wished to come to the United States from a country in Africa or a country in Asia would have a similar chance as existed for someone in Europe. So that was a major change in our overall policy.

When I came to Congress in 1979, that was essentially where we were, but we also realized that there had been a lack of enforcement of the laws with respect to legal immigration such that we had a significant number of people who had come to the United States without the benefit of papers, or to say it another way, who had come into this country illegally or had overstayed their legal status in this country and were now here illegally.

One of the consequences of a lack of proper enforcement, one of the consequences of having large-scale immigration is that it overrides, in a significant way, the law that would look out and say no matter where you are from in the world, you would have approximately an equal chance of coming to the United States. And if you had illegal immigration from particular areas of the country, that would, in a sense, create a bias under the practice, if not the actual law, for that part of the world.

We found, interestingly enough, that the largest number of people who had come to this country or were in this country without proper documentation came from Central and South America, the largest number of them from a single country, that is Mexico, which is not altogether surprising when you realize we have a common border with Mexico that ranges from the Gulf of Mexico to the Pacific coast and is approximately 1,960 miles long. If you have visited it, if you have traveled along its entire length as I did back in the early 1980s as a member of the Immigration Subcommittee, you will find the topography such that it is difficult at times to actually have a border that is marked and a border that is controlled. Nonetheless, that does not excuse us for not exercising the control that we should have.

Because of the fact that we had this dilemma of a large number of people who had come to this country illegally and at the same time we're attempting to enforce the law such that a worldwide quota system would still, in fact, be worked, in the 1980s there was an effort to try and reform our immigration laws. I was a part of that as a member of the Immigration Subcommittee. We were, as Republicans, the minority at the time. So as the top Republican on the subcommittee, I was not the chairman. I was, in fact, the ranking member.

I am pleased to say that at that time I had a great working relationship with the then-chairman of the subcommittee, Ron Mazzoli, a Democrat from Louisville, Kentucky. Perhaps the fact that we both were graduates from the University of Notre Dame and shared an affinity for our alma mater assisted us in working closely together. And also, consequently, there had been a bipartisan commission established in the first instance by President Carter and continued on by President Ronald Reagan. It was cochaired by Father Theodore Hesburgh, the former President of the University of Notre Dame, a person much admired and someone that I had known for most of my life and Ron Mazzoli had known, as well. In a very interesting way, we worked together acknowledging the proper roles of the commission and the Congress and shared information, and I think we shared the same hope that we could come up with legislation that would reform our laws.

In 1984, we passed an immigration reform law here in the House of Representatives, and there was a similar law passed in the United States Senate. There was a call for a conference. And in a practice that is somewhat different from what you observe today in the Congress, at least for the last several Congresses, at that time you actually had a physical conference where you had Members from the Senate and the House representing those two sides of the Capitol meeting in public session attempting to try and work out a conference report.

I recall meeting in a large room where the table, as it was set up in a rectangular fashion, was very large to accommodate all of the Members of the House and all the Members of the Senate who were there attempting to try and deal with the issue, and our staffs assisting us. We spent, I think, actually an entire month in conference attempting to work out a conference report. We were unsuccessful.

We came back in 1985 in the new Congress and began working both in the Senate and the House. At that time, the common name of the bill changed from Simpson-Rodino to Simpson-Mazzoli, recognizing the tremendous effort made by the chairman of the subcommittee, Ron Mazzoli. And I recall

being at this position on the floor of the House, when this was the minority leadership table, being the Republican floor manager of the Simpson-Mazzoli bill.

We spent well over a week on the floor debating. As I recall, we had well over 200 amendments that were in order, most of which actually got debate on the floor of the House. And there was consideration of some issues within the overall issue of immigration reform that I think went from liberal to conservative, from issues of legal immigration to illegal immigration, agricultural work, seasonal workers. Just about everything was considered on this floor in almost totally open debate.

I was proud to be a part of that debate. I was proud to have garnered the sufficient number of votes on the Republican side to join with those on the Democratic side so that we passed that bill.

□ 1540

We went to conference. We completed action on that. We sent the bill to the President. I can recall driving back to the residence I had here in this area on an afternoon when I was listening to the radio and hearing the report that the White House had announced that President Reagan was going to sign the bill. I almost drove off the road at that time. I recall that I had worked with the administration but that it was not a perfect bill—I've never found a perfect bill here—and there were many naysayers. So you were never sure until the President made the decision that he would sign it, and I was pleased to be at the White House when the President signed that bill. It was a true compromise.

It did result in the largest legalization that we'd ever had in the United States. I don't believe it was total amnesty—I would reject that notion—but it was, in fact, a legalization. The genius of that compromise was that there would be legalization on the one hand and that there would be enhanced enforcement going forward on the other. If one would look at the reports of illegal immigration that followed the signing of that bill into law by President Ronald Reagan, one would see an interesting thing: the numbers coming across our southern border dramatically dropped immediately after that law was passed. In large measure, it was because of the widely held belief that, in fact, we would enforce the law, that there was enhanced enforcement, and that we were going to be serious about it.

I haven't looked at those numbers in a long time, but it seems to me, as I recall, that for a period of, maybe, 12 to 18 months we saw a significant drop in illegal migration into this country. Then it became evident that enforcement was going to be slow, if at all.



The fact of the matter is that there was not enforcement. There was not enhanced enforcement as there wasn't enforcement. There wasn't a serious effort. That was a combined result of a failure to follow through on the part of the Congresses and the administrations. As a result, after a significant drop for a short period of time following the passage of and the signing into law of Simpson-Mazzoli, we saw a ratcheting up of illegal immigration into this country. That was in 1986.

Fast-forward to the present time. We have had the result of that ratcheting up of illegal immigration into this country. We have had a situation in which, since people saw that we weren't going to enforce the law, there was an encouragement, in essence, to come to this country in any way one could. There was, as the sociologists called it, the magnet that caused people to come to this country or invited people to come to this country or attracted people to come to this country; and that magnet, otherwise known by sociologists as the "pull factor," was called the prospect of jobs.

I had argued on the floor of this House back in the 1980s that, in fact, we had to recognize the reality of the reliance of American agriculture on foreign workers to a significant degree. Now, I'd come from the Southwest. I'd come from southern California. I had seen that close up. I had gone to the fields. I had seen the conditions in which people would live just for the possibility of coming to the United States for a job. Since we—the people through our government—didn't control it in a fashion in which the government actually determined the number of jobs that would be available, determined who would come in, how long they would stay, under what circumstances they would work, and in what areas of the country they would work, it happened anyway, without any controls whatsoever, and the problem was exacerbated.

One of the fundamental changes I've seen or differences that I've observed in being in the Congress these last 8 years, as opposed to the 10 years I was from '79 to '89, is that the problem, as I saw it in the Southwest, is not nearly confined to the Southwest now; it is, in fact, a national problem. You will find the presence of those who are here illegally who are working in agriculture all over this country. You'll see the increase in seasonal work because you'll see the increase in the demand for "local produce," for locally grown crops. As you see that, you see the demand for seasonal agricultural workers expanding to other parts of the country, and we don't control it.

We don't have a workable system. Some people say, well, we have the guest worker program under the Labor Department, the H-2A program. It, frankly, doesn't work. It works for

about 4 percent of the agricultural industry in the United States. I say that as someone who helped draft the legislation as a part of Simpson-Mazzoli, not because that's what I thought was the best we could do, but that it was the best that was able to be accomplished in any legislation that was going forward. So we now are confronted with a situation in which we have had large-scale illegal immigration into this country after the passage of Simpson-Mazzoli and the failure to implement the enforcement side of that.

We also are confronted with the question of legal immigration and the fact that, right now, I believe, we set aside too many visas for those folks who have particular skills that we believe might help this country at the present time. I'm not in any way denigrating unskilled workers, and I'm not in any way denigrating those people who come to this country without skills and then develop them once they're here. Our history is replete with those who have accomplished great things in having come to this country with nothing more than a desire to do well, a commitment to hard work, and using the intelligence and the other skill capacities given them by God.

I do say it makes no sense when we have a situation in which we take peoples from around the world who come to this country because we have the greatest colleges in the world and who develop expertise in science, technology, engineering, mathematics—and in areas that might have an immediate impact on some of the most important growth industries as we look to the future—and we say to them, if you get your degree here, you've got to go to your home country for several years and then apply to come back to this country in order to work here but that Canada will allow you in right away or that many other countries will allow you in right away; or go back to your home country and, thereby, compete with the United States' economy amidst emerging economic growth in your home country.

I saw this very, very closely at hand when I saw one of our major technology companies actually build a plant just over the border in Canada, utilizing a core of those people who had graduated from American colleges, who had come from foreign countries, and who were immediately accepted into Canada. Then Canada was able to build a workforce of about 1,000 people around a core of probably no more than 100 people who would have been required to go back to their home countries from the United States. They basically said, Hey, you don't have to go there. You can come to Canada—and we lost the potential for 1,000 jobs going right across the border because of a policy which doesn't fully understand the appropriateness of our

matching up with those people who have particular skills and wish to stay in this country after they've been trained in this country: their skills and our needs. Now, we did vote on the STEM Act here this past week, which was one attempt at dealing with that question, but it was only one attempt at dealing with that question.

In some ways, in my judgment, the changes we need to make in legal immigration have been—I don't know if I'd use the term "held hostage," but they certainly have been put on the back burner because of the desire for us to deal with a true problem that is more prominent, and that is illegal immigration. So why am I talking about this? Well, I'm not going to have the chance to work on this after January 2. While I devoutly desired the opportunity to do that, there has been a decision made otherwise. I still have the passion for dealing with this issue, because I think it's so important to this Nation. I think it goes to the identity of this country, and I think it goes to the future of this country. I reject the notion that we either have to be a Nation of immigrants or a Nation of laws.

□ 1550

I think we can be both a Nation that welcomes immigrants and a Nation of laws. I think we have to understand that there is nothing wrong with this country as a sovereign Nation making decisions with respect to immigration law that are in the best interest of America. Sometimes I think when we're talking about international law, we're talking about international relations, and we're talking about the work of the United Nations, and we're talking about working with other people in the world; and we lose sight of the fact that the first obligation of the Federal Government is to have the interest of the people of this country at heart, that the obligation of the State Department, for instance, is to represent the national interest of the United States.

And so I make no apologies for the United States asserting that it has a right to make decisions in the area of immigration that are in the best interest of the United States. I guess the tough question is what is in the best interest of the United States. Again, I would say it is to show that we can be both a Nation of immigrants and a Nation of laws.

So I refrain from using the phrase "comprehensive immigration reform" because that has become a watchword or a watch-phrase for amnesty, and I understand that. I avoid using the term "pathway to citizenship" for those who have been here illegally because that, in fact, is defined as amnesty—and for good reason, in many circumstances.

But I do think we have to apply a multifaceted response to a multifaceted challenge or problem. So, first,



in order to gain the confidence of the American people, we have to admit that when we did the last major immigration reform, and we've had some bills since then, but I'm talking about the major immigration reform Simpson-Mazzoli, we did fail to implement the enforcement side of things. The American people understand that. They think they were shortchanged; I think they were shortchanged. We have to admit that readily. That is part of the context in which we have to deal with the issue; and I think we have to, therefore, accept it, acknowledge it, and learn from those mistakes.

So we need to have a commitment towards enforcement. We need to have borders that are controlled, not just because of the issue of immigration or illegal immigration, but because of the threat in a period of asymmetric warfare or an asymmetric threat where those who are committed to do us harm are not just nation states but maybe transnational terrorist organizations or maybe those that have been known as lone wolves who are incited by, inspired by, and committed to the values that have been expressed by those terrorist organizations who spread their venom around the world seeing who might be attracted to it.

And if, in fact, you have a situation like that, you ought to be even more cautious than before about those entering into this country with terrorist thoughts and terrorist desires against this country.

So for any number of reasons, we need to have a commitment to controlling our borders, number one; and, number two, we have to acknowledge that one of the magnets, or one of the pull factors, causing people to come to the United States or inviting people to come to the United States is the prospect of employment that does not consider the legal status of those who seek that employment. And so that's why I think an E-verify system or something very much like that has to be a part of what we do.

Third, we have to acknowledge that in the area of agriculture, there is a proven need for foreign workers. People can argue about it, but I would just say look at the example of the State of California, my home State. We've seen that for well over 100 years we've relied greatly on foreign workers for agriculture. They've been legal or illegal depending on whether or not we've had a program.

I have for many years looked back at the bracero program to see both its positives and its negatives. Its positives were basically categorized as a government-sponsored, regulated program that allowed people to come into this country to seek work in the area of agriculture and give them legal status while they did. That's the positive. The negatives are that in many ways there weren't protections for the work-

ers and because one who came under the bracero program was tied to a specific employer, if he or she had a complaint about that particular employer, they often found themselves back in their home country before they ever had any adjudication of that complaint.

So I think you have to devise a program that would determine the number of people that come here, determine under what circumstances they come here, determine in what areas of the country they can be here, but in a sense allow them to be free players in a free market that is defined by the job, that is, agriculture. And particularly because of the seasonal-worker nature of much of agriculture that they engage in, allow them to go from employer to employer.

There are enforcement mechanisms that can be put in place to ensure that they stay in agriculture, and there are significant penalties that you can apply if they fail to get a job or get a job in agriculture.

One of the things that I've had as part of any proposal that I've presented is that you take the amount of money that would go into Social Security, the employer and the employee contribution, and that goes into a fund that first is responsible for paying for the administration of the program so there's no burden to the taxpayer. Secondly, that money would go into a fund that would pay for any cost incurred by local jurisdictions for emergency medical care that was rendered to those individuals. And, third, that which would be remaining would go into a fund that would—that is for the contribution by the employer and the employee for that particular individual—be dedicated to that individual but would be redeemable only if they returned to their home country and were physically present there. If they weren't during the period of time they were supposed to be home, they would not have that fund. That money would be forfeited. If they did, they would be able to redeem that money back in their home country.

My idea would be that they would be able to work in this country for 10 months out of any calendar year, and they'd be able to go back and forth during that period of time. One of the things that we have discovered is that as we've increased our ability to enforce our control of the border, if someone successfully gets across the border to work in the United States, they now have a great incentive not to return home for fear they won't be able to make it back.

So in a very perverse way, the very success of our increased enforcement has made it more likely that they will stay here permanently rather than return home. So we need to develop a program that is based on the facts as they exist. And participation in the

program doesn't put them on the road to citizenship. It doesn't grant them any rights with respect to citizenship or permanent resident status. It is a temporary worker program.

I do not think that other industries have proven the case that they need those kinds of foreign workers. I really don't. In terms of construction, for goodness sake, why do we have the high unemployment rate among African Americans in this country and among Hispanics who are here legally in this country when the construction trade is a great trade to learn, is a wonderful way to be able to earn one's living, and has an opportunity for people to move from just someone working at the job site up to learning their trade and becoming a contractor or subcontractor in some ways.

□ 1600

So I would not suggest that we expand the Guest Worker Program that I'm suggesting beyond agriculture, but I do believe it is appropriate in the area of agriculture.

Probably the most difficult thing to deal with in this entire arena is the question of those who have been here for a substantial period of time in illegal status, illegal immigrants who have been here for a long period of time, those that have put down roots in the community.

There are those that say, look, the best way to do this is just take care of the problem by putting them on the road to citizenship. And there are those who have suggested things such as voluntary departure or enforcement of some other mechanism. And while I appreciate the sincerity and the thinking that goes into both those positions, my belief, after being involved in this for over 30 years, is that neither one of those positions is going to ultimately succeed.

So what do we do?

In baseball we have something, when a ball is pitched to the batter the batter wants to get the wood on the ball. He wants to hit it in the sweet spot, right?

He wants to be able to maximize the energy that is generated by his swing against the ball. And one of the best ways to do that is to hit that sweet spot in the bat. So I've been looking for the sweet spot on this issue. Some people call it the midway; some people call it the compromise. I call it the sweet spot.

It seems to me that we could do this. And I've proposed this in legislation, and I would hope that at least it would be considered in the next Congress by those who will remain. And the idea is that you would identify those individuals who've been here for a significant amount of time. And of course that's up to a decision by the future Congresses as to what that time is. Is it 5 years? Is it 10 years? I mean, what is it?

But I think you'd have to establish what characteristics of roots in the community would identify these individuals. Certainly you wouldn't grant this to someone who just got into the country yesterday or last week, I don't think, because I think that would then encourage further illegal immigration in the future. People say, hey, look, they make it fairly easy, they're going to do it down the line.

So you have to understand about the consequences of the impact on those who are looking at it from afar, as well as those who are immediately impacted. So you first determine what the period of time would be that would establish them as people who have roots in the community.

Secondly, I think you have to make sure that they haven't committed crimes of another nature, the crime of coming into this country, remaining in this country illegally, but not any other crimes. And people say, well, gee, it might be this crime or that crime. Well, you know, that's a consequence of your action. I think this would be for those people who have not committed other crimes in this country.

It seems to me there ought to be a requirement that they know English or are engaged in the study of English. Why do I say that?

I'm not opposed to foreign languages. I wish I knew some foreign languages. I have enough trouble with English. But if we are a country of immigrants, as we profess to be, and as we are, I believe, you have to have some unifying, identifying characteristics that bring you together. One is the sense of the understanding of the civil institutions we have. But certainly, one is the manner in which we express ourselves.

So a common language, I think, is particularly important to a country of immigrants. It brings us together. It allows communication. It allows us to come together as a community, without giving up or in any way disparaging our heritage. So I would have that as the second requirement.

Third, it seems to me, there ought to be a requirement for a study of some of those civil institutions of our society. There should be an understanding of what the essence of the democratic institutions are because people coming from other countries have other traditions, other systems.

I'm reminded of this, when we had large-scale refugee numbers coming into this country. I was a young attorney in southern California. I remember going down to Camp Pendleton with other attorneys and volunteering our time to teach those in the refugee community, and that was one of the places that they first came in California, to Camp Pendleton, before they then found sponsors and came to other parts of our country and the state.

Giving them simple instructions in the law, and the way the courts

worked, and what your rights were. Fairly elementary, but nonetheless, necessary. And it was indelibly impressed on me that some of the things we do in our system are not immediately apparent, and people from different backgrounds, different cultures, different countries may not appreciate it.

If they are coming here, one of the great things about this country is assimilation. And so that's why I would require a study of civil institutions, and our governmental structure among them, for those individuals.

Next, people talk about a particular fine, and I don't know what that number would be, but I understand that to be appropriate.

Now, under those circumstances, what would I say they have?

Would they go to permanent resident status?

No. I would create a new category of legal status in this country called a blue card or red card, whatever you want to call it, in which they would, for a period of time, maybe 3 years, maybe 5 years, but they could repeat it, they could re-up this. During that period of time they would have legal status in the United States. They could work in the United States, live in the United States, go to school in the United States, but they would not be on the road to citizenship. In order to do that, they would have to have a touch-back in their home country, and they would get in line behind everybody else.

Now, why do I think that's important?

I think at the base of the objection to amnesty, as I understand it, is this idea that it is unfair to cut in line. If you're a kid and you're at school and you're waiting in line to get a drink of water, you're waiting in line to go to the bathroom, you're waiting in line to get your lunch, and you see somebody cut in line, you immediately know that's not fair. We all know that's not fair to cut in line.

So why should someone who didn't follow the law cut in line in front of those who have waited in their own country for their opportunity to come to the United States?

So my sweet spot in this particular argument would be that, while you have an ability to remain in the United States, in order to get on the path to citizenship, and not give you an advantage over somebody else from your home country, you must touch back in your home country and you must get in line behind everybody else who followed the law.

I think that is an approach that at least ought to be considered. I'd hoped to be here in the next Congress to be able to raise that and to fight for it and to see how others would view it, but I won't have that opportunity. I hope to be on the outside, and what-

ever I do, to have a chance to continue to influence the debate, following whatever the lobbying rules are. I know I can't directly lobby, but hopefully, as an American citizen I can talk about those issues in that first year, and I can talk about why it's important for us as a country.

And yes, I've said in our own conference, it's important for us as a party, my party, the Republican Party. We have to understand the dynamics that are involved there. I've seen it happen in my home State. I've seen what the political implications are, and I think we ought to pay attention to them.

But, beyond that, far more important than that, far more fundamental than that is the fact that this country has to confront this issue in a reasonable fashion, in an intelligent fashion, and in a fashion that improves the state of this country.

So I know there are men and women of goodwill in this House and in the Senate who will and can work together. I would make a humble request of the President of the United States, that he toss aside partisanship, and that he join those Members in the Congress and those of us who will be in the public, out in the public, in an effort to try and deal with this issue.

With all due respect, when the President of the United States went down—I think it was to El Paso—a couple of years ago and said Republicans want to build a fence, and then they want to build a moat, and they want to put alligators in it, that is hardly an invitation to cooperate.

That image, in and of itself, when you realize the history of the Rio Grande, and when you realize the history of people coming across the Rio Grande to this country, that image is devastating. It does not open people's hearts to the possibility of reaching a compromise. It drives people away.

And so my hope would be that the President would, as Ronald Reagan did in the 1980s, work with those who are in the House and the Senate to try and come up with a compromise that deals with the issues of this day under the grand rubric of immigration, and that, putting aside partisanship and political advantage, work in good faith with Members of the House and Senate to accomplish this task.

□ 1610

And I would ask this: that those in this House and those in the Senate and those in the administration under the direction of the President begin working on this early, not late. If the work is done early, as we did in 1985, the chances of being able to actually accomplish a completed legislative vehicle and have it on the President's desk for signature are greatly enhanced. Don't wait until it's campaign year politics and certainly don't wait until

it's the next Presidential election year for politics. Try and work on it now.

This country is lesser for the fact that we haven't dealt with an issue of this importance. This country is lesser for the fact that we have all the tensions that exist as a result of a failure of the law to respond to the realities of the time. And we put ourselves in a conundrum where, in just one instance, I would cite men and women in the farm community in my home State of California who have farmed for generations and have seen the reality of the labor market for agriculture—our men and women who are patriotic and love this country and want to follow the law, who in fact would support an E-Verify system which would allow them the certainty of having legal workers but who on the other hand recognize the need for foreign workers—these people would be put into a no-win situation, a catch-22, where on the one hand they would be forced to follow the letter of the law, knowing that they would not have the workers that would allow them to continue in the generation's old farming business that they have or, on the other hand, as patriotic Americans in their own way, nonetheless be forced to break the law in order to retain their livelihood. That's unacceptable. That is shortsighted. That is self-defeating. And it is something that we should not allow.

Now it's easy to get up here and do a Special Order and talk about how I would solve the problem. It's much more difficult to have a completed solution to a problem. And I understand that. I in no way suggest that this is easy or it will come quickly. But I do believe we have men and women of goodwill, of patriotic hearts, who can and are prepared to work on this issue. And I would hope that the President of the United States, now almost in his second term, would understand the seriousness of the issue, the immenseness of the challenge facing us, and would understand that in the best interest of the United States it would behoove us to work together to solve the problem. I'm not sure what I'm going to do be doing in the next year, but I do know that I want to be involved in the debate, and hopefully I can applaud my colleagues that remain here as they succeed in dealing with this very difficult problem.

So, Mr. Speaker, I thank my colleagues for listening to me and I encourage my colleagues to deal with this issue in the spirit of goodwill that I know they have.

I yield back the balance of my time.

#### RIGHTING THE WRONGS IN AMERICA

The SPEAKER pro tempore (Mr. BARLETTA). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. It's uplifting to hear my friend, DAN LUNGREN from California. What an amazing public servant he has been. I fought battles with the man. I know his heart. And he's going to be sorely missed. He cares so deeply about this country.

Such is the lot of people whose country has leadership decided by elections. Sometimes good things happen, sometimes they don't. But democracy ensures that a people are governed no better than they deserve. So whether someone liked President Reagan or President George H.W. Bush or President Bill Clinton or President George W. Bush or President Barack Obama, the truth is that at the time they were elected President, we as a Nation overall got the President we deserved at that time.

One of the most impressive speeches I've ever heard was given by Senator Barack Obama at the Democratic Convention. And I love the way he talked about America, coming back as one America. Not a red America or a blue America, but America. Just one country. And it was one of the things that I drew great hope from on 9/12/2001 as people around the country gathered around, as we did in our local east Texas town, and people of all races and ages and gender, and we all held hands and we sang hymns and patriotic songs. And I looked around the circle and was deeply moved because I knew that day there were no hyphenated Americans, there were just Americans. And we were together. And everybody standing there in that square holding hands, we shared the love for our country. We wanted to see it strong. We wanted to see it recover from that devastating blow from people intent on evil, based on hatred.

That senator that wanted one America has presided in such a way that we seem more divided than ever—more people on food stamps, more people below the poverty level, more people struggling than ever before. We were told if the \$900 billion giveaway stimulus proposal—porkulus some called it—if that was passed, we would be recovering very quickly. And if we did not pass that stimulus, porkulus, whatever you want to call it, if we didn't pass that bill in early 2009, the country might well reach unemployment rates as high as 8, 8.5 percent, as I recall. Well, guess what? We passed it and things got worse. It was a terrible bill. It was not the way you fix an economy in danger, suffering.

□ 1620

What's so tragic right now, Mr. Speaker, is how many people across America are struggling, out of work. I'm not just talking manual laborers or older workers, I mean all ages, well-educated, poorly educated. We've got people out of work around this country that are really in desperate straits.

Some take different approaches. I was shown numbers that indicated at one point that when people are unemployed, many of them will look full time for employment, for substitute employment, but on average may have 30 minutes a week—for an average—until the last 2 weeks of the unemployment benefits, and at that time it may go as high as an average of 10 hours or so of the last 2 weeks looking for employment.

This President is demanding that we extend unemployment benefits for another year for those who have been unemployed for a year. We also know that in his JOBS Act—it was really a JOBS Act for lawyers because they created a new protected class called the unemployed; so that if you had been unemployed for 2 years and you go apply for a job and the employer looking for a worker considers the fact that you didn't look for a job for 2 years and instead hired somebody that had been out of work for a month and was desperately spending all his or her time looking for employment, if you considered the fact that somebody had been unemployed, how long they had been unemployed, then you would be sued under the President's proposed bill.

So it was going to be a great boon to trial lawyers, to plaintiffs' lawyers because they would be suing on behalf of every unemployed worker who went and looked for a job for the first time in a couple of years. I mean, you could have that kind of scenario, not look for a job for a year or two, go look for a job, and then turn your case over to a lawyer to sue anybody that didn't hire you because you didn't show any particular motivation, and most employers want motivated employees.

So we know that the President has made this proposal; he wants to extend unemployment for another year. Just to show what a worthless organization—they're smart people; they're very good people; they're a good organization, but their rules are so pitiful, so unrealistic, so unmoored to the foundation of good economic projections—we have the Congressional Budget Office, CBO. They come in, and apparently—I was reading an AP story. I didn't see the CBO numbers themselves, but the story said that, according to CBO projections, extending unemployment for another year for those that have been unemployed for a year now would cost \$30 billion. But the great thing is that \$30 billion of paying people to remain unemployed would create 300,000 jobs. So what a great thing for America, for our economy if you spend \$30 billion and create 300,000 jobs. Until you start looking at the numbers and you go, Wait a minute. Wait a minute. We're spending \$30 billion. We're told if we do that it will create 300,000 jobs? Well, that's not very smart. That's \$100,000 that we would be spending for every job we create.

What kind of math is being utilized by the White House and by CBO? I mean, how stupid are Americans? Oh, yeah, great idea. Let's let the government spend another \$100,000 to create one job that may not be but a part-time job, pay \$20,000 or so. Well, I'll bet if we offered people across America, made an offer, we want to create 300,000 jobs this month and so we're looking for bids. Who will come to work for less than \$100,000? I'll bet you would get 300,000 people working very quickly for a whole lot less than \$100,000 a job.

So that kind of math is what has gotten us in trouble. It's why we need an alternative to CBO scoring that deals realistically with what we're engaged in, because it's only when we have a scoring system for bills that is wedded to legitimacy and historical reality that we will begin to have better legislation. Because when you have a group that has such ridiculous rules to score bills that it will come in and say ObamaCare, yes, it will cost \$1.1 trillion, and then they have their Director called to the Oval Office and reminded, apparently, that the President promised it would cost less than \$1 trillion and they rescind it and come back with \$800 billion—with a wink and a nod, apparently—and then after it passes, they come back and say, Oh, you know what, it was actually more than a trillion. Now we're told maybe \$1.6 trillion—who knows, 1.8, maybe 2.0. Who knows. But any entity whose margin of error for scoring bills in Congress is plus or minus 100 percent margin of error does not need to be allowed to do any more scoring. We need to do a competition of it. It's what Americans do well. When we compete as a nation, when we have people in America competing, we do better. So let's have competition for scoring bills.

I was having a wonderful discussion with one of the best economic minds in the country, Arthur Laffer, and I said I was hoping that maybe we could get someone else to score bills—Moody's, S&P, others. My office had checked with Moody's. They said they don't score bills. He said, They will if you pay them, and I bet you you could get it done for a whole lot less than what it cost to keep CBO going.

So think about that. We start having a competition for scoring bills so that we can get legitimate bills, not one where America is promised it will cost \$800 billion only to find out it's going to be more than twice that amount even before it really comes into fruition. We need competitive scoring. Then, over a few years of time, we will begin to see who's more accurate and who's not. We will be able to score the scorers. Because until that time, we will continue to limp along and have ridiculous mathematics like CBO telling us that ObamaCare will cost \$800 billion and shortly later coming back and saying it's probably going to be

\$1.6 trillion. A margin of error of 100 percent is intolerable. It's time for a different means of scoring.

Let's have competition. I think that you would end up having some of the universities in the country have their—whether it's economic or finance departments. Texas A&M has a great department that does a lot of projections and calculations. I know there are schools around the country that do that. We could make a competition. And the better you are at scoring, perhaps the more you get paid for scoring bills because you're more accurate. Make it a competition. Because in the meantime, having an entity that scores bills, that is used to condemn a bill or raise a bill to the heights, is bringing us down to economic ruin. It's one of the little parts of the puzzle that needs fixing.

□ 1630

So we have a President who continues to be vague on what he will accept to avoid what people are calling the fiscal cliff. Well, I might remind people that the fiscal cliff was gone over in August of 2011. Some have already forgotten. We were told if we didn't have a debt ceiling increase by August 2, we were going over the financial cliff. It was financial Armageddon. Everything would melt down. It was all going to be just this horrible financial melee. It was a disaster. We could not allow ourselves to get to August 2 without having a debt ceiling increase.

Some of us made proposals, and we took a look at what was being proposed. And we said, Are you kidding, a supercommittee? That's not going to do any good. They will never be allowed to reach an agreement. Some of us were told, Well, of course they'll reach an agreement because if they don't, there will be these massive amounts of devastating cuts to our defense and devastating cuts to Medicare. They'd never allow \$300 billion or so to be cut from Medicare on the other side of the Capitol here. And I reminded my friends they just cut \$700 billion from Medicare for ObamaCare.

This President and the Senate were pitting our seniors against younger workers in America. They're pitting our seniors on Social Security and Medicare against younger workers. What kind of President, what kind of party, what kind of Senate does such a thing? Why would you pit younger workers against our seniors? But that's what occurred with the debt ceiling bill.

That's what occurred with the 2 percent cut to the Social Security tax. It sounded like a great idea, and now we find out 2 years later, actually, that 2 percent reduction in the amount of money that workers pay into Social Security, it was a very small amount, relatively speaking, to the amount of debt the United States and workers are

having to run up because of the poor economy.

But we were told, Oh, it may save them \$60, \$80 a month. It may be such a great thing. And yet \$60, \$80—as important as that is to any individual worker—meant that last year, for the first time, the Social Security taxes coming in did not cover the Social Security checks going out. It meant that this administration pushed through a bill with Leader REID down in the Senate pushing the way for it. It meant that seniors' checks were not covered by the Social Security taxes being paid by at least 5 percent.

There were projections then that it was a 5 percent shortfall last year, and this year it's going to be a 14, 15 percent shortfall. That wasn't supposed to happen for several years. Republicans and Democrats were debating in years past—since I've been here in the last 8 years—about how, no, that wouldn't happen until 2018. Others said, no, that won't happen until 2048. Well, it happened last year in 2011. The money coming in from Social Security tax did not cover Social Security payments. And so what's the proposal by this President and Leader REID? It's, let's gut Social Security even further. Let's make it bankrupt even quicker.

Listen, what's going on? I know we all have the goal of making America stronger, but we're seeing that what is happening is hurting the economy. It's making America weaker. And for all of the talk this fall about, gee, we may have turned the corner economically if it weren't for our czar, the Federal Reserve czar, Bernanke, creating money out of thin air, then the economy would be even worse than it is today. But I think the President owes Mr. Bernanke a great thank you for helping him win reelection by creating so much money out of nothing.

But the trouble with that is next year Americans will pay a very severe price, as we see inflation start to take hold. But the President, Mr. Bernanke, they knew that that inflation wouldn't really kick in now before the election. So it helped him win reelection. And then we would get into next year, and then the inflation would start kicking in. And then with a poor economy and inflation, we're back to the end of the Carter years.

And with the President having cut the permits down in half for drilling on Federal land from what they were under the Bush administration, he was able to receive the benefits of the permits done during the Bush years so he could say, Look, we're producing more on Federal land. Isn't that great. Well, yes, but now we're going to start seeing the consequences of cutting in half the number of permits during the Obama administration's first term; and there will be a price to pay in our energy costs over the next 4 years.

We hear people saying over and over and over again Americans must pay

their fair share. The rich must pay their fair share. Everyone must pay their fair share. And on that, I am in 100 percent agreement with our President, with Leader REID at the other end of this building, with my friends across the aisle, the Democrats here who want everybody to pay their fair share. I'm in 100 percent agreement. We absolutely should do that, make everybody pay their fair share.

You know, lots of folks use the metaphor, Let's make sure everybody has some skin in the game. Well, if you really want to have everyone pay their fair share, there is an easy answer; and, fortunately, it would drive this economy to brand-new heights. It would drive this country and our economy to a new economic renaissance. It would be incredible. And all of our friends around the country who are suffering, who don't have even \$3 a gallon to pay for gasoline, it would help them when they can't handle the rent going up and the groceries going up. It would help them as we saw the economy become more vibrant because after 4 years, if Tim Geithner were really honest, he would come forward and say, as Secretary of Treasury Morgenthau did in 1940 when he wrote:

We have spent more money than any country in history, and we have nothing to show for it but more debt.

That's what a Secretary of the Treasury who wanted to be honest would say after 4 years of the most incredible spending beyond anything that Secretary Morgenthau, under Roosevelt, could have ever dreamed.

Well, here's a good answer. When you hear the term "fair share," think flat tax. You want people to pay their fair share, make a flat tax.

Now, the President has had his friend Warren Buffett, one of many of the megarich in this country—in fact, the megarich Wall Street apparently support the President four to one over Republicans. It's one of the great, amazing misconceptions in America. Wall Street executives and their spouses donate four to one to Democrats over Republicans. So I would like to see the fat cat Democrats and the fat cat Republicans all pay their fair share. I'm tired of hearing Warren Buffett say he doesn't pay as much a rate as his secretary and he wishes the rich were taxed more.

□ 1640

What hypocrisy is that? Holy cow. It's really easy. We've made it easy. Just write the check to the U.S. Government, IRS, however you want to. We'll cash it however you want to write it.

You want everybody to pay their fair share? Let's pay taxes at a flat tax rate. The great thing about a flat tax is when you make more, you pay more; when you make less, you pay less. The other thing about a flat tax, it doesn't

just need to be a flat tax on income; it ought to be a flat tax across the board.

Some think there should be no deductions. I'm in favor of two. A brilliant mind, even though he went to Harvard, Arthur Laffer, has an idea, and he's talking in terms of two good deductions: a mortgage interest deduction and charitable deductions. Frankly, I don't want to see a cap on charitable deductions, because that plays right into this administration's desire to have government be the end-all, be-all charity, even though as we've seen from Katrina under a Republican administration and we've seen from Sandy under a Democratic administration, the Federal Government is not the best answer for getting help quickly enough to people. It was the private sector that got gas, water, and help most quickly to people who suffered from Hurricane Katrina and from Hurricane Sandy. But a proposal to cap charitable contributions as deductions would end up killing charities and forcing people to come begging. Oh, please, government, would you please give me a morsel, give me another crumb. So whichever party happens to be in power gets more power, Republican or Democrat, we've got to stop that cycle of dependency. We have got to help people reach their God-given potential.

When you hear about fair share, you want an equal percentage tax, let's have one for Warren Buffett and the same rate for his secretary. Let's make the income tax, the corporate tax, the capital gains tax, the gift tax, the estate tax, let's just make them all 15 percent across the board. I'll never have a problem with an estate tax, but it is outrageous to make people sell the family farm or sell the business or get in hock up to their ears for something their parents have worked a lifetime to build up. People like Warren Buffett, the ultrarich, they're not going to have to worry about the estate tax because they're able to pay megabucks for lawyers and brilliant financial analysts to come up with a way—usually involving life insurance and different things—to take care of their estate tax. So it's not the megarich.

When people say they're going after the rich fat cats, England did that in 2009. An article last week pointed out that in 2009, England increased to 50 percent, in addition to all the other taxes they have, the tax against people making 1 million pounds or more, and that next year England went from having 16,000 people who were making 1 million pounds or more a year to 6,000. They dropped from 16,000 people making more than 1 million pounds a year to 6,000. That's an incredible drop, a two-thirds loss. So there was no additional income made—or, it's not made—it's taken. There was no additional income taken by raising the taxes on the rich because they're too elusive to nail down.

So you might as well set up a system that doesn't keep punishing the middle class. The truth is, when you raise taxes on the ultrarich and you keep spending to match that—and actually this administration and some friends in this Congress want to keep raising the amount we spend instead of getting realistic. When you keep doing that, what you hurt is the middle class. They're the ones that suck it up because the middle class—when you work at a store or a factory or a mechanic's garage, any of the places that the middle class work, when you work there, you can't just pick up your factory if you're a worker and move wherever you want where the taxes are less. The owners of the factory can, they can move. They don't have to pay the higher tax. The workers can't. As you see what happened in England, when that happens everywhere, when you raise taxes on the ultrarich, they move because they can. And who has to suck up all that extra money that has to be provided for, that the government doesn't have? It's the middle class that does.

With that, I yield back the balance of my time.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 5, 2012, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8568. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2009-0644; FRL-9366-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8569. A letter from the Under Secretary, Department of Defense, transmitting account balance in the Defense Cooperation Account as of September 30, 2012; to the Committee on Armed Services.

8570. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2012-0619; FRL-9754-9] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8571. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2011-0363; FRL-9355-9] (RIN: 2070-AJ89) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8572. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Consumer Products Regulations [EPA-R03-OAR-2012-0797; FRL-9755-2] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8573. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Florida; Regional Haze State Implementation Plan [EPA-R04-OAR-2010-0935; FRL-9755-8] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8574. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard [EPA-R09-OAR-2011-0492; FRL-9757-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8575. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; City of Albuquerque-Bernalillo County, New Mexico; Interstate Transport Affecting Visibility and Regional Haze Rule Requirements for Mandatory Class I Areas [EPA-R06-OAR-2008-0702; FRL-9755-5] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8576. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) [EPA-R09-OAR-2012-0267; FRL-9730-3] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8577. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and South Coast Air Quality Management District (SCAQMD) [EPA-R09-OAR-2012-0252; FRL-9737-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8578. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO [EPA-R05-OAR-2007-1102; EPA-R05-OAR-2008-0782; FRL-9753-7] received November 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8579. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2012-0396; FRL-9753-6] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8580. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of New Mexico; Regional Haze Rule Requirements for Mandatory Class I Areas [EPA-R06-OAR-2009-0050; FRL-9755-6] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Section 128 and 110(a)(2)(E)(ii) and (G) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards; Correction [EPA-R04-OAR-2011-0809; FRL-9754-5] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8582. A letter from the Assistant Regional Director, USFWS; Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska — 2012-13 and 2013-14 Subsistence Taking of Wildlife Regulations [Docket No.: FWS-R7-SM-2010-0066] (RIN: 1018-AX33) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8583. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery off the Southern Atlantic States; Snapper-Grouper Management Measures [Docket No.: 120403249-2492-02] (RIN: 0648-BC03) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8584. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action; Rule Extension [Docket No.: 120316196-2195-01] (RIN: 0648-BB89) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8585. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2006 Consolidated Highly Migratory Species Fishery Management Plan; Amendment 4 [Docket No.: 080603729-2454-02] (RIN: 0648-AW83) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8586. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; Announcing OMB Approval of Information Collection [Docket No.: 120614172-2395-01] (RIN: 0648-BC29) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8587. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2013 Standard Mileage Rates [Notice 2012-72] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8588. A letter from the Chief, Publications and Regulations, Internal Revenue Service,

transmitting the Service's final rule — Tier 2 Tax Rates for 2013 received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas (for himself and Mrs. MALONEY):

H.R. 6628. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; to the Committee on the Judiciary.

By Mr. WALZ of Minnesota (for himself, Mrs. McCOLLUM, and Mr. WOMACK):

H.R. 6629. A bill to improve the training of child protection professionals; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.R. 6630. A bill to require that the members of the Armed Forces and civilian employees of the Department of Defense who were victims in the attack that occurred at Fort Hood, Texas, on November 5, 2009, and the family members of those victims be accorded the same treatment, benefits, and honors as were accorded the victims of the September 11, 2001, terrorist attacks on the United States and the family members of those victims; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 6631. A bill to provide energy crisis relief to residents of the Virgin Islands; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 6632. A bill to amend the National Voter Registration Act of 1993 to modernize State voting systems by allowing for increased use of the internet in voter registration, and for other purposes; to the Committee on House Administration.

By Mr. WITTMAN (for himself, Mr. FORBES, Mr. RIGELL, Mr. SCOTT of Virginia, Mr. WOLF, Mr. MORAN, Mr. HURT, Mr. CONNOLLY of Virginia, Mr. GRIFFITH of Virginia, Mr. COURTNEY, and Mr. GOODLATTE):

H. Con. Res. 143. Concurrent resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 25th and final deployment of the vessel; to the Committee on Armed Services.

By Mr. WOLF (for himself, Mr. BROWN of Georgia, Mr. CAMPBELL, Mr. WILSON of South Carolina, Mr. GOHMERT,



Mr. CULBERSON, Mr. ADERHOLT, Mr. CRAVAACK, Mr. BROOKS, Mr. WITTMAN, Mr. DUNCAN of South Carolina, Mr. GRIFFIN of Arkansas, Mr. MEEHAN, Mr. POSEY, and Mr. KING of Iowa):

H. Res. 824. A resolution establishing a select committee to investigate and report on the attack on the United States consulate in Benghazi, Libya; to the Committee on Rules.

### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

300. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 39 supporting the use of a portion of federally generated seafood product import revenues for domestic marketing and promotion of California fish and seafood; to the Committee on Agriculture.

301. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 31 requesting the Congress and the Department of Defense to remain committed to maintaining the 144th Fighter Wing and the Aerospace Control Alert mission in California; to the Committee on Armed Services.

302. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 40 urging the Federal Housing Finance Agency to immediately allow the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to offer principal reductions to homeowners; to the Committee on Financial Services.

303. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 46 supporting the advocacy efforts of Operation San Diego; to the Committee on the Budget.

304. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 27 memorializing high school and college coaches of women's athletics are to be commended for progress in attaining the goals of Title IX; to the Committee on Education and the Workforce.

305. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 47 supporting the efforts to ensure pay equity and to protect employees who seek information about pay without fear of retribution; to the Committee on Education and the Workforce.

306. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 27 memorializing high school and college coaches of women's athletics are to be commended for progress in attaining the goals of Title IX; to the Committee on Education and the Workforce.

307. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 44 recognizing September 2012, and each September thereafter, as Sick Cell Anemia Awareness Month; to the Committee on Energy and Commerce.

308. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 28 urging the Postal Service to end its plan to reduce the frequency of mail delivery from six days to five days a week; to the Committee on Oversight and Government Reform.

309. Also, a memorial of the General Assembly of the State of California, relative to

Assembly Joint Resolution No. 28 urging the Postal Service to end its plan to reduce the frequency of mail delivery from six days to five days a week; to the Committee on Oversight and Government Reform.

310. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 calling for the Congress to quickly pass the Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; to the Committee on Natural Resources.

311. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 calling the Congress to quickly pass the Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; to the Committee on Natural Resources.

312. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 45 urging the President and the Congress to reauthorize the Federal Assault Weapons Ban; to the Committee on the Judiciary.

313. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 47 supporting the efforts to ensure pay equality and to protect employees who seek information about pay without fear of retribution; to the Committee on Education and the Workforce.

314. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 45 urging the President and the Congress to reauthorize the Federal Assault Weapons Ban; to the Committee on the Judiciary.

315. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 25 supporting the Los Angeles Residential Helicopter Noise Relief Act of 2011; to the Committee on Transportation and Infrastructure.

316. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 25 supporting the Los Angeles Residential Helicopter Noise Relief Act of 2011; to the Committee on Transportation and Infrastructure.

317. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 46 supporting the advocacy efforts of Operation San Diego; jointly to the Committees on the Budget and Armed Services.

318. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 35 urging the President and the Congress to restrict the transshipment for waterborne export of coal for electricity generation to any nation that fails to adopt rules and regulations on the emissions of greenhouse gases; jointly to the Committees on Energy and Commerce and Foreign Affairs.

319. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 30 memorializing the President and the Congress to enact appropriate legislation that would add comprehensive, preventative dental care coverage to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:

H.R. 6628.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 1, which reads: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excise shall be uniform throughout the United States;

Article 1, Section 8, Clause 18, which reads: The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WALZ of Minnesota:

H.R. 6629.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. CARTER:

H.R. 6630.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8, cl. 12

By Mrs. CHRISTENSEN:

H.R. 6631.

Congress has the power to enact this legislation pursuant to the following:

"Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. MORAN:

H.R. 6632.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States grants Congress the authority to enact this bill.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1695: Mr. MICHAUD.

H.R. 2082: Mr. DAVIS of Illinois.

H.R. 2705: Mr. MICHAUD.

H.R. 3159: Mr. SCOTT of South Carolina.

H.R. 3713: Mr. DEUTCH, Mr. RIVERA, and Mr. ENGEL.

H.R. 4120: Mr. GENE GREEN of Texas, Ms. BORDALLO, and Mr. ELLISON.

H.R. 4322: Mrs. BLACK and Mr. STIVERS.

H.R. 5742: Ms. DEGETTE.

H.R. 5822: Mr. SCOTT of South Carolina.

H.R. 5991: Ms. DEGETTE.

H.R. 6128: Mr. GUTIERREZ, Mr. CAPUANO, and Mr. MORAN.

H.R. 6200: Mr. HONDA.

H.R. 6322: Mr. ROSS of Florida.

H.R. 6412: Mr. VAN HOLLEN and Mr. CURSON of Michigan.

H.R. 6443: Mr. WEST, Mr. MICA, Mr. ROONEY, Mr. NUGENT, Mr. WEBSTER, Mrs. ADAMS, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. STEARNS, Mr. CRENSHAW, Mr. POSEY, Mr. SOUTHERLAND, and Mr. MACK.



H.R. 6448: Mr. GEORGE MILLER of California.

H.R. 6511: Mr. FORBES.

H.R. 6567: Mr. SCOTT of South Carolina.

H.R. 6575: Mr. LATHAM.

H.R. 6587: Ms. WATERS, Mr. HUNTER, Mr. BECERRA, Mr. CAMPBELL, Ms. CHU, Mr. DENHAM, Mr. GARAMENDI, Ms. HAHN, Mr. HERGER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUN-

GREN of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, and Mr. WAXMAN.

H.R. 6598: Mrs. BLACKBURN.

H.R. 6606: Ms. PINGREE of Maine.

H.R. 6625: Mr. KLINE.

H.J. Res. 81: Mr. BOREN.

H.J. Res. 90: Mr. PERLMUTTER.

H. Con. Res. 141: Mr. MCGOVERN, Ms. VELÁZQUEZ, Mr. KEATING, Mr. ELLISON, and Ms. ESHOO.

H. Res. 134: Mr. GONZALEZ and Mr. DAVID SCOTT of Georgia.

H. Res. 220: Mr. CONYERS.

H. Res. 298: Mr. QUIGLEY.

H. Res. 760: Mr. PASTOR of Arizona and Mr. REYES.

H. Res. 818: Mr. NUNNELEE.

**SENATE—Tuesday, December 4, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of light and glory, bend Your ears to hear our prayers. Lord, deep inside we long to be a part of something bigger than ourselves. Give our lawmakers the wisdom to discover Your purposes and the courage to obey Your commands. Lord, teach them to promptly make right decisions and to resist the temptation to waste the currency of the faith and trust of the American people. As they follow Your providential leading, may our Senators strive to be instruments of Your glory. Use them, Lord, to do Your will on Earth even as it is done in Heaven. Into each dark and trying hour, send the illumination of Your mercy and grace.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 4, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks the Senate will proceed to executive session to consider the disabilities treaty. The time until noon will be equally divided and controlled between Senators KERRY and LUGAR, the managers of this treaty, or their designees.

At noon there will be a rollcall vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

I have a number of requests. We don't do treaties often, and our requests from Senators on both sides of the aisle have suggested, and I think they are right, that because this is a treaty, the votes will take place from our desk today. Everyone should be on notice, they should be here, and we will vote from our desks.

Following the vote, the Senate will recess to allow for the weekly caucus meetings.

Additional votes on the National Defense Authorization Act are expected during today's session.

**MEASURE PLACED ON THE CALENDAR—H.R. 6429**

Mr. REID. Mr. President, I am told there is a bill, H.R. 6429, due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. The objection is heard.

The bill will be placed in the calendar.

**FISCAL CLIFF**

Mr. REID. Mr. President, it has been almost 3 weeks since we all met with the President to avert that fiscal cliff we hear so much about. Yesterday, after weeks of delay, and as the days dwindle and taxes are set to go up for millions of families and businesses, Republicans in the House finally showed up at the negotiating table.

Now we know why they have been holding their cards so close to their vests. Their proposal would raise taxes on millions of middle-class families.

Their plan is to raise \$800 billion in revenue by eliminating popular tax deductions and credits that would reach deep into the pockets of middle-class families. Republicans are so intent on protecting low tax rates for millionaires and billionaires, they are willing to sacrifice middle-class families' economic security to do so.

In the first year, unless we do something, middle-class families; that is, people making less than \$250,000 a year, will get an average of \$2,200 in additional tax, taxes they will have to pay.

Their proposal that we received yesterday was short on specifics, but we do know from independent analysis that it is impossible to raise enough revenue to make a dent in the deficit without using one of two things: raising tax rates on the top 2 percent or raising taxes on the middle class.

As my friend, the senior Senator from Missouri, said on the Sunday talk shows, the Speaker has to make a decision whether it is more important to keep his job or to do something about the economy that is in such difficult shape in America. He has to make a choice.

The nonpartisan Tax Policy Center called it mathematically impossible to reduce the deficit and give more tax cuts to the rich without harming the middle class. This is the same thing President Clinton talked about so often during the campaign, saying to everyone it is arithmetic.

As usual, given the choice between millionaires and billionaires and the middle class, Republicans again sided with the wealthy of this country. In fact, their plan doesn't just keep rates low for the richest 2 percent, it actually lowers them further. The Democrats' plan would protect 98 percent of families and 97 percent of small businesses from painful tax increases by asking the top 2 percent to pay a little bit more to reduce the deficit.

The Republicans' plan, on the other hand, is more of the same. Not only does it balance the budget on the backs of the middle class, it voids our promise to seniors with steep cuts to Social Security and Medicare, all to pay for even more handouts to the rich.

At least we now know where they stand. Republicans have sought cover by invoking Erskine Bowles' name, but he has disavowed their plan in no uncertain terms. We are glad to finally see Republicans joining in the negotiating process instead of watching from the sidelines.

While their proposal may be serious, it is also a nonstarter. They know any agreement that raises taxes on the

middle class in order to protect more unnecessary giveaways to the top 2 percent is doomed from the start. It will not pass.

Democrats would not agree to it. President Obama wouldn't sign such a bill, and the American people would not support it. That is in all the polls that are in at press this morning.

The American people are tired of budget-busting giveaways to the wealthiest few people who have enjoyed growing paychecks and shrinking tax bills for more than a decade. The American people want a balanced deal. Simple math dictates that a balanced deal must include higher taxes on the richest of the rich. Republicans would be wise to keep that in mind as negotiations move forward.

We are willing to compromise, but we also will not consign the middle class to higher tax bills while millionaires and billionaires avoid all the pain.

I have been told the leader of the Democrats in the House will file today a discharge petition asking the Speaker to bring the bill to the floor. All Democratic House Members, as far as I know, every one of them will sign this discharge petition.

We have heard Republicans in the House who are willing to move forward. If every Democrat signs this, we will only need about 25 Republicans to join. The American people should see that picture. With 25 Republican votes—25 Republican votes—middle-class America would be able to rest assured that they will not have a tax increase at the first of the year. Twenty-five Republicans is all it would take.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### LIMITING THE RIGHT TO DEBATE

Mr. MCCONNELL. Mr. President, during the past couple days, we have discussed the plans of the Democratic majority to make the Senate more "efficient" and to do it by breaking the rules of the Senate. It is what my Senate colleagues roundly criticized during the Bush administration as "breaking the rules to change the rules." It is something Senate Republicans thought about but wisely chose not to do.

The Senate has two great traditions, two great rights of Members and, by extension, the citizens they represent; the right to amend and the right to debate.

Yesterday and last week I talked about the first of these great Senate rights and how the Democratic majority has sought systematically to marginalize the minority in its exercise of this right.

I noted how the Democratic majority has bypassed committees to an unprec-

edented extent, how it has blocked members of the minority and members of the majority, too, from offering amendments on the Senate floor before cloture is invoked and how, when that didn't shut out the minority, the majority used a bare majoritarian means to change Senate procedure to bar the minority from offering motions to suspend the rules after cloture was invoked.

This systemic effort to marginalize the minority stands in stark contrast to the trend in the House under the Republican majority. It has allowed the minority in the House more chances to amend legislation on the House floor than existed under previous majorities.

In fact, according to the Wall Street Journal, last year, the House held more votes on amendments on the floor than it did during the 2 previous years combined, when congressional Democrats were in the majority.

When one compares the amendments and the motions voted on in the House this year with those voted on in the Senate, as the nonpartisan Congressional Research Service has done, the difference is truly startling. The House minority has been able to offer 214 such motions and amendments, compared to only 67 for the Senate minority, which is more than three times as many motions and amendments, but the minority in the House has had three times as many votes as the minority in the Senate. In terms of protecting the right of the minority to represent their constituents through amendments on the floor, the House is becoming more like the Senate used to be, and the Senate is becoming more like the House used to be.

But what about the second great right in the Senate, the right to debate? How has the exercise of this right fared under the Democratic majority? The short answer is not so great. The filing of cloture under the Senate rules is the beginning of the process to end debate, and the wielding of this powerful tool is in the hands of the majority leader. If one wants to simply equate the filing of cloture, if one wants to equate the filing of cloture with a filibuster, there is the potential for the majority to generate a lot of filibusters with a quick trigger on the cloture motion.

My friends on the other side of the aisle have painted a picture where cloture filings are needed to overcome an obstinate minority. Cloture is needed, so we are told, because of Members of the minority who refuse to stop delaying.

But does filing cloture on a matter, be it on a bill, an amendment or a conference report, on the very same day the Senate is considering that matter, indicate a minority that is prolonging debate or does it indicate a majority that is eager not to have a debate at all? To me, a habitual effort to file clo-

ture on a matter as soon as the Senate begins to consider the matter indicates the latter.

What do the numbers show about the use of cloture by this Democratic majority? According to CRS, the current Senate majority has filed cloture on a matter—exclusive of motions to proceed to a matter—on the very same day it considered the matter three and a half times more often than the Senate Republicans did when they were in the majority.

According to CRS, Senate Republicans filed same-day cloture on a matter just 30 times in 4 years. The current Democratic majority has done so well over 100 times. Put another way, Senate Democrats are much more apt to try to shut off debate on a matter as soon as the Senate begins considering the matter than were prior majorities including, most recently, Senate Republicans.

The desire of my Democratic colleagues to shut down debate before it begins in these instances has nothing to do with overcoming resistance to the Senate taking up a bill because, as I have just noted, this analysis specifically excludes—excludes—same-day cloture filings on a motion to proceed.

It is not just the right to amend that has taken a hit under the Democratic majority but the right to debate as well. All Senators and all Americans are disserved when these rights are systematically marginalized.

This is not the "golden rule" we were promised when the Senate Democrats assumed the majority in 2007—far from it.

Rather than continuing to diminish the great tradition to the Senate, rather than breaking the rules to change the rules, we need to strengthen those rights and traditions. As Senator Byrd noted, majorities are fleeting. One can wake after the first Tuesday in November and find oneself in the minority.

I say with respect, I hope our Democratic colleagues are mindful of that as we continue this discussion and are prepared not only to live under the rules they would change but to live with a precedent they would establish by making those changes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it would be hard to travel to a university campus or to a chamber of commerce meeting or anyplace in the country, travel just to a supermarket and talk to people where they wouldn't all agree that the Senate is dysfunctional, has not worked well. To show how right they are is a statement made yesterday by JOHN MCCAIN.

Now, Mr. President, JOHN MCCAIN and I have had our political differences, but no one—no one—can quibble with the fact that JOHN MCCAIN is an American patriot. He was a Navy

aviator shot down in Vietnam, spent years—I think it was 6½ or 7 years—as a prisoner of war, 4½ of those in solitary confinement.

He and I came to the House of Representatives together. I know how the House works. I served there. While I appreciate my friend the Republican leader giving me a minilecture on the House, I don't need one. I served in the House, and I know how the House works. And I know what JOHN MCCAIN said yesterday because I am reading a verbatim transcript from those proceedings, and here is what he said:

... I apologize for what seems to have happened. Much to my dismay, it lends credence to the argument that maybe we ought not to do business the way we are doing here in the Senate.

That is a direct quote from JOHN MCCAIN.

As I said in my opening statement, I served in the House, and the reason I mentioned today in my opening statement about the discharge petition is that when I served there, under the leadership of Speaker O'Neill, Majority Leader Michel, and then Jim Wright and Michel, a Republican, there was no way they would ever consider doing a vote with the majority of the majority. They wanted to get 218 votes. That is what they did on reforming Social Security; that is what they did on virtually everything—get Democrats and Republicans together and get 218 votes.

And that is the challenge I gave to the Speaker today, Speaker BOEHNER. Let the House vote. One Republican House Member suggested that more than half of the Republicans in the House would vote for giving tax security to people making less than \$250,000 a year. So I say, let's have Speaker BOEHNER call upon the Republicans in the House to add 25 or so votes to what the Democrats would do, and they would have 218 votes and we could go on to taking care of the fiscal cliff.

Mr. President, my friend protesteth too much. The Senate is broken, it needs to be fixed, and we need to change the rules. We change them all the time. Last year we changed the rules. Why? Because of what they were doing—the Republicans—just to stop and slow down everything. After two cloture votes—and remember that takes a long time, to file two cloture motions, a couple of days and then 30 hours. So after 60 hours, you would think the debate would be all over. Oh no. What they decided to do was to suspend the rules and have more votes. We put up with it for a while—a couple here, a couple there. I think the last time they had 15 or 16 motions to suspend the rules. That was enough. They overruled the Chair. They can't do that anymore.

What the Republicans have done is they have brought the Senate to its knees, and that is unfortunate. We need to be able to have the Senate op-

erate the way it should operate, and we need to make sure people understand how dysfunctional we are and how we need to move forward.

They can say all they want about "we need more amendments." Nobody criticizes having more amendments, but when we spend 9 or 10 days getting on a bill, we have wasted all that time. Nothing happens during that time. We do nothing here in the Senate. Everything comes to a standstill. Yet they complain because they do not have time to offer amendments.

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business for the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following treaty, which the clerk will now report.

The legislative clerk read as follows:

Treaty Document No. 112-7, Convention on the Rights of Persons with Disabilities.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are now, as everybody knows, on the Convention on the Rights of Persons with Disabilities. It is my understanding that we have about 48 minutes for each side. I would ask the opponents of the treaty to do what we normally do, which is go back and forth from one side to the other. I notice there is no one here for the other side, so what we will do is use up a component of our time, and then, because they are not here, I think it would be fair not to chew up the time in a quorum call.

So I ask unanimous consent that if the opponents on the other side are not ready to speak or to use their time, that the quorum call be charged against them because I don't think we should give up our time as a result of their simply not being here. So I ask unanimous consent that if there is a quorum and we are not speaking, the time be charged to their side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LUGAR. Reserving the right to object, Mr. President, I believe the chairman has stated a fair position. On the other hand, in terms of our side, the Republican side, I wish to preserve at least the rights of our Members to have the maximum amount of time as

possible. So I am inclined to believe the time should be charged equally against both sides.

Mr. KERRY. Mr. President, that is fine. I accept that. What I am trying to do is to use this debate period, important as it is, as effectively as possible on both sides.

I see there is a Member from the other side who is in opposition, so I withdraw my request, and I yield 10 minutes to the Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, may I ask what we just decided in terms of time?

Mr. KERRY. Mr. President, I would inform the Senator from Oklahoma that we have agreed to simply proceed, hopefully alternating from side to side. We have about 48 minutes on each side, and I have yielded 10 minutes to the Senator from Indiana.

Mr. INHOFE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Without objection, the quorum calls will be equally divided between the sides.

The Senator from Indiana.

Mr. LUGAR. Mr. President, as we all now know, the Senate will vote today on the Convention on the Rights of Persons with Disabilities. The United States has long been a leader in its treatment of those with disabilities. Becoming a party to the convention would provide an important platform and forum for the United States to continue this leadership.

We received strong expressions of support for the convention from a wide range of groups who advocate on behalf of the disabled. This includes numerous veterans organizations representing those who have become disabled while serving our country in the Armed Forces.

An important factor in my decision to support the convention has been the testimony received by the Foreign Relations Committee that joining the convention will not require any change—and I emphasize that: will not require any change—in existing U.S. law or policies regarding treatment of the disabled.

In their statements before the Foreign Relations Committee, officials from the executive branch as well as former Attorney General Richard Thornburgh stressed that current U.S. law satisfies all obligations the United States would assume in joining the convention.

In order to underscore the importance of this point, the Foreign Relations Committee specifically addressed it in a declaration in the resolution of advice and consent. The declaration formulated by the Foreign Relations Committee reads as follows:

The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States

law fulfills or exceeds the obligations of the Convention for the United States of America.

On a related point, the resolution of advice and consent also underscores that the convention will not be self-executing in U.S. law. This means its provisions are not directly enforceable in U.S. courts and do not confer private rights of action enforceable in the United States.

These provisions of the resolution of advice and consent establish important parameters for U.S. accession to the convention. They give effect to the intent of the Senate that joining the convention will not require any changes in U.S. laws and policies with regard to the disabled, either now or in the future, and will not provide a basis for lawsuits in U.S. courts. Such matters will continue to be governed solely by U.S. laws.

It is my hope these provisions in the resolution of advice and consent will provide assurance to Members who may be concerned that joining the convention could somehow confer new rights on disabled persons in particular areas or that the convention can be used to require the United States to change its laws or policies with respect to the disabled. With these provisions, the United States can join the convention as an expression of our leadership on disability rights without ceding any of our ability to decide for ourselves how best to address those issues in our laws.

The United States can play an important leadership role in helping countries around the world identify ways to expand opportunities for the disabled. I urge my colleagues to join me in supporting United States accession to the convention as a means of advancing this goal.

I would point out that many of us have visited with veterans—disabled veterans, as a matter of fact—in the corridors of the Capitol in the last 24 hours. They have expressed without reservation the fact that their lives would be enhanced in the event we were able to pass this treaty, because their treatment in other countries would improve as other countries adopt principles we have found useful as a practical means of helping the disabled.

I believe each one of us ought to be moved by the testimony of our veterans—veterans I have seen here in the corridors who have lost legs during fights on behalf of the United States of America. This is a serious issue and a humanitarian, thoughtful way. And I emphasize again and again, the United States joins with other countries, sharing our experiences of how we can improve treatment of the handicapped, with no possible provision in the treaty—and we have reserved this completely—that there could be any change in our laws.

I thank the Chair and I yield the floor.

Mr. KERRY. Mr. President, I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to make sure people understand there are different thoughts on this convention. It seems as though most of the time when the U.N. conventions or treaties come up that I have been opposed to them, and my concern always has been that of sovereignty. I do oppose the United Nations Convention on the Rights of Persons with Disabilities because I think it does infringe upon our sovereignty, establishing an unelected United Nations bureaucratic body called the Committee on the Rights of Persons with Disabilities and a Conference of State Parties. These unelected bureaucratic bodies would implement the treaty and pass so-called recommendations that would be forced upon the United Nations and the United States if the United States is a signatory.

We already have the 1980 act. We all remember that. We went through that a few years ago. I was here at that time. It is considered to be the gold standard for the disabled. We don't need the United Nations bureaucrats changing it in our country in the name of worldwide advocacy.

While the Obama administration affirms that no changes to the Federal or State law will be necessary if the CRPD is ratified, the CRPD can be amended. The Senator from Indiana talked about the fact that there are no changes in this. But it can be amended by the bureaucrats and, therefore, require changes to U.S. law.

Further, the ability of the Committee on the Rights of Persons with Disabilities to investigate and recommend changes chips away at the ability of a sovereign nation in governing itself.

I know a lot of people feel that no idea is a good idea unless it comes from an international organization. I kind of fall at the other end of the spectrum. Specifically, the treaty could be used to interfere with the ability of parents with disabled children to decide what action is in the best interest of their children. This would especially affect those parents who homeschool their children.

I have a daughter—the runt of my litter, I say to the president—who is No. 4. Katie homeschools her children. She and I have talked about this, and this is very much a concern in that community, that unelected foreign bureaucrats—not parents—would decide what is in the best interests of the disabled child even in the home. No less than 40 organizations and tens of thousands of parents who advocate children and parental rights have written us, and me, specifically opposing the treaty.

The Home Schooling Legal Defense Fund writes:

Article 7 of this treaty establishes the “best interests of the child” legal standard, which would override the traditional fundamental rights of parents to direct the education and upbringing of their child with special needs.

This could result in forcibly transferring a disabled child from the home to government-run schools if these unelected, unaccountable bureaucrats deem it necessary, even if the Senate puts reservations into this treaty.

I ask unanimous consent to have printed in the RECORD two letters, one from the HSLDA and one from the Concerned Women of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCERNED WOMEN FOR AMERICA  
LEGISLATIVE ACTION COMMITTEE,  
Washington, DC, July 16, 2012.

The HONORABLE,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR, On behalf of Concerned Women for America Legislative Action Committee's (CWALAC) over 500,000 members, I urge you to reject ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD).

CRPD is a feel-good attempt at limiting liberty for the United States abroad and at home. This treaty will hurt parents and caregivers of people with disabilities by subjecting them to UN oversight, regulations, and control. In doing this, a judge or other government official would be able to trump the parent's wishes when it comes to education of their child with disabilities.

While CWALAC is for protecting those with disabilities, Americans should be the ones making laws for America. If improvements are needed to the laws, that already are the leading examples of providing freedom and justice for persons with disabilities, it needs to be done within America's legislature. Like other United Nations treaties, this will open the door for infringing upon our sovereignty by subjecting the United States to foreign, anti-American biases.

Parents know what is in the best interest of their child, not the government or the United Nations.

CWALAC will include a vote against this treaty on our scorecard for the 112th Congress.

Sincerely,

PENNY YOUNG NANCE,  
Chief Executive Officer and President.

HSLDA,  
ADVOCATES FOR HOMESCHOOLING,  
November 20, 2012.

Re Please Oppose the UN CRPD.

HONORABLE SENATOR: We the below-signed leaders from forty national organizations represent millions of Americans. We respectfully urge the United States Senate to reject ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD).

We are troubled that article 7 of this treaty, in establishing the “best interests of the child” legal standard, would override the traditional fundamental right of parents to direct the education and upbringing of their child with special needs.

We are troubled that such a reduction in legal protection in cases of children with disabilities will create an atmosphere discriminatory against those children and their families.

We are troubled that New Zealand's Education Act of 1989, which has been held to conform to the CRPD, allows the Secretary of Education to force any child with special needs into government-run schools "if the Secretary thinks [the student] would be better off." This transfers the right to direct a child's education from fit and loving parents to an officer of the State, in contravention of American tradition and the International Declaration of Human Rights. Yet it accords with this treaty.

We are troubled that accession to this treaty, despite assurances to the contrary, will lead to legal action against private individuals, as seen in the 2011 case of *Bond v. United States*. In this case, a woman was found guilty of violating the Chemical Weapons Convention Implementation Act, a federal law over a matter formerly of state jurisdiction, which was adopted as a direct result of the eponymous treaty.

We are troubled that accession to this treaty would place our nation under the scrutiny and review of an international committee unelected by the American people, thus violating the vital principle of American self-government.

For these and other reasons, we urge you: please vote against any effort to ratify the CRPD.

Sincerely,

Michael P. Farris President, ParentalRights.org; Phyllis Schlafly, Founder and President, Eagle Forum; Dr. Richard Land, President, Ethics & Religious Liberty Commission, Southern Baptist Convention; Morton Blackwell, Chairman, The Weyrich Lunch; Tom McCluskey, Senior Vice President, Family Research Council Action; Tom Minnery, Executive Director, CitizenLink; Penny Young Nance, President and Chief Executive Officer, Concerned Women for America; Matt Staver, Founder and Chairman, Liberty Counsel; Erick Erickson, Editor, RedState.com; Mike Needham, Chief Executive Officer, Heritage Action for America; Austin Ruse, President, Catholic Family and Human Rights Institute (C-FAM); William J. Murray, Chairman, Religious Freedom Coalition; Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America; Gary A. Marx, Executive Director, Faith and Freedom Coalition; Al Cardenas, Chairman, American Conservative Union; J. Michael Smith, President, Home School Legal Defense Association; Janice Shaw Crouse, Ph.D., Senior Fellow, Beverly LaHaye Institute; Deryl Edwards, President, Liberty Counsel Action; Dr. Jim Garlow, Chairman, Renewing American Leadership Action; Jeff Gayner, Chairman, Americans for Sovereignty.

Mandi Campbell, Legal Director, Liberty Center for Law and Policy; Matt Smith, President, Catholic Advocate; Donna Rice Hughes, President, Enough Is Enough; Barbara Samuels, Co-Founder, 912 Super Senior; C. Preston Noell, III, President, Tradition, Family, Property, Inc.; Richard and Susan Falknor, Publishers, Blue Ridge Forum; Lisa Miller, Founder, Tea Party WDC; Seton Motley, President, Less Government; Colin A. Hanna,

President, Let Freedom Ring; David Stevens, MD, MA (Ethics); Chief Executive Officer, Christian Medical Association; Ron Pearson, President, Council for America; Dr. William Greene, Founder and President, RightMarch.com; Maureen Van Den Berg, Legislative Director, American Association of Christian Schools; Emmett McGroarty, Director, Preserve Innocence Initiative; Andy Blom, Executive Director, American Principles in Action; Mark Williamson, Founder and President, Federal Intercessors; Peter J. Thomas, Chairman, The Conservative Caucus; Teresa A. Citro, Chief Executive Officer, Learning Disabilities Worldwide, Inc.; Curt Levey, President, The Committee for Justice; William A. Estrada, Director, Generation Joshua.

Mr. INHOFE. Mr. President, I have been a consistent advocate for human rights around the world and support ensuring that the world is accessible to those with disabilities. However, I do not support the cumbersome regulations and potentially overzealous international organizations with anti-American biases that infringe upon American sovereignty.

If we had not passed what I consider to be the gold standard for the disabled—and I do remember at that time the activity of the Senator from Massachusetts very strongly supporting it. But we have done our job. Other nations maybe haven't, but in our case I think we are looked upon by the outside as doing the responsible thing within our Nation: taking care of our own disabled.

Mr. KERRY. Would the Senator yield for a question?

Mr. INHOFE. I would be glad to respond to a question.

Mr. KERRY. The Senator has raised the specter of somehow there would be a change in this treaty at some point that might affect America. Is the Senator not aware that any change to a treaty, in order to go into effect and have any impact on the United States, would require the advice and consent of the United States Senate?

Mr. INHOFE. Yes, I do understand that.

Mr. KERRY. Without the advice and consent of the Senate, no change could possibly impact the United States.

Mr. INHOFE. But I would also say that the bureaucrats who would be running the program would have points of clarification where it is otherwise vague, and I think that could happen. And the point I am making here is we don't need to do that when we have our own here.

I understand there is a difference of opinion on this, and there are a lot of emotions. I saw in this morning's Roll Call magazine all the people lined up here with the distinguished Senator from Massachusetts. It doesn't say anything in the article, but it certainly attacks the emotions of individuals.

So I am not satisfied they would not interfere or through their clarifica-

tions could change the intent. And even if they don't, we have taken care of our problem here.

Mr. KERRY. Mr. President, it is important in this kind of debate as we make a judgment with the Senators that we base our judgment on facts and on the reality. The Senator has suggested he is opposed to this treaty because an outside group could impose its will on the United States of America. What he has just acknowledged is they can't do that because it would require the advice and consent of the Senate.

But, secondly, is the Senator aware that Senator Risch asked the Justice Department whether the Court interpreted the effect of a nonself-executing declaration—which is in this treaty? And the response is, the Court said: The United States ratified the international covenant on civil and political rights on the express understanding that it was not self-executing. And so it did not create obligations enforceable in the Federal courts.

So the Supreme Court of the United States has held that the very standard being applied in this treaty, that it is not self-executing, means nobody has access to any court. There is no enforceable right against anybody in America created in this treaty.

Mr. INHOFE. To answer the Senator, I am not aware of the specific Risch request and what kind of response it drew.

I would only say this: It is important to understand that while the distinguished Senator from Massachusetts and I differ on most of these treaties—we had the same disagreement on the Law of the Sea treaty. The question is, in my opinion, our sovereignty. I believe this infringes upon our sovereignty.

With that, I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank Senator KERRY, Senator MCCAIN, Senator LUGAR, and so many others who have brought this matter to the floor.

It was 22 years ago when an historic event took place on the floor of this Senate which changed the United States of America. It was 22 years ago when we passed the Americans with Disabilities Act, and we said a disability should not disqualify you or limit you in terms of your opportunity as an American.

Some people thought: This is obvious, everyone knows. But what was also obvious was there was discrimination taking place all across this great land. We removed that barrier to discrimination. And in passing the Americans with Disabilities Act, we stepped forward as a Nation.

Was there fear and concern? Of course. I can recall going to Green County in rural Illinois and walking in Carrollton into City Hall, and they

said: Does this mean we have to build a new restroom for the disabled? The answer was, Yes, and curb cuts, and other changes that seem so superficial to many but mean literally whether a disabled person can be part of America.

What we did 22 years ago, though, wasn't novel. Because if you look at the course of American history, I think we have distinguished ourselves and successive generations by expanding the reach of freedom and opportunity. Think about how many times we have done that.

If you go back to the earliest days of this great Nation when older white men sat together and decided who would rule America, they weren't thinking about those of color; they weren't thinking about women; they weren't thinking about the disabled; they sure weren't thinking about those who weren't property owners. No. It was a pretty elite group that would form our democracy. And then successive generations of Americans decided that if democracy meant anything, if America meant anything, we needed to expand that reach of opportunity each generation.

The bloodiest experience of course was in the Civil War, when 600,000 Americans were killed in the course of a war that went on for years and could have divided us once and for all as a Nation. But it didn't. With the leadership of Abraham Lincoln and the inspiration of so many others and the blood, sweat, tears, and lives of the victims, we saved this Republic. We ended slavery. We created an opportunity, which still took us years and years to become a reality—a reality we are still working for today.

So now comes this treaty to the floor, and this treaty says to the world: What we did 22 years ago as a Nation is something we are proud to stand behind. It is basically an ideal that we have created an America that we want to export to the world. As we reflect on this debate—and you have heard some of those who oppose it—it is interesting the approach they are taking. They are fearful of change. They are fearful of what the expansion of opportunity for the disabled might mean to America.

Senator KERRY has made the point very clearly: This convention, this treaty, will not require the United States to change any law. And if any changes are to be made in the future, they will be made with the workings of Congress and the President. This treaty, this convention, will not force that change.

We meet all of the standards that are established in this convention when it comes to disabilities, and President George Herbert Walker Bush, a Republican, when he negotiated and crafted this treaty, said as much. Of course there are those who still question it. But, remember, every time we have

opened this door of opportunity in America, every time we have expanded this definition of democracy to include another group that was being at least partially if not fully excluded, there have always been voices of concern and worry.

There have been voices of those who have said maybe we are not ready for that much change. They would say: Oh, I am not opposed to people of color, but if you force every hotel and restaurant across America in interstate commerce to open their doors, that may be going too far. We have always heard those voices and, after listening patiently, we have ignored them and moved forward with the new definition of freedom in this country, a new definition of opportunity, and that is what this does.

As we come together on the floor of the Senate, as we gather to discuss this historic treaty and what it means to us and our future, there is a reception taking place across the street. It is a reception for people with disabilities, and they are honoring one of our own: a man who served this country and this Senate in an exceptional way. His name is Bob Dole, of Russell, KS, who served in World War II, was severely disabled, came home uncertain of his future but dedicated his life to public service.

I don't know how many weeks or months or years are left in Bob Dole's life, but he has made the passage of this convention on disabilities his life's work of the moment. We owe it to Bob Dole and to all of the disabled veterans like him who stand with locked arms, begging us to pass this convention—we owe it to the disabled people across America and around the world to stand once again for the rights of the disabled and for expanding opportunity, not just in America but across the world.

People say we are an exceptional nation. There is a little bit of egotism in that statement, but I believe it is factual that America is an exceptional nation when it steps forward in the belief that freedom and liberty and opportunity should be for everyone within our country and around the world.

Today is our chance. Let no argument over some minor political issue stop us from focusing on the reality that what we are doing is historic, not just for America but for the world. We owe it not just to Bob Dole, we owe it to the disabled veterans and the disabled community to stand and say to the world: Join us, join us in expanding the reach of opportunity to those who have been left behind.

I yield the floor.

Mr. KERRY. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to speak in opposition to the ratifica-

tion of the United Nations Convention on the Rights of Persons with Disabilities. I understand it is a sensitive topic, one about which many of my constituents on both sides of the issue have strong feelings.

Certainly most of us, if not all of us, have a family member or friend with a disability, and all of us live in a society that includes the disabled as highly valued members of our communities.

I have heard from advocacy groups consisting of people who hope and believe that this treaty will protect disabled Americans as they travel abroad and as they go about their lives. But I have also heard from parents of disabled children who are concerned that this treaty, in adherence to the "best interests of the child" standard in article 7, will threaten their rights as a parent to determine the best education, treatment, and care for their disabled children. Proponents of this treaty will dismiss those concerns as myth, but I simply cannot support a treaty that threatens the right of parents to raise their children with the constant looming threat of State interference.

If this vote and this treaty were in fact about protecting the rights of Americans with disabilities, then I might have a different position and the debate today would take on a very different tone. But this treaty is ultimately not about protecting the rights of Americans with disabilities because this treaty simply has no enforcement mechanism to protect those rights, the rights of disabled Americans, including veterans, who might travel to countries such as China or Russia or Mali or any other country that might choose to adopt this treaty.

If the Senate desires to protect the rights of disabled Americans who travel abroad, then this Senate would do better to encourage other nations to model their own reforms, their own internal legal structures after the Americans with Disabilities Act which, 20 years after its passage, still sends a message that disabled Americans will always have fair access to housing, employment, and education in this Nation.

I have mentioned a few things the treaty does not do. Now I would like to mention a few things the treaty does do that causes me some concern. First, article 34 establishes a committee, a committee on the rights of persons with disabilities. This committee will establish its own rules of procedure, and parties to the treaty are required to submit reports to the committee every 4 years.

In general, U.N. human rights treaty committees have made demands of state parties that fall well outside of the legal, social, economic, and cultural traditions and norms of state parties. Sometimes their recommendations also fall far afield from the stated



topics of concern within the individual treaties. For example, the U.N. Convention on the Elimination of Discrimination Against Women, or CEDAW, as it is sometimes known, included a recommendation that China decriminalize prostitution.

The U.N. Committee on Racial Discrimination went to great lengths to scold the United States on its detention policy at Guantanamo Bay. These recommendations often fall well beyond or are even in direct conflict with the treaty's goals.

Article 7 of this treaty provides a "best interests of the child" standard stating:

In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

We all want to support the best interests of the child, every child. But I and many of my constituents, including those who homeschool their children or send their children to private or religious schools, have doubts that a foreign, U.N. body, a committee operating out of Geneva, Switzerland, should decide what is in the interests of the child at home with his or her parents in Utah or in any other State in our great Union.

Article 4 of this treaty obligates the United States to recognize economic, social, and cultural entitlements as rights under domestic U.S. law. The Senate, in my opinion, has not adequately investigated how this standard will affect domestic U.S. Federal and State law. We have had one hearing on this issue that included both proponents and opponents of the treaty but did not substantively address my concerns about this standard, about this significant addition to what would become the law of the land of the United States of America.

For these and other reasons I must oppose the U.N. Convention on the Rights of Persons with Disabilities, and I encourage my colleagues to do the same.

Mr. KERRY. Will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened carefully to the Senator, and I understand there are colleagues on the other side of the aisle who have concerns about the United Nations, and I respect that. We have had these fights before, but I am having difficulty finding where the threat that the Senator has described gains any reality.

Specifically, with respect to children, the Senator mentioned the question of a committee being created, and sometimes committees make recommendations outside of the purview of something. That may be true. But when have words, I ask the Senator—when have words or suggestions that have no power, that cannot be implemented, that have no access to the courts, that

have no effect on the law of the United States and cannot change the law of the United States—when has that ever threatened anybody in our country?

Mr. LEE. Whatever the United States ratifies—

Mr. KERRY. Does the Senator agree that there is no power to change our law?

Mr. LEE. No. I do not agree with that.

Mr. KERRY. Can the Senator show where it is specifically when the Supreme Court has held this is not self-executing, there is no access to American courts; when it is clear by the statements of the treaty itself there is no law of the United States that is changed? When Attorney General Thornburgh, who helped to negotiate this treaty on behalf of President George Bush, says there is no change in law, what is it that the Senator suddenly has that suggests otherwise that has any basis in fact?

Mr. LEE. First of all, whenever we ratify a treaty it becomes the law of the land under article VI of the U.S. Constitution. Secondly, whenever a body of law, whether embodied in U.N. convention or otherwise, becomes part of the corpus of customary international law, that often makes its way into U.S. judicial opinions. Is it direct? No. Does it directly undo any statute? No. But that doesn't mean it has no effect. If it had no effect we would not be here debating it today. It is the type of effect we worry about.

The Senator and I see things differently as far as what type of effect it might have. But that is not to say it has no effect. We should not be ratifying a treaty that we think might offset U.S. law as it exists now. We believe this could have that impact. Exactly where that is going to come up, I cannot prove to the Senator where that is going to happen. But it does have some impact, and when we ratify a treaty we make it the law of the land.

Mr. KERRY. Mr. President, I ask the Senator further, I know he is a good student of law, practitioner of law. I believe he understands that a treaty does not become customary international law just because the United States or another country ratifies it. The Senator is aware of that, I assume?

Mr. LEE. Yes, of course. It doesn't become the law of the land just because it is in the treaty. But it often does. Its entry into customary international law can become facilitated by the U.S. ratification of it.

Mr. KERRY. Again, the Senator has acknowledged that it does not become customary law; as a consequence, it has to somehow change. Within this—the Senator will agree that because the treaty adopts, in the body of the treaty, the statement that this is not self-executing and the Supreme Court has held that a nonexecuting treaty—let me just reference the specific case—

*Sosa v. Alvarez-Machain*, 542 U.S. 692, a 2004 case—the Supreme Court said it is dispositive. Nonself-executing declaration is dispositive. The Court noted that the United States ratified a prior thing then—and said, "it does not create obligations enforceable in Federal courts."

So there is no obligation created. The Senator then said: Why would we do this? Because we are the gold standard, and every other country is encouraged—encouraged; we cannot require them, but they are encouraged—to raise their standard to U.S. standards.

Why would the Senator resist? I know the Senator and many of his colleagues argue we want other countries to be more like America. This is a treaty that, in fact, embraces that notion that they must be more like America. Why would the Senator not embrace that?

Mr. LEE. If my distinguished colleague and friend, the senior Senator from Massachusetts is correct, that this would have no impact on our law, if in fact it does nothing, then why would we make it part of the U.S. law? Why would we make it part of the law by ratifying it and making it the law of the land under article VI of the Constitution?

Mr. KERRY. I would say to the Senator, for a number of reasons: That allows the United States to sit at the table and actually advocate on behalf of our veterans, disabled veterans, who travel abroad.

Mr. LEE. What table is it at which we have no seat because we have not ratified this treaty? What is it that we cannot do by having the most aggressive laws, the most robust laws protecting Americans with disabilities that we somehow achieve simply because we ratify this? If, in fact, that does nothing more than embrace that set of laws that we have actually passed, and if, in fact, as my friend says, this does nothing, then why do we ratify it?

Mr. KERRY. No, let me make clear to the Senator, I have not said it does nothing. I have said it does not require a change in American law. I have said that it does not obligate the United States to a new set of standards or anything different from what we do today. I have said it does not allow anybody access to the Federal courts. That is different from saying it doesn't do anything. If it didn't do anything, I would not be here either. Nor would George Bush have signed this. Nor would George Herbert Walker Bush have begun the negotiations.

This is not a Democrat-inspired treaty. This is a universally accepted set of principles about how we would like to see people in the rest of the world treat people with disabilities.

There is more to be said about that, and there is more to be said. I want my colleagues to speak about why we are here.

Let me recognize, if I can, the Senator from Arizona?—no, I will hold off on that, if I may.

Let me recognize the Senator from New Mexico for 5 minutes.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Mexico is recognized.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I thank Senator KERRY for the recognition. I appreciate it. I have been an earlier supporter of the ratification of this important treaty. I am pleased to have worked with Senators DURBIN, MCCAIN, HARKIN, COONS, and BARRASSO. In particular, I want to thank the chairman and ranking member on the Foreign Relations Committee. I thank all of these fine Senators for their bipartisan work on this bill.

We still have work to do to improve our treatment and acceptance of disabled persons. But through the Americans with Disabilities Act, the United States has been at the forefront of protecting the dignity of people with disabilities. This treaty will help expand American values and leadership throughout the world. It is a vital step forward in respecting the rights of the disabled.

As a member of the Foreign Relations Committee, I am aware of the challenges many countries face. These challenges include supporting their disabled citizens. Our Nation has set the standard for improving access to buildings, technology, and other areas for the disabled. Without the United States accepting its leadership role, it is possible that different standards could be adopted internationally. As for one example, this would place disabled travelers at a disadvantage. They would be forced to deal with different standards while traveling overseas.

In many countries there has been insignificant investment in infrastructure to improve access for the disabled, and in many cases there is a misunderstanding about what rights disabled persons should be afforded. Ratifying this treaty will help the United States clarify to the world that people with disabilities have dignity and that they are capable of living full and meaningful lives.

For instance, article 6 of the Convention on the Rights of Persons with Disabilities addresses the issue of women with disabilities. The article provides that:

State Parties shall take all appropriate measures to ensure the full development, advancement, and empowerment of women for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Many countries are falling short in protecting the rights of women. It is tragic that so many women are subject

to human rights abuses in a number of countries. Secretary of State Clinton has made empowering women an important part of our diplomatic priorities, and I support her efforts.

Fortunately for the United States, we do not need to implement additional legislation in order to be in full compliance with the convention. Laws such as the Civil Rights Act, Title IX, the Family and Medical Leave Act strengthen the U.S. position in the convention, and our leadership could lead to other countries adopting similar protections for disabled women.

Most importantly, I am reminded of the veterans who have returned from the wars in Iraq and Afghanistan. These brave veterans have served in all the places we have asked them to go. They have advanced the interests and ideals of the United States. We owe them a debt for their service. Many of them have returned with severe wounds, some requiring a lifetime of care.

I wish to read a statement from one of the veterans who appeared in front of the Foreign Relations Committee. John Lancaster is a disabled attorney and marine veteran. This is what he said:

In 1968, I arrived in Vietnam during the Tet Offensive, assigned to the 1st Battalion, 27th Marines as an Infantry Platoon Commander. Five months later, I was shot and injured in a firefight. After months of rehabilitation, I arrived back home in Western New York a disabled veteran. Although my friends and family welcomed me home, society did not receive me quite as well. While there was certainly tension around the politics of the Vietnam war, it was the inaccessibility of my environment that made me feel the least welcome. I returned to a country not ready to receive me as a man who now used a wheelchair.

That was the reality that an honored soldier had to overcome until the United States improved its laws to protect the disabled, and it is still a reality in many places overseas, places where our veterans and other disabled citizens will likely travel in the future for either business or pleasure. We must ratify this treaty because protecting the rights of the disabled is the right thing to do in the United States of America, and it is the right thing to do throughout the world.

Again, I thank Senator KERRY and Senator LUGAR for their hard work on this treaty. We look forward to our colleagues voting for it in a short hour from now.

I yield the floor.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. Twenty-seven minutes still remains.

Mr. KERRY. How much on the opponent's side?

The PRESIDING OFFICER. About the same.

Mr. KERRY. Mr. President, I yield 4 minutes to the Senator from Delaware, Mr. COONS.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I also thank Senator KERRY for his chairmanship on the Foreign Relations Committee and his leadership on this very important issue. I thank Senator LUGAR as well. Both Senators, in combination, led strongly on this important issue.

Let me briefly add 2 minutes to the chorus on this floor today. First, as to the Senators who have spoken pointedly about their fears and their concerns about home schooling. I listened to their arguments while I was the Presiding Officer. Senator INHOFE of Oklahoma spoke passionately about his youngest daughter who homeschools her kids and about their fears that somehow this convention would hand the power to an unelected group of bureaucrats to direct the schooling of children in Oklahoma.

I heard Senator LEE of Utah add a question to that negative chorus. He said, I have justifiable doubts that a U.N. committee in Geneva can judge the best interests of children in Utah.

I agree. This convention does nothing to empower an international convention of bureaucrats to direct the schooling of children in Delaware, West Virginia, Indiana, or in Massachusetts.

I am, frankly, upset that they have succeeded in scaring the parents who homeschool their children all over this country. My own office has gotten dozens of calls and letters demanding that I vote against this convention. As a matter of international law and as a matter of U.S. law, this convention does nothing to change the home schooling of children in America; rather, it does something positive.

The Americans with Disabilities Act, which was led so brilliantly in its ratification by Senator TOM HARKIN and Senator Robert Dole, who was a central architect in the passage in this Chamber, stands as a great accomplishment in this country in our steady progress toward freedom and inclusion. This convention, ratified by this Senate, would allow our voice to be heard in an international forum all over the world. A billion citizens of this world live with disabilities every day, and our voice deserves to be heard.

When we open the Senate every day, we say the Pledge of Allegiance. At the end of it, we hold up to the world our standards: Liberty and justice for all. In this country, the Americans with Disabilities Act says we have accomplished real progress toward liberty for the disabled and justice for all. By ratifying this convention, our voice would be heard on these vital issues all over the world. It is a voice that deserves to be heard. I urge my colleagues to ratify the convention.

With that, I yield the floor.

Mr. KERRY. Mr. President, how much time do we have?

The PRESIDING OFFICER. Almost 24 minutes.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank Senator KERRY, Senator LUGAR, and Senator MCCAIN for their great leadership and their dogged persistence in making sure we can get this treaty through the committee and to the floor. It has been inspirational to watch them work together in a bipartisan fashion to bring us to this point. I hope we don't lose that in terms of the vote.

I just came over from the Dirksen building where we had a wonderful ceremony honoring former Senator Bob Dole. Some time ago I went back and I read Senator Dole's maiden speech on the Senate floor, dated April 14, 1969.

Mr. President, I commend these remarks to my colleagues.

Senator Dole spoke of the future of people with disabilities in America and what we need to do to change our society. That was in 1969. It was 21 years later when we passed the Americans with Disabilities Act. The country has changed so much for the better because of that.

We are sitting here now with a convention by the U.N. which basically says to the rest of the world: You have to do what America did. In establishing this convention, the U.N. was informed by the Americans with Disabilities Act, and a lot of it is based upon what we did here.

As the committee showed, not one of our laws or anything has to be changed. Not one. We are the best in the world at this. Yet what this convention gives us is a seat at the table. When other countries have signed on to the treaty, it gives us a seat at the table to be able to work with other countries and to help them upgrade their laws so that people with disabilities have more opportunities in other countries. Why would we deny ourselves a seat at the table when we have been a leader in this effort for so long?

I listened to the speeches by both Senator INHOFE from Oklahoma and Senator LEE from Utah. These are unfounded fears. I repeat, there is nothing in there that is going to allow anyone from the United Nations to take a child away from a family or tell a family they cannot homeschool a kid or anything such as that. There is nothing in there. These are totally unfounded fears. We should not be driven by unfounded fears. We should be driven by what we know of our experience, what we have done, what the wording of the convention is, and the fact that none of our laws has to be changed because of it.

The Senator from Utah made the point that we all know people with disabilities. We have family members or

friends, and we value them. We truly do value people with disabilities in our society. Well, if we truly value them, why don't we listen to them?

There are over 300 disability rights groups that support this. Not one said they won't support it. So if we value them, why don't we listen to them? Do we want to keep patronizing people with disabilities and say, you are all right, but we won't listen to you because we know what is best for you? We don't know what is best for people with disabilities. We know who knows what is best for people with disabilities: It is people with disabilities. They all said this is important.

There are 300 disability organizations that asked us to support this ratification. I think we should listen to them and get their advice. Think about what the disabilities community here in America could do with that seat at the table and how we can work with other countries to help them upgrade their laws. I have a hard time understanding why people would be driven by unfounded fears to vote against this with all of the evidence from 22 years of the Americans with Disabilities Act, including the hearings held by Senator KERRY and Senator LUGAR which brought out all the information and pointed out that not one of our laws has to be changed at all. In the face of all of that evidence, someone will vote on the basis of an unfounded fear.

I remember when we passed the Americans with Disabilities Act in 1990. It took a long time. There were a lot of fears out there. There were fears of: Oh, my gosh, we are going to have to do this and that. Buses have to have lifts on them, and we have to build those curb cuts. What, kids with disabilities get to go to school?

They were unfounded fears. We became a stronger and better society because of it. This treaty will make us a better world in which to live for all people and not just those who have disabilities.

I urge all of my colleagues, don't give in to unfounded fears. Take the good advice of Senator Bob Dole, President Bush, former Congressman Steve Bartlett, JOHN MCCAIN, JOHN KERRY, and DICK LUGAR, people who have been in the trenches on this, and take the advice of the disability community here and abroad. If you will do that, we will win a resounding victory today.

Thank you, Mr. President.

Mr. DEMINT. Mr. President, I rise today to speak about the United Nations Convention on the Rights of Persons with Disabilities.

As a member of the Foreign Relations Committee, I have participated in the hearings and debates on this treaty, and I understand the aspirations of the groups who support it. But I have serious concerns about reaching those goals through a legally binding United Nations treaty.

Other U.N. organizations have failed to achieve their stated purposes and actively work against the interests of the United States.

Not even a week ago, the United Nations General Assembly voted overwhelmingly to upgrade the Palestinian Authority to "non-member observer state" over the objections of the United States and Israel. This is a breach of the Oslo accords and will hurt the Middle East peace process. Secretary Clinton called it "unfortunate and counterproductive."

The U.N. Human Rights Council includes notable human rights violators such as Cuba, China, and Russia. These countries have made little progress improving the rights of their citizens, and nearly 40 percent of the council's country-specific human-rights condemnations are against Israel.

More worrisome, convention committees—such as the Committee on the Elimination of Racial Discrimination and the Convention on the Elimination of All forms of Discrimination Against Women—have a track record of overstepping their authority and advocating positions contrary to American laws and values.

In the past, these committees have supported giving voting rights to felons, the decriminalization of prostitution, gender quotas, and increased access to abortion.

Overly broad language included in this treaty would likely allow the U.N. to meddle in many of our domestic matters. International bureaucrats working with the U.N. should not be able to influence how the United States creates and implements laws for the disabled, especially when members come from countries with lower human rights standards than our own.

The purpose of any treaty should be to advance specific security or economic interests that make us a stronger and safer nation. This treaty does neither.

Last week on the floor, Leader REID argued that we must ratify this treaty to "take the high ground" on these issues with the rest of the world. But the United States does not have to join a U.N. convention or any other organization to give ourselves legitimacy and moral authority in the world.

For decades, the United States has been the global leader and champion for persons with disabilities. We must continue to work hard to improve the lives of disabled citizens in our country. Encouraging respect for disabled persons is important and the goals of this convention are admirable.

This convention will do nothing to improve the rights of Americans in the United States. We have little evidence to suggest that joining this convention and its committee will ensure that

other countries improve their protection of disabled people. Of the 126 member countries, this convention's committee has only issued recommendations to a handful.

Portions of this convention also concern reproductive health, the rights of families, and the use of the treaty in our courts.

Attempts were made in the committee to clarify some of these sections and protect American sovereignty, but those attempts were defeated.

These issues should be addressed by individual U.S. States and local governments, not an international bureaucracy where Americans have no elected representation.

We should never cede the authority of these matters to an international organization. President Washington's warning in his farewell address bears repeating here. He said:

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

His words serve as a compelling argument against this treaty today.

We should be wary of international alliances and only work within them when they will strengthen America or make her safer.

I encourage my colleagues to reject this treaty and address this important issue in a format that does not endanger the sovereignty of the United States.

Mr. GRASSLEY. Mr. President, the U.N. Convention on the Rights of Persons with Disabilities has the admirable goal of advancing the interests and rights of the disabled across the world. However, I have great concerns about acceding to this convention. I am also disappointed that the Senate will dedicate just 2 hours of debate to consider this convention, without the ability for any Senators to offer or consider worthy amendments.

U.S. leadership in advancing and safeguarding the rights of the disabled is unmatched. The United States is the leader on disability issues. It's for this reason that the convention is modeled on the disability rights laws of the United States. However, I have serious doubts that simply joining the convention will lead to greater U.S. influence in promoting disability rights abroad. The ability of the United States to lead on this issue is not and should not be dependent upon joining this convention. We can lead on disability rights abroad because we lead on disability rights at home.

Joining this convention will have no impact on the disability rights of Americans in this country. Americans with disabilities are already afforded the rights contained with the treaty. Many Federal and State laws protect

the rights of the disabled, including the Americans with Disabilities Act. Even proponents of the convention acknowledge that it will not enhance the rights of individuals with disabilities in America.

We have made great strides in disability policy in America. Laws which I authored, such as the Family Opportunity Act and Money Follows the Person, not only gave the disabled health care coverage but gave them real self-determination in that health care coverage. In the future, I will continue to work to protect coverage of the disabled during difficult budgetary times and work to find solutions for the disabled that allow for coordination of support services across all an individual's needs. While I respect the concerns and goals of supporters of this treaty, we should not let this take the place of focusing on problems and solutions here in America.

However, becoming a party to the convention would subject the United States to the eighteen-member Committee on the Rights of Persons with Disabilities. This committee is created to monitor the implementation of the convention and provide conclusions and recommendations with regard to State Party's treaty reports. I have serious concerns about the infringement upon U.S. sovereignty by a committee tasked with providing criticisms and recommendations for the United States on our disability laws.

Further, the convention raises additional concerns by unnecessarily including references in the area of "sexual and reproductive health" and the "best interests of the child." These provisions call into question the purpose of the convention regarding abortion rights and the fundamental rights of parents to determine how best to raise their children.

It is for these reasons, along with the decision of the majority leader to shut out the rights of Senators by prohibiting the consideration of any amendments, that I oppose this convention.

Mr. RUBIO. Mr. President, my late grandfather was one of the most influential people in my life. Until his death when I was 13, "Papá" was a mentor who spent countless hours on our front porch with me discussing history, politics and baseball. As a Cuban immigrant, he knew how special America is, and it is one lesson from him that I will never forget.

Papá was also my hero for the way he lived his life. Stricken by polio as a boy, he would be disabled for the rest of his life. He would often walk miles to work at a cigar factory to provide for his family. Because of his disability, walking was difficult for him and he would often return home at night with his clothes dirty from repeatedly falling to the ground. But he kept getting up, and lived a life that I admire and will never forget. Because

of him, I knew from a very early age the inherent dignity and beauty evident in every disabled human being on earth, whether they were born with their disability or developed it in the course of their lives.

The landmark Americans With Disabilities Act, enshrined into law many fundamental rights to help disabled people live life. As Americans, it should make us all proud because it is one reason the United States has set the gold standard in the world for disability rights. It has demonstrated to everyone else one more dimension of our exceptional people, ensuring that our disabled brothers and sisters have better opportunities to rise above their physical limitations to stake their claim on the American Dream.

As the Senate considers the Convention on the Rights of Persons with Disabilities today, it is important to note that a failure to approve it would in no way diminish what we have accomplished in America on disability rights, just as its passage would not improve the laws affecting Americans with disabilities. Furthermore, nothing on this treaty compels other nations to raise their standards or in any way improve the care they afford to persons with disabilities. Therefore, I stand in opposition of its ratification today.

The treaty's supporters have argued that its passage will elevate disability rights abroad, to the benefit of disabled people not fortunate enough to live under laws like ours and also to disabled Americans when they travel. However, the United States already promotes disabled rights and better laws abroad through the State Department and our foreign embassies. The Americans With Disabilities Act, and subsequent improvements to it, should be the law upon which other countries base their own laws protecting their disabled people and aiming to make their lives better.

I believe America's example should lead the way on achieving stronger universal disability rights than the United Nations, the governing body entrusted to oversee this treaty's implementation. The American example of millions of disabled Americans living their dreams is a stronger force to compel other countries to do the same than a United Nations body populated by such chronic human rights abusers as China and Russia, nations that fail to respect the fundamental rights of everyone, much less their disabled.

When this treaty was originally negotiated, a bipartisan consensus existed that this treaty would not address abortion. This is an appropriate position when you consider that, too often, unborn children in the United States and across the world are aborted because their disabilities have been detected while in the womb. When the Senate Foreign Relations Committee debated this issue in July, I offered an

amendment to make clear this Convention does not create, endorse or promote abortion rights as reproductive health. I made clear its intent was not to change U.S. domestic laws on this matter. All my proposed change did was state very clearly that, at the end of the day, this Convention on the Rights of Persons with Disabilities is about protecting persons with disabilities, regardless of their stage in life. Because this important change was not adopted and for all the reasons I have outlined here, I cannot support Senate ratification of this treaty.

Mr. LEAHY. Mr. President. The Senate today is considering the ratification of an important treaty that will further strengthen the United States' longstanding role as a beacon of human rights around the world. I support ratification of the United Nations Convention on the Rights of Persons with Disabilities, CRPD, and hope that this treaty, which enjoys bipartisan support, will be approved by the Senate today.

I have long been a strong supporter of the Americans with Disabilities Act, ADA, which has served to protect the rights of disabled U.S. citizens for more than 2 decades. The CRPD is a natural extension of many of the core principles guided by the Americans with Disabilities Act. I believe that any person living with a disability, regardless of where they were born or where they reside, should be protected from discrimination and unfair treatment.

President Obama signed the Convention on the Rights of Persons with Disabilities in 2009, and earlier this year, he submitted the treaty to the Senate for ratification. The Senate Foreign Relations Committee reported the CRPD to the full Senate in July, and it is right that the Senate is taking action on this important treaty before this Congress adjourns. Current U.S. law already provides a number of protections called for under the CRPD. The Foreign Relations Committee included in its reported treaty reservations, understandings, and a declaration which will allow the United States to be in full compliance with the treaty, without making changes to existing U.S. law.

Like President Obama, I believe this convention serves a number of American interests, including encouraging protection of U.S. citizens and service-members with disabilities who live or travel abroad, and assisting U.S. businesses by ensuring that their international counterparts are required to comply with similar laws.

Around the world, 125 nations have signed the Convention on the Rights of Persons with Disabilities, and are parties to this treaty. Its ratification is supported by both Democrats and Republicans, and by well over 300 religious organizations, health care centers, advocates for people with disabili-

ties, and veterans' organizations. Disability Rights Vermont and the Vermont Center for Independent Living are among those organizations supporting ratification. I hope all Senators will support this important treaty. It sends the right message to the rest of the world that the United States cares about the dignity of all people.

Mr. INOUE. Mr. President, today the United States Senate is considering a resolution to provide its advice and consent with respect to the Convention on the Rights of Persons with Disabilities, CRPD. At its heart, the Convention is a non-discrimination treaty, which requires that persons with disabilities have the same general rights as those without disabilities.

I am grateful for the opportunities this Nation provided me as a young man who returned from World War II as an amputee. Those opportunities included a college and law degree, eventually serving the Territory and State of Hawaii. I was fortunate my injury did not hinder my dream to work for, and serve the people of Hawaii. Throughout my years in the Senate, I joined with my colleagues to advance non-discrimination initiatives that protect all Americans. In 1989, I was proud to join with my good friend Senator HARKIN as an original cosponsor of the Americans with Disabilities Act, ADA, in the Senate, and vote for its passage in 1990. The ADA, established in law, our Nation's dedication to ensure those born with disabilities, or those who suffer life changing disabilities, are individuals with dignity. Furthermore, that those individuals enjoy the same rights and opportunities all Americans are guaranteed under the Constitution. Unfortunately, this is not necessarily the case around the world.

The ADA and its goals served as the model for the treaty resolution before us today. This Convention will help move countries toward protecting the rights of disabled individuals. Practically, it will allow the U.S. to engage other countries in the international arena to work toward the standards and accessibility here in the United States, which will benefit disabled Americans who work, live, and travel the world. We are fortunate U.S. law meets or exceeds the obligations of the CRPD, and that no implementing legislation is required. Our country stands up to protect the rights of the most vulnerable in our society. We cannot comprehend the mistreatment or simply the disregard of the lives of those with disabilities. Ratifying this treaty will reaffirm our country's leadership and commitment to the basic human rights of disabled men, women, and children. I am pleased to join my colleagues in support of the ratification of the CRPD.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I renew my request now. We have had about four successive Democrats speak. There is nobody here from the other side. I do not think it is fair to have our time docked as a result. So I suggest the absence of a quorum and ask unanimous consent that the time be charged to the opponents.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask that I be notified after 7 minutes.

Mr. President, when the Senate gives its advice and consent to a treaty, it becomes the "supreme law of the land" on par with Federal statutes. This is Article VI, Clause 2 of the U.S. Constitution. It is in our Constitution. That is why we must take great care in ratifying treaties and doing so only if it advances U.S. interests at home or abroad.

The overwhelming majority of constituent comments my office has received have been in opposition to the convention—approximately 1,000 letters in opposition; 40 letters or so in support.

Moreover, I, along with 36 other Senators, joined a letter to the Senate leadership requesting that no treaties be brought to the floor during the lameduck session.

A treaty is a powerful document, equal to or above statutory law. Historically, treaties are to regulate the relationship between sovereign nations. They do things like settle border disputes and create trade relations between those two nations. While treaties on occasion have blurred the line between international relations, the line, the principle still remains fundamentally intact.

This Nation has never ratified a treaty of which the entire focus is to empower an international agency—here, the United Nations, an organization that truly is proving to be dysfunctional and often hostile to the most legitimate interests of the United States—to monitor the internal policies of the United States. This is particularly curious in that the United States has the world's best record on disability issues.

Se we are told, let's ratify the treaty because we already meet, at least today, all the requirements of the treaty. This will set an example. In truth, we have already set an example. We lead the world.

This treaty, however, has misdirected the focus of the United States and the world community away from

nations who do little or nothing for the disabled and to direct blame first on this Nation.

Of course, the United States has a most magnificent system of law. It is the foundation of our liberty, our prosperity, and our happiness. Thus, if we were to ratify this treaty, we can be sure that international hypocrites will soon demand that the United States do this or that. All the while, their countries will have been in full violation of virtually every provision of the treaty. Many other mischievous actions will certainly arise to bedevil our country, and we will have hypocritical meddlers complicating our internal disability efforts, as well as our internal social and health policies. I do not think this is necessary.

Now, I agree that the United States and the world can do more to advance the cause of the disabled. I truly do. I recently visited the very fine Alabama School for the Deaf and Blind. I personally saw how inexpensive computers can transform the daily lives of the disabled. Deaf and blind can move from being disconnected to connected, from unemployed to highly productive. It was such a moving and positive experience to see what can be done today with the technology this world has.

When one visits our magnificent military hospital at Walter Reed National Military Medical Center, one can see the devices that are used there on a regular basis to make the lives of those who have been injured better. The whole world will benefit if more of this technology is made available.

The right way to advance assistance for the disabled worldwide is to be active internationally, to be on the front lines promoting these good techniques and policies, and to use more of our existing foreign aid for this purpose rather than wasting it, as we too often do, on corrupt governments that take it and do little for their people. I believe the State Department should strengthen its outreach in this important area. I have even drafted a law that would require them to establish such a department within their agency. As we spend billions yearly on aid, surely we can be more effective in ensuring that the equipment, devices and treatments that are life transfiguring are given more emphasis by our government.

We ought to raise the level of priority we give to the disabled.

Yes, I acknowledge that such expenditures are not purely a part of our Nation's national security policy, but America has always responded to the call to be a force for good in the world.

I just left a meeting 15 minutes ago with United Methodists from the North Alabama Conference who have a project to fight AIDS, HIV, and malaria in Africa. This is part of the American heritage, and we do this every day, and it should be done.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. SESSIONS. I thank the Presiding Officer.

This is our heritage, a heritage that has proven to be a blessing to the world. We do not want to walk away from that.

Another part of our heritage is the rule of law—that clear and strong understanding of the unique quality of national sovereignty. We are honest people. We are productive people. We are lawful people. We know that we will be able to be more prosperous and thus able to help others if we protect our economy from reckless, dangerous spending and the authority of our legal system from erosion. Thus, I conclude this treaty is unnecessary and, in fact, dangerous for our Nation.

So let's do more for the disabled worldwide. I will be supportive of that. But let's do it without enmeshing our Nation into another binding international organization that will cause more grief than benefit.

I will conclude with one more thing.

I am coming to the view that we as a nation need to be more legally aware of the dangers of signing agreements with foreign nations that regulate internal affairs, even if we are not giving away direct powers over the United States. I do not see that is necessary. I think that is a bad step. I am opposed to that. I think that in the long run, we will have difficulties.

I thank the Presiding Officer, yield the floor, and reserve the remainder of our time for my colleagues who I know want to speak on this matter.

Mr. KERRY. Mr. President, I yield the Senator from Arizona 7 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come to the floor with a bit of a heavy heart today because I think the Senate may not act to approve the Convention on the Rights of Persons with Disabilities. I would say the issue is not going away. I think there are too many Americans and too many veterans organizations and too many people who are committed to this cause, that over time we may have every chance and every opportunity to succeed.

I remind my colleagues that virtually every major veterans organization in America supports the treaty, people who represent those men and women who have fought and particularly try to assist those with disabilities that are the result of combat. They are AMVETS; the Air Force Sergeants Association; Air Force Women Officers Associated; the American GI Forum; the Association of the United States Navy; the Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; the Military Officers Association of America; the National Association of Black Veterans; the National Guard Association of the United States; the National

Military Family Association; Paralyzed Veterans of America; the American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of the United Spinal Association; Vietnam Veterans of America; and the Wounded Warrior Project.

Mr. President, I ask unanimous consent that the statement of all these veterans organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS SUPPORT THE CONVENTION AS THE RIGHTS OF PERSONS WITH DISABILITIES

Vote YES for the CRPD in 2012! In a letter of support for the disability treaty, 21 veterans service organizations highlight why the CRPD is important to them:

The CRPD is important to veterans and servicemembers with disabilities because it embodies the principles of the Americans with Disabilities Act (ADA). Like the ADA, the CRPD supports equal treatment and non-discrimination in access to rehabilitation, employment and educational opportunities. We support the principles of the ADA because it promotes empowerment of our nation's veterans and servicemembers with disabilities by providing the opportunity to achieve independent living and inclusion into all aspects of society.

As organizations that represent veterans and servicemembers and their families, we believe that the CRPD would remove barriers and allow American servicemembers and veterans with disabilities to work, serve, study, and live abroad. In part, barriers will be diminished due to changing attitudes around the world regarding people with disabilities. As a result of the changes occurring through the CRPD, servicemembers and veterans with disabilities will be able to continue leading active lives within the global community.

VSOs that Support U.S. Ratification of the CRPD: AMVETS; Air Force Sergeants Association; Air Force Women Officers Associated; American GI Forum; Association of the United States Navy; Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; Military Officers Association of America; National Association for Black Veterans; National Guard Association of the United States; National Military Family Association; Paralyzed Veterans of America; The American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of America; Wounded Warrior Project.

Mr. MCCAIN. Mr. President, I commend to my colleagues a very moving letter to the U.S. Senate from a very famous man, a Chinese dissident who was blinded, who recently was able to leave China, which was printed in the RECORD yesterday.

I will not quote from his whole letter. He says:

This treaty is making this idea real in significant ways around the world. Today there are over 1 billion people with disabilities, and 80 percent of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook. When



the United States enacted the Americans with Disabilities Act over 20 years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and are now coming together under shared principles of equality, respect and dignity for people with disabilities as entailed in the treaty.

The United States, which was instrumental in negotiating this treaty, can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world and, by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

That is what this is all about—American leadership, American leadership in the world. I don't know how many millions of people around the world are deprived of the same rights that Bob Dole and TOM HARKIN and so many others made possible, but do I know this is an expression of American leadership throughout the world—I think an obligation America should embrace.

I would like to read a statement by our distinguished former colleague and leader, Bob Dole. More than a dear friend, Bob remains an authentic hero to millions of his countrymen, someone whose personal example of wartime sacrifice was equaled—if such a thing is possible—by his service in this body. He is respected wherever people value political courage and civility.

Bob Dole returned from World War II, one of the countless wounded warriors whose defense of our liberty curtailed his own. Gravely injured, disabled for life, he developed a unique personal understanding of his fellow Americans excluded from the mainstream. In the years that followed, Bob fought to ensure not only that no American would be relegated to the back of the bus but also, in the case of the disabled, that no one would be prevented from boarding the bus.

Bob Dole has been our leader on the issue of disabilities from the moment he stepped foot into the Chamber. To Bob, it is unthinkable that Americans could not get over a curb or enter a school building or even watch a debate in this Chamber if they were in a wheelchair.

On April 14, 1969, the same date he was injured in the hills of Italy 24 years earlier, he made his maiden speech on the topic of Americans with disabilities. In every legislative initiative since then, Bob Dole has been a leader on behalf of people with disabilities, bills such as the Rehabilitation Act of 1973; the Individuals with Disabilities Education Act, IDEA; the Developmental Disabilities Act, and the Americans with Disabilities Act. He was responsible for including people with disabilities in the Telecommunications Act of 1996 and for ensuring that people with disabilities are part of the State Department's annual report on human rights around the world.

After leaving this Chamber, Bob Dole prompted the Congress to pass the

Ticket to Work and Work Incentives Improvement Act of 1999—breakthrough legislation on health care and employment for people with disabilities.

This past year he has been instrumental in working with the administration and Congress to ensure bipartisan support for the Convention on the Rights of Persons with Disabilities to reflect American leadership and values and safeguarding the rights of every individual in the world.

I ask unanimous consent for an additional 3 minutes to be added on to the time of the vote.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to have Bob Dole's statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ROBERT J. DOLE, DECEMBER 4, 2012, STATEMENT ON THE SENATE VOTE ON THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

I'd like to thank my former colleagues, members of the Administration, and many friends whose efforts have brought about the Convention on the Rights of Persons with Disabilities. In their diversity they reflect America itself—I'm thinking of people including our former colleagues Tony Coelho, former Attorney General Dick Thornburgh, and former White House Counsel C. Boyden Gray—key leaders on the landmark and bipartisan 1990 Americans with Disabilities Act. They have taken great pains to ensure that this treaty is in the best interest of our Nation, and reflective of the values that we all believe transcend any party label. I especially thank President George H.W. Bush for his indispensable leadership and support.

The approaching vote on the Convention on the Rights of Persons with Disabilities is a proud moment for the Senate, the latest chapter of an untold story including the Americans that say: no first class democracy can tolerate second class citizens.

In recent years, we have recognized that people with disabilities are integral to our society, that we cannot afford to waste their talents, nor can we proclaim our beloved America demonstrably—the home of the brave, the land of the free—as we overlook the abilities that trump any disabilities. As the ranks of the disabled and their families swell, so does popular support for measures to ensure equality of access and opportunity. One way or another disability issues touch nearly every family in America.

Eight years ago, in dedicating the National World War II Memorial on the Mall, I tried to put into words what makes America worth fighting for—if need be, dying for. I spoke of the American promise, imperfectly realized and too long delayed for some of our fellow citizens—but a promise of individual opportunity and universal justice for which we all aspire. "This is the golden thread that runs throughout the tapestry of our nationhood," I said, "the dignity of every life, the possibility of every mind, the divinity of every soul." In ratifying the CRPD, we can affirm these goals for Americans with disabilities. We can join with our allies in entrusting the blessings of freedom to millions outside our borders. I urge your support of

this important treaty and I thank you for your consideration.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today in opposition to the ratification of the U.N. Convention on the Rights of Persons with Disabilities or the CRPD. The United States has a long and proud tradition of protecting human rights, especially those of the disabled. I do not believe we need to ratify an international convention to demonstrate our firm commitment in this area.

CRPD ratification would do nothing to improve the lives of the disabled in the United States, and if other countries are looking for good examples of how to improve their laws, they could do no better than to refer to U.S. laws. Just as with many treaties before this one, the CRPD would offer cover to regimes that have no intention of actually helping their citizens, while needlessly tying the hands of countries such as the United States that have actually made great strides in this area.

I take China as just one example. According to Human Rights Watch, Chinese citizens even suspected of having a mental disability can be arbitrarily committed to institutions because Chinese law offers almost no protections against involuntary civil commitment. Moreover, Beijing is now considering a draft mental health disability law that would "permit the indefinite involuntary detention, forced medication, and forced labor of persons suspected of having a mental disability." Obviously, this is in direct contravention to both the spirit and the letter of the CRPD even though Beijing has ratified it—I repeat: even though Beijing has already ratified the treaty. So while this convention has no mechanism to force countries such as China to actually respect their disabled citizens, what it does do is allow their leaders to falsely present themselves as forward-leaning on disabled rights just as they continue to run roughshod over such protections at home.

Supporters of this convention claim that ratifying it would allow our country to assume the moral high ground when it comes to addressing other countries' gaps in disabilities rights. I would argue just the opposite. As I just mentioned, becoming a party to this convention would actually put us in the company of nations that are nowhere near the high ground on this issue, moral or otherwise.

Moreover, we already have the most comprehensive disability rights laws and protections in the world, period. In fact, the U.S. record of disabilities rights-related laws stretches back more than four decades, unequivocally demonstrating our commitment and leadership in this area. That is why many nations look to us for guidance in developing their own disability laws



and discrimination protections. We do not need a treaty to provide that guidance, obviously.

For example, the European Union is looking to current U.S. law as a model for its own accessibility initiatives. In January of 2011, European Commission Vice President Viviane Reding discussed proposals for what is designated a "European Accessibility Act," citing progress made in the United States under the provisions of the Americans with Disabilities Act of 1990," which I was proud to support. Reding believes "that the EU should learn from this positive experience and go ahead in Europe too."

The convention's supporters also erroneously contend that U.S. ratification would result in tangible benefits for Americans with disabilities who choose to live, travel, or work abroad. They assert that it would allow the United States to have greater influence over disability rights in such areas as employment or accessibility among other states that are party to CRPD. I think this is far from certain.

To be sure, Americans with disabilities face serious challenges when they travel abroad precisely because those nations' laws are not as supportive as are those here in the United States—the matter I spoke of a moment ago. But it is the example we have set through our legislation, not ratification of this convention, that could improve their access, for example, to technology, as our Telecommunications Act of 1996 does, or accommodations that would be available, as the American Fair Housing Act does, for example. Only individual member states can draft and implement and enforce the type of wide-ranging laws that are necessary to actually protect the rights of persons with disabilities—laws, I might add, that are already in place here in the United States of America.

We know all too well from experience with other treaties that states such as China routinely flout their treaty obligations. I believe it boils down to this: Countries look to the United States for leadership in this area not because we are party to an international treaty but because we have actually demonstrated our commitment through tangible and sustained action. Our commitment to the rights of the disabled does not end with the passage of laws or the enforcement of regulations; rather, it is an ongoing commitment through civil society and a myriad of civic groups, NGOs, and religious organizations, many of which work abroad to help improve the lives of persons with disabilities. It also extends to individuals, including entrepreneurial Americans who continuously seek to develop new cutting-edge technologies to improve the lives of anyone who might benefit from such tools.

I am not naive regarding the challenges we face in ensuring that persons

with disabilities around the world can benefit from the kind of education, employment, and housing access Americans with disabilities already enjoy here in the United States. I firmly believe the United States must continue to pursue this disability diplomacy on both a bilateral and multilateral basis where it is appropriate. But it is not at all clear to me that it is necessary to ratify this convention to achieve our goal of promoting disability rights and protecting the disabled from discrimination.

At the end of the day, I believe the proponents argue two contradictory positions: first, that it is really important that the United States ratify the convention so that nations will have to respect the rights of disabled persons. The second argument they make is that the United States need not be concerned about obligations under the treaty because it is not enforceable, it really has no effect on us.

Well, both things cannot be true. Either it is a problem or it is not effective. In either event, it is not an argument for ratification of the treaty. So while I respect the goals and the aspirations of the proponents, they do not justify committing the United States to another international obligation. As a result, I will oppose the resolution of ratification.

**THE PRESIDING OFFICER.** The Senator from Massachusetts.

**Mr. KERRY.** Mr. President, what is the time allegation?

**THE PRESIDING OFFICER.** The Senator from Massachusetts has 10 minutes, and the time in opposition has 8 minutes.

**Mr. KERRY.** Mr. President, the Senator from Arizona—it is my understanding that there is no other speaker on the Senator's side. I would simply ask if we could have an additional 5 minutes on this side, if the Senator would not object, and that would bring us to the vote at noon.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. KERRY.** Mr. President, let me just say to the Senator from Arizona before he leaves, the Senator and I have engaged on these issues for some years now, and we have disagreed respectfully and in a friendly way.

I would say to him, very respectfully, that there is no contradiction in the position of the proponents of this bill. While I understand what he said about China, the fact is that because China has signed up—and Russia and other countries—if we were a party to this and at the table discussing it, we would have greater leverage in order to be able to advance the rights of persons in China and elsewhere.

Now, don't take that from me, I would say to the Senator from Arizona. Guongcheng Chen is the blind activist for civil rights in China who has sought refuge in America for a brief period of

time. His family has suffered in China, and he has written a letter to us. He says:

Dear Senators,

I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities. As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world today.

He goes on to say:

I am hopeful that you will support ratification and allow others to benefit from these triumphs.

And he is referring to the Americans with Disabilities Act and the other things we have done.

I ask unanimous consent that this document of organizations supporting the treaty be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COALITION FOR UNITED STATES RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

President Herbert Walker Bush; The Honorable Bob Dole; The Honorable Tony Coelho; The Honorable Dick Thornburgh; The Honorable Steve Bartlett; Ambassador Boyden Gray; Mayer-Brown LLP; Carolyn Osolinik & Tim Keeler; Ted Kennedy Jr.; Howard Berman; John Wodatch; Dan Brezinski; Ray Kelley; Tom Zampiri; Access Living of Metropolitan Chicago; Marca Bristo; Alston & Bird LLP; Jennifer Butler; Bob Kettlewell; Consortium for Citizens with Disabilities; Disability Rights Education and Defense Fund; Glover Park Group; Eva Szeli Robert Dinerstein Hadar Harris Janet Lord Arlene Kantor Michael Stein; National Council on Disability; National Council on Independent Living; National Disability Leadership Alliance; United Spinal Association and 21 Veteran organizations; United States Chamber of Commerce; United States International Council on Disabilities; David Morrissey, Esme Grant, Susie Richard, Ellis Ballard, and Andrea Shettle.

Ability Chicago; Access Alaska Inc.; Access Living; Access, Inc.; ACCSES; Actionplay; ADAPT Delaware; Air Force Sergeants Association; Air Force Women Officers Associated; Alliance Center for Independence; American Academy of Child and Adolescent Psychiatry; Advocating 4 Kids LLC; American Academy of Pediatrics; American Association for Geriatric Psychiatry; American Association on Health and Disability; American Association on Intellectual and Developmental Disabilities; American Association of People with Disabilities; American Association for Psycho-social Rehabilitation; American Civil Liberties Union; American Council of the Blind.

American Counseling Association; American Dance Therapy Association; Anti-Defamation League; American Diabetes Association; American Foundation for the Blind; American Foundation for Suicide Prevention; American GI Forum; American Group Psychotherapy Association; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options and Resources; American Speech-Language-Hearing Association; American Therapeutic Recreation

Association; amfAR, the Foundation for AIDS Research; AMVETS; APSE; ARC Gateway, Inc.; Arc Northland; Arc of Lucas county; Arizona Bridge to Independent Living (ABIL).

Association for Assistive Technology Act Programs; Association of Jewish Family & Children's Agencies; Association of Programs for Rural Independent Living; Association of United States Navy; Association of University Centers on Disabilities (AUCD); Association on Higher Education & Disability; Attention Deficit Disorder Association; Auditory Sciences; Autism National Committee; Autistic Self Advocacy Network; Autism Speaks; Bay Area People First; Bay Cove Human Services, Inc.; Bazelon Center for Mental Health Law; Bender Consulting Services, Inc.; Best Buddies International, Inc.; BlazeSports America; Blinded Veterans Association; BlueLaw International; Boston Center for Independent Living.

Brain Injury Association of America; Bridge II Sports; Bridgewell; Burton Blatt Institute at Syracuse University; California Association of the Deaf—Riverside Chapter; CA State Council on Developmental Disabilities, Area Board 5; California Foundation for Independent Living Centers; California State Council on Developmental Disabilities; Californians for Disability Rights, Inc.; CBM; Center for Disability Rights; Center for Independent Living of South Florida, Inc.; Center for Leadership in Disability; Center on Disability and Community Inclusion; Challenged Conquistadors, Inc.; Check and Connect Program—Central Lakes College; Citizens for Patient Safety; Community Access Project Somerville; Community Access Unlimited; Community Alliance for the Ethical Treatment of Youth.

Community Resources for Independent Living; Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates; Consortium for Citizens with Disabilities; Consumer Advisory Committee; Council for Exceptional Children; Council of State Administrators of Vocational Rehabilitation; CUNY Coalition for Students with Disabilities; Daniel Jordan Fiddle Foundation; DAWN Center for Independent Living; Deaf and Hard of Hearing Alliance; Deaf Education And Families Project; Delaware Developmental Disabilities Council; Delaware Family Voices; Depression and Bipolar Support Alliance; Developmental Disabilities Institute, Wayne State University; Disabled American Veterans; Disability Connection/West Michigan; Disability Help Center; Disability Law Center; disABILITY LINK.

Disability Partners; disABILITY Resource Center; Disability Rights Coalition; Disability Rights Education and Defense Fund; Disability Rights Fund; Disability Rights International; Disability Rights Legal Center; disAbility Solutions for Independent Living; Disabled In Action of Metropolitan NYC; Disabled Rights Action Committee; Disabled Sports USA; Division for Early Childhood of the Council for Exceptional Children; Down Syndrome Association of Snohomish County; Down Syndrome Association of West Michigan; Dream Ahead the Empowerment Initiative; Dynamic Independence; East Texas Center for Independent Living; Easter Seals; ED101 Inc.; Equal Rights for Persons with Disabilities International, Inc.

Employment & Community Options; Epilepsy Foundation; Family Voices; Fearless Nation PTSD Support; Federal Employees with Disabilities (FEDs); FESTAC-USA (Festival of African Arts and Culture); FHI n360;

Fiesta Christian foundation Inc.; 504 Democratic Club; Foundations For Change, PC; Four Freedoms Forum; Fox River Industries; FREED Center for Independent Living; Friedman Place; G3ict; Gallaudet University; GlobalPartnersUnited; Goodwill Industries International; Greater Haverhill Newburyport; Handicap International; HEAL; Hearing Loss Association of America.

Hearing Loss Association of Los Angeles; Hesperian Health Guides; Higher Education Consortium for Special Education; Human Rights Watch; IDEA Infant Toddler Coordinators Association; Independent Living, Inc.; Independent Living Center of the Hudson Valley, Inc.; Independent Living Center of the North Shore & Cape Ann, Inc.; Institute for Community Inclusion: U. MA Boston; Institute for Human Centered Design; Institute on Human Development and Disability; Institute on Disability and Public Policy (IDPP); Inter-American Institute on Disability; International Ventilator Users Network; Iowa Statewide Independent Living Council (SILC); Iraq and Afghanistan Veterans of America; Jewish War Veterans; Johnson County Board of Services; Joint National Association of Persons with Disabilities; Just Advocacy of Mississippi.

KEY Consumer Organization, Inc.; KIDZCARE School; L.E.A.N. On Us; Lakeshore Foundation; Lakeside Curative Systems, Inc.; LINC; Little People of America; Living Independence For Everyone (LIFE) of Mississippi; Long Island Center for Independent Living, Inc. (LICIL); Loudon ENDependence; Mainstay Solutions LLC; Maryland Disability Law Center; Massachusetts Down Syndrome Congress; Massachusetts Families Organizing for Change; Medical Whistleblower Advocacy Network; Medicol Inc.; Mental Health Action; Mental Health America; MI Developmental Disabilities Council; Military Officers Association of America.

MindFreedom International; Mobility International USA; Montana Independent Living Project; Multiethnic Advocates for Cultural Competence, Inc.; National Alliance on Mental Illness; National Association for Children's Behavioral Health; National Association for Black Veterans; National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Law Students with Disabilities (NALSWD); National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association of State Head Injury Administrators; National Association of State Mental Health Program Directors; National Association of States United for Aging and Disabilities; National Association of the Deaf; National Black Deaf Advocates, Inc.; National Center for Environmental Health Strategies.

National Center for Learning Disabilities; National Coalition for Mental Health Recovery; National Council on Independent Living; National Council for Community Behavioral Healthcare; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Dysautonomia Research Foundation; National Federation of the Blind; National Federation of Families for Children's Mental Health; National Guard Association of the United States; National Health Law Program; National Military Family Association; National Minority AIDS Council; National

MS Society—Ohio Chapters National MS Society, Pacific South Coast Chapter; National Multiple Sclerosis Society; National Multiple Sclerosis Society, National Capital Chapter; National Rehabilitation Association; New York State Independent Living Council; Next Step; NHMH—No Health without Mental Health.

Noble County ARC, Inc.; Northeast Arc; Not Dead Yet; Ohio Association of County Boards; Serving People with Developmental Disabilities; Ohio Statewide Independent Living Council; Ohio Valley Goodwill Industries; Oklahoma Association of Centers for Independent Living; Optimal Beginnings, LC; Osteogenesis Imperfecta Foundation; PA Mental Health Consumers' Association; Paralyzed Veterans of America; Parent to Parent of NYS; Parent to Parent USA; Peer Assistance Services, Inc.; Peppermint Ridge; Perkins; PhilanthropyNow; Pineda Foundation for Youth; Polio Survivors Association; PPI; Purity Care Investments; PXE International.

Raising Special Kids; REACH Resource Centers On Independent Living; Recovery Empowerment Network; Rehabilitation International; RESNA Rolling Start Inc., Rose F. Kennedy University Center for Excellence in Developmental Disabilities; Sandhills Post-Polio Health Group; Schizophrenia and Related Disorders; Alliance of America; School Social Work Association of America; Self Advocacy Council of Northern Illinois; Sindh Disabled Development Society; SoCal ASPE; Social Assistance and Rehabilitation; for the Physically Vulnerable; (SARPV); Socio Economic Development; Alliance (SEDA); Southeast Alaska Independent Living; SPEAK Consulting LLC; Special Needs Advocacy Network; Special Olympics; Spina Bifida Association.

Statewide Independent Living Council; TASH Team of Advocates for Special Kids; (TASK); Teacher Education Division of the Council for Exceptional Children; Tennessee Disability Coalition; Tri-State Downs Syndrome Society; The Ability Center of Greater Toledo; The American Legion; The Arc Jefferson, Clear Creek & Gilpin Counties; The Arc Arapahoe & Douglas; The Arc California; The Arc Cedar Valley; The Arc Michigan; The Arc Noble County Foundation; The Arc of Bristol County; The Arc of Colorado; The Arc of Dickinson; The Arc of Fort Bend County; The Arc of Greater Pittsburgh; The Arc of Illinois; The Arc of Iowa.

The Arc of Massachusetts; The Arc of Northern Virginia; The Arc of Opportunity in North Central Massachusetts; The Arc of the U.S.; The Arc of Virginia; The Arc of Toombs County; The Arc Western Wayne; The California Institute for Mental Health; The Center of Rights of Parents with Disabilities; The Jewish Federations of North America; The Joseph P. Kennedy, Jr. Foundation; The National Council on Independent Living; The National Center of the Blind Illinois; The Starkloff Disability Institute; Three Rivers Center for Independent Living; Topeka Independent Living; Resource Center; Touchpoint Group, LLC; Tourette Syndrome Association; Treatment Communities of America; Tri county ILC.

Tri-County Association of the Deaf, Inc., Twin Ports Post Polio Network; United Cerebral Palsy; United Spinal Association; U.S. Business Leadership Network; United States International Council on Disabilities; Utah Assistive Technology Foundation; Vermont Center for Independent Living; Vermont Family Network; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of

United Spinal Association; Vietnam Veterans of America; Voices of the Heart Inc; Whirlwind Wheelchair International; Womens Refugee Commission; WORK, Inc., World Institute on Disability; Wounded Warrior Project; Wyoming Institute for Disabilities.

Mr. KERRY. Over 328 veterans and disability organizations, all of our veterans organizations, who deal with people with disabilities and challenges support this treaty and believe it will make a difference.

So when the Senator says: I don't believe it will make a difference, every working member of the disabilities community disagrees with the Senator.

I would just say to him respectfully that the facts are clear. He said this ties our hands. It doesn't tie our hands. Senator LEE came to the floor earlier, and he agreed this doesn't require any change of U.S. law.

So I would say to my friend, there is no tying of the hands. We understand the fears people have, but I think it is important to try to decide this on the basis of fact.

I yield to the Senator on his time.

The PRESIDING OFFICER. As per the previous request, without objection, it is so ordered.

Mr. KYL. First of all, I want to say to my colleague from Massachusetts that I very much have enjoyed the conversations we have had, and perhaps more so when we have been in disagreement because I think we have brought out a number of important points on a variety of issues. So I always appreciate his views. Secondly, since the Senator has specifically referred to the points I have made, let me just respond in one way.

I don't gainsay the argument that people who have a deep belief in trying to pursue a particular human right or other goal believe that getting together in the international community and talking about these things is a useful exercise. It is hard to argue in the abstract with that proposition, so I can understand the letters that would be written.

The hard reality is, however, that there are nation states such as China that do like to sign up to these organizations and gain the reputation for doing good things while, in fact, not doing things, as I pointed out. So to some extent it can serve the opposite goal of giving cover to countries that really have no intention of acting in good faith or in good ways that we have demonstrated as the United States, and that is one of the problems here.

I do acknowledge, and I will not use any more of the Senator's time, but when one of two things is true, either it is fairly meaningless or it is really meaningful. I don't think that we can make both arguments as arguments in support of our signing up to the treaty.

Mr. KERRY. Well, we obviously differ on that.

Let me emphasize the importance of the 328 groups, and I have submitted that for the RECORD.

We are going to vote in a few minutes, and we are going to vote on a treaty that I regret to say some people are making controversial when, in fact, it really isn't controversial.

What this treaty says is very simple: It just says that people can't discriminate against the disabled. It says other countries have to do what we did 22 years ago when we set the example for the world and passed the Americans with Disabilities Act.

In four simple words, this treaty says to other countries that don't respect the rights of the disabled: Be more like us. That is what we are asking people to do. It doesn't require any changes to American law, zero. This has no tying of the hands of America. There isn't one law in the United States that would be negatively affected. But it will push, it will leverage, it will require other countries by their commitment to be held accountable to the standard that we have set and take our gold standard and extend it to the rest of the world.

There are three reasons I have heard that we can't do this. When I hear them, I am reminded of what I learned when I was a prosecutor, which was quite a few years ago now. I learned: If the facts are against you, then argue the law. If the law is against you, then argue the facts. If both are against you, just make it up.

Well, that is exactly what is happening here. Neither the law nor the facts support any argument that has been made on the other side of this treaty. Accordingly, we are facing an entirely fictitious set of arguments—on abortion, on homeschooling, on lameduck sessions. All of their arguments have been contradicted by the facts in the law, and let me document that.

This treaty is based on the Americans with Disabilities Act. We passed that 20 years ago.

The father of the act is sitting here, the Senator from Iowa. In all those 20 years, has any child been separated from a parent because of the ADA? No. Has homeschooling been hurt? No. In fact it has grown and is flourishing across the Nation.

How is it possible a treaty, that according to our Supreme Court offers no recourse, no change in American law, no access to American courts, how is it possible that such a treaty could threaten anybody in our country? The answer is simple: It doesn't and it can't.

Well, let's go through the arguments one by one. First, they say it would undermine our sovereignty. I have heard several people suggest that, the laws governing the disabled. Well, that is wrong. Senator LEE just admitted it doesn't affect any law in the United States. All it does is create a com-

mittee on the rights of persons with disabilities.

What can this committee do? All it can do is review reports and make a suggestion. Are we scared, in the United States of America, of someone making a suggestion to us about how we might do something? It has no recourse in the court, no legal standing.

The Foreign Relations Committee even included language in the resolution of advice and consent to make it crystal clear. What are we afraid of? That the committee would give us this advice?

The second misconception is that this will allow the Federal Government, acting under U.N. instructions, to determine what is best for children with disabilities. Again, that is just flat wrong. The treaty does not give the Federal Government or any State government any new powers with respect to children with disabilities. It doesn't change the balance of power between Federal and State government. It doesn't require any change to existing State or Federal law.

The Justice Department, former Republican Attorney General Dick Thornburgh, testified before the Foreign Relations Committee that any assertion to the contrary is incorrect. Our committee even included language in the resolution of advice and consent to absolutely crystallize those limitations.

Finally, there are those who argue that a lameduck session is an inappropriate time for Senators to consider this treaty. Well, my colleagues, please, since the 1970s alone, the Senate has approved treaties during lameduck sessions a total of 19 times. There is nothing special or different about a lameduck. It is a session of the Congress. Just as we are going to consider important fiscal matters, we should consider other important matters.

Our constituents expect us to do our jobs. There is no difference between a lameduck, a dead duck, or a regular duck. We ought to be here doing our jobs.

More than any of the straw men, though, that we would have to deal with in this debate, there is, in fact, something much bigger at stake. This treaty and this vote will say a great deal about who we are in the Senate and who we are as a country.

In the nearly 30 years I have been here, I think this is the first time I have seen a former majority leader of the Senate come to the Senate floor for a vote. It is certainly the first time that I have seen it happen when he had every right to be at home at age 89 taking care of his health, but that is not Bob Dole.

Almost 70 years ago, when he came home to Kansas from the battlefields of Italy in a full body cast, people said that Bob would never have to work another day in his life. That is what they

said; he was a hero; he had made his contribution. But Bob Dole worked every single day to stand, to walk, and to use his arms again. He made himself get out of that bed, and he made himself a public servant and a U.S. Senator and the Republican nominee for President in 1996. But his greatest pride was passing the Americans with Disabilities Act.

Bob Dole, why is he here? He is not here because he is here to advocate for the United Nations, and certainly this man who served his country is not here because he doesn't want to defend the sovereignty of the United States of America. He is here because he wants to know that other countries will come to treat the disabled the way we do.

He is here because he wants to know that when a disabled American veteran, our wounded warriors, travel overseas, they are treated with the same dignity and respect they receive at home. That is why an 89-year-old veteran, 1 week removed from Bethesda Naval Hospital, comes back to the Senate on an early December day. Because it matters.

What we do in the Senate matters not just to us but to people all across the globe, and maybe some people here need to be reminded of that. This is not about politics, this is not about ideology, this is about people.

This treaty helps thousands of vets, men and women, who paid the price of devotion to our country with their limbs—with their limbs—and they struggle every day to get up, button their shirts, get out of the house. Some of them struggle to be able to share in life as all of us are able to share in it.

I met one of them yesterday, Army Afghan vet Dan Berschinski, a double amputee as a result of the war in Afghanistan. He has fought back, and he has recovered enough to create a small business. Here is what he said, this West Point grad of 2007:

I'm proud to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for veterans like me who struggle to walk, or use a wheelchair. Very fortunately for me, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages granted here at home—that allow people like me to live fulfilling, independent lives—don't exist in much of the rest of the world.

Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined—

And I am speaking for him—

a few friends in a trip to South Africa to watch the World Cup.

There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. Would the restaurant have an accessible bathroom or would I have to go without it? Would my wheelchair be able to

fit in the hotel doorway or would I need to be carried into the lobby? Those are the kinds of questions we take for granted here in America, but, unfortunately, the accessibility measures we enjoy here simply aren't present in many other countries.

That is why Bob Dole and CPT Dan Berschinski want us to approve this treaty. I have heard nothing from the other side that outweighs the reality of that consideration for not just veterans but all persons with disabilities.

What is at stake here is big. The outcome here will not, despite the fear, change one election here in the Senate. It is not going to decide one of the primaries that I fear are distorting the politics of our country. But you know what, it will decide whether some people live or die in another country, where there is no accountability and only United States values and standards are the difference to the prospects of someone with a disability.

In some countries children are disposed of—killed—because they have a disability. Our treaty can actually help prevent that. In some countries children do not get to go to school and certainly have no prospects of a future simply because they are born with a disability. This treaty will help offer hope where there is none. The United States could actually sit at the table and make the difference for people with disabilities because we are willing to push our values and hold other nations accountable to meet our standards—the gold standard of the Americans with Disabilities Act.

Mr. President, I have heard some of my Republican colleagues talk many times about making the rest of the world more like America. I hate to think that now, when we have an opportunity to do that, they will retreat from that core conviction and oppose a treaty modeled on the United States' example which has no recourse in American courts and no effect on American law.

This treaty isn't about American behavior, except to the degree that it influences other countries to be more like us. This treaty is about the behavior of other countries and their willingness to raise their treatment of people with disabilities to our level. It is that simple. This treaty isn't about changing America, it is a treaty to change the world to be more like America.

So why join, I have heard my colleagues ask several times. If it doesn't have recourse in the law, why join? I will tell you why: Because we can sit at the table and affect the lives of our citizens by pushing other countries upwards; because we gain credibility and accelerate change through our advocacy by being part of a process; because it is good for American businesses, which can sell products and services as other nations raise their standards and need our expertise to meet their goals. That is why, incidentally, the United States Chamber of Commerce supports

this treaty as do a huge number of businesses.

Why support it? Because George H. W. Bush started this process and President George W. Bush signed the treaty to participate in it. And because, in the end, this treaty and our participation in it—and this is the most important—can improve the quality of life for people with disabilities. To join it is to keep faith with the men and women who have suffered grievous disability in defense of our Nation, and we owe them nothing less. This treaty is not about changing America, it is about America changing the world.

But a vote here is a test of this institution. This vote is a test of whether the Senate, which passed the Civil Rights Act and the Voting Rights Act and the Americans with Disabilities Act, is still capable of voting to change things, not to mention sending a message that could change the world.

I ask my colleagues to do for the world what they have done for America, walk down the aisle here for millions everywhere who cannot walk and make a statement; raise your voice and vote for millions who are voiceless in their own lands; stand for those who cannot stand for themselves. This is not about the United Nations, this is about common humanity. This vote is to test to see whether the Senate will stand for those who cannot see or hear and whether Senators can hear the truth and see the facts.

Please don't let Captain Berschinski down. Don't let Senator Bob Dole down. Most importantly, don't let the Senate and the country down. Approve this treaty.

The PRESIDING OFFICER. The question is on agreeing to the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 219 Ex.]

#### YEAS—61

|            |              |            |
|------------|--------------|------------|
| Akaka      | Casey        | Kohl       |
| Ayotte     | Collins      | Landrieu   |
| Barrasso   | Conrad       | Lautenberg |
| Baucus     | Coons        | Leahy      |
| Begich     | Durbin       | Levin      |
| Bennet     | Feinstein    | Lieberman  |
| Bingaman   | Franken      | Lugar      |
| Blumenthal | Gillibrand   | Manchin    |
| Boxer      | Hagan        | McCain     |
| Brown (MA) | Harkin       | McCaskill  |
| Brown (OH) | Inouye       | Menendez   |
| Cantwell   | Johnson (SD) | Merkley    |
| Cardin     | Kerry        | Mikulski   |
| Carper     | Klobuchar    | Murkowski  |

|             |            |            |
|-------------|------------|------------|
| Murray      | Sanders    | Udall (NM) |
| Nelson (NE) | Schumer    | Warner     |
| Nelson (FL) | Shaheen    | Webb       |
| Pryor       | Snowe      | Whitehouse |
| Reed        | Stabenow   | Wyden      |
| Reid        | Tester     |            |
| Rockefeller | Udall (CO) |            |

## NAYS—38

|           |              |          |
|-----------|--------------|----------|
| Alexander | Graham       | Moran    |
| Blunt     | Grassley     | Paul     |
| Boozman   | Hatch        | Portman  |
| Burr      | Heller       | Risch    |
| Chambliss | Hoeven       | Roberts  |
| Coats     | Hutchison    | Rubio    |
| Coburn    | Inhofe       | Sessions |
| Cochran   | Isakson      | Shelby   |
| Corker    | Johanns      | Thune    |
| Cornyn    | Johnson (WI) | Toomey   |
| Crapo     | Kyl          | Vitter   |
| DeMint    | Lee          | Wicker   |
| Enzi      | McConnell    |          |

## NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Two-thirds of the Senators present not having voted in the affirmative, the resolution of ratification is not agreed to.

The majority leader.

Mr. REID. Mr. President, we hope shortly after the caucuses are ended today that we will have a vote on final passage of the Defense authorization bill. The managers have a few more amendments they are going to try to clear, but I think very quickly after the caucus we will have a vote. "Very quickly" around here is kind of a relative term, but we hope to do it as soon as we can.

Mr. LEE. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Michigan.

## THE FISCAL CLIFF

Ms. STABENOW. Mr. President, I rise to bring attention to a critically important piece of legislation the Senate has passed and the House needs to pass immediately. It passed the Senate with bipartisan support. There are those on both sides of the aisle in the House of Representatives who support passing it. I am here to urge, in the strongest terms possible, that the Speaker bring up this bill before the House and get it passed.

Many people, because of my speaking in the past, may think I am referring to the farm bill, which I also believe we need to have the House take up and

pass because of our bipartisan work. But I actually am referring to the fact that we have only 27 days until we go over the fiscal cliff. For middle-class families what this means is 27 days before their taxes go up on average \$2,200.

What we are talking about is the fact that we passed a bill. We did not just pass a bill, we passed a bill in July. July 25 of this year the Senate passed a bill to extend tax cuts on all income up to \$250,000. That is for anyone. It is now sitting in the House and everybody agrees middle-class families should not get a tax increase. Yet they have not taken it up. This needs to be taken up and passed before the end of the year so we can make sure middle-class families do not get caught in what we are talking about, which is the fiscal cliff.

For a family on a budget, \$2,200 more in taxes means a lot of things. It means a lot of things as families are trying to figure out how to pay for Christmas this year. It is not an accident that we are seeing layaway becoming very popular again as families are trying to figure out how to make sure their children have the Christmas they want to give them, yet juggle their cash flow situation in trying to figure out how to pay for it and pay the bills. That \$2,200 will make a huge difference to millions of families. It is the difference between just paying the regular bills—utility bills, the mortgage, the rent, the car payment.

There is absolutely no reason families should find themselves in this situation right now when they are worried about this, absolutely none. As I said before, we passed a bill on July 25—not August, not September, not October, July 25—to get this issue off the table. We know there are broader issues on which we have to come together. There has to be a balanced approach, we know that, on long-term deficit reduction. But we said in the Senate, on a bipartisan basis, we do not want middle-class families caught in the middle of that. We do not want them being held hostage in order to get an additional tax break for multimillionaires.

It has been 132 days since the House Republican leadership got that bill. For 132 days they have been refusing to take it up. I commend the Democratic leader in the House, NANCY PELOSI, for now bringing forward a discharge petition to bring that directly to the floor. I think it is widely believed—I certainly believe—that there are enough votes on the floor of the House to pass this, to make sure middle-class families do not see an additional \$2,200 coming out of their paychecks starting in January.

For 132 days families have been waiting for their own economic certainty. Yet it still has not been taken up in the House. Christmas is 3 weeks from today. This is the worst possible time to create uncertainty for families across America. We also know this is

about hurting the economy. It is a drag on consumer spending not to continue the tax cuts—consumer spending which makes up about 70 percent of the economy. So there is a direct relationship between what happens in growing the economy and what happens for middle-class families. Now we have 27 days for the House to get this done. There are 27 days to stop holding middle-class families hostage while we work out a larger agreement on what needs to be done on deficit reduction. All we need to do is to pass the Senate bill.

Let me repeat. By extending this particular bill, every American will get a tax cut on their first 250,000 in income. The good news is that involves tax cuts for 98 percent of American families; 98 percent of American families will be protected from seeing any kind of a tax increase—and 97 percent of small businesses, by the way. So if someone has \$1 over \$250,000, they would not be protected from a tax increase. They would get the first \$250,000 in tax cuts, but they would not get additional bonus tax cuts on top of that. This makes sure 98 percent of the American people do not see their taxes go up, and those who benefited the most by the tax cuts in the last decade will be able to step up and be part of the solution on deficit reduction, which the vast majority of people in this country agree is fair.

People in Michigan are worried about what is going to happen. They come to me in the grocery store. I received many e-mails and calls to my office and meetings, on Facebook and Twitter. People in Michigan understand that \$2,200 more coming out of their pockets next year can be devastating.

Terri from Lansing told me she unexpectedly lost her job when her company went out of business and had to struggle in foreclosure, similar to many people, and used her Roth IRA to get by. "I am part of the baby boomer generation and now I live paycheck to paycheck, just barely surviving."

Two thousand dollars makes a huge difference.

Zelda from Washington writes that \$2,200 is our groceries for 4 months; 4 months of groceries for Zelda's family. That is what we are talking about if the Senate bill does not get passed by the House.

Carol from Michigan writes:

I am a retired grandmother getting a State pension and Social Security. I also have three teenage grandchildren living with me.

That is not a new story for many people—"three teenage grandchildren living with me."

Any increase in anything might break me.

Thomas from Grand Rapids writes:

I will most likely have to find a job to make ends meet. So much for being retired.

Again, so many families, so many individuals find themselves in this situation. They think they have planned for their retirement and now cannot count

on what they thought would be there. They watch this and the fact that we have a choice to make sure tax cuts continue for 98 percent of the American families, middle-class families, that everybody gets a tax cut up to \$250,000 a year. Yet the House Republicans will not even bring it up for a vote because they want extra tax cuts for multimillionaires? They look at that and they say: What, are you crazy? This makes absolutely no sense.

President Obama ran on a plan to end the tax breaks for millionaires; basically, that plan that passed the Senate, by the way, on a bipartisan vote. He ran on a plan that would say those savings would then be applied to deficit reduction. We know that is so critical.

We saw what people thought about that. He was reelected by a wide margin. The American people want us to come together, to work together in a bipartisan way to reduce the deficit, and they support the approach that starts by making sure middle-class families are not once again asked to pay for the full burden of what needs to be done. They support an effort that says extend tax cuts for middle-class families and ask those at the very top who have gotten extra tax cuts to forgo those and chip in to be part of the larger deficit reduction solution.

Unfortunately, yesterday Speaker BOEHNER ignored this when he offered a Republican counterproposal to the President's proposal that would essentially raise taxes on middle-class families and cut Medicare for our senior citizens. As Senator REID said yesterday, "It flunks the test of balance."

To get the kind of revenue to reduce the deficit that is needed, that we all agree has to be done, their plan does some radical things. Their idea of revenue is to continue the tax cuts for any income above \$250,000 for multimillionaires and, instead, to get rid of tax deductions used by middle-class families. So middle-class families might not have a mortgage deduction on their home that millions of people rely on; the student loan deduction for middle-class families that is allowing college to be more affordable; the charitable giving deduction that middle-class families rely on when they donate to churches and other nonprofits; the marriage penalty; the child credit; the mortgage tax relief deduction I offered to make sure if someone has to do a short sale at the bank, they do not pay extra taxes.

That is important for everyone to understand; that we—and I am speaking now as a Senate majority—are not going to balance the budget on the backs of middle-class families. We are not going to balance the budget, reduce the deficit by asking middle-class families who had the biggest hit of anybody with everything that has happened in the recession—and I certainly can speak for Michigan on this—we are not

going to put the burden on middle-class families one more time. That is not what this is about.

On election day 60 percent of voters said they wanted to end the extra tax breaks for people making over \$250,000—for income over \$250,500. Yet the House Republican leadership wants to welcome middle-class families into the new year by having their taxes go up on average \$2,200. As Zelda from Michigan said, that is 4 months of groceries. No way. There is no way I am going to support letting that happen.

Thankfully, we do have Republican colleagues who join us wanting to get this passed. We did in the Senate and those speaking out in the House and I commend them. Congressman TOM COLE from Oklahoma stated the obvious last week—and I encourage and congratulate him for speaking out. He said Republicans should immediately extend the tax cuts for families making under \$250,000 a year. That is what he said. I agree with that. His Oklahoma constituents praised him. His constituents praised him. Unfortunately, his leadership dismissed him. The Washington Post reported that 70 percent of the calls to Congressman COLE's Washington, DC, office are positive and that 90 percent of his calls back home in Oklahoma—90 percent—have supported his position.

Congressman COLE knows he should be listening to his constituents, and he is. If we all listened to the people we represent and if the House leadership listens to the people of this country and those they represent, they will pass the bill we sent to them in July.

If taxes go up for middle-class families on January 1, people are going to know who is responsible for letting that happen. I urge House Republican leadership to take up S. 3412, the Middle-Class Tax Cut Act, pass it now, so the overwhelming number of families in this country have certainty going into this important holiday season and into the new year, so they can enjoy the season without knowing that their taxes are going to be going up on January 1. As of today we have 27 days before the vast majority of people in America—98 percent—see tax increases occur. It makes no sense, there is no reason for it to happen, and we have already passed a bill. If the House passes a bill, that is step one. Step one very clearly says we are all together on supporting the middle class continuing their tax cuts. We know there is more to do. We are fully prepared to do that. But step one is to make sure the middle class is not held hostage while the debate goes on about what should happen for the wealthiest few in this country.

I suggest the absence of a quorum.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl modified amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, we are about to wrap up the Defense bill. This is the sixth Defense bill I have had the privilege of working on as a member of the Armed Services Committee. It is also the final Defense bill I will be working on as a Member of the U.S. Senate. I want to take this opportunity to say what an honor and privilege it has been to serve as a member of that committee and express my thanks to Chairman LEVIN.

As someone who began his time on Capitol Hill as a full-committee counsel on the House side many years ago and then spent 5 years in the Pentagon—often working over here on the Hill—and now after 6 years in the Senate, I can say that Senator LEVIN is a five-star committee chairman. He is what one always hopes for when he or she serves on a committee in the U.S. Congress. It has been a true honor.

This committee is an example of how committee work should be undertaken in the U.S. Congress. People like to say this is the 51st consecutive year we have, hopefully, been able to pass a Defense authorization bill. I would suggest to my colleagues that perhaps that example should be used more broadly in this body. I think it would make for good governance if it did.

I want to also express my appreciation to Senator MCCAIN, the Senator from Arizona. I have known him as a colleague and friend for more than 30 years. He comes from a family that has a long tradition of military service to our country that continues even until today. Senator MCCAIN and I have had occasional disagreements on the conduct of foreign policy, but I think it has been very rare that we have seen



differently as to our views of how the Department of Defense should undertake its responsibilities.

As the subcommittee chair of the personnel subcommittee, I want to express my appreciation to my staff, Gary Leeling, Jon Clark, Brie Fahrer, and Jennifer Knowles. They have always been accessible and extremely professional. It has been a great privilege to work with them.

I also want to take a special moment of privilege here to recognize Gordon Peterson, who has been my military assistant throughout my time in the U.S. Senate. Gordon Peterson and I graduated from the Naval Academy in the same year. He was a very fine and respected athlete at the Naval Academy. He went on to become a helicopter pilot in combat in Vietnam. He gave our country 30 years of distinguished service as a naval officer. He was later the editor in chief of *Seapower* magazine, and was a special assistant to the Commandant of the Coast Guard. He has been unflagging in his attention to detail in everything we have worked on in the last 6 years.

We were talking a few days ago about whether either of us would have thought that during the days of our plebe summers so many years ago we would be sitting on the floor of the U.S. Senate as stewards of the well-being of our country and of the people who served it. I give a special thanks to Gordon Peterson as he moves on to other challenges in his life.

Again, it has been my privilege to serve on this committee.

With that, I yield the floor and suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I wanted to come down and talk about an amendment I am working on to the Defense authorization bill. Last week Senator CORKER and I filed amendment No. 3049, which would create an open burn pit registry in the Defense Authorization Act.

Our veterans and Active-Duty members suffering from exposure to burn pits should not have to wait any longer. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings. However, I understand there is currently opposition to passing this amendment via a managers' package.

I would note that we have already passed two amendments dealing with veterans yesterday, both the Pryor amendment No. 3291 dealing with veterans employment and training and the Reed of Rhode Island amendment No.

3165 dealing with housing assistance for veterans. Both of these were outstanding amendments and help maintain the trust we have made to our veterans and our current servicemembers whom we have an obligation to care for when they have completed their service.

In both Afghanistan and Iraq, open-air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. I believe, like the rest of my colleagues, that if we are forever in debt to our veterans for their service, we must be asking this question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them. It is supported by numerous groups, including Burnpits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, the Uniformed Services Disabled Retirees, and the National Military Family Association.

I am hopeful that we can pass this amendment No. 3049 through a unanimous consent agreement, but I respectfully request a vote at this time if no such agreement can be made.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I just wanted to spend a few minutes talking about Reed amendment No. 3255 and to point out to my colleagues I know this amendment will pass, but I believe we ought to be on record as voting to add \$1.7 billion in additional funds that our kids are going to pay for.

This is paid for, but it is smoke and mirrors. We have used a trick in how we do this. Ultimately, what is going to happen is here is another bill that will require funding from the health account at the Pentagon, which is in operations and maintenance, which means we will not have \$1.7 billion for naval exercises, for flight training, for tank training, for range training. In other words, out of this account is where it comes to all the preparedness.

I must give President Obama credit. He has recommended what the committee recommended doing for the last 2½ years. Now we have an amendment that takes where the committee went to, actually, a small copay, increasing copay on pharmacy benefits for retirees, and reverses that and forces our veterans to have to use mail order. I am OK with mail order. I know we save a lot of money with that, but the CBO says as soon as we stop this one year,

the mandate is going to go back the other way and the cost is going to be this amount of money. They have met the literal requirements of pay-go, but they haven't met the functional requirements. Here we have another amendment that we will take out of the operations and maintenance account, and that is important. But the most important issue in this debate is we continue to want to have benefits for our retired military that are growing faster than the rate of inflation—certainly faster than—and not have them help pay for the increase in the benefits.

We have \$16.4 trillion worth of debt this morning. We have \$88 trillion worth of unfunded liabilities, and now we are at this juncture where we are having a discussion between the Speaker of the House and the President on how we get over the fiscal cliff and start to solve some of these problems. We have an amendment put up because there is a very powerful force, all the service organizations and everything else, that said don't do this.

Everybody in our country, if we are to get out of the problem, is going to have to pay a small sacrifice. This is not a large amount of money, unless you are absolutely destitute, in terms of the copays. The President has recommended we do that, the committee recommended it and we are reversing it and using the gimmick so there can't be a budget point of order on it.

There will be a time in the not-too-distant future when the decisions to control our future will be out of our hands in terms of the economics and the debt. Delaying that now, because we do not want to yield against the popular criticism, will cause us to pay a further great price. The very people who are going to be asked to contribute as part of fixing our country are going to be paying a greater price.

I just received a book from our colleague, the Senator from Rhode Island, SHELDON WHITEHOUSE. I received it today, and I have already finished half of it. It has a wonderful introduction. I would recommend to all my colleagues—I know they will get one—to read it. It is a collection of thoughts and sayings. If we read what Daniel Webster said, we read what Benjamin Franklin said, and we read what Winston Churchill has said about bowing to the public pressure rather than doing the best right thing, we will not regret it.

This is a popular amendment. It is going to pass. The service organizations want us to do it, but it is not the right thing to do. We have to begin, as we negotiate, to increase revenues from the very wealthy in this country, declining expenses at the Defense Department; everybody has to share, everybody in America. If they don't share now, they will share much more painfully in the future.



I don't have anything else to say on this other than I will vote against it, not because I want veterans to have to have a copay but because I want our country to get out of the hole we are in. Part of the sharing of that is a copay on retail pharmacy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. As we are wrapping up, I would like to tell the Senator from Oklahoma he is correct.

Former Secretary of Defense Gates, probably the most respected Secretary of Defense we have had in many years, said, "Health care costs are," in his words, "eating us alive."

None of us, I don't know a single Member of this body, no matter where they are, who doesn't want to make sure our veterans are cared for, the widows, the orphans, the veterans, as Abraham Lincoln described them. We are going to have to find ways to bring these costs under control and still, at the same time, provide our veterans with the benefits they have earned.

I know of no one who joined the military because of TRICARE—I hear from all the retirees and all that—they joined the military because of TRICARE. I have not yet met a single 18-year-old, including my own son, who joined the Marine Corps who said: Gee, I want to join the Marine Corps because of TRICARE. No, they joined the military because they want to serve their country.

They understand our obligation to them is not to hand them a bankrupt Defense Department, that all the costs are in things such as TRICARE and retirement benefits and other personnel costs so we can't provide them with what they need to fight.

I understand the positions of the veterans groups in this country. I respect them, I love them, and I appreciate them. But we are going to have to get serious about entitlements for the military just as we are going to have to get serious about entitlements for non-military.

I admit our veterans are in a special category. No group of Americans has been willing to serve and sacrifice as our veterans have, although there are certainly other Americans who sacrifice and serve in many other ways.

I say to my friend from Oklahoma, I look forward, perhaps next year—I hope the Reed amendment will not be proposed at this time. We need to sit down with the chairman, and we will have to have some hearings to find out

what these future costs of health care will be. For example, I believe it has gone now from 11 percent—health care costs have gone from 11 percent now to 13 percent of the entire defense budget, and it will continue higher. We can't keep doing that.

We adopted an amendment by Senator GILLIBRAND on autism services. The way it is written will require an increase of \$1.7 billion over the next 10 years and no way to pay for it. I appreciate the dedication of the Senator from New York, but her answer was: We would like to work with you on that.

We have to do more than work on it. We have to solve it. All I can say is while we are waiting, I hope we understand that here it is. The DOD health care costs represent nearly 11 percent of the total budget request for DOD, and it will continue to rise to more than 13 percent. Then it will go even higher and higher and higher.

There was an editorial in the Washington Post today that says, "Time to Rein in TRICARE." It says, in part:

... the administration plans cuts, including shrinking the Army and the Marine Corps. This is risky, given the potential threats the United States faces.

Unfortunately, Congress is compounding the problem by protecting expensive items that inflate personnel costs without any corresponding payoff in defense readiness."

So I would urge my colleagues to pay attention to the editorial in the Washington Post, "Time To Rein In Tricare," because I think it is important for us to understand.

Let me quote from the article:

Tricare's costs have surged in recent years from \$19 billion in fiscal year 2001 to \$52.8 billion in fiscal 2011.

I repeat: In 2001 TRICARE costs were \$19 billion. In 2011 it was \$52.8 billion.

Much of the growth was driven by Congresses' 2001 decision to add what is essentially a free Medigap plan for retirees over 65. But the main issue is the ultra-low fees and deductibles—which give retirees still of working age little incentive to economize or choose employer plans. President Obama's budget plan would save \$12.8 billion over five years by gradually increasing working-age retirees' annual enrollment fees, with lower-income retirees paying the least, and then adjusting them according to national health spending growth thereafter.

We would not be doing any of that with this bill. We would not be doing any of that. But I would argue this is not the time now, as we finish with this bill, to add another additional cost that we have not found ways to pay for, which consumes a larger and larger part of the defense budget.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, in a moment I am going to note the absence of a quorum unless there is someone who wishes to speak.

I want to try to work through this pending issue. I think it is the last issue we need to work through in some way before there will be a unanimous consent request that is propounded. If we can figure out the best way to handle this, and then offer a unanimous consent request, we will be able to reach the end of the bill this very day.

So I suggest the absence of a quorum. Oh, I withhold that.

Mr. MCCAIN. I would just ask my friend—I understand we have a managers' package—is it his preference we have the managers' package done at the same time as the UC; do that together?

Mr. LEVIN. It is.

Mr. MCCAIN. Hopefully, we will do that shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2927, 3019, 3062, 3113, 3175, 3241, 3242, 3277, 3285, 3226, AND 3117

Mr. LEVIN. Mr. President, I call up a list of 11 amendments which have been cleared by myself and Senator MCCAIN: Kyl amendment No. 2927, as modified by the changes at the desk; Akaka amendment No. 3019; Toomey amendment No. 3062; Brown of Ohio amendment No. 3113, as modified by the changes at the desk; Rubio amendment No. 3175, as modified by the changes at the desk; Carper amendment No. 3241; Carper amendment No. 3242; Thune amendment No. 3277, as modified by the changes at the desk; Moran amendment No. 3285, as modified by the changes at the desk; Bennet amendment No. 3226, as modified by the changes at the desk; and Hatch amendment No. 3117, as modified by the changes at the desk.

Mr. MCCAIN. These amendments have all been cleared on this side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2927, AS MODIFIED

At the end of title XXXI, add the following:

#### Subtitle D—Other Matters

SEC. 3141. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section

referred to as the “advisory panel”) to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the “Administration”) to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the speaker of the Committee on Armed Services of the House of Representatives.

(B) Three by the minority leader of the House of Representatives.

(C) Three by the majority leader of the Senate.

(D) Three by the minority leader of the Committee on Armed Services of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The speaker of the House of Representatives and the majority leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The minority leader of the House of Representatives and the minority leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel, in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The report shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, as well as the national security laboratories, and other Federal agencies, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the administration should operate more independently of the Department of Energy while reporting to the President, through the Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than \$1,000,000 shall be made available to the advisory panel to carry out this section.

(f) SUNSET.—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days

after the date that each of the twelve members of the advisory panel has first been appointed.

AMENDMENT NO. 3019

(Purpose: To amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program)

At the end of subtitle H of title X, add the following:

**SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.**

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”

AMENDMENT NO. 3062

(Purpose: To require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts)

At the end of subtitle E of title VIII, add the following:

**SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.**

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

AMENDMENT NO. 3113, AS MODIFIED

At the end of subtitle E of title VIII, add the following:

**SEC. 888. SMALL BUSINESS HUBZONES.**

(a) DEFINITION.—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—

(1) IN GENERAL.—Subject to paragraph (2), a covered base closure area shall be treated as a hubzone the purposes of the Small Business Act (15 U.S.C. 631 et seq.) During the 5-year period beginning on the date of enactment of this Act.

(2) LIMITATION.—The total period of time that a covered base closure area is treated as a hubzone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

AMENDMENT NO. 3175, AS MODIFIED

At the end of subtitle E of title III, add the following:

**SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.**

It is the sense of Congress that—

(1) the Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain the operational capability of and perform the necessary maintenance in each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security

and the objectives of the combatant commanders; and

(3) revitalizing the Navy's 30-year ship-building plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

#### AMENDMENT NO. 3241

(Purpose: To repeal or modify certain mandates of the Government Accountability Office)

At the end, insert the following:

#### Subtitle —GAO Mandates Revision Act

#### SEC. 01. SHORT TITLE.

This subtitle may be cited as the "GAO Mandates Revision Act of 2012".

#### SEC. 02. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking "annual audits of the transactions of the Commission" and inserting "periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date."

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking "subsection (x)" and inserting "subsection (w)".

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking "of each year" and inserting ", 2013, and every 3 years thereafter,"; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "at a frequency of not less than once per year—" and inserting "not later than December 31, 2013, and every 3 years thereafter—".

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111-275; 38 U.S.C. 4301 note) is amended by striking ", and annually thereafter during the period when the demonstration project is conducted."

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106-253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking "of paragraph (2) of this subsection" and inserting "of section 3515 of title 31";

(2) in paragraph (1), by striking "(1)"; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking "annual audits of the Senate Preservation Fund" and inserting "periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date."

#### AMENDMENT NO. 3242

(Purpose: To intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending)

(The amendment is printed in the RECORD of Thursday, November 29, 2012, under "Text of Amendments.")

#### AMENDMENT NO. 3277, AS MODIFIED

At the appropriate place, insert the following:

#### SEC. —. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106-65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability;

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Tele-

communications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangements and plans for 110 megahertz of federal spectrum in the 1695-1710 MHz and the 1755-1850 MHz bands.

#### AMENDMENT NO. 3285, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

#### AMENDMENT NO. 3226, AS MODIFIED

At the end of subtitle F of title V of division A, add the following:

#### SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(2) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210.

"(3) ELIGIBLE SCHOOL.—The term 'eligible school' means—

"(A) a public school, including a charter school, at which—

"(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and

Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

“(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

“(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b).”.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

“(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’) to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

“(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

“(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

“(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

AMENDMENT NO. 3117, AS MODIFIED

At the end of subtitle C of title III, add the following:

**SEC. 322. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.**

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense instructions regarding assignment of program responsibility.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the only additional first-degree amendment remaining in order to the bill be the following: McCain amendment No. 3262, on Syria, as modified with changes that are at the desk; that there be 20 minutes equally divided in the usual form on the amendment; that any remaining time prior to 4:30 p.m. be equally divided between the chairman and ranking member for general debate on the bill; that at 4:30 p.m., all postcloture time be considered expired; that the Senate proceed to votes in relation to the McCain amendment, as modified; that no amendments be in order to the amendment prior to the vote; that upon disposition of the McCain amend-

ment, the Senate agree to the pending Kyl amendment, which is a Kyl-Kerry amendment, No. 3123, as modified; that upon disposition of the Kyl amendment, the Senate proceed to a vote on passage of S. 3254, as amended; that upon passage of S. 3254, the Armed Services Committee be discharged from further consideration of H.R. 4310 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 3254, as amended and passed by the Senate, be inserted in lieu thereof; that H.R. 4310, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that no points of order be considered waived by virtue of this agreement, all with no intervening action or debate; and finally that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Madam President, I thank all of our colleagues.

Madam President, I ask unanimous consent that I be added as a cosponsor of the McCain amendment and that Senator COONS also be added as a cosponsor of the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3262, AS MODIFIED

Mr. MCCAIN. Madam President, I call up amendment No. 3262, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3262, as modified.

The amendment is as follows:

AMENDMENT NO. 3262, AS MODIFIED

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) PRINCIPAL PURPOSE.—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in

Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **ADDITIONAL GOALS.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) **ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.**—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) **NO AUTHORIZATION FOR USE OF MILITARY FORCE.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

Mr. MCCAIN. Madam President, I believe the Senator from Kentucky is here to speak on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, the amendment before us requires that the President submit a plan for a no-fly zone for Syria. I want to compliment the authors for including in this amendment a clause that says nothing in this amendment shall be construed as a declaration of war or an authorization for the use of force. I think it is very important in our Nation today that we are not saying we are starting, beginning, or getting involved in a new war.

However, I do think this amendment is ill-advised for two reasons. No. 1, I don't think I know with certainty whether the Syrian rebels will be freedom-loving, tolerant, constitution-toting believers in a republican form of government or whether they will institute an Islamic republic that will have no tolerance for Christians and no tolerance for people of any other faith.

It still remains to be seen whether a secular government will be established in Libya, Tunisia, or Egypt. There is the question of whether al-Qaida is more or less of a threat in Libya today since the rebels have won the civil war. I don't think we know for certain what a rebel government in Syria will do with the 1 million Christians who live in Syria.

Since the Iraq war, hundreds of thousands of Christians have fled Iraq and gone to Syria. Even after the war, apparently Syria was seen as more of a tolerant nation than Iraq. Will a rebel Islamic government in Syria tolerate or persecute Christians? Will a rebel Islamic government institute the death penalty for blasphemy, for conversion, or for apostasy? Will they have a true democracy, a secular government, or will they have a Syrian rebel government that is less tolerant than what they currently have? In many ways the Arab spring has become the Arab winter.

In Egypt we have a leader from the Muslim Brotherhood who recited amen when a radical cleric stood up and said: Death to Israel. As a radical cleric said: Death to Israel and anyone who supports them, this Muslim Brotherhood leader of Egypt that came out of the Arab spring is nodding his head in assent and seemed to be chanting amen.

Will they seek peace with Israel or war? Will the Syrian rebels seek a secular government or one ruled by Shari'a? I think there are many unknowns we need to be asking ourselves before we involve ourselves in a civil war.

Secondly, I think it is a bad idea to discuss contingency plans for war. While I am in favor of the Senate retaining our prerogative to declare war, I believe that the details of the execution of war are in the purview of the Executive. In other words, we do have the power to begin or to not begin a war. That is the power the Constitution gave us, but I don't think the Constitution intended to have 535 generals. I don't think it intended to have us explicitly talking about every contingency plan for every possible war in every corner of the globe.

Our Defense Department, no doubt, has contingency plans for a ballistic missile attack on the United States, a conventional land invasion, naval or air encounters throughout the world, but we don't necessarily openly discuss them or encourage them. I don't think it is best to openly discuss these plans for defending against an attack and especially not for involving ourselves in a civil war.

Our Nation and our soldiers are weary of war. Our Nation yearns for leaders who will strive to keep us out of war. Our Nation yearns for leaders who are reluctant to begin a new war or get involved in a new war. I hope my

colleagues today will not encourage a rush to war by publicly clamoring for a plan to become involved in Syria's civil war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to speak in favor of amendment No. 3262, which I am honored to cosponsor with Senators MCCAIN and LEVIN. I thank the Senators for their disciplined, diligent, and very strong leadership of this year's NDAA process. This is an authorization bill that has been taken up and considered by the Senate for 52 years, and despite a lot of challenges and a lot of difficulties we had getting to bills, getting past objections, getting to reasonable processes and amendments, these two fine Senators have led admirably in a very difficult environment.

This amendment does what I think we need to do next, to put before the Senate in an appropriate classified setting useful information about the possibilities before us and before our allies in a very difficult and very complex region that is, as Senator PAUL has noted, currently undergoing dramatic conflict.

Let me speak to a few points that persuaded me to join Senator MCCAIN and Senator LEVIN in cosponsoring this amendment.

First, despite the comments from my colleague from Kentucky, these plans will be delivered to the Senate in classified form. They will not be accessible to the general public, and they will not be broadcast to our opponents or those who might seek to learn about America's plans. They will only be delivered in classified form.

Second, and I think most important, it is explicit in this amendment that nothing in this section shall be construed as a declaration of war or an authorization for the use of force. Senator PAUL's repeated concerns that we are rushing headlong into an over-engagement in a civil war that is best left to the people of Syria is reflected clearly and in plain language in that provision within this amendment.

Earlier today we took up and voted on the Convention on the Rights of Persons with Disabilities. I spoke to this issue as well. Despite the plain language of that convention that would prevent it from having any of the noxious impacts it would have on families in the United States, despite the plain language of that convention and the various restrictions and reservations that were added to it, it would have no impact on homeschooling and no impact on reproductive rights in the United States. It would have no impact on any of the variety of things that were cast about on the floor of the Senate today. So, too, here we should not allow—despite this plain language—Senators to mislead our colleagues into

thinking that somehow secretly embedded within this is an authorization for the use of force.

So what is this? This is asking that the United States, in consultation between the Department of Defense and this Senate, make reasonable assessments of what our path forward in dealing with the tragic situation in Syria might be. This amendment is clear that it will not consider ground troops being deployed onto Syrian territory. It will only look at a means that might be used by the United States or our allies to stop Assad's reckless, relentless criminal use of airpower to murder his own civilians and his own citizens.

I have been heartbroken as I have read account after account of jets and helicopters being used to stray from red lines, being used to bomb hospitals and schools, and of the thousands of innocents who have died.

The Syrian civil war is a very complex conflict. Senator PAUL asked what I really think is the central question. He said: How can we be confident that the opposition will be tolerant, inclusive, peaceful, and that it will not prosecute or persecute Christians; that they will be an ally to Israel and not impose the sorts of threats and difficulties he cited from Libya, Egypt, and other countries? That is exactly the core question at issue for us going forward: Should the United States stand on the sidelines as Bashar al-Assad massacres tens of thousands more of his civilians or should we consider what ways we can be involved through providing humanitarian assistance?

Should we support our regional allies, Turkey and Jordan, through multilateral engagement, supporting Turkey's request to NATO for defensive material? Should we better learn and understand what the opposition on the ground is inclined to do and set clear standards for how, if they demonstrate they are reliable partners in pursuing peace and if they commit themselves to the elements of the national coalition and the Free Syrian Army and to being exactly what Senator PAUL would hope—tolerant, inclusive, pro-democracy—why would we stand on the sidelines of history and allow Islamic extremists to instead write the future of the Syrian people?

For these and many reasons I am grateful for the opportunity to join with Senators MCCAIN and LEVIN in cosponsoring this amendment.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut be allowed 4 minutes, the Senator from Michigan be allowed 3 minutes, and I be allowed 2 minutes before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I am honored to rise to support this

amendment and just to make a few points. The first is to assure all of our colleagues that this is just an amendment that asks the Pentagon to conduct a study. It is nothing more than that. I want to particularly say that to reassure anyone who is concerned that somehow this is an authorization for the use of military force. Look at the wording. That is just not the case.

All we are debating and voting on is whether the Pentagon should be asked to do a study of the possibility of how we might stop Bashar al-Assad's air force from committing acts of murder against his own people. In my way of thinking, to tell the truth, it is two things: One, this amendment is simply a way of saying that we in the Senate are concerned and care about the slaughter that is going on in Syria and agitated that the United States and the rest of the world is not doing more to come to the assistance of those who are fighting for their freedom and lives in Syria.

I want to point out that there are a lot of options for the Pentagon to study. One is a traditional no-fly zone. We know a lot of people in the Pentagon are concerned that to carry out a traditional no-fly zone with our aircraft, we need to spend a lot of time and energy and assume risks to knock out the Syrian air defenses. Well enough.

But there are other ways to achieve the goal of keeping Assad's aircraft from destroying Syria's people. One is to use Patriot antimissile batteries to keep Syrian planes—placed in Turkey and Jordan—out of the air. The second, of course, that I can think of is to fire precision guided missiles from offshore to hit the Syrian Air Force on the ground so it cannot take off.

All of those should be considered as part of this study, as the most obvious, which is to make sure that the freedom fighters on the ground have their own antiaircraft weapons to fire from the ground at Assad's aircraft so they can protect their own lives.

The truth is, in supporting this amendment, I come to say that I continue to be troubled, deeply, by why the United States and so much of the rest of the civilized world is standing by and letting this happen. To me—and I speak only personally, and I do so with respect—getting involved in this on behalf of the opposition in Syria has been now for 18 months as close to a no-brainer as America ever has the opportunity to get involved in in foreign policy.

I say that because from the beginning we knew which side was fighting for freedom and which side was against it. And America is supposed to be on the side of the freedom fighters. Secondly, this has developed into a humanitarian disaster: 40,000 people killed. And, third, we have not just humanitarian interests here and values

interests, we have strategic interests because Assad's government is the No. 1 friend of our No. 1 enemy in the world, which is the Islamic Republic of Iran. If he goes down, Iran and its radical regime suffers a body blow. If we continue to stand back, we run the risk of terrible sectarian conflict in Syria, which runs the risk of spreading beyond, between Sunni and Shia, also between secular and religious modernizers and people who do not want to modernize.

We have every good reason to come to the aid of these people in need, and I do not see an argument for not at least studying how we might better do that.

I thank my colleagues. I am proud to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I wonder if I might be able to proceed for 1 minute before we begin the votes.

Mr. MCCAIN. Madam President, I ask unanimous consent that 1 minute be added and that the Senator from Mississippi be recognized for that 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. WICKER. Madam President, I thank my colleagues for allowing me to breeze in here at the last moment.

I would like to speak today about a Department of Defense policy that has an impact on American jobs and is in urgent need of greater transparency. Until recently, this policy picked industry winners and losers. We must ensure that the Federal Government's adopted standards for green buildings are consensus-based, fair, and established by sound science.

Before last year's Defense authorization bill was signed into law, the Department of Defense exclusively recognized or showed preference for a single green building rating system.

The U.S. Green Building Council's Leadership in Energy and Environmental Design—or LEED—became DOD's adopted benchmark for green building.

This raised concerns, primarily because LEED standards are not developed in a transparent manner and do not allow meaningful input from all affected stakeholders.

For example, for some reason LEED standards are unreasonably biased against American timber.

Obtaining the highest LEED certifications often requires green buildings to exclude domestic wood. Instead, the use of bamboo, often shipped from overseas, is favored over more cost-efficient local timber.

The next version of LEED threatens to eliminate the use of other approved materials and proven products that are currently used to achieve true energy savings.



It makes sense to anticipate that a blanket adoption of LEED by the Department of Defense would have a significant impact on American industry.

To put the scope of DOD's green building policies into perspective: DOD has more than 500,000 facilities, covering more than 2 billion square feet. If we combined all of the nearly 5,000 Wal-Mart buildings in America, it would make up about a third of DOD's real estate.

That is why I fought for language—included in the 2012 Defense authorization conference report—requiring DOD to conduct a cost-benefit analysis of various green building rating systems.

Last year's Defense authorization conference report prohibited the use of funds to implement LEED standards.

This year, the Armed Services Committee accepted language I offered to extend the prohibition of funds for LEED until 6 months after the cost-benefit study is reported to Congress.

I look forward to the findings of this study but remain concerned about DOD's adoption of any green building standards that are not transparent and consensus-based.

I have yet another amendment that would direct DOD to utilize green building standards that are driven by consensus as determined by the American National Standards Institute, and include sufficient input from all affected stakeholders.

My amendment also would support green building standards that consider the full environmental benefits provided by a building material throughout its lifetime. Life Cycle Assessment is a science-based approach used to measure these benefits.

Together, I believe these provisions would create a level playing field for materials to compete for green building and energy savings in DOD construction.

The Federal Government should be in the business of choosing winners and losers. Adoption of LEED only—or/any other green building standard not developed by consensus—would discriminate against American-made products, reduce transparency, impact jobs, and ultimately undermine energy savings and sustainability sought using taxpayer dollars.

Although I am going to withhold my amendment, I will continue to closely monitor this issue to ensure that fair competition is part of DOD's construction of green buildings.

I want to thank the chairman, ranking member, and all the members of the committee.

In conclusion, as we have learned, there is more than one way to have green building standards. The Defense Department has tilted toward the LEED standards in the past. I think we have authorized now a scientific analysis of other methods that is proceeding apace. I had planned to offer

yet another amendment which would be withdrawn directing that the Department of Defense utilize green building standards that are driven by consensus as determined by the American National Standards Institute. As I say, I am withholding that amendment.

I do appreciate the language that is in the bill now, and I think we will end up with green building standards that save energy and serve the purposes of national defense and do not tilt toward one industry over the other.

I thank the Presiding Officer for her indulgence, I thank my colleagues on the committee, and I yield the floor.

AMENDMENT NO. 3262, AS MODIFIED

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I very much support the amendment offered by Senator MCCAIN and thank him for it.

The suffering of the Syrian people and, increasingly, the people of the region continues to grow daily. This amendment tells the Secretary of Defense and the Chairman of the Joint Chiefs that we want a classified assessment of the effectiveness of various military solutions to the problems that are there in Syria and in the region.

This information is going to help inform Congress on the challenges and the obstacles to various solutions, including the very challenges and questions which were identified by Senator PAUL. Those are the kinds of questions—not the total list, but the kinds of questions—which this assessment will help us to address. It will also help inform us about the budget and the policy decisions that the congressional defense committees make in the upcoming fiscal year.

The principal purpose of this amendment, as is stated in the amendment, is “to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.” That is what is on the mind, I believe, of all of us.

This report—an assessment, to use the word in the amendment—is critically important to Congress, and I very much support the effort of Senator MCCAIN and thank him for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I would point out again that section (d)(e) of this amendment says:

NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

And it will be in “classified form.”

Yesterday, this was the front-page headline of the Washington Post: Obama Sternly Warns Syria. There is no doubt that as this conflict has dragged on and on, the risk of a wider

conflict and terrible consequences can ensue. It is well known that Bashar Assad has a very large inventory of chemical weapons, including sarin gas, which is a deadly nerve agent.

I am not predicting that the United States has to be involved, but there is very little doubt in anyone's mind that as this conflict escalates, the risk of spreading, the risk of greater jihadist involvement, the greater risk of problems on the borders of Lebanon, of Iraq, of Jordan increase.

And if military action has to be taken in order, for example, to prevent sarin gas to be used, the Congress of the United States has to be involved. We have a thing called the War Powers Act. The War Powers Act expressly calls that Congress make decisions. The Congress needs to be informed. I believe all this amendment does is informs, in a classified manner, the Defense committees so that we will have the information necessary to understand the various eventualities that could result in this terribly, terribly escalating and deteriorating situation in Syria.

As my friend from Connecticut said, 40,000 people have already been slaughtered. I think the U.S. Congress needs to be made aware not of what we should do but what we can do in case of that eventuality. I urge my colleagues to vote for the amendment.

I thank my colleagues. I thank the Senator from Connecticut, the Senator from Delaware, and, of course, the chairman of the committee.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired and the question occurs on agreeing to McCain amendment No. 3262, as modified.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—92

|            |            |           |
|------------|------------|-----------|
| Akaka      | Boozman    | Chambliss |
| Ayotte     | Boxer      | Coats     |
| Barrasso   | Brown (MA) | Coburn    |
| Baucus     | Brown (OH) | Cochran   |
| Begich     | Burr       | Collins   |
| Bennet     | Cantwell   | Conrad    |
| Bingaman   | Cardin     | Coons     |
| Blumenthal | Carper     | Corker    |
| Blunt      | Casey      | Cornyn    |



|              |             |            |
|--------------|-------------|------------|
| Crapo        | Landrieu    | Risch      |
| Enzi         | Lautenberg  | Roberts    |
| Feinstein    | Leahy       | Rubio      |
| Franken      | Levin       | Sanders    |
| Gillibrand   | Lieberman   | Schumer    |
| Graham       | Lugar       | Sessions   |
| Grassley     | Manchin     | Shaheen    |
| Hagan        | McCain      | Shelby     |
| Harkin       | McCaskill   | Snowe      |
| Hatch        | McConnell   | Stabenow   |
| Heller       | Menendez    | Tester     |
| Hoeben       | Merkley     | Thune      |
| Inhofe       | Mikulski    | Toomey     |
| Inouye       | Moran       | Udall (CO) |
| Isakson      | Murkowski   | Udall (NM) |
| Johanns      | Murray      | Vitter     |
| Johnson (SD) | Nelson (NE) | Warner     |
| Johnson (WI) | Nelson (FL) | Webb       |
| Kerry        | Portman     | Whitehouse |
| Klobuchar    | Pryor       | Wicker     |
| Kohl         | Reed        | Wyden      |
| Kyl          | Reid        |            |

## NAYS—6

|           |           |      |
|-----------|-----------|------|
| Alexander | Durbin    | Lee  |
| DeMint    | Hutchison | Paul |

## NOT VOTING—2

|      |             |
|------|-------------|
| Kirk | Rockefeller |
|------|-------------|

The amendment (No. 3262), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## KYL AMENDMENT NO. 3213, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, amendment No. 3123, as modified, is agreed to.

## EXPORT CONTROLS REFORM

Mr. BENNET. Madam President, I rise to engage the chairman of the Armed Services Committee in a colloquy.

Mr. LEVIN. I would be happy to have a colloquy with the Senator from Colorado.

Mr. BENNET. Earlier this year, I introduced a bill that reforms export controls on satellites and their related items. Under the current law, satellites must be subject to the most restrictive export controls regardless of whether they are sensitive, militarily significant, or widely available outside of the U.S. This has both diminished our Nation's economic competitiveness and our national security. In fact, the State and Defense departments recently concluded that the "current law forces the U.S. Government to continue to protect commonly available satellites and related items on the USML, thus impeding the U.S. ability to work with partners and putting U.S. manufacturers at a disadvantage, but providing no noticeable benefit to national security."

My bill reforms our export control laws so that the executive branch has the discretion to determine the appropriate level of export controls for satellites and related items. The executive branch currently has such discretion for all other types of items whether the item serves a military or a dual-use purpose. The bill also prohibits the transfer of such items to China, North Korea, and state sponsors of terrorism.

Last week, I filed an amendment to the defense authorization bill that mirrors my legislation. Senators RUBIO, WARNER, MARK UDALL, and CARDIN cosponsored the measure. While I had hoped to offer and pass our amendment, it is my understanding that the chairman intends to address these reforms in conference. Is my understanding correct?

Mr. LEVIN. I first want to thank the Senator from Colorado for his work on reforming our Nation's export control laws. The House version of the National Defense Authorization Act includes provisions addressing these issues. I support his efforts in this area and I intend to work with the House of Representatives to address these reforms in conference.

Mr. BENNET. I thank the chairman for his support and assurance.

## AMENDMENT NO. 3054

Mr. MCCAIN. Madam President, I rise to explain the scope of, and intent behind, my amendment on naval vessel naming. Amendment No. 3054, as modified, to the National Defense Authorization Act for fiscal year 2013 is a direct response to recent criticism that the Secretary of the Navy has, in some instances, politicized the ship naming process.

Since its establishment, the U.S. Navy has developed a rich tradition of vessel naming. Traditional sources for vessel names customarily encompassed categories such as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and, other noted individuals who have made distinguished contributions to the Navy or our Nation's national security. The name the Navy selects for a vessel should reflect the very best of our Nation's and our Navy's great heritage. It should impart a sense of honor and serve as an inspiration for the vessel's crew. It should not, in any way, be tarnished by controversy. Unfortunately, controversy and criticism have surrounded some of the Secretary's recent vessel naming choices.

This amendment seeks to avoid similar controversy in the future. It sets forth necessary and appropriate standards, grounded in historical practice, to guide the Secretary of the Navy's decisions on vessel naming. It requires that the Secretary assure the Senate and House Committees on Armed Services that the proposed vessel name comports with those standards 30 days before announcing or assigning a vessel's name.

Under the procedure established by my amendment, I fully intend and expect that the Navy will not move forward with any vessel naming proposal, unless the Congressional defense committees approve. Much as the Department of Defense seeks prior approval for reprogramming requests, the Secretary of the Navy should secure the

prior approval of the Congressional defense committees before announcing or implementing a vessel naming proposal.

I take no joy or pride in this amendment, but believe it is necessitated by the spate of controversies over the last few years. I sincerely hope the amendment helps the U.S. Navy preserve the high standards it has traditionally employed for vessel naming.

## AMENDMENT NO. 2943

Mr. LEAHY. Madam President, I was very pleased that the Senate adopted last night an amendment to improve the Law Enforcement Officers Safety Act, LEOSA. I was pleased to join Senator WEBB, a member of the Senate Armed Services Committee, as a cosponsor to strengthen a policy that is important to our Nation's law enforcement community. I thank Chairman LEVIN and Senator WEBB for their efforts.

The amendment we adopt today will place military police and civilian police officers within the Department of Defense on equal footing with their law enforcement counterparts across the country when it comes to coverage under LEOSA. The LEOSA law permits active and qualified retired law enforcement officers to carry a concealed firearm across State lines. This law, which has been in place since 2004, gives our law enforcement officers, should they choose, the peace of mind that they are protected wherever they may be.

One of the qualifications required of active or retired officers to be covered by the LEOSA law is that they must have "statutory arrest authority". Some law enforcement personnel within the Department of Defense do have such statutory arrest authority. Others do not. For example, civilian police officers that conduct law enforcement activities on military bases or installations derive their authority from the Uniform Code of Military Justice. This authority, while statutory, is "apprehension" authority. Due to that difference between the LEOSA law's specific enumerated requirements, and the authority pursuant to which civilian police in the military operate, these law enforcement officers have not been able to obtain the law's benefits.

To remedy this, the amendment we have adopted will expressly include within the LEOSA statute currently non-covered civilian police officers and military police. It will do so by adding a statutory citation within Title 18 of the United States Code to the relevant portion of the Uniform Code of Military Justice. This will provide legal certainty for the Department of Defense, and will provide the needed LEOSA coverage for currently non-covered law enforcement personnel within the military.

The Senate has agreed unanimously to extend LEOSA to the law enforcement officers that serve within our

military who are currently not eligible for coverage under LEOSA. They are no less deserving or worthy of this privilege and I am very pleased we have acted to equalize their treatment under the Federal law. Given the productive discussions we have had with the Department of Defense Office of Law Enforcement Policy and Support, and with Chairman LEVIN in developing this amendment, I expect that it will be implemented without delay so that those intended to be covered may gain the law's benefit quickly. These police officers, who largely perform the same duties as their counterparts elsewhere in the Federal Government and at the State and local level, deserve the equal treatment this amendment will provide.

Mr. CASEY. Mr. President, today I wish to discuss what more we can do to prevent the scourge of suicides among our servicemembers. I have been concerned for quite some time about the physical and psychological challenges facing the men and women who serve in our military, including the unique challenges faced by members of the National Guard and Reserve.

Despite a variety of programs to address the rate of suicide among National Guard and Reserve personnel, current statistics raise ongoing concerns about what more we can do to address this serious issue. In 2011, 165 Active-Duty soldiers and 118 Guard and Reservists took their lives, and the Army is on track to meet or surpass the same number of suicide related deaths again this year.

I appreciate that the Armed Services Committee has included Section 512 in the fiscal year 2013 National Defense Authorization Act, which establishes a suicide prevention and resiliency program specifically for the reserve component of the military. In order for these programs to succeed, all members of a community must work together and watch out for one another. This includes involving the private sector and universities, who can contribute valuable resources. I would note that the Department's Office of Suicide Prevention, in carrying out Section 512 and 722 of this bill, must work with private sector and university partners to develop and implement suicide prevention training for community-based organizations, including schools, hospitals, religious organizations and employers, to raise awareness and provide tools for intervention to members of the National Guard and Reserve and their families. Universities and researchers, including those throughout Pennsylvania, have explored this issue and stand ready to support our returning servicemembers.

This is a national challenge and Congress must work hand in hand with the Departments of Defense and Veterans Affairs as well with State and local community leaders to end this terrible epidemic.

## AMENDMENT NO. 3232

Mr. SCHUMER. Madam President, I would first like to take this time to thank my colleagues Senator MENENDEZ and Senator KIRK for putting forth a comprehensive plan to arm the administration with the tools they need to put a stop to Iran's rogue nuclear program and for working to put together the final text of this amendment.

Look, time's a-wasting, so we need to ratchet up the sanctions now.

And rest assured—this is a powerful package that will paralyze the Iranian economy.

I believe that when it comes to Iran, we should never take the military option off the table. But I have long argued that economic sanctions are the preferred and probably most effective way to choke Iran's nuclear ambitions.

It should come as no surprise that today the head of International Atomic Energy Agency, IAEA, suggested that his inspectors in Iran are coming under increased duress amid fears that the Iranian regime might be aspiring to make atomic arms. And according to published reports, Iran could have at least one workable nuclear weapon by next year and another maybe 6 months after that. This cannot be allowed!

Additionally, the IAEA has reported that Iran possesses a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb.

Earlier this year, Director of National Intelligence Jim Clapper told the Senate Intelligence Committee that Iran's leaders seem prepared to attack U.S. interests overseas.

Just last year we saw U.S. authorities successfully thwart an Iranian plot to assassinate the Saudi ambassador in this very city.

So by giving the administration the capability to tighten their crippling sanctions on Iran should they continue with their nuclear weapons program, the Senate is continuing to address the very real threat Iran poses to the United States and our allies, particularly Israel.

And make no mistake—after Hamas initiated their bloody rocket attacks against innocent civilians in Israel last month, who did they thank afterwards? They actually thanked Iran for their support in helping make "Israel scream with pain." Iran sends rockets to terrorist groups to kill innocent civilians. That is just one out of many reasons why the international community just cannot allow Iran to have a nuclear weapons capability.

This bill will do several important things to strangle Iran's ability to continue with its illegal nuclear program.

First, it designates Iran's energy, port, shipping, and shipbuilding sectors as "entities of proliferation concern" due to the role they play in supporting Iran's proliferation activities.

Secondly, it blocks and prohibits all transactions in property in the United States by any person who is part of Iran's energy, port, and shipping sectors.

Additionally, it sanctions the sale, supply, and transfer of certain materials and precious metals to Iran.

And importantly, this bill sanctions foreign financial institutions for knowingly conducting transactions on behalf of any sanctioned Iranian person.

Mr. President, I believe my colleagues Senator MENENDEZ and Senator KIRK have done an excellent job ensuring that the administration has the tools they need to put a stop to Iran's rogue nuclear program.

I strongly urge my colleagues to support this amendment.

Mrs. HAGAN. Madam President, as we conclude our work on S. 3254, the fiscal year 2013 National Defense Authorization Act, I would like to draw attention to yet another important role my State is playing in our national defense.

North Carolina is home to the two major lithium suppliers in the United States. Not only are these important employers in my State, but they are serving our defense industry with critical materials that are vital to our Nation's defense capabilities both now and in the future.

The Defense Department has recognized through its Defense Production Act Title III office that "Li Ion batteries are extremely attractive to military customers with the most demanding set of requirements such as the space/satellite communities for spacecraft applications and the Special Operation forces."

Lithium metal is an important component in a wide range of defense applications. For over a decade, the U.S. military has been widely using non-rechargeable—primary—lithium batteries to provide power for mines, missiles, torpedoes, sonobuoys, guided artillery, fuses, communication devices, countermeasure devices, global positioning systems, and guidance systems. Presently, primary lithium batteries are the power source of choice for a majority of devices that a servicemember uses in combat and realistic training operations. An infantryman on a 72-hour mission in Afghanistan carries around 30 pounds of batteries. Lithium metal used in these defense applications affords today's Armed Forces fluid movement on the battlefield and in remote areas.

We need to remain vigilant to the world's lithium supply situation. Off-shore suppliers of lithium are poised to expand their capacity at the risk of domestic U.S. lithium production capability. It will be essential to our future national defense needs that we are able to protect and enhance our domestic supply chain of battery-grade lithium metal.

Mr. President, I recognize the importance of this industry to our Nation's defense. I am proud that over 600 men and women in my State are dedicated to creating these critical materials for our Armed services and urge that we continue to recognize the essential role this industry plays in our future defense strategies.

AMENDMENT NO. 3291

Mr. PRYOR. Madam President, I want to thank Chairman LEVIN and Ranking Member MCCAIN for the work they have done on the National Defense Authorization and for working with me on this amendment.

This bipartisan amendment, the Helping Iraq and Afghanistan Veterans Return to Employment, HIRE, at Home Act, introduced by myself and Senator JOHANNIS encourages states to consider the training servicemembers receive during active duty when determining eligibility for State licenses and certifications.

This amendment will encourage States to consider the specialized military training and experience servicemembers acquire on active duty as filling all or some of the State certification and licensing requirements. Specifically, the amendment will apply to individuals seeking employment as commercial truck drivers, certified nursing assistants or emergency medical technicians.

By eliminating the expensive and time consuming hurdles servicemembers often face, this amendment will help ensure our returning veterans come home to new job opportunities and help lower the high unemployment rate among our young veterans.

Mr. CARDIN. Madam President, I rise in support of the National Defense Authorization Act, NDAA, for Fiscal Year 2013. I wish to commend Senator LEVIN and Senator MCCAIN for their leadership in bringing this legislation to the floor. The Senate has passed the NDAA every year for over one-half century. Senators LEVIN and MCCAIN have played a key role on NDAA over the past several years, and I am grateful for their dedication and concern for the men and women of our Armed Forces and the defense of the Nation.

I am pleased that NDAA, as amended, includes three of my amendments, including a sense of the Senate resolution regarding conflict-induced displacements in Afghanistan. As Afghan refugees are being pushed into faster repatriation, they are often forced into returning to a country where they have little or no hope. In particular, Pakistan, which has hosted Afghan refugees for more than 30 years, plans to cancel refugee status for the 3 million Afghans at the end of this year. Forcing these refugees back into Afghanistan would only exacerbate the crisis for a country that is still struggling with an ongoing insurgency, an economy dependent on U.S. foreign assistance, and

the impending withdraw of NATO troops in 2014.

According to the United Nations High Commissioner for Refugees, UNHCR, more than 5.7 million refugees have returned to Afghanistan since 2002, increasing the population of the country by approximately 25 percent. In both urban and rural areas, however, more than 40 percent of the returnees have not integrated into their home communities. In addition to difficulties returning refugees face, internal displacement has been dramatically on the rise.

The conflict-induced displaced Afghans face numerous challenges due to continuing violence, tribal conflicts, lack of land tenure and housing, limited opportunities to earn a livelihood, and reduced access to public services and water. As winter approaches, I am especially concerned for the children who will be vulnerable to the harsh weather and illnesses likely to occur from living in such severe conditions. Last winter, there were many reports of children freezing to death in settlement camps and other temporary shelters.

The sense of the Senate resolution not only expresses these concerns for the dramatic rise in conflict-induced displacements in Afghanistan and the corresponding humanitarian needs; it also recommends that the Department of State's Bureau of Population, Refugees & Migration and the Special Representative for Afghanistan and Pakistan jointly develop a comprehensive strategy to address these displacement issues.

I am also pleased that the Senate passed my two amendments to add the Coast Guard to the current baseline NDAA sections addressing military diversity and military hazing. Nearly 2 years ago, the Military Leadership Diversity Commission issued a report with 20 recommendations to the Armed Forces, including the Coast Guard. The Commission found that the services' leadership does not reflect the diversity of the enlisted members they lead or the American population they fight to protect. While the Coast Guard has made strides in addressing its lack of diversity among women and minorities, it still has significant obstacles to overcome. For instance, of the 91 graduates of the Coast Guard's Officer Candidate School last year, only five were African-American, four were Asian, and nine were Hispanic. The Coast Guard can and must do better to enhance diversity among its senior leadership, which will have a positive impact for generations to come. And like other branches of the Armed Forces, the Coast Guard continues to suffer from hazing incidents. Just last year, seven members of the Coast Guard were found to have tied down their fellow crew members and performed sexual hazing on them.

I am also pleased that the Senate adopted the Feinstein amendment, which restricts the ability of the U.S. Government to detain without charge or trial U.S. citizens or lawful permanent residents suspected of carrying out terrorist activities. The role our civilian-led military plays within the borders of the United States has always been balanced with the protections of civil liberties, civil rights, and the due process of law.

On the subject of detainees, however, I am disappointed that the Senate approved the Ayotte amendment, which prohibits the use of funds for transferring or releasing detainees from the detention facilities at Guantanamo Bay, Cuba, for prosecution and trial in the United States. In my view, any provision that extends the life of detention facilities at Guantanamo Bay unnecessarily sullies America's human rights record. The Ayotte amendment also represents a significant cost burden going forward for the U.S. Government, as it would force the Guantanamo Bay detention facility to remain open indefinitely. The Ayotte amendment also handicaps our Federal courts. Our Federal courts—unlike military tribunals—have an excellent track record of trying and convicting the most dangerous criminals and terrorists in the world, and Congress should not tie the hands of our law enforcement and intelligence agencies to use our Article III courts. Our Federal prison system can also securely hold for life those convicted of terrorism offenses.

When it comes to personnel issues, I support the baseline NDAA bill, which will improve the quality of life for our men and women in uniform and their families. The bill provides a 1.7-percent pay increase for all Active, Reserve, and Guard servicemembers. The bill prevents the Department of Defense from increasing TRICARE deductibles and annual catastrophic caps and levying enrollment fees for TRICARE Standard and TRICARE for Life. Also, the bill further advances service opportunities for women by directing the Secretary of Defense to make further regulatory and statutory changes in combat-related restrictions. Finally, I want to commend the Senate Armed Services Committee for authorizing veterans to participate in the Transition Assistance Program for 1 year after their discharge so that they can be better prepared to lead a productive civilian life.

On another crucial personnel matter, however, I am deeply disappointed that the Senate defeated my amendment to prevent an across-the-board cut to the Defense civilian workforce that could lead to an additional 36,000 government job losses in the coming years. These cuts—on top of cuts that already will occur—would be made without consideration to required workload, mission, or funding as currently required by

law. The Senate version of NDAA, if unchanged, will force an arbitrary, sequestration-type of cut in the DOD's civilian workforce, injuring the defense industrial base and undermining economic recovery. There is a better way to make judicious personnel decisions in the Department of Defense than the bill's section 341. I hope the NDAA conferees will heed the administration's deep concerns with regard to section 341, which the House NDAA—H.R. 4310—does not include.

A bill this large and complex won't please everybody entirely. I have just outlined some of the provisions I support and some of the provisions I don't support. I will vote to pass NDAA to advance it to conference. H.R. 4310, like S. 3254, has good and bad provisions, in my estimation. For instance, it contains provisions that further restrict the transfer of Guantanamo detainees into the United States or foreign countries, and it limits the administration's ability to implement the New START Treaty or to set U.S. nuclear weapon policy to further nuclear force reduction. But, on the other hand, it doesn't contain section 341. I hope the legislation the conferees report will be something I can support.

Mr. LEVIN. Madam President, I will be very brief. I feel so grateful and so proud that the tradition of our committee and this Senate has been maintained on our 51st consecutive Defense authorization bill, a bill that is so vitally important to the Nation. I am grateful to all of our colleagues for working on a bipartisan basis through the normal and open legislative process to produce this bill. I am grateful to stand here with my partner, Senator MCCAIN—we worked together on this bill—to all of the members of the committee, to our staff and the floor and cloakroom staff. We passed over 100 amendments. It was a process that allowed us to be just as accommodating as we humanly could.

One person I wish to single out as someone who has worked for the committee for 41 years—this will be her last year—is Chris Cowart. She is our chief clerk, and I would like to take an additional 2 seconds to mention her name as a symbol of the staff for whom we are so grateful.

I don't know if Senator MCCAIN is here, but I know that I speak for him about our staffs and about our colleagues on the committee.

I yield the floor.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yes 98, nays 0, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—98

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Franken      | Mikulski    |
| Alexander  | Gillibrand   | Moran       |
| Ayotte     | Graham       | Murkowski   |
| Barrasso   | Grassley     | Murray      |
| Baucus     | Hagan        | Nelson (NE) |
| Begich     | Harkin       | Nelson (FL) |
| Bennet     | Hatch        | Paul        |
| Bingaman   | Heller       | Portman     |
| Blumenthal | Hoeven       | Pryor       |
| Blunt      | Hutchinson   | Reed        |
| Boozman    | Inhofe       | Reid        |
| Boxer      | Inouye       | Risch       |
| Brown (MA) | Isakson      | Roberts     |
| Brown (OH) | Johanns      | Rubio       |
| Burr       | Johnson (SD) | Sanders     |
| Cantwell   | Johnson (WI) | Schumer     |
| Cardin     | Kerry        | Sessions    |
| Carper     | Klobuchar    | Shaheen     |
| Casey      | Kohl         | Shelby      |
| Chambliss  | Kyl          | Snowe       |
| Coats      | Landrieu     | Stabenow    |
| Coburn     | Lautenberg   | Tester      |
| Cochran    | Leahy        | Thune       |
| Collins    | Lee          | Toomey      |
| Conrad     | Levin        | Udall (CO)  |
| Coons      | Lieberman    | Udall (NM)  |
| Corker     | Lugar        | Vitter      |
| Cornyn     | Manchin      | Warner      |
| Crapo      | McCain       | Webb        |
| DeMint     | McCaskill    | Whitehouse  |
| Durbin     | McConnell    | Wicker      |
| Enzi       | Menendez     | Wyden       |
| Feinstein  | Merkley      |             |

NOT VOTING—2

Kirk Rockefeller

The bill (S. 3254), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Committee on Armed Services is discharged from further consideration of H.R. 4310, and the Senate will proceed to the consideration of the measure, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3254 as passed is inserted in lieu thereof.

The clerk will read the title of the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, H.R. 4310, as amend-

ed, is passed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees:

Mr. LEVIN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to calendar No. 552, H.R. 6156, which is the Russia-Moldova trade agreement.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 552, H.R. 6156, an act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

#### NATIONAL DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, I wish to thank the chairman for his patience in allowing this legislation to be completed. I would note that there were 145 amendments and many recorded votes and good debate and discussion over very important issues.

I also wish to say thank you to the majority leader.

I wish to note the good work of the staff, showing again that work release programs can be successful.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if I could say a word, I was looking for an opportunity to express my appreciation to the two managers of this bill.

This has been hard, but they have done an excellent job. There is nothing more important we do here than make sure that our fighting men and women have the resources to do what they need to do for our country, and there are no two better managers that we could have on this bill than these two fine Senators. I appreciate very much their hard work.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the leader is here, I would add my thanks to the majority leader. This could not have happened without the willingness of the majority leader to take a little bit of risk at this time of year with so few days left.

Senator MCCAIN and I told the majority leader that we thought we could do it in 3 days, and I want you to know that we did it in 3 days. We don't count half days. If we counted half days, it took us more than 3 days, I must confess to the majority leader. But, nonetheless, the majority leader was willing to let us start down this road. And we did it in a unanimous way. I think it is only the second time in 51 years that there has been a unanimous vote on a Defense authorization bill, and it is because of the willingness and determination of our leadership that we proceed with this bill and that we allow the kind of process to occur that we did and to take the time we did, and I am very grateful.

Mr. REID. Mr. President, I took no risk, because Senator LEVIN from Michigan and Senator MCCAIN from Arizona said, We will finish the bill in 3 days. So I had no risk because I knew that is what they would do. We may have spilled over a few hours, but basically they held to their agreement.

Mr. MCCAIN. Again, I thank the majority leader and my friend from Michigan.

I do want to thank our staff who worked many long hours, long after we had shut down regular business. They continued to work through a total of 392 amendments that were filed on this legislation. I appreciate the hard work and the cooperative spirit that enabled us not only to dispose of the amendments, but also I heard no complaint from any Member that their amendment did not get the consideration they felt it deserved. I think that is pretty remarkable, and I thank them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to join in thanking the chairman of the Armed Services Committee, Senator LEVIN, and the distinguished ranking member, Senator MCCAIN, for the extraordinary bipartisan work they have done on this measure, and also the accommodation and consideration they have given to all of us who have proposed amendments, as well as to their staff and the majority leader.

On behalf of Connecticut, which produces many of the key products that are affected by this bill, such as the Joint Strike Fighter, our submarines, and the Sikorsky helicopter, we have a great deal of pride in the support that the U.S. Senate has given today to our national defense and the production of these products.

#### ANIMAL FIGHTING SPECTATOR PROHIBITION ACT

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Agriculture, Nutrition and Forestry Committee be discharged from further consideration of S. 1947, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1947) to prohibit attendance of an animal fighting venture, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. I ask unanimous consent that the Blumenthal amendment, which is at the desk, be agreed to and that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3309) was agreed to, as follows:

On page 2, line 21, insert "knowingly" before "cause".

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BLUMENTHAL. Mr. President, I recognize that the hour is late. I wish to take a very brief moment to thank my colleagues, beginning with Senator KIRK and Senator BROWN—my distinguished colleagues from Illinois and Massachusetts—who have done such great work on this measure over many months, as well as Senator CANTWELL of Washington and other colleagues who have cosponsored this measure, including Senators COLLINS, FEINSTEIN, GILLIBRAND, KERRY, LANDRIEU, MERKLEY, MIKULSKI, MURRAY, VITTER, and WYDEN. They are all tireless advocates for animals.

This bill is about ending animal fighting which, plainly and simply, is a blood sport. It is cruel and inhumane. It leaves animals scarred and disabled. And, it is associated with many other criminal activities. People who attend animal fights are often also engaged in drug dealing, extortion, assault, and a variety of other crimes, and the enabling activity is animal fighting.

That is why this bill increases the penalties for knowingly attending an animal fight with a child and, indeed, makes it a crime to knowingly attend an animal fight. These stricter penalties are contingent upon a purposeful support for this cruel and inhumane sport.

Very simply, this legislation provides new tools to law enforcement for eliminating not only animal fighting, but also the activities that may be attendant to them.

Animal fighting is a Federal matter, and it requires a Federal response. This is particularly important because an animal fighting ring often involves

players from many different States. Under current law, a county sheriff or a local prosecutor simply lacks the authority to root out, apprehend, and effectively prosecute such an operation.

This bill has the support of many law enforcement organizations whom I thank, including the Federal Law Enforcement Officers Association and Fraternal Order of Police. County sheriffs from across the country have also signed on as supporters, along with the American Veterinary Medical Association and the Humane Society of the United States. I hope it will have support from this Chamber.

Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on passage of the bill.

The bill (S. 1947), as amended, was passed, as follows:

S. 1947

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Fighting Spectator Prohibition Act of 2011".

#### SEC. 2. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.

Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "SPONSORING OR EXHIBITING AN ANIMAL IN" and inserting "SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND";

(B) in paragraph (1)—

(i) in the heading, by striking "IN GENERAL" and inserting "SPONSORING OR EXHIBITING"; and

(ii) by striking "paragraph (2)" and inserting "paragraph (3)";

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

"(A) knowingly attend an animal fighting venture; or

"(B) knowingly cause a minor to attend an animal fighting venture."; and

(2) in subsection (g), by adding at the end the following new paragraph:

"(5) the term 'minor' means a person under the age of 18 years old."

#### SEC. 3. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

Section 49 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) IN GENERAL.—Whoever";

(2) in subsection (a), as designated by paragraph (1) of this section, by striking "subsection (a)," and inserting "subsection (a)(1)."; and

(3) by adding at the end the following new subsections:

"(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

"(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates

subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation."

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. First of all, I commend and compliment my friend from Connecticut for sponsoring this bill and pushing it through. Animal fighting is a despicable thing to be engaged in. To think people take their kids there, and families. It is something we should not be doing and I thank the Senator for his leadership on that issue, getting the bill passed.

CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES

I want to take the floor for a few moments. I know others want to speak. They were kind enough to let me get in front of them. I want to comment for a couple of minutes on the vote today on the Convention on the Rights of Persons With Disabilities. I said off the floor that this was a shameful day for the Senate, and I meant it. Today was a shameful day for the Senate. To turn our backs on a convention, a treaty which was based upon the Americans With Disabilities Act in our own country that is now 22 years old and has done so much to enhance opportunities for people with disabilities and their families, to turn our backs on that for no real reason is something I have a hard time comprehending, and I have been in the Senate a long time now.

There are reasons people can up with a vote this way or that on certain things and most times they are very legitimate. People might have some legitimate concerns about a bill or an amendment. I could find no legitimate concerns about the Convention on the Rights of People With Disabilities—legitimate concerns. We heard all this talk about home schoolers, people who are homeschooling their kids, the U.N. was going to come in and take them away—nonsense, utter, sheer nonsense.

What happened today was the triumph on the Senate floor of fear. Unfounded, unreasonable fear triumphed over experience—the experience we have had with the Americans With Disabilities Act, reasoned, rational thought—unfounded fears that somehow, someplace, somebody is going to do something. Out of the U.N. they are going to come in and take over or something. But we proved beyond any shadow of a doubt that none of our laws had to be changed. This gave the U.N. no authority over our country or our laws or anything. Yet this unfounded fear took hold to the point where people who were sponsors of the bill voted against it. Sponsors of it now turned around and voted against it. Again, for what reason? Unfounded fear.

What message did we send today to the rest of the world? A message that, OK, we are pretty good. We did a lot of

good stuff in terms of passing legislation to uphold the rights of people with disabilities, to break down barriers, give people with disabilities opportunities the same as everyone else. We have become a better country for it, a better Nation.

Other countries have come to us over the intervening last 22 years to find out how we did it, what they could do. So here the United Nations said we would come up with a convention, a treaty for all countries, and put it up for them to sign it, encouraging them to emulate what we did. This would be giving us a seat at the table helping other countries to bring their laws more up to what ours are in terms of the rights of people with disabilities.

But we turned our backs on that. There are a lot of things that make America a shining city on a hill, but there is one thing that no one can dispute that does put America as a shining city on a hill and that is the Americans With Disabilities Act and what it has done to our society, like our Civil Rights Act, what it has done to break down the barriers and to show that people with disabilities can contribute to society if only given the chance and the opportunity.

You would think we would want to then say, yes, we will be a part of a worldwide effort to break down those barriers against people with disabilities. We want to be part of a worldwide effort to say it is not all right, it is not OK to leave a baby on the side of the road to die simply because that baby has Down Syndrome. You would think we would want to be part of a global effort that says it is not all right to keep kids out of school and away from education because they have a physical disability—they use a wheelchair—or have an intellectual disability. You would think we would want to be part of an effort such as that, that says it is not OK to put people in cells, chained in cells, people whose only crime is that they are disabled. You would think we would want to be part of that effort.

We have done that in this country. We have done wonderful things. Yet there is some fear, some unfounded fear that the United Nations is going to come in with a black helicopter or something, I don't know what, and say you cannot homeschool your kids.

The Americans With Disabilities Act, we had it for 20 years. Did it stop home schooling? Of course not. Did it lead to more abortions? Of course not.

After this vote, after it was defeated, I walked out into the reception room, the Senate reception room. There was a throng, a number of people in the disability community. They were crushed, just crushed. They could not understand this. How could it be? Every disability community in America, every disability organization supported this. We had 21 veterans organizations, ev-

everything from the American Legion to the VFW, AMVETS, Disabled American Veterans, Disabled Veterans of America—21. Every veterans group supported this.

I ask, were these veterans groups so dumb, so blind, so misled to support something that is going to give the U.N. the right to come in and take kids out of your home? That is what people were saying. They do not get it, veterans groups? Is that what they were saying, that they do not understand this?

Of course they understood it. They know those were unfounded fears. Walk out and see Yoshiko Dart out there, holding Justin Dart's hat; Justin Dart, God love him. A man in a wheelchair, used it almost every day in his life; a man who traveled throughout this country day after day to get people organized to support the Americans With Disabilities Act, Justin Dart. He has since passed on, but his widow carries his hat around. She had his hat there and they were just crushed by this vote. How could we turn our backs on something so important to our country and the world? Pat Wright—others.

Before we had the vote we had a wonderful ceremony honoring Bob Dole. Yesterday was the International Disability Rights Day, so they wanted to honor Bob Dole for all he had done, Senator Dole. It was a wonderful event. I saw people over there honoring Bob Dole for all the work he had done on disability rights who voted against the bill today.

Mr. LEAHY. That is right.

Mr. HARKIN. I said, wait a minute, they are there to honor all the work Bob Dole had done on disability and Bob Dole was one of the strongest supporters of the CRPD, as it is called. He came over here today in his wheelchair with his wife, former Senator Elizabeth Dole. Yet people voted against it. I do not get it.

Veterans? There was a young veteran sitting in the gallery today. I met him yesterday for the first time. Senator KERRY spoke at length about him. His name is Dan Berschinski. I ask unanimous consent to have his op-ed printed in the RECORD at the conclusion of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. I met him yesterday, a young man 25 years old. He said for the first 25 years of my life I was an able-bodied American and played football and soccer, even ran a few marathons.

He graduated from West Point and went to Afghanistan and had both of his legs blown off. He walks on prosthetic legs now and talks about going to South Africa on a trip and the fear gripped him because of the fact he couldn't get around. In the hotel they had curbs. He had the kind of problems he doesn't have here.



I saw him out here in the reception room after the vote. He had been sitting in the gallery. He came down. I went up to him and I said: Dan, what can I say? I am sorry. I am sorry. But, I said, we will come back again. We are going to come back at this thing. But, I said, I am sorry.

You know what he said to me? He said: You know, Senator, watching this and seeing this makes me want to get just about as far away from politics as I can.

Is that the message we send to young veterans, young heroes like this?

I don't want to take any more time. Others want to speak. As I said, it is a shameful day. I do say we will be back. Senator KERRY will be back, Senator MCCAIN. Again, I give them the highest plaudits for what they did. Senator MCCAIN and Senator KERRY did a magnificent job, and Senator LUGAR, in carrying this bill forward. I know they do not want to give up either. I was hoping we would pass it before Senator LUGAR leaves the Senate. It would have been wonderful that Senator LUGAR did this during his time here in the Senate. But I guess that is not to be.

We will be back in January or February. Senator KERRY is committed to doing that, bringing it back to the committee, so we will be back again. I hope over the Christmas break and New Year's those who did not vote to support this will search their conscience, search their soul, think more about our being involved in this and having a seat at the table, helping the rest of the world change their laws. I hope when we come back we will have some reconsiderations and people recognize that maybe the first vote was not the right vote and change their vote and maybe we can get it passed then. That is my hope. I hope we can get to that when we come back after the first of the year.

#### EXHIBIT 1

[Dec. 4, 2012]

#### LEADING ON DISABILITY BEYOND OUR BORDERS (By Dan Berschinski)

For the first 25 years of my life I was as an able-bodied American. I played football and soccer and even ran a few marathons. All of that changed three years ago. Having graduated from West Point, I was serving my country as an Army infantry officer in Afghanistan when I was seriously wounded: I stepped on the unseen trigger of an improvised explosive device, and both my legs were instantly torn from my body. From that moment on, my life has, been drastically different.

Today, after three year's of hard effort, I'm proud, to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for people like me who struggle to walk, or who use a wheelchair. Fortunately, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages we take for granted here at home—the policies that allow people like me to live fulfilling,

independent lives—don't exist in much of the rest of the world.

Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined a few friends in a trip to South Africa to watch the World Cup. There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. South Africa had done a fairly good job on accessibility, but there were still plenty of curbs that had to be jumped, ditches that had to be crossed, and flights of stairs that had to be, well, hobbled up. As a disabled American at home, I can depend on accessible accommodations; as a disabled tourist abroad, I had to hope for the best while preparing for the worst.

Today, the United States has an opportunity to show leadership and reduce the challenges that millions of disabled people around the world face every day: The Senate can vote to join the U.N. treaty on rights for people with disabilities. By encouraging other nations to strengthen their own accessibility laws, we can improve the lives of our 56.7 million disabled U.S. citizens, including 5.5 million disabled veterans like me, when we travel and work abroad. Many of those opposing this treaty claim to support military veterans, but a vote against ratifying this treaty undercuts that support.

I am honored to join fellow veterans, Republicans and Democrats, including Sens. John Kerry and John McCain and former Sen. Robert J. Dole, to say that the case is clear-cut: Only by voting in favor of the Convention on the Rights of Persons with Disabilities can the Senate truly honor the sacrifice of those disabled while answering this nation's call. I am proud to have served my country; I am proud of how my country has taken care of me. And I will be proud when we extend our leadership on disability issues beyond our borders.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the Senator from Iowa is on the floor—and I will be very brief because there are others waiting to speak—I am so moved and touched by what he had to say. I had the privilege of being in that room with the Senator from Iowa, Senator HARKIN, and Senator Dole—both Senators Dole, Senator Bob Dole and Senator Elizabeth Dole.

The Senator referred to Justin Dart's widow and his hat was there. My colleague and I saw him wearing that hat the day the disability legislation was signed into law on the White House lawn. In fact I have a photograph I took of the Senator standing there.

#### PERSONS WITH DISABILITIES TREATY

Mr. LEAHY. Mr. President, I have had the privilege of serving in this body every day that TOM HARKIN has been here. Nobody has spoken more eloquently for the needs of the disabled than Senator HARKIN. He learned sign language so he could communicate with his brother. I have seen him with members of the disabled community. He is loved and respected.

This was not the Senate's finest day. It was not "Profiles in Courage" to see what happened. I am glad the Senator

mentioned the veterans, as though any of them would stand for something that would take over our country. Many of them lost limbs fighting for this country and fighting for the security of this country. They represent people who died fighting for this country.

So this is one Senator who will be here next year. I pledge to the Senator from Iowa and to Senator KERRY, my seatmate—actually, I have both Senators on either side of me—that I will be here, and I will support the Senators every step of the way.

Mr. HARKIN. Mr. President, I thank my good friend and former chairman with whom I have served all of these years in the Senate for his very kind remarks and kind words. More than that, I thank my friend for his many kindnesses that he has shown me and for upholding the finest traditions of the Senate.

I say to PAT LEAHY, through the Chair, when we think about a Senator and what a Senator should do and how a Senator should conduct himself or herself, we have to think about PAT LEAHY. He has just been a stalwart. He is always willing to work with people, always willing to give someone the benefit of the doubt, always willing to help move legislation through the Senate. That is the way the Senate used to be. It used to be that way. Thank God, we still have people here like PAT LEAHY.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MIDDLE-CLASS TAX CUTS

Mr. WHITEHOUSE. Madam President, tens of millions of middle-class families face the distinct possibility of higher tax rates in January. With so many Americans who are still struggling to find their economic footing after the deepest recession of our lifetimes, these looming tax hikes would be hard for those middle-class families, and they are completely unnecessary.

Newspaper stories day after day on the so-called fiscal cliff often omit that the Senate has passed legislation to shield 98 percent of families and 97 percent of small businesses from the income tax part of this so-called fiscal cliff.

We passed the Middle Class Tax Cuts Act on July 25 of this year. We sent the measure to the House of Representatives. Did Speaker BOEHNER and the Republicans in the House promptly



pass this popular bill and send it to President Obama for his signature? Did they move to protect 98 percent of middle-class families from this tax hike in January? No. They decided to hold the middle-class tax cuts passed by the Senate hostage in an attempt to push for tax cuts for the folks they care about the most, the top 2 percent of the highest earning households.

Republicans fighting for millionaires and billionaires is not a new story. In 2001 President George W. Bush decided to spend a large portion of the surpluses he inherited from President Clinton to cut tax rates. Many Democrats opposed him then because the tax cuts were unfair by favoring the highest income Americans. To overcome that obstacle, the Republicans resorted to a parliamentary technique of budget reconciliation, a maneuver that allowed for passage of their tax cuts but forced them to expire after 2010, at the end of the 10-year budget window.

So we scroll forward to 2010. As 2010 ended, President Obama and many Democrats in Congress, including myself, wanted to extend the tax cuts for middle-class families but let rates on income above \$200,000 for an individual and \$250,000 for a family revert to the Clinton-era levels. Our Senate Republican friends filibustered that effort, refusing to allow the middle-class tax cut without a tax cut for the highest incomes as well. Their hostage strategy worked that time, and the President and Senate Democrats reluctantly agreed to extend the tax cuts for 2 more years.

Now the 2 years is up and these tax rates are again set to expire. That is why Senate Democrats passed the Middle Class Tax Cut Act in July. This measure balanced our desire to keep tax rates low for middle-class families against the urgency of addressing our national budget deficits. By keeping tax rates low for 98 percent of Americans and letting the tax rates go up very modestly for families earning over \$250,000 a year, the Democrat plan would cut the deficit by as much as \$1 trillion over the next decade. Now, that alone doesn't cure our budget imbalance, but along with fair and sensible tax reforms and smart cuts in spending, it is part of the solution.

Let's be clear about one thing: the Middle Class Tax Cut Act would still benefit high-end taxpayers. Families making over \$250,000 a year would pay lower tax rates on their first \$250,000. So if a family made \$255,000, they would only see an increase on the top \$5,000, and only to the Clinton-era rates that were in effect during the 1990s, when, as we all recall, our economy was thriving. Under the Senate-passed plan, a family earning \$255,000 a year would pay an extra \$150 in taxes.

In opposing the Middle Class Tax Cut Act, Republicans claim that it would hurt the economy to raise tax rates on

the top 2 percent of income earners. Speaker BOEHNER reiterated that line last week saying: It'll hurt small businesses. It'll hurt the economy.

Well, that is vintage Republican political theory, but it is just not supported by the facts. In a recent report, the nonpartisan Congressional Budget Office estimated that extending the middle-class tax cuts would boost our national GDP, gross domestic product, by 1.25 percent next year. It said the economic effects of extending only the middle-class rates are similar to those of extending all of the rates. Why? Because upper income taxpayers are less likely to spend their tax savings and put it back into the economy.

In other words, CBO reports we would get virtually no economic bang for our Federal buck by extending the upper income tax cuts for which the Republicans are fighting. CBO's analysis is confirmed by the experience of real-world businesspeople.

Madam President, I ask unanimous consent to enter into the RECORD at the conclusion of my remarks an op-ed by former Stride Rite CEO Arnold Hiatt entitled "Smite the myth that tax cuts create jobs."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WHITEHOUSE. Mr. President, Arnold Hiatt founded a successful small business before selling it to Stride Rite and then becoming CEO. He says:

As every good businessman knows . . . the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

He continues:

It is a fiction, pure and simple, that taxing so-called "job creators" will have an adverse effect on the economy.

Mr. Hiatt goes on to explain:

In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half of that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why I . . . and many other millionaires pay a lower income-tax rate than many working American families.

He continues:

Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate, and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

He concludes this way:

The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

That is the CEO of Stride Rite shoes.

If we extend the upper income tax cuts for another year, it would add over \$49 billion to the deficit. Even in Washington, \$49 billion is real money, money that would have to be borrowed and would add to our debt problem. Believe it or not, Republicans who voted to turn Medicare into a voucher program in the name of deficit reduction support adding to the deficit with high-end tax cuts. In Rhode Island, at least, those are lousy priorities when it comes to deficit reduction. We should let the tax cuts at the top expire for reasons also of fairness. Loopholes and special provisions allow many super-high income earners to pay lower tax rates than many middle-class families.

According to the nonpartisan Congressional Research Service, 65 percent of individuals earning \$1 million or more annually pay taxes at a lower rate than median income taxpayers making \$100,000 or less. Sixty-five percent—nearly two-thirds—of individuals earning over \$1 million a year actually pay a lower tax rate than median income taxpayers. That is a tax system that is turned upside down and needs to be fixed.

Earlier this year a majority of Senators voted to advance my Paying a Fair Share Act, the Buffett rule bill to ensure that multimillion-dollar earners pay at least a 30-percent effective Federal tax rate. The rate they are supposed to pay is 35 percent under the income tax laws. But because of all these loopholes and special rates, IRS statistics show the top 400 taxpayers in 2008 who earned, by the way, an average of \$270 million each that year, paid the same 18.2 percent effective tax rate as paid by, for instance, a truckdriver in Rhode Island. The single biggest factor driving this inequality is the special low rate for capital gains that allows, for instance, hedge fund billionaires, through the carried interest loophole, to pay taxes at lower rates than their secretaries and chauffeurs. If we let the tax cuts at the top expire, those rates revert to 20 percent instead of 15 percent. Twenty percent is still a low rate for someone making \$100 million a year, but it is closer to what a middle-class family is expected to pay.

In short, allowing the Bush-era tax cuts to expire for income above \$250,000 is the fiscally responsible thing to do and the fair and proper thing to do. Why, then, hasn't Speaker BOEHNER called a vote on the Senate-passed Middle Class Tax Cuts Act? Because threatening middle-class families with higher taxes is their strategy, to push for breaks for millionaires and billionaires—the hostage strategy—with the middle class as the hostages as Republicans fight for whom they truly care about.

If Speaker BOEHNER continues to ignore the Senate-passed bill, I urge President Obama to stand firm on his opposition to extending the upper income tax cuts. The American people

support that approach, and we should not cave in to pressure.

I would also urge the President and congressional leaders to work to include the Buffett rule principles in any deficit deal. Letting the upper income tax cuts expire and ensuring multi-million-dollar earners pay a fair share will assure the American people we are working for them and not the special interests as we allocate the burden of addressing our deficits.

#### EXHIBIT 1

[From the Providence Journal]

#### SMITE THE MYTH THAT TAX CUTS CREATE JOBS

PROVIDENCE JOURNAL EDITION

(by Arnold Hiatt)

As every good businessman knows—including former Massachusetts Gov. Mitt Romney, with whom I had been associated as a limited partner at Bain Capital Ventures—the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

If the now defeated presidential candidate Romney and congressional Republicans continue to insist on renewing the special Bush tax cuts that go only to the wealthiest 2 percent of Americans like me, it will do nothing to create jobs. It is a fiction, pure and simple, that taxing so-called “job creators” will have an adverse effect on the economy.

Just the reverse is true. Instead of spending nearly \$1 trillion on tax cuts to make millionaires even richer, those tax dollars can be used more constructively to retain teachers, police officers and firefighters, and repair roads and bridges. These are all essential services that will rebuild our economy and maintain a civil society. In addition, these tax dollars will contribute to deficit reduction.

The son of a Lithuanian immigrant to this land of now diminishing equal opportunity, I had the good fortune to start a small company that enjoyed a measure of success and that was eventually acquired by Stride Rite Corp. Twelve months later I was asked to become president of Stride Rite.

Throughout the last 10 years of my tenure, the company's return on investment was in the top 1 percent of all companies listed on the New York Stock Exchange. We created thousands of new jobs. By the time I left, we had over 5,000 employees. Our success rested on the quality of the product and service provided to consumers. It was a reflection on the quality of the workforce as well as the management. My success could not have been possible without the people whom we continued to hire and to train as we grew. I depended on them as much as they depended upon me.

In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why Governor Romney and I and many other millionaires pay a lower income-tax rate than many working American families.

Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate and certainly won't be dis-

suaed by the small increase of about 5 percentage points that the president has proposed.

The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

Romney knows better. It is a matter of record that during the time tax rates, both corporate and personal, were so much higher, our economy was booming. Conversely, the slowest job growth since World War II took place between the Bush tax cuts for millionaires and the 2008 economic meltdown.

A few months ago, every Republican in the House and Senate, along with 19 House Democrats and two Senate Democrats, voted against a bill ending the Bush tax breaks for the richest 2 percent, but extend them for 98 percent of Americans and 97 percent of small businesses. I hope they will take a fresh look at the facts. That's why I joined with over 100 other millionaires in signing a Voices for Progress letter to all members of Congress, appealing to them not to renew these tax breaks. Allowing the richest 2 percent to withhold tax dollars robs children of health and education. It is not only immoral, it is bad economics. They are the future of our country, which has begun to fall behind our competitors. It is also destroying the American Dream, which brought my father to this country alone at the age of 15.

Both he and the Founding Fathers would agree that the future of this nation should not be compromised by the shortsightedness of those so well off in the present. These are not the values that made this country great.

Arnold Hiatt is a former chief executive of Stride Rite Corp., based in Lexington, Mass. This article previously appeared in *The Boston Globe*.

I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO MAYOR BILL PAXTON

Mr. MCCONNELL. Madam President, I rise today to pay tribute to my good friend the mayor of Paducah, KY, Mr. Bill Paxton. Mayor Paxton has been a vital partner of mine in our efforts to bring economic development to the Paducah region, improve the quality of life for its residents, and represent their interests in public service. Paducah could not ask for a finer mayor than Bill Paxton.

Now it's my sad duty to report to my colleagues that after 12 years in office, Mayor Paxton is retiring. And although Kentuckians will miss his steady hand at the helm of leadership, no one can say Bill Paxton has not given more than his share of dedication and commitment to the people of his city. And we all certainly wish him the very best as he leaves the mayor's office and moves on to his next endeavors, where I am sure he will find much success just as he has in public service.

It would take too long for me to describe everything we've worked on together over the years, but I'll mention a few. For several years we worked together to bring economic growth to downtown Paducah with a new riverfront marina development. After a long road marked by the occasional setback, the Paducah Riverfront and Marina groundbreaking ceremony took place last month. The new riverfront will spur job creation and serve as a public space for all of Paducah's residents to enjoy.

For years, Mayor Paxton has been indispensable on a host of issues affecting the Paducah gaseous diffusion plant and its hard-working employees.

Bill has also been crucial in efforts to create the Paducah River Discovery Center, improve the Paducah Area Transit System, and upgrade local law-enforcement and safety resources such as the Public Safety Mobile Data System, which allows police and other emergency personnel to share and coordinate information.

And I can't forget Bill's leading role in designating the National Quilt Museum, located two blocks from the Ohio River in downtown Paducah, as the National Quilt Museum of the United States. As one of the most popular tourist attractions in the Bluegrass State, it regularly brings over 100,000 visitors yearly from all 50 States and 40 countries.

One of Bill's biggest successes over the last 12 years is the Lower Town revitalization project. Lower Town, a Paducah neighborhood that is rich with history but had become dilapidated with neglect, became the focus of renewal for city government under the mayor's vision.

Revitalization efforts focused on creating an awareness of Lower Town as a cultural center for the arts and an accessible retail environment friendly to local businesses. Now, a decade later, this project has been successful, yielding much renovation of local historic buildings and new construction, luring more than 75 new artists and businesses to Lower Town, and bringing over \$30 million in private investment in the area.

Bill was born and raised in Paducah. Prior to serving three terms as mayor, he was elected to Paducah's city commission in 1998. It was a family tradition, as his father, William F. Paxton

Jr., had also served on the city commission. As a private citizen, Bill worked for 30 years in the banking industry. Bill is also one of the few mayors in Kentucky to serve two terms as head of the League of Cities, proving his talents are appreciated not just in Paducah but across Kentucky.

I have been pleased to get to know both Bill and his wife, Lucy, over the years and am proud to call them close friends. I am sure that Lucy; their two children, Christina Paxton Cassetty and William F. Paxton IV; and many other beloved friends and family members join me and Elaine in saying we are proud of Bill Paxton's record of accomplishment as mayor, and we wish him the best in his well-earned retirement. He is one of Kentucky's most distinguished citizens and public servants.

#### TRIBUTE TO DR. RUSSELL DOHNER

Mr. DURBIN. Madam President, I want to recognize "a wonderful life." Much like the movie starring Jimmy Stewart, it is the story of a small town boy who dreamed of big adventures in a big city, but who discovered his life's calling not far from home.

For nearly 60 years, Dr. Russell Dohner has dedicated his life to providing affordable healthcare to residents of Rushville—a rural community in western Illinois.

Dr. Dohner grew up on a farm, not far from Rushville, one of seven children. He experienced seizures as a small boy, and it was his family doctor who stayed by his side and inspired him to enter the medical field. After high school, Dr. Dohner served in the Army during World War II, attended Western Illinois University, and then worked his way through Northwestern University Medical School.

Although he hoped to move to a big city and work as a cardiologist, he knew Rushville, a city of just 3,200 people, needed a doctor. In 1955 he opened an office there hoping to stay just a few years. That was 57 years ago. Today, little has changed in his Rushville office—the nurses, the furniture, and the price of a visit. He charges patients just \$5 a visit.

He does not take health insurance, but at only \$5 most of his patients can afford the visit. Even if someone cannot pay, he still helps them.

Dr. Dohner barely makes enough money to pay his nurses, and he relies on income from his family's farm to make ends meet. However, one thing that helps keep the office overhead low is the lack of technology. There is no computer, no fax machine, and no answering machines. Five decades of records are kept on handwritten, 4-by-6 index cards.

Dr. Dohner keeps his office open 7 days a week. On Sundays he stops in

before going to church. He starts his day making rounds at Culbertson Memorial Hospital in Rushville, he then takes patients at his office, and he ends the day with another round at the hospital. He may see as many as 120 patients a day. He works with patients on a first-come, first-serve basis. But, if it is an emergency Dr. Dohner lets them use the back door. And if patients are too sick to make the trip in, he will make a house call.

Although he has no children of his own, he has delivered more than 3,500 babies. This happens to be more people than the population of Rushville.

Dr. Dohner puts patients before himself. He has never been on a vacation and cannot remember ever taking a day off. The only time he has closed down his office was when he suffered a heart attack and he himself needed medical care. Dr. Dohner has said, "I have to take care of my patients first."

At age 87 and after nearly 60 years on the job, Dr. Dohner continues to provide the rural area with selfless service, hard work, and affordable healthcare. He does not seem to be slowing down much, and for that, the community is grateful.

Dr. Russell Dohner is as a wonderful example of how one person's life can have a big impact on a small town.

#### VOTE EXPLANATION

Mr. MERKLEY. Madam President, because of an important meeting with business and government leaders in Oregon on Monday morning, I was forced to miss votes on Paul William Grimm's nomination as U.S. district judge, and for the motion to invoke cloture on S. 3254, the National Defense Authorization Act. I wish to record for the RECORD that had I been present, I would have voted "aye" on each vote.

#### RECOGNIZING WILDLIFE CONSERVATION DAY

Mr. WHITEHOUSE. Madam President, as cochairs of the International Conservation Caucus, Senator TOM UDALL and I stand together on Wildlife Conservation Day, December 4th, to emphasize the need for governments, organizations, and individuals to protect the world's endangered species, which face threats from poaching, illicit trade, pollution, and improper land use.

The International Conservation Caucus has focused attention this Congress on poaching and the illegal wildlife trade, a lucrative and illicit global market worth anywhere from \$5 to \$20 billion annually. This trade threatens biodiversity, stability, and the rule of law.

New initiatives proposed by the U.S. State Department are needed to protect wildlife, combat trafficking, and reduce demand. We applaud the State

Department's commitment to strengthening a global system of wildlife enforcement and the work of the U.S. Agency for International Development to strengthen regional antitrafficking networks.

In addition, we and our allies should investigate and prosecute wildlife crime more aggressively, but we should not see the seizure of ivory, rhino horns, and other wildlife products as the sole measure of success. We must also reduce demand, take down trafficking kingpins through international law enforcement efforts, and protect wildlife populations to prevent environmental devastation. Advanced technologies and modern forensics can aid these efforts.

On the diplomatic front, our Ambassadors must increase the pressure on countries to ensure members of their militaries and law enforcement agencies do not look the other way or participate in trafficking of wildlife and that enforcement is rigorous. Public education programs both abroad and here in the United States must be expanded to reduce demand for trafficked wildlife and products.

We look forward to continuing to promote policies that protect natural resources and wildlife. Wildlife conservation is vital to maintaining biodiversity, global stability, and economic vitality across the world.

#### REMEMBERING JONATHAN MICKLE

Mrs. SHAHEEN. Madam President, today I wish to honor the military service of Jonathan Mickle. Jonathan died on October 30 in Rye, NH. He is remembered as a dedicated servicemember who served in the U.S. Army and deployed to Iraq in support of Operation Iraqi Freedom from January 2006 to February 2007.

Jonathan was born August 19, 1985 in Portsmouth, NH. He graduated from Portsmouth High School in 2003 and went on to attend Southern New Hampshire University where he received high academic honors and made the dean's list.

Jonathan joined the U.S. Army after graduating college. He became a Fire Direction Specialist with Charlie Battery, 2nd Battalion, 3rd Field Artillery Regiment. For his service during the war in Iraq, he was awarded numerous medals, including the Army Commendation Medal, the Army Achievement Medal and the Army Good Conduct Medal.

Jonathan took pride in his service to his country. After returning from Iraq, he became a member of the Emerson Hovey Veterans of Foreign Wars Post #168, supporting and being supported by fellow veterans and continuing to stay involved in the Army. He was also a dedicated New England Sports fan.

There are no words to adequately thank this brave New Hampshire son

for his commitment to our country. I hope that, during this hard time, Jonathan's friends and family can find comfort knowing that Americans everywhere share a deep and profound appreciation for their Jonathan's willingness to answer the call to defend America and our way of life.

Sadly, Jonathan's mother, Katie Mickle, passed away suddenly in 2000 from pancreatic cancer at the age of 39. Jonathan is survived by his father Warren of Portsmouth, his brothers, Robert and Matthew and his wife, Kristy, of Kittery, ME; his sister Whitney Mickle and her fiancé Michael Foley of Eliot; and niece Marlee Jane Mickle.

I ask my colleagues and all Americans to join me in honoring the life and service of this dedicated servicemember and brave young American, Jonathan Mickle.

#### TRIBUTE TO FLIGHT 93

Mr. CASEY. Mr. President, I would like to include the remarks made by Mr. Gordon Felt, former President of the Families of Flight 93, for the RECORD in honor of the Congressional tribute held earlier this morning. I want to extend my gratitude to Mr. Felt and the Families of Flight 93 for their tireless commitment to honoring the heroic sacrifice of their loved ones.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Good morning. Mrs. Toomey, Mrs. Casey, the entire host committee and members of the House and Senate joining us today, to our partners at the National Park Service and National Park Foundation and to those family members in attendance, I stand before you with an overwhelming sense of pride knowing that this building, this symbol of our nation's great democracy, perhaps would have been destroyed were it not for the selfless actions of 40 brave men and women aboard United Flight 93. For without their courageous stand taken on September 11, 2001, our Capitol building and many of those serving within, perhaps some of you, may have been further victims of the terrorism that fundamentally changed our lives and our country on that dark day. With each visit to the Capitol I make time to pass through the Rotunda and view the magnificent plaque dedicated to the actions of the passengers and crew of United Flight 93. While the traumatic repercussions of September 11, 2001 have been deeply felt by each and every family member that lost a loved one that day, and by the community of Somerset County whose lives and way of life have been forever changed, I appreciate the conscious awareness of those serving in this building of the fact, that as tragic as that day was to our country, it could have been significantly worse.

As family members that lost loved ones aboard United Flight 93, we struggle continually with our loss. Our lives over the past eleven years have all taken differing paths with one common factor that will forever bind us together. Our family of Flight 93, forged in tragedy and thrust into the public domain has provided an avenue by which we can advocate for those family members that

will forever remain alive in our hearts and minds. This journey has not been easy for any and more difficult for some.

For some families and individuals, withdrawal into their personal lives at home, or fresh new starts beyond the reach of the media and chaos of September 11th have been an avenue of survival. Others have joined in community with family members suffering similar loss and have found comfort with the understanding that comes from shared tragedy. And there are others that have continued to move forward masking their grief as they approach life one day at a time . . . surviving. Within our families there are others that have made a conscious decision to serve as advocates, representing the interests of the Families of Flight 93 through the Flight 93 National Memorial Partnership. No avenue of healing is proper and correct for all, just as no closure will ever be felt for those experiencing such great loss.

Our families are spread out across the globe and represent a unique diversity in culture. Yet, when we gather together each year on the anniversary of September 11th, we are one. Somerset County, Pennsylvania has become an extension of our homes and the community has welcomed us into their hearts unconditionally even as they struggle daily with the impact of events set in motion on September 11, 2001. Their lives have been impacted in ways that they are still coming to understand. Yet there is a strength and wholeness in the people of Somerset County that provides great comfort to our families. They proudly stand as Ambassadors working hand in hand with the National Park Service ready to tell the story of our loved ones to any and all that visit the memorial.

The Flight 93 National Memorial is more than a tribute to 40 heroes. Its existence serves our country in a far greater capacity than just as a place marker for history. Over these past 11 years we have come to realize that the Flight 93 National Memorial has a quality within similar to that of Gettysburg or Pearl Harbor. A strong sense of purpose, of loss, yet triumph permeates the entire site and only becomes more intense as visitors approach and gaze upon our Sacred Ground. The memorial was designed to honor 40 heroes, but also serves in the short term to help heal a generation of Americans deeply affected by the traumatic effects of September 11th and stands to preserve a piece of our cultural heritage in order to educate and inspire future generations.

"Do what is right, not what is easy." Since September 11th this mantra has guided so many within our Flight 93 National Memorial partnership and our extended Flight 93 National Memorial Family. Whether it is in the halls of Congress, Harrisburg, Somerset, or Shanksville, Pennsylvania, this project has been joined by all that appreciate the personal, political, cultural and historical impact September 11th has had on our country and freedom loving peoples around the world. On one of the bleakest days in our history, the trial of 40 individuals helped us remember that we are strong with an unquenched thirst for freedom and that no person or ideology will ever cause us to waver from a course that was set in motion by our forefathers.

In those defining 22 minutes when our loved ones experienced a horror beyond comprehension, they collectively chose to act. Not as individuals, but as a force ignited by the love of family, love of freedom and a superiority in spirit unwilling to sit back and

allow an evil so incarnate to suppress their dreams and desires. They were thrust together by events not caused by individual existences, but by social, political, and religious forces that sought to break our spirit through terror. How can we not stand in awe? How can we not celebrate their spirit? How can we not honor those 40 individuals that have been woven into the fabric of our nation's proud history? The Flight 93 National Memorial will ensure that their efforts, their actions and their spirit will not be forgotten.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR D. LEIGH HASSON

• Mr. BEGICH. Mr. President, I wish to recognize my 2012 defense legislative fellow, MAJ D. Leigh Hasson. Major Hasson served my office with distinction. From her first town hall in Fairbanks, AK, to her final days spent on the floor of the United States Senate as the National Defense Authorization Act for Fiscal Year 2013 was being considered, she demonstrated honor, integrity, leadership and professionalism.

Major Hasson received her commission from the United States Air Force Officer Training School in January 2000. As a navigator with over 1,000 combat flight hours, she has deployed in support of Operations Northern Watch, Southern Watch, Enduring Freedom and Iraqi Freedom. She has experience establishing and supporting major commands including the International Security Assistance Force Joint Command headquarters and Joint Forces Command. Major Hasson has been selfless in her service and sacrifice throughout her career.

Her family has supported her through these deployments and her tenure in the Air Force. Her husband David, son Samuel and daughter Alexis have been by her side through it all. It is for them she serves our Nation—to protect what they have and to protect their future. I would like to thank David, Samuel and Alexis for their sacrifices in support of Major Hasson.

Hailing from Trapper Creek, AK, Leigh embodies Alaska values. She is independent, inquisitive, a self-starter and actively involved in her work and community. While in my office, Leigh completed the Truman National Security Project Security Scholars program. She was the office's liaison to the Alaska State Society, she taught Bible study at her church and somehow she still found the time to train and run the Army Ten-Miler in support of our troops.

As a defense legislative fellow, she contributed greatly to the State of Alaska and the Nation. She led the charge on Arctic issues because she recognized the increasing importance of the region. Due to her work, I was successful in securing report language

to accompany the National Defense Authorization Act for Fiscal Year 2013 on appropriately resourcing the Arctic. She staffed me at numerous hearings and provided vital insight on a number of pressing national security issues.

As a member of my team, Leigh approached each day with a positive attitude. Despite working in an environment where one can easily become discouraged by politics, Leigh never failed to smile and press forward in the best interest of the Nation.

It has been a pleasure to host Major Hasson in my office. I wish her the best in her future endeavors and thank her for her service.●

#### TRIBUTE TO CHIEF JUDGE ROBERT M. BELL

● Mr. CARDIN. Madam President, today I wish to recognize the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals, for his outstanding contributions as a jurist, administrator, and justice advocate. His work on the bench has transformed the Maryland judicial system. His success in Maryland has provided leadership for national initiatives. And Chief Judge Bell has secured his place in history as a civil rights leader, both in Maryland and nationally.

Chief Judge Bell has served as the Chief Judge of the Maryland Court of Appeals and the head of Maryland's Judiciary for the past 15 years. But before Chief Judge Bell took the bench, I want to bring to the attention of my colleagues in the Senate that Chief Judge Bell was already involved with our State's judicial system. As a high school student, he was a civil rights protestor who engaged in civil disobedience in Baltimore, and his case ultimately reached the U.S. Supreme Court.

The Maryland State Archives has used the Bell v. Maryland case as part of its series on "Teaching American History in Maryland". According to the account by the Archives, in 1960, the majority of restaurants in downtown Baltimore were still segregated and blacks were not served at all-white dining establishments. Students from Dunbar High School and Morgan State College were recruited by the Civic Interest Group to enter all-white restaurants and demand service. On June 17, 1960, a group of students entered Hooper's Restaurant, located at Charles and Fayette Streets, and asked to be served. They were told to leave, but 12 of the students, including 16-year-old Robert Mack Bell from Dunbar High School, refused. They were each charged with trespassing, found guilty, and fined \$10. The case was appealed, and one of the students' lawyers was Thurgood Marshall from the National Association for the Advancement of Colored People, NAACP, who went on to become the first African-

American Justice on the United States Supreme Court. The students and their attorneys argued that the use of the State's trespassing laws to support segregation of public accommodations violated the Fourteenth Amendment, which guarantees the "equal protection of the laws" to all persons.

In 1962, the Maryland Court of Appeals upheld the students' convictions and the decision of the lower court, and the case was appealed to the U.S. Supreme Court. In the summer of 1964, the United States Senate finally overcame a filibuster and passed the Civil Rights Act of 1964, which prohibited segregation and discrimination in public accommodations. The State of Maryland also passed a public accommodations law. Shortly after this action by Congress, the Supreme Court remanded the case back to the Maryland Court of Appeals. On April 9, 1965, the convictions were reversed, the students were cleared of all charges, and the City of Baltimore was ordered to pay court costs to the students.

Robert Mack Bell went on to graduate from Morgan State in Baltimore and then Harvard Law School, and was admitted to the Maryland Bar in 1969. After working in private practice for several years, he was appointed as a Baltimore City District Court judge, which handles misdemeanors. In 1980, he was elevated to the Baltimore City Circuit Court, which handles felony cases and jury trials. In 1984, he was elevated again to the Court of Special Appeals, our intermediate appellate court. In 1991, Judge Bell was appointed to the Maryland Court of Appeals, our State's top court. Finally, he was appointed as Chief Judge of the Maryland Court of Appeals in 1996, becoming the first African-American to serve in that capacity. He is one of the few judges to serve at all four levels of the Maryland judiciary during his career. And Chief Judge Bell also has the rare distinction of serving on and then running a court that had previously ruled against him.

During his 2 decades on the bench, Chief Judge Bell has been a moving force on committees and commissions that have looked at ways to provide greater access to justice, to better incorporate the advantages of technology, and to enhance legal training and compensation.

In 2002, Chief Judge Bell appointed a Commission on Racial and Ethnic Fairness in the Judicial Process to evaluate outcomes and recommend ways to reduce or eliminate unequal access to or treatment by the court system. In 2008, he created the Access to Justice Commission to develop, consolidate, coordinate, and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters. He sought ways to find non-traditional methods to help solve the problems of crime by promoting Alternative Dis-

pute Resolution, ADR, programs throughout Maryland. He promoted the growth of drug treatment courts in Maryland and established the Standing Committee on Problem-Solving Courts to coordinate these efforts. He used technology to provide more accurate and uniform data critical to the enforcement of domestic violence and peace orders, and launched an ongoing effort to prepare Maryland judges to adjudicate cases involving science and biotechnology. And when the housing crisis hit Maryland, he called Maryland's legal community together to provide pro bono assistance to homeowners faced with foreclosure. As a result of those efforts, the Maryland General Assembly passed legislation to better protect homeowners.

Time and time again, when Chief Judge Bell has faced challenges, he has seized the opportunity to find solutions. He has done so with grace and intellect and compassion. He has rallied the legal community and expanded opportunities for those with few options and no voice.

From Robert Bell's days as a high school student, long before he even went to law school, he has strived to promote justice and equality for all Americans. The Preamble to the Constitution provides that "We the People of the United States, in Order to form a more perfect Union, establish Justice do ordain and establish this Constitution for the United States of America." Just like Thurgood Marshall, a fellow Baltimorean and legal giant, Chief Judge Bell has played a large part in upholding and defending our Constitution in Maryland, and in helping our State and nation move toward "establishing justice" and creating a "more perfect union." I urge my colleagues to join me in thanking Chief Judge Robert Bell for his civil rights leadership, contributions to the legal community, and inspirational life as he retires after an outstanding career of public service.●

#### TRIBUTE TO LEE SACHS

● Mr. CARDIN. Madam President, today I wish to recognize the contributions of Lee Norman Sachs, one of America's outstanding first-responders and human beings whose contribution of time, talent, and leadership span over 3½ decades. Lee graduated from the University of Pennsylvania and the University Of Maryland School Of Law, and began practicing law in 1967, concentrating on family law and real estate matters. But his desire to do more for his community led him to take Emergency Medical Technician, EMT, training and join the Pikesville Volunteer Fire Department. Over the years, Lee took more and more training, first to qualify as a paramedic and then as a firefighter, fire driver/operator and lastly a fire instructor.

Lee's dedication, training, and leadership skills have resulted in his election to many volunteer fire positions, most notably as president of the Pikesville Volunteer Fire Department, the Baltimore County Volunteer Firemen's Association, and the Maryland State Firemen's Association. He has been inducted into the Baltimore County Volunteer Firemen's Association Hall of Fame, named Executive Officer of the Year, and received the organization's President's Award. He was recognized by the Maryland State Firemen's Association as EMS Provider of the Year and recipient of the Gladhill-Thompson Trophy.

At the same time Lee was performing all of this public service, he was also working as a well-respected attorney, volunteering time at the Women's Law Center and the Maryland Bar Association, and providing pro bono legal services to clients referred by the Maryland Volunteer Lawyers Service.

Lee Sachs has led a life dedicated to serving his community. I hope all Senators will join me in thanking him for his commitment to public service and his efforts to ensure the health and safety of his fellow Marylanders.●

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8401. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs Annual Report for fiscal year 2011; to the Committee on Armed Services.

EC-8402. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations" (31 CFR Part 515) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8403. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to South Korea and China; to the Committee on Banking, Housing, and Urban Affairs.

EC-8404. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates (UAE); to the Committee on Banking, Housing, and Urban Affairs.

EC-8405. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Editorial Corrections to the Commerce Control List of the Export Administration Regulations" (RIN0694-AF62) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8406. A communication from the Director for Internal Control and Management Systems, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Removal of Obsolete Regulation" (RIN2700-AD78) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8407. A communication from the Assistant Regional Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—2012-13 and 2013-14 Subsistence Taking of Wildlife Regulations" (RIN1018-AX33) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Energy and Natural Resources.

EC-8408. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Delegating Falconry Permitting Authority to Seven States" (RIN1018-AZ16) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC-8409. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Riverside Fairy Shrimp" (RIN1018-AX15) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC-8410. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern Selkirk Mountains Population of Woodland Caribou" (RIN1018-AX38) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC-8411. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Revised Critical Habitat for the Northern Spotted Owl" (RIN1018-AX69) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC-8412. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. RSAT 12-2912); to the Committee on Foreign Relations.

EC-8413. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-145); to the Committee on Foreign Relations.

EC-8414. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Informal Entry Limit and Removal of a Formal Entry Requirement" (RIN1515-AD69) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Finance.

EC-8415. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Branded Prescription Drug Fee; Guidance for the 2013 Fee Year" (Notice 2012-74) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC-8416. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 2 Rates for 2013" received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC-8417. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2013 Standard Mileage Rates" (Notice 2012-72) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC-8418. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2013 Section 1274A CPI Adjustments" (Rev. Rul. 2012-33) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC-8419. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Base Period T-Bill Rate" (Rev. Rul. 2012-22) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC-8420. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (Docket No. FDA-2000-N-0011) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8421. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8422. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.



EC-8423. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8424. A communication from the Vice Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8425. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's fiscal year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8426. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH:

S. 3651. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. COONS):

S. 3652. A bill to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BOOZMAN, Mr. FRANKEN, and Mr. PRYOR):

S. 3653. A bill to improve the training of child protection professionals; to the Committee on the Judiciary.

By Mr. REID:

S. 3654. A bill to create equal footing for tribal economic development; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. BLUMENTHAL, and Mr. LIEBERMAN):

S. 3655. A bill to provide enhanced disaster unemployment assistance to States affected by Hurricane Sandy and Tropical Storm Sandy of 2012, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. WICKER):

S. 3656. A bill to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico (for himself, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. Res. 608. A resolution supporting the establishment of a President's Youth Council; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 1423

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1423, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 2207

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2207, a bill to require the Office of the Ombudsman of the Transportation Security Administration to appoint passenger advocates at Category X airports to assist elderly and disabled passengers who believe they have been mistreated by TSA personnel and for other purposes.

S. 2247

At the request of Mr. LEE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2247, a bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3626

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3626, a bill to provide financing assistance for qualified water infrastructure projects, and for other purposes.

S. 3628

At the request of Mr. BLUNT, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3628, a bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery regarding,

the availability and coverage of breast reconstruction, prostheses, and other options.

S. 3647

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3647, a bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

AMENDMENT NO. 2930

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 2930 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3004

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3004 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3054

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 3054 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3196

At the request of Mr. MERKLEY, his name was added as a cosponsor of amendment No. 3196 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.



## AMENDMENT NO. 3249

At the request of Mr. BEGICH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3262

At the request of Mr. LEVIN, his name and the name of the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 3262 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3285

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 3285 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. COONS):

S. 3652. A bill to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our intellectual property system in the United States is the envy of the world and the engine of economic growth. By granting inventors exclusive rights in their discoveries for a limited time, the patent system incentivizes research and development by independent inventors and large multinational companies. Consumers benefit from new technologies, and our economy benefits from continued investment.

I am introducing legislation today that will encourage patent holders to apply their intellectual property to address global humanitarian needs. This has long been an interest of mine. In 2006, I introduced legislation that would have created a statutory license to manufacture and export life saving medicines to eligible, developing countries.

Today's legislation, rather than creating a statutory license, improves on a program created by United States

Patent and Trademark Office, PTO, earlier this year. The PTO's "Patents for Humanity" Program provides rewards to selected patent holders who apply their technology to a humanitarian issue that significantly affects the public health or quality of life of an impoverished population. Those who receive the award are given a certificate to accelerate certain PTO processes.

Following a Judiciary Committee hearing in June, I asked Director Kappos whether the program would be more effective, and more attractive to patent owners, if the acceleration certificate were transferable to a third party. He responded that it would, particularly for small businesses. The Patents for Humanity Program Improvement Act of 2012 simply makes these acceleration certificates transferable.

Director Kappos described the Patents for Humanity Program as one that provides business incentives for humanitarian endeavors. All Senators should support both the approach and the objective.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3652

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Patents for Humanity Program Improvement Act of 2012".

## SEC. 2. TRANSFERABILITY OF ACCELERATION CERTIFICATES.

(a) IN GENERAL.—A holder of an acceleration certificate issued pursuant to the Patents for Humanity Program (established in the notice entitled "Humanitarian Awards Pilot Program", published at 77 Fed. Reg. 6544 (February 8, 2012), or any successor thereto, of the United States Patent and Trademark Office, may transfer (including by sale) the entitlement to such acceleration certificate to another person.

(b) REQUIREMENT.—An acceleration certificate transferred under subsection (a) shall be subject to any other applicable limitations under the notice entitled "Humanitarian Awards Pilot Program", published at 77 Fed. Reg. 6544 (February 8, 2012), or any successor thereto.

By Mr. REID:

S. 3654. A bill to create equal footing for tribal economic development; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3654

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. GAMING ACTIVITIES.

Section 207 of Public Law 100-89 (25 U.S.C. 737) is repealed.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 608—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. UDALL of New Mexico (for himself, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 608

Whereas the unique perspectives and insights of young people, especially young people who have participated in a public policy-related program, outreach initiative, internship, fellowship, or congressionally sponsored youth advisory council, are essential to ensure that investments made by the Federal Government in youth services are effective and efficient;

Whereas existing outreach and engagement mechanisms of the Federal Government are often designed in ways that inhibit participation by, and lead to the under-representation of, young people in the policy-making process; and

Whereas numerous Members of Congress, Governors, State legislatures, mayors, and city councils have created youth councils that have proven to be an effective means of receiving input from young people, which leads to more effective and efficient investments in youth services: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the establishment with private funds of a President's Youth Council to—

(A) advise the President and the executive branch on the perspectives of young people;

(B) suggest ways to make investments by the Federal Government in youth services more effective and efficient; and

(C) provide recommendations on issues that will affect the long-term future of the United States;

(2) recommends that the members of the President's Youth Council be young people who—

(A) are appointed by the President, the majority leader and minority leader of the Senate, and the Speaker and minority leader of the House of Representatives;

(B) are between 16 and 24 years of age;

(C) have participated in a public policy-related program, outreach initiative, internship, fellowship, or congressionally sponsored youth advisory council;

(D) can constructively contribute to policy deliberations;

(E) can conduct outreach to solicit the views and perspectives of peers; and

(F) have backgrounds that reflect the racial, socioeconomic, and geographic diversity of the United States; and

(3) recommends that the President's Youth Council as a whole undertake activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of Congress and the head of each department or agency of the Federal Government.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3309. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him

to the bill S. 1947, to prohibit attendance of an animal fighting venture, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3309.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1947, to prohibit attendance of an animal fighting venture, and for other purposes; as follows:

On page 2, line 21, insert “knowingly” before “cause”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 4, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 4, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNATIONAL PARENTAL CHILD ABDUCTION

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. Res. 543.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 543) to express the sense of the Senate on international parental child abduction.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with amendments in the nature of a substitute to the preamble and the resolutions as follows:

##### S. RES. 543

*Whereas international parental child abduction is a tragic and common occurrence;*

*Whereas the abduction of a child by one parent is a heartbreaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;*

*Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including “anxiety, eating problems,*

*nightmares, mood swings, sleep disturbances, [and] aggressive behavior”;*

*Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of “betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression”, as well as financial strain while fighting for the return of a child;*

*Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the “Hague Abduction Convention”) with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;*

*Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;*

*Whereas, according to the United States Department of State, the number of new cases of international child abduction from the United States increased from 579 in 2006 to 941 in 2011;*

*Whereas, in 2011, those 941 cases involved 1,367 children who were reported abducted from the United States by a parent and taken to a foreign country;*

*Whereas, in 2011, more than 660 children who were abducted from the United States and taken to a foreign country were returned to the United States;*

*Whereas 7 of the top 10 countries to which children from the United States were most frequently abducted in 2011 are parties to the Hague Abduction Convention, including Mexico, Canada, the United Kingdom, Germany, Ecuador, Brazil, and Colombia;*

*Whereas Japan, India, and Egypt are not parties to the Hague Abduction Convention and were also among the top 10 countries to which children in the United States were most frequently abducted in 2011;*

*Whereas, in many countries, such as Japan and India, international parental child abduction is not considered a crime, and custody rulings made by courts in the United States are not typically recognized by courts in those countries; and*

*Whereas Japan is the only member of the Group of 7 major industrialized countries that has not yet become a party to the Hague Abduction Convention: Now, therefore, be it*

*Resolved,*

*That—*

*(1) the Senate—*

*(A) condemns the international abduction of all children;*

*(B) urges countries identified by the United States Department of State as noncompliant or demonstrating patterns of noncompliance with the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this resolution as the “Hague Abduction Convention”) to fulfill their commitment under international law to expeditiously implement the provisions of the Hague Abduction Convention;*

*(C) calls on all countries to become a party to the Hague Abduction Convention and to promptly institute measures to equitably and transparently address cases of international parental child abduction; and*

*(D) calls on all countries that have not become a party to the Hague Abduction Convention to develop a mechanism for the resolution of current and future cases of international parental child abduction that occur before those*

*countries become a party to the Hague Abduction Convention in order to facilitate the prompt return of children abducted to those countries to the children’s countries of habitual residence; and*

*(2) it is the sense of the Senate that the United States should—*

*(A) vigorously pursue the return of each child abducted by a parent from the United States to another country through all appropriate means, facilitate access by the left-behind parent if the child is not returned, and, where appropriate, seek the extradition of the parent that abducted the child;*

*(B) take all appropriate measures to ensure that a child abducted to a country that is a party to the Hague Abduction Convention is returned to the country of habitual residence of the child in compliance with the provisions of the Hague Abduction Convention;*

*(C) continue to use diplomacy to encourage other countries to become a party to the Hague Abduction Convention and to take the necessary steps to effectively fulfill their responsibilities under the Hague Abduction Convention;*

*(D) use diplomacy to encourage countries that have not become a party to the Hague Abduction Convention to develop an institutionalized mechanism to transparently and expeditiously resolve current and future cases of international child abduction that occur before those countries become a party to the Hague Abduction Convention; and*

*(E) review the advisory services made available to United States citizens by the United States Department of State, the United States Department of Justice, and other United States Government agencies—*

*(i) to improve the prevention of international parental child abduction from the United States; and*

*(ii) to ensure that effective and timely assistance is provided to United States citizens who are parents of children abducted from the United States and taken to foreign countries.*

Mr. WHITEHOUSE. Madam President, I further ask unanimous consent that the committee-reported amendment be agreed to and the Senate proceed to a voice vote on adoption of the resolution, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 543), as amended, was agreed to.

Mr. WHITEHOUSE. Madam President, I further ask unanimous consent that the committee-reported amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The preamble, as amended, was agreed to.

ORDERS FOR WEDNESDAY,  
DECEMBER 5, 2012

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 5, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for up to 4 hours, with Senators permitted to speak therein for up to 10 minutes each, except where noted below and the time be divided as fol-

lows: the majority controlling the first 30 minutes, the Republicans controlling the next 30 minutes, Senator GRASSLEY controlling the next 45 minutes, the majority controlling the next 45 minutes, the Republicans controlling the next 45 minutes, and the majority controlling the following 45 minutes; and that following morning business, the Senate proceed to the consideration of H.R. 6156, the Russia trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WHITEHOUSE. Madam President, I am informed that we expect to

complete action on the Russia trade bill during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, December 5, 2012, at 9:30 a.m.

## EXTENSIONS OF REMARKS

### HONORING UNITED STATES AIR FORCE VETERANS

#### HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. Allow me to honor, from the Air Force:

Willie H. Duckworth, William Frank Kornegay, Lexxie Neloms, Jr., Henry David Cunningham, Jr., David A. Bell, Jimmie L. Brown, Ronald E. Green, Charles K. Bronson, Charles Flower, Charles Ronnye Johnson, Sr., Rolland James, Elizabeth Meyers, George Morris, Lee Miller Brown, Sr., Louis Sparks II, Benjamin R. Wilson, Roland James, Alfred Gordon, Louis Tyler, Christopher Flynn, Clyde Hilton, Loyd Harrison, Fred Rosenkoff Derek Joy, Otis Kitchen, Carolyn Crowell, Andrea Naomi Johnson, Robert A. Sewell, George Albert Stewart, Elizabeth Myers, Antonio White, Skip Williams, Rodney X. Chain, Stafford Nairn, Willard Shepard, Darryl Jones, Ryan Ayer;

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

### PERSONAL EXPLANATION

#### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a family medical situation and was not present for rollcall votes Nos. 609 and 610 on Tuesday, November 27, 2012. Had I been present, I would have voted in this manner:

Rollcall vote No. 609—On Motion to Suspend the Rules and Pass, as amended, the

Medical Preparedness Allowable Use Act: "yes."

Rollcall vote No. 610—On Motion to Suspend the Rules and Concur in the Senate Amendment, the Jamie Zapata Border Enforcement Security Task Force Act: "yes."

### CELEBRATING THE SAN FRANCISCO GIANTS 2012 WORLD SERIES VICTORY

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the 2012 World Series Champions, the San Francisco Giants. On October 28, 2012, the Giants defeated the Detroit Tigers by a score of four to three in game four to sweep the World Series, winning the franchise's second championship since the team moved to San Francisco from New York in 1958. By their tremendous victory, our Giants once again made us the proudest city in baseball.

This year, the Giants showed tenacity, heart, and teamwork on their path to victory. They unleashed their arsenal of reliable starting pitching, stellar relief pitching, heroic defense, and powerful hitting to outlast their rivals in the fiercely contested National League Western Division. Their performance was a portrait of grit and good sportsmanship from the first pitch through the last, and we celebrate them for their excellence on and off the field.

There is no one superstar on the Giants' roster; they are a band of brothers who "play for the name on the front of their jerseys, not the name on the back." Congratulations to all 25 players on the playoff roster, including World Series Most Valuable Player Pablo Sandoval, who demonstrated the true meaning of "Panda Power" to the rest of the country, and National League Most Valuable Player Buster Posey, as well as: Jeremy Affeldt, Madison Bumgarner, Matt Cain, Santiago Casilla, Tim Lincecum, Javier Lopez, Guillermo Mota, George Kontos, Sergio Romo, Barry Zito, Ryan Vogelsong, Marco Scutaro, Brandon Crawford, Gregor Blanco, Aubrey Huff, Brandon Belt, Hunter Pence, Angel Pagan, Hector Sanchez, Jose Mijares, Joaquin Arias, Ryan Theriot, and Xavier Nady.

This year's extraordinary win required a full team effort, from the field to the front office. While the players poured their hearts out on the diamond, the thanks and gratitude of all Giants fans also goes to the team's Chief Executive Officer Larry Baer, General Manager Brian Sabean, and Manager Bruce Bochy. Through their commitment, strategy, guidance, and dedication, the 2012 San Francisco Giants emerged as the 2012 World Series champions.

The San Francisco community united in support behind their team and an estimated one million fans turned out to celebrate their victory in a parade full of past and present San Francisco baseball legends. Congratulations to the passionate and devoted Giants fans in northern California, across the country, and around the world for their unrelenting support of the Giants.

### HONORING OUR VETERANS AND THEIR FAMILIES THROUGH THE AMERICAN VETERANS TRAVELING TRIBUTE

#### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. AUSTRIA. Mr. Speaker, while we can never fully express the depth of our appreciation for those who have risked and given their lives to protect our freedoms, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and honor our military veterans and their families through the American Veterans Traveling Tribute.

Our veterans have quietly gone to work and war so that Americans can freely pursue their dreams. Their spouses have gone about the daily task of keeping the home fires burning, and have often sacrificed careers and other goals to provide stability at home during constant transitions. Furthermore, their children have learned to be resilient and appreciative of the cost of freedom. They are strong families who have contributed to our communities, and have defended our Constitution and freedoms.

The American Veterans Traveling Tribute is a mobile memorial dedicated primarily to the memory of fallen military members from Vietnam. The traveling unit centerpiece of a the American Veterans Traveling Tribute is a 380-foot exact replica of the Vietnam Memorial Wall, and the AVTT includes memorial displays honoring the veterans of World War 2, Korean War, the Gulf War, September 11th attack victims and the current War on Terror.

A non-profit event owned by a retired Army Vietnam veteran, there is a patch and coin available from the AVTT that is inscribed, "I touched the Wall; the Wall touched me." This motto was so very true for a small group of veterans and citizens in Greene County, Ohio who formed a committee and hosted the AVTT in Xenia from October 10–14, 2012. They physically touched the Wall, but their lives were touched forever along with the lives of thousands of visitors who came to Xenia to see the AVTT.

Tim and Susan Spradlin of Xenia proposed the project in August 2011. Tim is a retired Air Force Reserve first sergeant, a member of the Greene County Veterans Service Commission

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

plus he and Susan are very active members of the Ohio Patriot Guard Riders. A veteran of combat in Iraq, Tim was frustrated by the fact that age and injuries caused him to retire from the reserve in late 2008 at age 49 after 30 total years of service. He found new ways to serve the military with the Patriot Guard and the veteran's commission. In 2010 Susan and Tim rode a PGR escort mission in Sidney, Ohio for the AVTT display there. On seeing the entire display Tim told his wife, "... Steve Molden would love this", and so the idea of hosting the AVTT in Xenia was first born.

Steve Molden is a Vietnam veteran in Xenia, who proudly served with the 3rd Brigade of the 82nd Airborne Division. Now retired from Greene County services department, Steve is also a former volunteer member of the Xenia Township Fire Department and Greene County Rescue, where Tim Spradlin had met him many years ago. For many years Steve had been frustrated in his efforts to organize Veterans Day and Memorial Day ceremonies or parades in Xenia. Tim was aware of Steve's frustration and wanted to do something special for Steve and other Vietnam veterans like him. Activated in 1991 for the Desert Shield / Desert Storm conflict, Tim never forgot that there were Vietnam veterans across the nation who stood up in support of the new generation of military, loudly proclaiming that these war vets would not be abused or mistreated as many Vietnam vets had been. Tim suggested to the Veterans Commission that they could host the AVTT, and the committee was born.

First to join the local AVTT committee was Steve Molden and veteran's service office director Lance Woodward. Lance is a disabled Navy veteran who was part of the AVTT display planning in Clermont County, Ohio in 2003. Susan followed her husband and agreed to serve as the treasurer for the group, and Steve's wife Karen joined as the volunteer coordinator, to honor her husband and her uncle, member of the Order of the Purple Heart for wounds in Vietnam.

Steve Molden also brought his old friend Jim McMichaels on board. Jim is a Navy veteran of Vietnam, a high school classmate of Steve, and they both personally knew some of the 34 sons of Greene County who were killed in Vietnam, and whose names were engraved on the Wall. Other members of the community stepped up to serve also, including Jim Kennedy and Helena Curtis. Helena is a former deputy sheriff and cancer survivor whose spirit and dedication as unmatched. She said she was inspired to serve on the committee in honor of her father and grandfather who were military war veterans. Jim Madsen, a retired Air Force officer and federal civilian was proud to join the group and dedicated hundreds of hours, stating it was his personal way to say thank you, that he felt the need to do more since he had never been tasked to go to war during his service years.

As the committee worked for a year to plan the AVTT event many other citizens, spouses, veterans and business people joined the effort. For Susan Spradlin it was hard work but a labor of love, honoring her husband as an Iraq vet, a tribute to her late father who was a Navy veteran of Korea, and her brother who was disabled due to service in the Gulf War.

Betty Zentiara is 80 years old, a Marine Corps veteran of Korea and dedicated many hours of her time to working in the kitchen at the event to serve refreshments to the many volunteers. Master Sergeant Jason Larimore, an active duty member from Wright-Patterson Air Force Base joined the effort and recruited many active duty Air Force personnel to man the Wall at night, providing security. David "Smitty" Smith, retired Greene County deputy sheriff and 101st Airborne veteran of Vietnam was very honored to serve and inspired to bring out his motorcycle ad joined the Ohio Patriot Guard Riders as a result of his experience on the AVTT committee. Marine veteran Ed Vance tearfully told his fellow committee members that the experience had "changed his life". There were two church pastors who participated in the event and ceremonies; both were also Vietnam veterans. Many fire and law enforcement personnel also got involved, notably Captain Doug Cope, a shift commander with the City of Xenia Fire Division and a veteran of the rescue team deployment to New York City after the September 11th attacks on the World Trade Center.

Steve and Karen Molden worked to create 34 plaques with the names, ranks, service information and dates for the Greene County citizens killed in Vietnam. These plaques were placed at the base of The Wall during the 4 day display, a touching personal memory of the local sacrifice paid by the community. Some of the families for those killed in action came to see the Wall in Xenia and they were presented with the plaque in honor of their fallen brother.

Over the 4 day display of the AVTT there was a motorcycle escort parade, music and concerts, a police and fire September 11th memorial service, and numerous interactions, reunions and fellowship. Steve Molden and Jim McMichaels were out at the Wall almost constantly, leaving late at night for some sleep and then back early the next day, walking, sitting in a golf cart or on a bench, talking, teaching and sharing . . . not only were they paying tribute to the fallen, but they were honoring all veterans by educating others about Vietnam, the war and the people who fought it. Watching these veterans and others find healing through this project was so rewarding.

The pinnacle event was the military memorial service on Saturday October 13th. Guest speakers included Congressman Steve Austria, Ohio Patriot Guard captain Bob Woods (US Army Vietnam), AVTT owner Don Allen (US Army Vietnam) and Major General Ed Mechenbier, US Air Force Vietnam, who was shot down while flying an F4 aircraft and spent nearly 6 years in a POW cell. There was not a dry eye in the large crowd as the 34 names of Greene County KIA were read. "Sorry for crying, but I went to high school with some of these guys," explained a tearful Jim McMichaels as he and Vietnam vets Steve Molden, Sam Wallace, Pastor John Corcoran and Pastor Wes Barnhill read the details of the fallen. The end of the reading was followed by the USAF band, the bagpipes playing Amazing Grace and a bugler playing "Taps" as a memorial wreath was laid at the apex of the Wall. For Steve Molden, Tim Spradlin and Jim McMichaels it was the end of a long year, as they sat down on a park bench

near the wall and shared tears of joy for the good they had done together, and the blessing of surviving their wars.

Inspired by the dedication and initiative of so many people, the Greene County Veterans Tribute Committee will continue to make a difference. After all the AVTT bills were paid, the committee donated part of their remaining funding to the Honor Flight program and part to the Wounded Warrior Project. The remainder will be kept in the non-profit endowment fund as the seed money for a new project; we have a vision to build a suitable large war memorial for all Greene County veterans and families on the lawn of the county courthouse. With the support of the community, the Members have no doubt that they can continue to serve local veterans, serve the community, the nation and with God's blessings create a permanent tribute to all Greene County citizens who have served in the United States Armed Forces or paid the ultimate cost of freedom.

I am grateful that Greene County, located within my district, was granted the opportunity to remember and celebrate the lives of veterans and first responders through the American Veterans Traveling Tribute. All those who worked to make this event happen are to be commended for their time and efforts. It was a bittersweet time to remember both those who came home from Vietnam and other wars as well as those who never had the chance.

Thus, today I ask my colleagues to join me and the constituents of Ohio's Seventh Congressional District in honoring our military veterans and their families for their continued and selfless service to the land of the free.

#### HONORING THE SONOMA COUNTY HISPANIC CHAMBER OF COMMERCE

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor The Sonoma Hispanic County Chamber of Commerce, of Santa Rosa, California on the occasion of their 25th anniversary celebration.

The mission of the Hispanic Chamber of Commerce is to promote and support Sonoma County businesses with a commitment towards creating a healthy business environment through education, civic, and economic programs. They are an association of individuals, organizations, and business professionals working together to enhance our local economy and foster a positive cultural image.

The Hispanic Chamber of Commerce of Sonoma County was founded in the spring of 1987, and has since greatly expanded its membership and endeavors. Originally known as the Latino Breakfast Club, it formalized into a network of professionals, entrepreneurs, business people, and community leaders—Hispanic and non-Hispanic—who recognize the importance of the Hispanic community and its impact on society.

In the last 24 years, the Chamber has raised over \$280,000 for the Hispanic Chamber of Commerce Scholarship Fund, which

has been distributed to over 300 students living in Sonoma County. These scholarships have helped many rising Latino students reach their goals by supporting their financial needs. Bilingual parent/student workshops were instituted in order to complement the scholarship program, and have since provided information on FAFSA, financial aid, and the college transition.

In order to get further involved in the community, the Sonoma County Chamber of Commerce established the Leadership Academy, modeled after the well-respected program developed by the Press Democrat, The Press Democrat Leadership Forum. The Leadership Academy was created with the objectives of encouraging a new generation of leaders in Sonoma County and facilitating an ongoing dialogue that helps members of the Hispanic Chamber of Commerce understand all the ways our hometowns are changing.

Members of the Sonoma County Hispanic Network have an opportunity to create a difference in the community. Through the membership their voices are heard in the political, social, economic, and educational arenas.

Mr. Speaker, it is appropriate at this time that we acknowledge The Sonoma County Hispanic Chamber of Commerce for their extraordinary work.

RECOGNIZING MR. WADE NORWOOD OF ROCHESTER, NEW YORK, WINNER OF THE "ROCK IN THE POND" AWARD

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor to recognize Mr. Wade Norwood of the Finger Lakes Health Systems Agency (FLHSA) in Rochester, New York, who was today awarded the "Rock in the Pond" Unsung Heroes of Public Health Award by the Campaign for Public Health. I am immensely proud of Wade and the work that he and the FLHSA do for the citizens of Rochester.

Wade has dedicated his life to ensuring long-term community change for today's families and future generations. When it comes to public health, he is a true "rock in the pond"—advocating for the betterment of our community, with a keen interest for the underserved and the most vulnerable. He gives a voice to those who do not have one, and advocates health care equity for all, whether in his role as Director of Community Engagement at the FLHSA, as Pastor of the Holy Jerusalem Spiritual Church in Rochester, NY, or as a member of the New York State Board of Regents.

At FLHSA, Wade plays a crucial role in convening programs that improve public health, such as the local Partnership for the Uninsured, the Rochester Area Task Force on AIDS, the Coalition to Prevent Lead Poisoning, the African-American Health Coalition and the Latino Health Coalition, and Healthi Kids, among others. He has been the face and voice of statewide health care improvement as he has led the FLHSA's effort to reduce health disparities, helping to shape the

Agency's community engagement efforts and providing leadership to issues that have a tremendous impact on the health of the city of Rochester and the Finger Lakes region. He heads up a program called Healthi Kids, which advocates for policy changes that prevent childhood obesity, and which has resulted in returning recess into Rochester City School District (RCSD) elementary schools and working with the RCSD to provide healthier, more nutritional and culturally relevant meals during the school year and summer camps. As a result, approximately 30,000 children and youth receive healthier school meals daily.

Wade also convenes the Coalition to Prevent Lead Poisoning in Rochester, an education and advocacy organization composed of nearly 100 individuals and community organizations dedicated to eliminating childhood lead poisoning in Monroe County. The program received the U.S. Environmental Protection Agency's (EPA) Environmental Justice Achievement Award for its leadership in community-based efforts to prevent childhood lead poisoning. It has influenced major lead-related public policy changes, including a local lead ordinance requiring inspections for lead paint hazards.

Under Wade's leadership, the High Blood Pressure Collaborative aims to reduce the incidence of hypertension and its devastating effects (heart disease, kidney disease, and stroke) through a collaborative approach and community engagement. The program includes working with employers to establish worksite wellness initiatives, collaborating with faith and community based organizations in inner city neighborhoods where residents find barriers in accessing care, and working with health providers to improve their practices' control rate of high blood pressure. In 2012 alone, the Collaborative provided over 7,000 face-to-face blood pressure readings and consultations, and another 6,000 with kiosks strategically located in public facilities, such as libraries.

Wade has expanded the roles of the Health Disparities/African American and Latino Health Coalitions to ensure there is a community table that is truly representative, and that all voices are heard. Wade and the members of the coalitions address diseases of deep impact to minorities, which include metabolic syndrome and high blood pressure. This effort included engaging 19 churches—including his own—with a membership in excess of 5,000 minority congregants, to engage in screening and health literacy programs.

Wade also led the Partnership on the Uninsured in its evaluation of insurance coverage barriers, defining community-wide strategies to address these barriers, and implementing a strategic approach to diminishing the number of those without health insurance.

Whether it is through his extensive work with FLHSA, on volunteer boards, in his parish, or in the many civic roles he holds, Wade embodies the "Rock in the Pond" award he has received. He makes a difference in the health and well-being of all in our community. I ask my colleagues to join me in honoring Mr. Wade Norwood for his commitment, his selflessness, and his passion to improve the health and lives of all those around him.

HONORING THE 60TH ANNIVERSARY OF THE MUSEUM OF HISTORY & INDUSTRY AND THE GRAND OPENING OF ITS NEW MUSEUM AT LAKE UNION PARK

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. McDERMOTT. Mr. Speaker, I rise today to honor the 60th anniversary of the Museum of History & Industry (MOHAI) in Seattle, and to salute the museum as it prepares for the Grand Opening of its new museum at Lake Union Park on December 29, 2012.

Since its founding in 1952, MOHAI has established itself as the preeminent history center in the Seattle region, engaging over 100,000 visitors and 17,000 students and their teachers each year in the exploration of the history, character and development of Seattle and the Central Puget Sound region.

Drawing on a collection of more than 4 million historic artifacts, archives, photographs and oral histories, MOHAI exhibits and programs bring visitors face-to-face with the challenges of the past so that they can make informed decisions for the future. Working with school districts from across the region, MOHAI programs foster the civic literacy which is so essential to a strong community, and the museum provides a full range of scholarship services so that all students have access to the power of history.

With the opening of its expansive new museum in the landmark Naval Reserve Armory at Lake Union Park, MOHAI is poised to launch a history museum distinguished by leading edge technology, research and educational programs, which will serve the Seattle area for the 21st Century.

In recognition of its excellence, MOHAI is accredited by the American Alliance of Museums, is an official affiliate of the Smithsonian Institution, and was selected by Museum Magazine as one of the 60 international "museums that matter."

As we celebrate the 60th anniversary of the Museum of History & Industry, I would like to convey my congratulations to MOHAI on the opening of its new museum and its expanding work to ensure that the lessons of history are shared with generations to come.

HONORING NATHAN WILONDEK

**HON. ROBERT E. LATTI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. LATTI. Mr. Speaker, I rise today to recognize Mr. Nathan Wilondek, of Defiance Ohio. Mr. Wilondek was awarded the Distinguished Flying Cross on Monday, November 12 during a Veterans Day program at Tinora High School.

The Distinguished Flying Cross (DFC) is a military decoration awarded to any officer or enlisted member of the United States Armed Forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an

aerial flight, subsequent to November 11, 1918."

Wilondek was a Warrant Office 1 helicopter pilot serving in the Republic of Vietnam. On August 18, 1969, WO1 Wilondek volunteered along with his crew to fly a resupply mission to an infantry company that had become completely surrounded by the NVA. Without gunship cover WO1 Wilondek and his crew (Wallace Honda, Stewart Brooks, and Terry Paxton) flew nap of the earth down a hillside and hovered the UH-1 Huey low enough to drop ammo and supplies to the embattled infantrymen.

The entire time the re-supply was happening the NVA were hitting the helicopter with accurate small arms fire, and WO1 Wilondek's door gunner was unable to return fire because the US troops were too closely intermingled with NVA in close combat. It was determined that without the re-supply effort of WO1 Wilondek and his crew, the infantry unit would have been completely overrun by NVA, instead they survived. Mr. Wilondek is awarded this DFC for his heroism that day.

Mr. Speaker, I ask my colleagues to join me in the acknowledgment of Nathan Wilondek's heroism and recognize his service and dedication to our country.

#### PERSONAL EXPLANATION

#### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. MANZULLO. Mr. Speaker, I missed recorded votes last week attending to official business back in the district. If I had been here, I would have voted "yea" on Rollcall No. 609; "yea" on Rollcall No. 610; "yea" on Rollcall No. 611; "nay" on Rollcall No. 612; and "yea" on Rollcall No. 613.

#### CONGRATULATING MR. LARRY LANG OF HOLMES COUNTY

#### HON. BOB GIBBS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. GIBBS. Mr. Speaker, I rise to honor Mr. Larry Lang of Big Prairie, OH who has spent over twenty years of his life serving the Holmes County community through the Red Cross, local school boards, Farm Bureau and other programs with outstanding dedication, honor and merit. Mr. Lang is a model citizen and his efforts are truly inspiring. He has been an excellent example and partner in working with the Amish community and his amazing efforts in recruiting platelet donors have saved countless lives.

Mr. Lang's strong relationship with the Amish community in Holmes County has resulted in an Amish representative being present on the Holmes County Chapter board and has led to thousands of hours of volunteer service from the Amish community. Mr. Lang has served as assistant director of the Holmes County Chapter of the American Red Cross

and is the recipient of this year's prestigious Biomedical Partnership Award from the American Red Cross for his tremendous efforts resulting in 490 donors, 3600 platelet units and approximately 6100 single donor platelet units. Mr. Lang personally made over 300 trips to support, donate and bring donors to the Cleveland apheresis center.

Mr. Speaker, I am proud and honored to represent a man who has worked tirelessly on behalf of others and who has made such a positive and lasting impact on my community. I ask all of our colleagues to join me in congratulating Mr. Larry Lang for receiving the Biomedical Partnership Award from the American Red Cross.

#### CARRIE BAZEWCZ

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Carrie Bazewicz for her service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Carrie brought the Environmental Learning for the Future program to Mitchell Elementary in Golden, Colorado. This program promotes the understanding and appreciation of the natural world to each of the young students. Her commitment to the education of the children in Golden serves as a model for teachers throughout the state of Colorado and our nation.

Carrie exemplifies education and preservation of Golden's beauty. She encourages and empowers her students as an enthusiastic, supportive classroom volunteer.

As a recipient of one of the Mayor of Golden's 2012 Awards for Community Excellence, Carrie was chosen based on her outstanding initiatives, leadership, problem-solving, and community values, all of which directly aided the community of Golden in its great success this past year.

Carrie Bazewicz has been a champion in the community and I am honored to congratulate her on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure she will exhibit the same dedication and commitment to all her future endeavors.

#### HONORING UNITED STATES COAST GUARD VETERANS

#### HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind.

This commitment is the mark of America's finest citizens and those who answer to a higher calling. Allow me to honor, from the United States Coast Guard: Sammie Stewart, Jr., Steven Bernard Rising, Omar K. Payton, Shane J. Nicholas, Randy Kevin Jopp, Jr., David R. Hetticher, Andrea Naomi Johnson, Christopher Daniels, William O'Boyle, Jacob G. Bryan, Sandy Guerra, Eric Driggs; from the National Security Agency: Allyn C. McKinney.

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

#### INTRODUCTION OF RESOLUTION TO CREATE A HOUSE SELECT COMMITTEE ON THE TERRORIST ATTACK ON THE U.S. CONSULATE IN BENGHAZI, LIBYA

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. WOLF. Mr. Speaker, today I have introduced a resolution to establish a House Select Committee on the Terrorist Attack in Benghazi to ensure a unified investigation of the attack and the Obama Administration's response. A select committee is essential to combine the myriad existing investigations into a single, comprehensive and exhaustive review. I believe such a combined effort will yield even more information regarding the true nature of these terrorist attacks and the administration's response.

More than 80 days have passed since the terrorist attack on the U.S. consulate and annex that occurred during the late evening and early morning hours of September 11-12. The attack took the lives of four Americans, including a U.S. ambassador—the first ambassador to be killed in the line of duty since 1979. Yet the American people still have been told little about the timeline of this attack and the administration's response in the hours, days and weeks following. The American people still haven't been provided answers to serious questions. For example, why was additional security denied to the ambassador? What intelligence was known about the threat prior to the attacks? There are also serious questions about links of this terrorist attack to the protests at the U.S. embassies in Cairo, Egypt, Tunis, Tunisia and Sanaa, Yemen that same week—where each American compound was breached by individuals allegedly linked to al Qaeda-affiliated groups. What, if any, were the connections between these incidents and the attack in Benghazi?

These questions are too serious—and the consequences too grave—to be brushed



aside. There are critical legislative decisions the next Congress will have to make based on the answers of these questions. But more importantly, the American people deserve answers to these questions—including open hearings and an unclassified report.

The select committee I am proposing should draw from the existing congressional investigations by including the chairman and ranking member of each committee of jurisdiction—Intelligence, Foreign Affairs, Judiciary, Armed Services and Oversight and Government Reform—as well as five additional Republicans appointed by the Speaker and two additional Democrats appointed by the Minority Leader.

I appreciate the support I have received for this resolution from the original cosponsors, as well as the Heritage Foundation. I also submit for the RECORD a recent op-ed that was published on RealClearPolitics.com by former Senator Fred Thompson articulating the benefits of a unified select committee. Senator Thompson has a unique perspective on the need for this committee given his experience as counsel on the Senate select committee on Watergate.

Mr. Speaker, we owe it to the families of the victims, and the American people, to fully investigate this terrorist attack. I urge my colleagues to support this resolution.

[Nov. 28, 2012]

INVESTIGATING BENGHAZI: WHY WE NEED A  
SELECT COMMITTEE  
(By Fred Thompson)

As we fixate on the latest version of Gen. David Petraeus' testimony or the misleading statements of Susan Rice, I suggest that we stop and think about the size of what we are dealing with. The Benghazi tragedy raises questions concerning the protection of our embassies, the performance and capabilities of our military and our intelligence community, as well as the decisions of high-ranking officials in the Department of Defense, the State Department, the White House and possibly the Justice Department.

The scope of the questions that involve an array of officials, and sensitive agencies and departments of our government, is unprecedented. The inquiry into what happened and why, along with who is or should be accountable, calls for a focused, responsible effort equal to the seriousness and the complexities the issues.

I've seen this rodeo before, both in a constructive manner (Watergate, where I served as a counsel) and a less-than-constructive one (Clinton-era investigations, where I chaired a committee that probed at least one facet of the various scandals). On our present course, the prospects for a relatively short but thorough, credible, bipartisan congressional investigation are not good. The prospects for a disjointed, drawn-out mess, replete with partisan bickering, are much better.

It is easy to identify at least eight congressional committees (four in each chamber) with claims of jurisdiction in the Benghazi matter. No committee has jurisdiction over all of it, and several committees have jurisdiction over parts that overlap with the jurisdictions of other committees. Some of the committee hearings will involve classified information and will be conducted behind closed doors. Members of "Committee A" will not know what a witness told "Committee B" in a closed hearing. Gen. Petraeus' recent appearance on Capitol Hill dem-

onstrates how difficult it can be to get a consistent story when the witness is making multiple appearances before even the same committee.

Perhaps not all committees with jurisdiction will have hearings, but if half of them do it will produce competing hearings, with competing staffs and competing press conferences over much of Capitol Hill. It will also take longer than necessary, as government officials shuffle back and forth giving repeat performances. Different committee chairmen and their committees will make different rulings on document production, whether to move for immunity for witnesses who refuse to testify on the basis of the 5th Amendment, and a host of other matters.

This is simply not the most efficient and credible way to proceed. And it is less likely to arrive at the truth. The seriousness of the matter calls for something better. It calls for a select committee that is given a specific mandate, a budget and a cut-off date that can be adjusted if it is agreed upon. It needs to be comprised of members of both parties who have been selected by their leadership because of their proven integrity, reputation for fairness, and expertise in a given area.

In a matter fraught with political implications, it is especially important that Congress accept its responsibility and minimize partisanship as much as possible. History demonstrates that this goal is much easier to achieve with a handful of selected people than it is with many. Since 1789, when Congress investigated a failed military expedition, select committees have been utilized to serve such important and sensitive functions, and the Benghazi matter should follow in that long tradition, whether by means of a joint committee of both houses of Congress or by either chamber.

Most select committees have become historical footnotes. Some, however, are well remembered because of the contribution they made to helping Congress carry out its duties of legislating, overseeing the executive branch and educating the American people as to the operation of their government. Ironically, it is because of the success of these panels that some members of Congress and others oppose the formation of one in this case.

They say that forming a select committee for a matter such as Benghazi, where a consulate and four American lives were lost, would attach too much importance to the investigation. They fear that it would be equating it with Watergate. Of course, if the Watergate standard, as they define it, is now the operative standard for the formation of a select committee, then seldom, if ever, will another select committee be formed.

Critics of the select committee miss the point on several levels. First of all, if indeed a comparison is to be made, one must look at the seriousness of facts and issues presented concerning Benghazi and compare them with the seriousness of facts and issues presented at the times when other select committees, such as Watergate, were formed. So compare the Watergate burglary with what we have here. Can there be any doubt that Benghazi passes the Watergate test?

The wisdom of utilizing a select committee should not just be judged on the outcome of the committee's work; dramatic results are not always achieved or warranted. The select Watergate Committee is a beneficial reference point, not because of the end result of its investigation a year and a half after it was formed, but because of the process Congress utilized to deal with a difficult situation.

At that time, we had a Republican president and a Congress controlled by the Democrats. Yet the Senate voted unanimously to form the committee. Democratic leadership appointed Sen. Sam Ervin, reputed to be the chamber's leading constitutional scholar, to chair the committee. The Republican leader appointed Sen. Howard Baker to be the vice chairman and leading member of his party on the committee—a senator who was respected on both sides of the aisle. These men protected the legitimate partisan interests of their respective parties and the path was not always smooth, especially behind closed doors, but they understood that their colleagues, as well as the nation, were depending upon them to be responsible and seek the truth. Authority and accountability were clearly placed on the committee, and its members performed accordingly.

Select committees are not perfect creations by any means. A clear narrative is often difficult to produce under any circumstances. However, a select committee is simply much more likely to produce focused and credible results. Soon we will see if the United States Congress is still capable of coming together toward the common goal of getting to the bottom of a very serious matter. Or, are decisions about select committees simply reflective of positions based upon whose ox is in danger of being gored?

TRIBUTE TO ANN DAWSON  
AUGUST

HON. JAMES E. CLYBURN  
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, December 4, 2012

Mr. CLYBURN. Mr. Speaker, it is a bittersweet occasion as I rise today to congratulate Ms. Ann Dawson August on being named Executive Director of the Birmingham-Jefferson County Transit Authority in Birmingham, Alabama. As she accepts this position, she is leaving the Santee-Waterlee Regional Transportation Authority (SWRTA) in Sumter, South Carolina, where she has served as the Executive Director of SWRTA for the past 11 years. She leaves behind a stellar record and will be sorely missed.

A native of Sumter, South Carolina, Ms. August spent 39 years in Philadelphia, where she attended public schools and La Salle University before working for 13 years for the Southeastern Pennsylvania Transportation Authority (SEPTA), the fifth largest transit authority in the country. In 1997, she demonstrated her versatility when she transferred her talents from the urban SEPTA system to SWRTA, the second largest urban and rural transportation authority in South Carolina.

Ann's service in the transportation arena has extended far beyond SWRTA. She is a member of the Sumter County Transportation Committee and the Transportation Research Analysis Committee for the Transportation Research Board in Washington, DC. From 2009 to 2011, she was the Chair of the Transit Cooperative Research Program Oversight and Project Selection Committee, and she is currently the Southeast Regional Director of the Community Transportation Association of America.

Ms. August has garnered media acclaim during this distinguished career. In 2007,

SWRTA was featured in Mass Transit Magazine, and in 2008, Ms. August contributed to the magazine's "Manager's Forum" on the topic "How a Board Can Help Directors Manage Systems."

An asset to the community in numerous capacities outside of transportation, Ms. August previously served as Vice President of the YWCA of the Upper Lowlands Membership Committee and is the immediate past Chair of the United Way of Sumter. She served 30 years in the Army Reserves, retiring in 2004. Ann is married to Henry August Jr., a transportation professional who retired from SEPTA after serving 35 years in the industry; they have two adult children and five grandchildren.

Mr. Speaker, Ms. August will be missed in South Carolina, but I have no doubt that our loss will be Alabama's gain. I ask that you and my colleagues join me in wishing Ms. Ann Dawson August all the best and Godspeed in her future endeavors.

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HONORING OFFICER THOMAS  
DECKER UPON HIS DEATH

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**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mrs. BACHMANN. Mr. Speaker, I rise today to honor Officer Thomas Decker of the Cold Spring Police Department. On November 29, Officer Decker was killed in the line of duty while trying to help a man believed to be suicidal.

Officer Decker was a Minnesota boy through and through, growing up on a dairy farm near Cold Spring. After attending Rocori High School, he went on to serve as a police officer for 10 years, serving in the communities of Isle, Watkins, Kimball, and the Cold Spring/Richmond Police Department. He bravely served the citizens of central Minnesota and those who knew him called him a hero who loved his family. He leaves behind a wife, four young children, parents, siblings and a community who loved him.

Officer Decker's death tears at the heartstrings of a small town who knows all too well the sting of heartbreaking tragedy. This community lost another son to senseless bloodshed. It is hard to grasp why such violence occurs, but it is important that friends and neighbors stick together in these trying times. My thoughts and prayers are with the Decker family as they deal with this painful loss, especially five-year-old Devon, six-year-old Justin, seven-year-old Jade and eight-year-old Kelly.

Mr. Speaker, I ask this body to join with me in mourning the loss of this brave and noble police officer who represented not only Minnesota, but also a force which protects citizens across this great country.

IN RECOGNITION OF THE RETIREMENT OF DR. PHILLIP HAMMONDS

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to join my colleagues Congressman SPENCER BACHUS and Congresswoman TERRI SEWELL in asking for the House's attention today to recognize Dr. Phillip Hammonds who is retiring as the Superintendent of Jefferson County Schools after nearly 40 years of service to Alabama's school systems.

Dr. Phillip Hammonds received his Bachelor degree in English Education from Evangel College in Springfield, Missouri. Soon after, he received his Master's degree from the University of Alabama at Birmingham. He went on to earn Doctoral degrees from both the University of Montevallo and the University of Alabama.

While earning his numerous degrees, Dr. Hammonds also served Alabama schools in various capacities. From 1973–1983 he worked for Sylacauga High School. In 1983, he began working for the Sylacauga City School System, where he stayed until 1996. He also served as the Superintendent of Sylacauga City Schools from 2001–2003. From 1996–1997, Dr. Hammonds was the Superintendent of Education for Pell City Schools. In 1997, he began his work for the Jefferson County School System, and in 2004 he was appointed Superintendent.

Because of his faithful service to Alabama's school systems, Dr. Hammonds has been the recipient of numerous awards. In 1989, he was honored as the Outstanding Graduate Student in School Administration at the University of Montevallo. In 1991, he received a Faculty Recognition Award from the University of Alabama. He was also named the Outstanding Alumnus in School Administration by the University of Montevallo in 1996. In 2007, he was recognized as the Outstanding Superintendent of the Year by the Alabama Congress of Parents and Teachers. Finally, in 2010, he was appointed to the Board of Directors for the The Capstone at the University of Alabama.

Mr. Speaker, we join his family, friends and the state of Alabama in this celebration in his honor. We will miss Dr. Hammonds' leadership in Alabama, and wish him the very best.

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HONORING UNITED STATES NAVY  
VETERANS

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**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they

make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. I would like to honor, from the Navy:

Michelle Luz Trinidad, Stephanie Tillman, Andrew Kissoon, Gary Austin, Emmanuel Hernandez, Carlo D. Casanova, Kristie Hamm, Relles Campos, Raymond Farmer, Peter Calhoun, Ruben Gallardo, Percy Fernando Monroe, Jeffrey W. Butler, Jr., Marquais Rashann Bellamy, Marcus M. White, John C. Carter, Jr., Michael C. Thompson, Frederick Alan Edwards, Kenyatta Bennett, Jamie Shire, Cameron Zbikowski, Sam Owens, Neville Bain, Alvine Burke, Freddie Berrios, Janette Ramos Chandler, Rafael Trinchet, Henry Elam, Willie B. Taylor, Mae Christian, Randolph Mobley, John M. Locklier, Charles W. Wright, Brian F. Kipp, David Nunez, Ben Rape, Stephanie Tillman, James F. Wilson Jr., Jackie Bernard Singleton, Richard Victor Powell, Mary Lesic, Angus Laney, Rock Daze, Franklin Johnson.

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

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PERSONAL EXPLANATION

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**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a family medical situation and was not present for the rollcall vote numbered 611 on Thursday, November 29, 2012. Had I been present, I would have voted in this manner:

Rollcall Vote No. 611—Resolution providing for consideration of H.R. 6429, the STEM Jobs Act: "no."

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LT ENVIRONMENTAL, INC. (LTE)

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud LT Environmental, Inc. for providing decades of expertise through innovative technologies in helping our citizens identify and eliminate environmental liabilities.

Since 1992, LT Environmental or LTE, has performed environmental consulting services for a diverse range of industries including oil

and gas, transportation, manufacturing, real estate, government, and public and private property owners. The high level of devotion LTE has shown to our communities serves as a prime example of their quality service.

LTE's primary goal of rapid site closure allows for businesses, many of whom would otherwise had to close their doors, to ensure the safety of their employees and the environment alike. Sustainable and environmentally-conscious practices have been a top priority for LTE since its foundation. Certainly, without companies like LTE, the citizens of Colorado would not be able to enjoy the beautiful lands we have all come to know and love.

The list of awards and recognitions received by LTE serves as a testament to the ongoing successes of LTE. Most notably, the company is the recent recipient of both the 2012 Top Company award and the 2012 Colorado Company to Watch. It has also been recognized by Colorado Biz Magazine as one of the top ten fastest growing private midsize companies in Denver.

I am very proud to have the LTE headquarters located in Arvada, Colorado. LTE continues to expand its outreach into all areas of Colorado, as well as New Mexico, Wyoming, Idaho, Utah and Florida. I can confidently say that my colleagues here today will soon observe the benefits of having LTE serve in their communities.

Mr. Speaker, the commitment of LT Environmental to the people, businesses and lands of Colorado serves as an example to those in the environment, and throughout all areas of commerce. It is with great pride and admiration that I am able to briefly speak on the triumphs of LT Environmental. I am certain the effects of their service will continue to benefit our communities for decades to come.

CONGRATULATING BENJAMIN  
STRALEY

**HON. STEVE STIVERS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. STIVERS. Mr. Speaker, I rise today to congratulate Benjamin Straley on being named Assistant Organist at the National Cathedral in Washington D.C. His dedication to sacred music and continued education is truly remarkable. Today, Mr. Straley holds his position on the incredible music staff at the National Cathedral and shares playing responsibilities with two other organists.

Mr. Straley is an Ohio native from the 15th Congressional District, and he has proven to be one of the top organists in the nation. A recent graduate of Yale University, Mr. Straley studied sacred music and theological education and earned many awards and recognitions. Included among his many accomplishments is the Baker Prize, a prize awarded to incoming organ students at Yale deemed to be in the top one or two percent of young organists in the country. Mr. Straley was also one of the few Americans in the entire history of the Haarlem Organ Festival invited to compete in its prestigious improvisation contest.

I would again like to congratulate Benjamin Straley on being named Assistant Organist at

the National Cathedral. The people of Ohio's 15th District are dedicated, hardworking people, and Mr. Straley's accomplishments make me proud to represent the 15th District in Congress.

HONORING SOLANO COUNTY  
SUPERVISOR BARBARA KONDYLIS

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with my colleague, Congressman MIKE THOMPSON, to recognize the many accomplishments of Solano County Supervisor Barbara Kondylis as she retires after twenty years of distinguished service on the Solano County Board of Supervisors.

Barbara was born in Seymour, Indiana, and raised in Port Jefferson on Long Island, NY. In 1969, Barbara moved to Vallejo with her husband Gabriel. Barbara completed her education in the Bay Area, earning a Bachelor's Degree in Public Administration from the University of San Francisco and a Master's Degree in Public Administration from California State University, Hayward.

Barbara won a Vallejo City Council seat in 1979 and served for nine years. She then turned her attention to the Solano County Board of Supervisors, winning the seat in 1992. Barbara was motivated to run because she was concerned about government process and land use decisions that threatened Solano County's environment, as well as the plight of women and children, particularly issues of family violence, poverty, and family planning.

Barbara has accomplished much on behalf of Solano County's children and families. She established the Office and Family Violence Prevention, the Family Justice Center, and Baby Coach, an innovative program to ensure good outcomes for high risk mothers and their babies. Barbara also successfully promoted AB 2010, which passed the California Legislature, allowing Solano County to charge Vital Records Fees, increasing revenue \$80,000 a year directed to reduce family violence. She helped implement Court Appointed Special Advocates who have helped hundreds of children going through dependency court. Barbara also proposed and initiated "Smile in Style" which provided dental screenings and other services to thousands of elementary school children, allowing many to get emergency dental care.

During her long career, Barbara has served on many local and regional boards including the Solano County Water Authority, City-County Coordinating Committee, San Francisco Bay Conservation and Development Commission, Mare Island Re-Use Committee, Health and Social Services Sub-Committee, Tri City-County JPA for Agriculture Lands and Open Space Preservation, Vallejo Sanitation and Flood Control District Board, Vallejo Justice Committee, California State Association of Counties Board of Directors and Executive Committee, Solano County Children and Families First Commission, Baby First Solano, Association of Bay Area Government Board,

Delta Protection Commission, and California State Association of Counties Condition of Children Taskforce.

Mr. Speaker, we invite this chamber to join us in honoring Supervisor Barbara Kondylis for her tireless and dedicated service to the people of Solano County. We also join her family, colleagues, and friends in congratulating her on a successful and fulfilling career as an elected official and wish her the very best in her future endeavors.

HONORING DENNIS ROTH ON THE  
OCCASION OF HIS RETIREMENT  
FROM THE CONGRESSIONAL RE-  
SEARCH SERVICE

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. HONDA. Mr. Speaker, I rise to acknowledge the outstanding career of a dedicated public servant from the Congressional Research Service, Dennis Roth. Mr. Roth is retiring in January after 42 years of public service.

Mr. Roth came to the Congressional Research Service in 1976 as a labor economist, working in what was the the CRS Economics Division. Mr. Roth rose steadily through the ranks, becoming one of that division's first section heads. During this time, Mr. Roth worked closely with Members of both houses of Congress and their staff, providing valuable research and analysis for one of the era's landmark pieces of legislation, the Humphries-Hawkins Full Employment Act. Among its provisions, the Act set national goals for full employment and mandated that the Federal Reserve establish policies that not only controlled inflation, but also encouraged long-term economic growth and price stability; a mandate that guides the Federal Reserve to this day as it navigates the troubled economic environment in which we currently find ourselves.

In the 1980's, while maintaining his workload as a labor economist at CRS, Mr. Roth became active in the Congressional Research Employees Association (CREA). In 1986, Mr. Roth ran for President of the Association, but lost on his first try. He ran again in 1987, and this time he won. The employees at CRS demonstrated their confidence in his stewardship by returning him to office each year since. For 25 years, Mr. Roth has been a tireless advocate for the rights, goals, and aspirations of all employees at the Congressional Research Service. In his spare time, he has also been active in the Federal Caucus of the International Federation of Professional and Technical Engineers (the IFPTE), with which CREA is affiliated, and which represents a broad segment of the federal workforce. In 1990, Mr. Roth was elected IFPTE Eastern Federal Area Vice President, a position in which he served until July of 1997. He was also elected as Executive Vice President of IFPTE in 1994 and served until July 1997.

Mr. Roth grew up outside Carlisle, Pennsylvania. He graduated from Antioch College in 1968. He immediately joined the Peace Corps, serving in Catanduanes in the Philippine Republic where he taught math and worked in

the areas of economic and agricultural development. In fact, Mr. Roth met his wife-to-be Daisy while he was a Peace Corps volunteer. The two wed and, at the end of his Peace Corps tour, they returned to the States, where Mr. Roth attended the University of California, Berkley and completed the academic requirements for a Ph.D. in Economics. Before coming to CRS, Mr. Roth also served in the Department of Labor, working as an economist for the Assistant Secretary for Policy, Evaluation, and Research. Mr. and Mrs. Roth have two grown children, Jessica and Benjamin.

As Ranking Member of the Legislative Branch Appropriations Subcommittee, I take great pride in all of the outstanding people who choose to work for this august body and help us do our jobs better. On behalf of my colleagues, I congratulate Mr. Roth on his many years of exceptional service to this Congress, to the people of the United States, and the employees of the Congressional Research Service; and as a fellow Returned Peace Corps Volunteers, I thank him for his service to the people of Catanduanes Island. He epitomizes the highest ideals of public service. We wish him all the best.

THE PASSING OF MR. LOWELL O.  
SCHUSTER

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mrs. CHRISTENSEN. Mr. Speaker, I come before the House with a heavy heart to express my condolences and pay tribute to Mr. Lowell O. Schuster a beloved Virgin Islander, loving husband, devoted father, veteran, teacher, businessman, community leader and very dear friend.

Lowell Schuster was born in Christiansted, St. Croix, U.S. Virgin Islands, on November 12, 1928 to Mr. Eugene and Mrs. Enid Schuster of Christiansted, St. Croix. Mr. Schuster attended St. Mary's Catholic School and The Christiansted High School. After graduation from high school, he enrolled at Howard University in Washington, DC, where he received a Bachelor of Science degree in Psychology. While attending Howard University he entered the Reserve Officers' Training Corps. Following his graduation from Howard University, he entered the United States Army as an officer with the rank of Second Lieutenant.

Mr. Schuster had a distinguished military career. He was stationed in Germany where he bravely served during the Cold War. On May 9, 1955, he was promoted to First Lieutenant of the United States Army and was granted Top Security clearance. He became Infantry Unit Commander and led the troops on daily patrols along the West Germany-East Germany border. On November 26, 1958, Mr. Schuster was granted an Honorable Discharge. In recognition of his military service, he received the National Defense Service Medal. Mr. Schuster continued his service to our Nation by entering the Army Reserves where he was promoted to Captain. He also became active with the U.S. Virgin Islands Na-

tional Guard. He was honorably discharged from the United States Army Reserves on February 10, 1969.

During his tenure in the Reserves, Mr. Schuster began his second career as a teacher at the Christiansted High School. He again distinguished himself as an educator and within a short period of time was promoted to Assistant Principal and later became Acting Principal. After his father became ill, he resigned from his position to enter the world of business, taking over the operations of Schuster's Services, the largest fully integrated water company in the Virgin Islands. He further expanded the business to include the bottling of water and named it Blue Mountain Water, now Blue Mountain Purified Water, LLC.

These water companies were Mr. Schuster's pride and joy. He looked forward to going to the office every morning, working tirelessly, and returning home to his family. Blue Mountain Purified Water, LLC remains the first bottled water company in the Virgin Islands and the largest of its kind on St. Croix. Schuster's Services is one of the oldest businesses in the U.S. Virgin Islands.

Of all of his accomplishments, his greatest was being a devoted husband and father. Mr. Schuster married the love of his life and high school sweetheart, Rita M. de Chabert, after entering the armed services. They started their family while he was stationed in Germany. Mr. Schuster and his wife were married for 58 years and raised 4 children—Gregory, Janine, Kenneth and Troy. They are the proud grandparents of three grandchildren.

On behalf of my family, staff and the Congress of the United States, I extend our sincere condolences and want the family to know that our thoughts and prayers are with them as we mourn the passing of a great man. We cannot replace Lowell but we will attempt to improve our lives and live our lives as demonstrated by his great example.

PERSONAL EXPLANATION

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. EDWARDS. Mr. Speaker, I was absent from votes in the House last Friday (November 30th) due to a family funeral and missed rollcall votes 612–613. Had I been present, I would have voted "yes" on rollcall vote 612 (motion to recommit H.R. 6429, the STEM Jobs Act) and "no" on rollcall vote 613 (final passage of H.R. 6429).

HONORING UNITED STATES ARMY  
VETERANS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of

the men and who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. I would like to recognize, from the Army:

Mona Figueroa, Julie Chery, Amaury Acosta, Delaware Blue, Pedro David Lanza, Jimmy Moises Palma, Edwin Garcia Llauger, Dejongh Oscar, Evette Linda Phillips, Virgil A. Lacey, Norman Cooper, William Berrios, James Hosley, Charles Henry Green, Daniel Shannon, Franklin D. Mack, Alfred E. Glass, Cleotha Brown, Thomas George Darden, Ishmnel Cash Rolle, Jr., John Steele, Bobby White, Andrew D. Reid, Neville Solomon Shorter, Richard A. Love, Jr., Rufus Lester, Hector Ramirez, Paul Murray, Alexander Flowers, Eulas C. Mitchell, Jr., Jeffrey Smith, Reinnier Ray Santos, Sunil Mittoo, Trenton A. Brewton, Travis D. Small, Bernard Carr, Michael D. Beebe, George Hill, Robert Foster, Wilfred Bedeau, Derrill Clayton White, Hector E. Valle Acosta, Alex Esteban White, Tan S. Eward, Jeffrey Allen Cooper, Robert Brown, Mose McClain, Alejandro Suarez, James Henry Sconiers, Murray Lanard, Mito N. Smith, Tomas M. Rodriguez, Rutheven Williams, Roscoe Shannon, James L. Struchins, Tommy Fortner, Jr., Elizabeth Fequiere, Andrew Nesbitt, Paul M. Wellons, Samuel C. Rhoden, Cedric Halyard, Alvin Chambers, Shirlene Ann Lassiter, Jerome Williams, Hugh H. Hood, Jared M. Dawson, Charles F. Johnson, Jr., John A. Cooper, Israel Santiago, Deoraj Ramsaran, Willie L. Thompson, Michelle R. Forbes-Brown, Benjamin B. Cowins, Sr., Rufus Curry, Jr., Michel Pellerin, Craig Coney, Abe Stein, Phillip A. Johnson, Claude Evans Adside, Jr., Debra Reed, George A. Stewart, John Garrison, Ronald Maycok, Charles Markx, Walter Hardemon, Corey Cornell Butler, Willie Brinson, Willie Thomas, Edwin Bain, Herman Williams, Albert Sturrip, Dan Brand, Jerry Williams, Esme Bain, James C. Smith, Raymond Burke, John Donald Pace, Jr., Derrick Andrea Porter, Patricia Ann Barber, James E. Johnson, Diana M. Gilliam, Carla Horne, Beatrice E. McIver, Winifred D. Browne, Evette Linda Phillips, Charlie Reid, John Williams, Simuel Williams Jr, Maurice Ratliff, Michael Johnson, Santwan Williams, Hector Rivera, Nathan Johnson, Jose Morales, Alphonso Giles, Beverly Bethel, John Riley, Karen Boyd, Edgar Childs, Virgil Lacey, Frank Rawlerson, Mariano Cruz, John Zeigler, Melissa Billingsley, Evette Phillips, George Stanley, Namon J. Gilbert Jr. Glen R. George, Allyn McKinney, Charles Green, Roger Hibard, Seitu Muhammad Kokavi, Shirl Cornwall, Richard Mason, Peter James Kendrick, Charles Mack, Ronald Maycok, John Garrison, Norman Kight, Henry Pickett, Willie Thang, April Barnes, Thaddeus Pinkney, John Wallace, Walter Hodge, Luther Benjamin Smith, Charmaine Rolle, Allison Bullard, Timothy Forbes Sr., Sam Lattimore, Edilberto Martinez, Phillip Moncur, Vernetta Berry Richardson, Wilfred Bedeau, Wesly Frazier, Darrell Morgan, Roland James, Henry Elam, Alfred Gordon, Peter James Kendrick, Louis Tyler, Karen A. Boyd, Frederick Edwards, Johnnie Nesmith.

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

CONGRATULATING THE REPUBLIC  
OF CYPRUS ON ITS PRESIDENCY  
OF THE EUROPEAN UNION (EU)

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. BERKLEY. Mr. Speaker, today I would like to honor the Republic of Cyprus as its first six-month rotation of the European Union Presidency comes to a close. The EU Presidency is a significant event in the history of this nation with which the United States has such a close relationship.

This small, but vigorous country has overseen a number of historic events during its tenure in the Presidency. Most notably, the EU approved a new round of sanctions against Iran. These sanctions are the toughest measures imposed by the EU to date and target Iran's nuclear and ballistic missile program. The sanctions ban financial transactions, prohibit the export to Iran of materials that could be used for its nuclear and ballistic program, ban the importation of natural gas from Iran, and impose an asset freeze and travel ban on 34 additional Iranian entities reportedly providing financial support to the Iranian government. I would like to congratulate the Republic of Cyprus for overseeing the enactment of these sanctions as they will work in tandem with the strong US sanctions imposed against Iran. This is a critically important step that will help to keep the rulers of Iran from fulfilling their quest for nuclear weapons. Furthermore, it will help to ensure the security of our strongest ally in the region, Israel, by maintaining regional stability. Again, I extend my sincere congratulations to the Republic of Cyprus on a successful EU Presidency.

DR. FREDERICK L. GROVER, MD

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dr. Frederick Grover for his service to our community.

After serving in the Navy, Dr. Grover diligently worked to ensure the future of cardiothoracic medicine. Throughout his career, Dr. Grover trained and mentored over 39

thoracic surgery residents. As the Chair of the Department of Surgery at the University Colorado School of Medicine, Dr. Grover preserved the success of our medical communities for generations to come. Dr. Grover's selfless devotion to his students provided an exemplary standard of service.

Dr. Grover's continual efforts in aiding the men and women whom served our nation are undoubtedly worth the upmost gratitude. For 12 years, Dr. Grover dedicated himself as the Chief of Surgical Services at the Department of Veterans Affairs Medical Center in Denver. During this time, Dr. Grover pioneered the VA Cardiac Surgery Database as the Medical Director of the Continuous Improvement. It is his daily endeavors, as well as promotion of future medicines, that exemplify the level of service Dr. Grover continues to emulate.

Dr. Grover distinguishes himself as a caring member of the community by striving to aid numerous professional organizations. Whether it is his advocacy through the formation of healthcare policy at the national level, or serving as President of the Society of Thoracic Surgeons, Dr. Grover is truly a remarkable member of our community.

Dr. Grover's commitment to enriching the community serves as a great example to those in medicine, and throughout all disciplines. It is with great pride and admiration that I am able to briefly speak on the successes of Dr. Frederick Grover. I am certain the effects of his service will continue to benefit our communities in Colorado for decades to come.

RECOGNIZING CENTRAL SERVICE  
TECHNICIANS

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. LONG. Mr. Speaker, I rise today to recognize Central Service Technicians.

Central Service Technicians are responsible for processing surgical instruments, supplies and equipment, and serve in settings ranging from hospitals to ambulatory surgical centers throughout the country.

These individuals provide support to patient care services and are tasked with ensuring supplies needed for patient care are decontaminated, cleaned, assembled, and sterilized.

The Central Sterile Supply Department of a health care facility is the heart of all activity surrounding instruments, supplies and equipment required for operating rooms, Endoscopy suites, Intensive Care Units, birth centers and other patient care areas.

Central Service Technicians play an important role in patient care arenas, and are responsible for first-line processes to prevent patient infections.

Mr. Speaker, Central Service Technicians are instrumental to patient safety and I am honored to recognize their vital role in the health care arena.

IN HONOR OF THOMAS MCKENNON  
"KEN" SHEA

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor the life of Thomas McKennon "Ken" Shea, a life-long resident of Dumas, Arkansas, who passed away at the age of 58 on November 29, 2012. Ken was born on August 9, 1954 in Dumas, Arkansas and I would like to recognize his life and achievements.

Raised in Dumas, Arkansas, Ken attended Dumas High School and earned a bachelor's degree from Louisiana State University, where he was a member of Kappa Sigma fraternity. Ken returned to Dumas after graduating from LSU to become associated with his father at McKennon Implement Co. Inc, the family's John Deere farm equipment dealership, and served as president and sales manager there while helping to oversee his family's farming interests. Following the sale of the McKennon dealerships Arkansas Ag in 2011, he was Location Manager for Arkansas Ag in McGehee. He was a past president of the Southeast Equipment Dealers Association.

Ken led an exemplary life and was extremely active in many different capacities. He was past president of the Dumas Chamber of Commerce, Dumas Lions Club, and Walnut Lake Country Club Boar. He served as chairman of the Dumas Airport Commission, on the Chicot-Desha Metropolitan Port Authority (Yellow Bend Port) and on the Dumas School Board. He represented the Dumas area on the Southeast Arkansas Levee District Board and had been a member of the AgHeritage Farm Credit Services Board of Directors since 1993. Ken was chosen as the Ding Dong Daddy of Dumas for 1996 and was named Dumas Lions Club Man of the Year in 1993, the same year his wife Debbie was honored as Woman of the Year at the annual Dumas Chamber of Commerce banquet.

Ken was also very active at the First United Methodist Church where he served as past chairman of the Administrative Board, a member of the governing council, and a Sunday School teacher.

Leading by example through a lifetime of dedication, community service, and commitment to agriculture, Ken has left an undeniable mark on the Desha County community. Dumas is a better place, more cohesive community because of Ken Shea and he will be deeply missed. My heartfelt condolences are with his wife of 35 years, Debbie; his son, the Rev. Thomas McKennon Shea Jr. and wife Anna Collins Shea; his daughter, Sarah Helen Shea Studebaker and husband Peyton Mills Studebaker; his brother, William Warrick "Bill" Shea; his sister, Anne Shea Carroll; and his two grandchildren, Jackson Reade Studebaker and Thomas McKennon "Mac" Shea, III. While Ken may no longer be with us, his spirit will live on forever in the lives he touched.

## OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,338,092,943,716.61. We've added \$5,711,215,894,803.53 to our debt in nearly 4 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## TRIBUTE TO TOM VICINI

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to my good friend, Tom Vicini, for his tremendous leadership and tireless dedication to inspire young people in southern and eastern Kentucky live a drug-free life.

In recent years, Tom has witnessed the devastating effects of the prescription drug epidemic in his hometown of Lynch, Kentucky and across our rural region. Rather than quietly standing by, Tom has committed his life to making a difference both as a selfless community leader and a compassionate little league coach.

After earning a Bachelor's degree in Business Administration from the University of Kentucky, Tom returned to Lynch where he worked in the private sector and served as Mayor for 13 years without taking a salary, due to tight budgets. He is now a Coalition Coordinator for Operation UNITE, a non-profit organization designed to combat substance abuse through law enforcement, treatment and education, serving the Fifth Congressional District of Kentucky. Through his work with UNITE, Tom helps coordinate community anti-drug events and reaches out to families and individuals grappling with addiction on a daily basis.

For the last 34 years, Tom has spent his evenings and weekends coaching little league baseball, a lifelong passion. Tom is more than a successful coach, however. He is also an excellent mentor and role model, encouraging players to stay off drugs, make healthy life choices, and never give up. Tom makes sure that every child gets to play, regardless of talent. All he asks for in return is that they give their best effort on the field. Additionally, Tom organizes free baseball camps for youth and assists with various drug-free programs, including Shoot Hoops Not Drugs and Hooked on Fishing—Not on Drugs. In honor of his contributions to the sport of baseball, Tom received the 2012 Major League Baseball Commissioner's Play Healthy Award through the Partnership at DrugFree.org in conjunction with MLB Charities.

Tom's talents far exceed his boundaries, yet he is determined to help transform his small community and our rural region of southern and eastern Kentucky. As some of those same little league players have grown up, Tom has encountered a few in handcuffs during drug roundups, but his immediate response is to kneel down beside them in prayer, offering words of encouragement. It is his courage of conviction and steadfast resolve to help those in need that drive his unwavering kindred spirit. His message of hope and perseverance in the face of adversity is manifested every day through his tireless effort to encourage the youth of his community to reach for a brighter future.

Mr. Speaker, I ask my colleagues to join me in honoring Tom Vicini for receiving the MLB Commissioner's Play Healthy Award, and for his unwavering commitment to the youth of Harlan County.

## PERSONAL EXPLANATION

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. OWENS. Mr. Speaker, I was unavoidably absent due to a family emergency on November 29th and November 30th, 2012. As a result, I missed rollcall votes 611, 612, and 613 related to H.R. 6429, the STEM Job Act of 2012. Had I been present, I would have voted "no" on rollcall vote 611, "yes" on roll call vote 612, and "no" on roll call vote 613.

## THE IMPENDING FISCAL CLIFF NEGOTIATIONS AND THE EXTENSION OF TAX CUTS FOR THE MIDDLE CLASS

**HON. AL GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. AL GREEN of Texas. Mr. Speaker, as Congress and the President continue to move toward a compromise addressing the "Fiscal Cliff," I support a balanced approach that creates jobs and supports long-term economic growth. A key component of sustained economic growth is the extension of the current tax rates for middle class Americans. Furthermore, I support an approach that boosts the confidence of small business owners and provides them with the certitude they need to meet the demands of a recovering economy. Congress must support an approach that avoids the harmful sequestration spending cuts that may affect nearly every sector of our economy and threaten our economic recovery. It is my hope that my colleagues and I can act as partners in promoting economic fairness that will steer America toward a brighter future.

JESSICA FORD

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. POE of Texas. Mr. Speaker, Jessica Ford had big dreams of becoming a doctor when she was growing up. Like many young girls, Jessica was just trying to find her way in life when she ran away from home. After she ran away, she met a man who made her feel safe. He claimed to have all the answers to her problems. She fell in love. Unfortunately, Jessica didn't realize she was falling in love with a predator.

Unbeknownst to Jessica, her new love identified her as prey and lured her in to his control by taking advantage of her vulnerability. Before she knew what was happening, she was his slave—threatened, raped and forced into prostitution. Her predator sold her for sex in her city and trafficked her in other places. This nightmare—living in slavery—lasted for thirteen years.

Jessica lived in constant fear of the men who owned her during those years. Not only did they steal her childhood, they stole her identity. She was an object to them, sold on an underground market just like any other commodity in demand. The sick reality of this market is best explained by Assistant U.S. Attorney Sherri Zack: "With selling a girl there's a huge advantage. After you sell a kilo of cocaine, you have to then buy another kilo of cocaine, but you can sell a girl or boy over and over again. It's an incredible renewable resource." Jessica's nightmare didn't start in a third world country; it started right here in Houston, Texas.

Human trafficking is the second largest organized crime business in the world, generating \$32 billion a year. This dastardly deed occurs all over the world, but most people don't know that it occurs right here in the United States. Unfortunately, Texas has become a hub for human trafficking—in 2007 nearly 1/3 of the calls to the National Human Trafficking Hotline came from our state. The many interstates, airports and ports in Houston make our city convenient for traffickers. Trafficking rings operate in places that you see along the streets in our communities, like some massage parlors where women are sold for sex. This modern day slave trade occurs right in our own backyard. It seems like a Hollywood movie, but this is reality.

There are many faces of trafficking victims, but typically the victims are women—both adult and child. In less frequent instances, the victims are men. Some are people who are smuggled here from another country believing they will have a job. Others are vulnerable American children. In many cases, these victims are forced into sex and/or labor trafficking to repay a debt. Sadly, too many of them are treated as criminals and not what they really are—victims of crime.

When I came to Congress, I founded the bipartisan Congressional Victims Rights Caucus. The Caucus works to bring attention to human trafficking. Legislatively, the Trafficking Victims Protection Act has brought about considerable changes in the way that the federal government responds to trafficking and coordination

worldwide. We are working towards reauthorizing this important bill.

On the state and local levels, Texas has taken significant steps forward to prevent trafficking, prosecute traffickers, and help victims. In Harris County, Precinct 4 Constable Ron Hickman and County Attorney Vince Ryan have made cracking down on human trafficking a top priority. They're working hard to close illegitimate businesses and arrest and prosecute those exploiting the vulnerable. The biggest challenge we face to battling this crime is the endless demand by customers.

Human Trafficking is modern day slavery. It's a human rights issue. Bringing awareness to the problem is the first step. We must continue to tell stories like Jessica's. Collaboration between federal, state and local governments is also key. Together, we can strengthen penalties for traffickers and buyers. And most importantly, we can't forget that those who have been trafficked are the victims. We must treat them like victims. They need assistance as they recover from servitude and rebuild their lives. Together we can eradicate the scourge of human trafficking. And that's just the way it is.

IN HONOR OF MARIO GUILIO  
MUSCIANO, SR.

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the beloved Mario Guilio Musciano, Sr. of Somerdale, New Jersey who passed away on Friday, November 23, 2012.

Born and raised in Camden, Mr. Musciano's life has been an inspiration to the citizens of South Jersey. As a United States Army veteran, he served with distinction during World War II, rising to the rank of sergeant as he fought to protect the freedoms that we all, as Americans, cherish. He survived the December 7th attack on Pearl Harbor and has, for over a decade, been an honored speaker at the annual Pearl Harbor Remembrance Ceremony held aboard the USS *New Jersey*.

A self-employed entrepreneur, Mr. Musciano owned and retired from the Sterling Tile Company of Somerdale, NJ. He was counted a member of both the Lion's Club and the Pearl Harbor Survivors' Club, and was a devoted husband, father, grandfather, great-grandfather, and brother. He will be sorely missed.

Mr. Speaker, Mario Guilio Musciano was a great man who exemplified the American spirit. I join the people of Somerdale and all of South Jersey in honoring the life of this exceptional man.

U.S. VIRGIN ISLANDS NEED FOR  
EMERGENCY ENERGY RELIEF

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce the Virgin Islands Energy

Crisis Relief Act of 2012. In January of this year, the HOVENSA Oil Refinery located on St. Croix in my Congressional district the U.S. Virgin Islands, announced that it would cease refinery operations because of the global economic slowdown, the addition of new refining capacity in emerging markets and the current low domestic price of natural gas. This announcement was an economic gut blow to the U.S. Virgin Islands not only because of its overall impact; a potential \$580 million reduction in direct gross economic output and \$92 million in overall government tax revenues beginning in FY 2012; and the direct termination of 2,471 employees and subcontractors which represents 12% of total employment and 27% of average gross pay of the private sector on St. Croix; but because of the crippling threat to energy affordability which inhibits economic growth and sustainability.

The HOVENSA refinery, which was one of the ten largest in the world, provided four percent of its refinery products in the form of gasoline, diesel, jet and propane fuel to the U.S. Virgin Islands. The HOVENSA refinery provided at least 90% of energy for the Virgin Islands Water and Power Authority, which received fuel to power the utility at a reduced cost based on the average cost of crude delivered to the refinery or \$2.00 less than the New York harbor landed fuel of the same type. The refinery also supplied most of the territory's gasoline service stations also at a reduced cost. According to VIWAPA, 76% of its costs are for the purchase of fuel. Even so, Virgin Islands residents and businesses pay electric power rates in the range of 44 to 48 cents per kilowatt hour, among the highest energy costs in the nation.

The greatest threat to the Virgin Islands economy and way of life posed by the closing of the HOVENSA refinery is energy affordability. While HOVENSA has agreed to supply fuel to the end of 2012, the Virgin Islands is in need of emergency relief in order to stabilize the cost of water and electricity to its business and residential consumers in the near future. In his 2012 State of the Territory address, Governor John deJongh said: "Without reliable electricity and water there will be no new businesses. Without reliable electricity and water, we will have no economic development, fewer jobs and lower revenues, all contributing to a downward spiral."

In light of the potential for economic catastrophe that currently exists, we are exploring an emergency appropriation for the purpose of stabilizing the economy of the Virgin Islands for a period of time, by subsidizing the cost of fuel, which the utility passes on to the consumer, both residential and business, through a funding mechanism called the Levelized Energy Adjustment Clause, known locally as the LEAC.

In recent months, the Government of the Virgin Islands and the utility, the Virgin Islands Water and Power Authority, have moved to implement a series of initiatives aimed at stabilizing the energy situation in the territory. They have published an Energy Action Plan that lists the following as its strategy to meeting the islands needs for energy. It includes:

Implementing measures to enhance production efficiency at existing power generation facilities;

Converting base load power production from fuel oil to liquefied natural gas or liquefied petroleum gas;

Developing grid interconnection between the Virgin Islands and Puerto Rico;

Maximizing the development of solar and wind resources;

Pursuing biomass energy and ocean thermal energy as potential diversification of base load energy.

While noteworthy, all of these goals are long term solutions that do not address the impact to homes, businesses and the entire Virgin Islands economy in the short term, hence the request for emergency relief. The Virgin Islands Energy Crisis Relief Act is aimed at lowering the cost of fuel to utility and therefore to the consumer; facilitating the conversion of the existing plant to utilize liquefied natural or liquefied petroleum gas; and increasing the number of residents who qualify for relief through the Low Income Home Energy Assistance Act (LIHEAP).

#### PERSONAL EXPLANATION

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a family medical situation and was not present for the rollcall votes numbered 612 and 613 on Friday, November 30, 2012. Had I been present, I would have voted in this manner:

Rollcall vote No. 612—Motion to Recommit with Instructions—H.R. 6429, the STEM Jobs Act: "Yes."

Rollcall vote No. 613—Final Passage—H.R. 6429, the STEM Jobs Act: "No."

HONORING UNITED STATES  
MARINE CORPS VETERANS

**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. Allow me to honor, from the United States Marine Corps:

Edgar Harris, Tony Colmenares, Willie James Ferguson, Leroy McKenzie, Clifford Farrell, Jr., Peter Almeida, Jr., Joyuanki Victore, Christian Zegarra, Felix Garcia, Oscar Sola Vega, Phil Davis, Eddy J. Fonseca, Charles V. Manno, Edward Haynes, Larry Gilbert Jones, Ewin Vasco, Alexander Cruz, Philip Henry, Brent W. Quinones, Candyce Haynes, Christina Watson, Tracy Noel, Jamal



Jenkins, Bentley Broussard, Jonathan M. Fuller, Javier A. Herbello, Kelvin J. Cox Jr., Kenneth del Mazo, Scott Schmidt, Richard Miller, Shane Suzuki, Jose "Pepe" Diaz, Rudolph Felton, Roberto Morejon, Widmayer Boucard, David Scott, Artice Shine, Jeffrey Paris, Jose Morla, Philip White, Darrell Morgan, Wesley Frazier, Johnnie Nesmith, Gary Gene Lipsomb, II, Joseph L. Cook, Jose Rojas, Manuel V. Ferrer, Walnex Philor, Leon Parker, Lonnie Lawrence, Gary Bryant, William Dozier, Peter Almeida, Jr., Patrick L. Purdy, William

Draper, Milton Qadir, Jim Gates Jr., Ed Moore, James Moore, William Parros, John L. Raineri, Jacob B. Butz, Luis Alvarez, Justin Cook, Luis Rivera, Ivens R. RestoSalgado, Eddy J. Fonseca Jr., Jonathan A. Salcedo, Ismael R. Lopez, Matthew D. Younger, Jaime M. Varillas, Carlos Santiago, Matthew J. Drumsta, John R. Hirnyk, Steven S. Vonsoosten, Eliezer Olea.

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our

young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

## HOUSE OF REPRESENTATIVES—Wednesday, December 5, 2012

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. DOLD).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 5, 2012.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day. We ask today that You bless the Members of the people's House to be the best and most faithful servants of the people they serve.

May they be filled with gratitude at the opportunity they have to serve in this place. We thank You for the abilities they have been given to do their work to contribute to the common good. May they use their talent as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

As this second session of the 112th Congress draws near its end and pressing legislative business once again weighs heavily on this Hill and throughout our land, withhold not Your spirit of wisdom and truth from this assembly. Give each Member clarity of thought and purity of motive so that they may render their service as their best selves.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. FLEISCHMANN) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### REMEMBERING CALEB LOGAN COOKE

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, I rise today in remembrance of Caleb Logan Cooke. Caleb was born January 22, 1997, and passed away Saturday, December 1, 2012, at the age of 15. Caleb was a blessing to his parents and entire family from the day God placed him on His Earth. Though life was often a struggle for Caleb, he met every challenge head-on and always with a thoughtful and caring disposition. He was an accomplished Boy Scout, earned his black belt in tae kwon do, and was recognized for having the highest GPA in his freshman class.

In addition to all of his high school and extracurricular accomplishments, Caleb was engaged politically and always ready to discuss the day's news. A civically active young man, he was truly a shining example of our youth. Most of all, Caleb was a good friend to my son, Jeffrey, a delightful son to his parents, a loving sibling to his sister and brothers, a blessing to his entire family.

Caleb will be missed by all and always remembered.

### AMERICANS WANT JOBS, NOT UNEMPLOYMENT CHECKS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Nearly 50 million Americans—over 10 million children—live in poverty and 46 million Americans on food stamps. According to the Census Bureau, without Social Security over 50 percent of people 65 and older would live and die in poverty. Why do we accept poverty? Why do we accept massive unemployment? Over 20

million Americans are without work. You cannot escape poverty without a job. Americans want jobs, not unemployment checks. If you don't have a source of income, you can't own a home.

The middle class is disappearing. An unfair tax system is causing wealth to accelerate upwards, which is why I oppose the Bush tax cuts. But more tax increases and no massive jobs program are a prescription for disaster. We need more taxpayers, not more tax increases. You can't rebuild America by retaxing America. Poverty and joblessness constitute a national emergency. The private sector is not creating sufficient jobs. Congress has a constitutional obligation and power to coin or create money. We can use our power to put millions back to work rebuilding our infrastructure.

H.R. 2990, the National Employment Emergency Act, can accomplish this. It's our choice: increase taxes, cut spending, put the economy in a stall, or put millions back to work.

### CONGRATULATING MOELLER HIGH SCHOOL FOOTBALL CHAMPIONS

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to congratulate the Ohio High School Athletic Association's 2012 Division I State football champions, the Moeller Crusaders. Last Saturday, the Crusaders, led by Head Coach John Rodenberg, defeated Toledo Whitmer 20-12 to capture Moeller's eighth State football championship title.

Archbishop Moeller High School, a Catholic institution in the Marianist tradition, currently has a student enrollment of 925 outstanding young men. Since its inception in 1960, Moeller High School has earned itself a well-deserved reputation for promoting both academic excellence and athletic prowess. Under their very first coach, Gerry Faust, who later went on to coach for Notre Dame, the Crusaders compiled a record of 178 wins, 23 losses, and two ties, while winning four national football championships, five State football championships, and enjoying seven undefeated seasons. One of Coach Faust's most favorite players was our very own JOHN BOEHNER. Speaker BOEHNER played as a linebacker for the Crusaders.

Following Coach Faust's tenure at the helm, the Crusaders have won three

additional State championships, including the one last weekend in front of a crowd of 8,834 people at Fawcett Stadium in Canton, Ohio.

So to the Moeller High School football players, coaching staff, parents, student body, school administrators, teachers, faculty members, and fans, I offer you my heartfelt congratulations on this auspicious occasion of winning your eighth State championship. God bless you. God bless the Moeller Crusaders. God bless the men of Moeller. Take care.

Go Crusaders!

#### CREATING JOBS FOR AMERICA

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, no Republican in Congress is trying to protect millionaires or billionaires. In fact, Republicans lose most of the wealthiest counties and neighborhoods by very large margins. Much of the impasse in the current negotiations is over who is going to spend the money. Republicans do not want higher taxes simply because so much of what the Federal Government spends is lost to waste, fraud, and abuse.

The most wasteful, inefficient way to spend money is to turn it over to the Federal Government. The best way to create jobs and hold prices steady is to let private citizens spend and invest as they choose. The wealthy do all right even in socialist countries. But lower-income and working people come out much better in countries that allow the most free enterprise. Millionaires and billionaires can take care of themselves. Republicans are simply trying to help create jobs and keep the cost of living from going out of sight for ordinary people.

□ 0910

#### MIDDLE CLASS TAX CUTS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, Democrats and Republicans agree that we should preserve tax cuts for all Americans on the first \$250,000 of family income. This will protect 98 percent of Americans from a tax increase and 97 percent of small businesses.

We have different ideas on the best and fairest way to set rates for the top 2 percent, the wealthiest Americans. Let's have that debate in the coming weeks, but let's act on the overwhelming areas of agreement today. This is not about a Democratic or Republican victory in this Chamber. It's about a victory for the American people.

Instead of moving forward with middle class tax cuts, our friends on the

other side of the aisle are trying again to put forth a plan that gives tax breaks to the richest Americans at the expense of our seniors, veterans, the disabled, and the middle class.

It's time for the partisan games to end. Let's prove to the American people that this is the people's House. Pass the middle class tax cuts today.

#### MIDDLE CLASS TAX CUTS

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, yesterday I was proud to join my colleagues in signing a petition to bring the middle class tax cuts to the House floor for an up-or-down vote. While there is much left to negotiate, there is one step that we can take today. It will provide millions of families and 97 percent of all small businesses with the security of knowing that their income taxes will not rise on January 1.

Both parties and the American people agree on the need to pass an extension of the tax cuts for every family on the first \$250,000 of income. The Senate has passed such a bill, the President stands ready to sign it today, and I have heard from hundreds of constituents urging support for this now.

I urge my Republican colleagues to join us today in protecting middle class Americans and send the Senate-passed bill to the President.

#### THE GIFT OF FREQUENT FLYER MILES

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, the holidays are a time to reflect on the things for which we are grateful. As we enjoy the company of family and friends, we should also take time to thank the brave men and women serving in our Armed Forces.

Every one of us knows the tremendous debt we owe our military families. This year, as a token of my thanks, I'm donating over 79,000 frequent flyer miles that I received for congressional travel to the Fisher House's Hero Miles program, which provides free airline tickets to American soldiers and their families.

Flying to Washington is part of our job, and there's no better way to use the miles we accumulate from those trips than to help our troops and their families see each other. I encourage all of my colleagues to donate their miles to the Fisher House or a similar charity that helps make a difference this holiday season.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 825) providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 825

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 2838, with the Senate amendments thereto, and to have concurred in the Senate amendments with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Coast Guard and Maritime Transportation Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

#### TITLE II—COAST GUARD

Sec. 201. Interference with Coast Guard transmissions.

Sec. 202. Coast Guard authority to operate and maintain Coast Guard assets.

Sec. 203. Limitation on expenditures.

Sec. 204. Academy pay, allowances, and emoluments.

Sec. 205. Policy on sexual harassment and sexual violence.

Sec. 206. Appointments of permanent commissioned officers.

Sec. 207. Selection boards; oath of members.

Sec. 208. Special selection boards; correction of errors.

Sec. 209. Prohibition of certain involuntary administrative separations.

Sec. 210. Major acquisitions.

Sec. 211. Advance procurement funding.

Sec. 212. Minor construction.

Sec. 213. Capital investment plan and annual list of projects to Congress.

Sec. 214. Aircraft accident investigations.

Sec. 215. Coast Guard Auxiliary enrollment eligibility.

Sec. 216. Repeals.

Sec. 217. Technical corrections to title 14.

Sec. 218. Acquisition workforce expedited hiring authority.

Sec. 219. Renewal of temporary early retirement authority.

Sec. 220. Response Boat-Medium procurement.

Sec. 221. National Security Cutters.

Sec. 222. Coast Guard polar icebreakers.

## TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
- Sec. 302. Limitation of liability for non-Federal vessel traffic service operators.
- Sec. 303. Survival craft.
- Sec. 304. Classification societies.
- Sec. 305. Dockside examinations.
- Sec. 306. Authority to extend the duration of medical certificates.
- Sec. 307. Clarification of restrictions on American Fisheries Act vessels.
- Sec. 308. Investigations by Secretary.
- Sec. 309. Penalties.
- Sec. 310. United States Committee on the Marine Transportation System.
- Sec. 311. Technical correction to title 46.
- Sec. 312. Deepwater ports.

## TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION

- Sec. 401. Short title.
- Sec. 402. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
- Sec. 403. Maritime environmental and technical assistance.
- Sec. 404. Property for instructional purposes.
- Sec. 405. Short sea transportation.
- Sec. 406. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
- Sec. 407. Transfer of vessels to the National Defense Reserve Fleet.
- Sec. 408. Clarification of heading.
- Sec. 409. Mission of the Maritime Administration.
- Sec. 410. Amendments relating to the National Defense Reserve Fleet.
- Sec. 411. Requirement for barge design.
- Sec. 412. Container-on-barge transportation.
- Sec. 413. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.
- Sec. 414. Maritime workforce study.
- Sec. 415. Maritime Administration vessel recycling contract award practices.

## TITLE V—PIRACY

- Sec. 501. Short title.
- Sec. 502. Training for use of force against piracy.
- Sec. 503. Security of Government-impelled cargo.
- Sec. 504. Actions taken to protect foreign-flagged vessels from piracy.

## TITLE VI—MARINE DEBRIS

- Sec. 601. Short title.
- Sec. 602. Short title amendment; references.
- Sec. 603. Purpose.
- Sec. 604. NOAA Marine Debris Program.
- Sec. 605. Repeal of obsolete provisions.
- Sec. 606. Coordination.
- Sec. 607. Confidentiality of submitted information.
- Sec. 608. Definitions.
- Sec. 609. Severe marine debris event determination.

## TITLE VII—MISCELLANEOUS

- Sec. 701. Distant water tuna fleet.
- Sec. 702. Technical corrections.
- Sec. 703. Extension of moratorium.
- Sec. 704. Notice of arrival.
- Sec. 705. Waivers.
- Sec. 706. National Response Center notification requirements.
- Sec. 707. Vessel determinations.

- Sec. 708. Mille Lacs Lake, Minnesota.
- Sec. 709. Transportation Worker Identification Credential process reform.
- Sec. 710. Investment amount.
- Sec. 711. Integrated cross-border maritime law enforcement operations between the United States and Canada.
- Sec. 712. Bridge permits.
- Sec. 713. Tonnage of *Aqueos Acadian*.
- Sec. 714. Navigability determination.
- Sec. 715. Coast Guard housing.
- Sec. 716. Assessment of needs for additional Coast Guard presence in high-latitude regions.
- Sec. 717. Potential Place of Refuge.
- Sec. 718. Merchant mariner medical evaluation program.
- Sec. 719. Determinations.
- Sec. 720. Impediments to the United States-flag registry.
- Sec. 721. Arctic deepwater seaport.
- Sec. 722. Risk assessment of transporting Canadian oil sands.

## TITLE I—AUTHORIZATION

## SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of fiscal years 2013 and 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) \$6,882,645,000 for fiscal year 2013; and

(B) \$6,981,036,000 for fiscal year 2014;

of which \$24,500,000 is authorized each fiscal year to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) \$1,545,312,000 for fiscal year 2013; and

(B) \$1,546,448,000 for fiscal year 2014;

to remain available until expended and of which \$20,000,000 is authorized each fiscal year to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—

(A) \$138,111,000 for fiscal year 2013; and

(B) \$140,016,000 for fiscal year 2014.

(4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—

(A) \$16,699,000 for fiscal year 2013; and

(B) \$16,701,000 for fiscal year 2014;

to remain available until expended.

(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) \$19,848,000 for fiscal year 2013; and

(B) \$19,890,000 for fiscal year 2014.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program—

(A) \$16,000,000 for fiscal year 2013; and

(B) \$16,000,000 for fiscal year 2014.

## SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of fiscal years 2013 and 2014.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2013 and 2014 as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

## TITLE II—COAST GUARD

## SEC. 201. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

Section 88 of title 14, United States Code, is amended by adding at the end the following:

“(e) An individual who knowingly and willfully operates a device with the intention of interfering with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

“(1) guilty of a class E felony; and

“(2) subject to a civil penalty of not more than \$1,000 per day for each violation.”.

## SEC. 202. COAST GUARD AUTHORITY TO OPERATE AND MAINTAIN COAST GUARD ASSETS.

Section 93 of title 14, United States Code, is amended by adding at the end the following:

“(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and other assets or facilities shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.”.

## SEC. 203. LIMITATION ON EXPENDITURES.

Section 149(d) of title 14, United States Code, is amended by adding at the end the following:

“(3) The amount of funds used under this subsection may not exceed \$100,000 in any fiscal year.”.

## SEC. 204. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

(1) by striking “person” each place it appears and inserting “foreign national”; and

(2) by striking “pay and allowances” each place it appears and inserting “pay, allowances, and emoluments”.

## SEC. 205. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) ESTABLISHMENT.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“§ 200. Policy on sexual harassment and sexual violence

“(a) REQUIRED POLICY.—The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

“(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

“(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

“(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims of sexual harassment or sexual violence, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

“(3) Procedures that cadets and other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

“(A) if the victim chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims that explains how the Coast Guard and the Academy will protect the confidentiality of victims;

“(B) a specification of any other person whom the victim should contact; and

“(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

“(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

“(5) Sanctions authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel, including with respect to rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

“(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

“(c) ASSESSMENT.—

“(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to an official of the Academy; and

“(B) to assess the perceptions of the cadets and other Academy personnel with respect to—

“(i) the Academy’s policies, training, and procedures on sexual harassment and sexual violence involving cadets or other Academy personnel;

“(ii) the enforcement of such policies;

“(iii) the incidence of sexual harassment and sexual violence involving cadets or other Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(d) REPORT.—

“(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

“(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

“(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

“(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant’s comments on the report, to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Transportation and Infrastructure of the House of Representatives.

“(5) FOCUS GROUPS.—

“(A) IN GENERAL.—For each Academy program year with respect to which the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

“(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the next transmitted Commandant’s report under this subsection.

“(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under the authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 199 the following:

“200. Policy on sexual harassment and sexual violence.”

#### SEC. 206. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

“(d) For the purposes of this section, the term ‘original’, with respect to the appointment of a member of the Coast Guard, refers to that member’s most recent appointment in the Coast Guard that is neither a promotion nor a demotion.”

#### SEC. 207. SELECTION BOARDS; OATH OF MEMBERS.

Section 254 of title 14, United States Code, is amended to read as follows:

##### “§ 254. Selection boards; oath of members

“Each member of a selection board shall swear—

“(1) that the member will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon the member; and

“(2) an oath in accordance with section 635.”

#### SEC. 208. SPECIAL SELECTION BOARDS; CORRECTION OF ERRORS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 262 the following:

##### “§ 263. Special selection boards; correction of errors

“(a) OFFICERS NOT CONSIDERED DUE TO ADMINISTRATIVE ERROR.—

“(1) IN GENERAL.—If the Secretary determines that as the result of an administrative error—

“(A) an officer or former officer was not considered for selection for promotion by a selection board convened under section 251; or

“(B) the name of an officer or former officer was not placed on an all-fully-qualified-officers list;

the Secretary shall convene a special selection board to determine whether such officer or former officer should be recommended for promotion and such officer or former officer shall not be considered to have failed of selection for promotion prior to the consideration of the special selection board.

“(2) EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is below the grade of captain and whose name was referred to that board for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

“(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—

“(1) IN GENERAL.—In the case of an officer or former officer who was eligible for promotion, was considered for selection for promotion by a selection board convened under section 251, and was not selected for promotion by that board, the Secretary may convene a special selection board to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

“(A) an action of the selection board that considered the officer or former officer—

“(i) was contrary to law in a matter material to the decision of the board; or

“(ii) involved material error of fact or material administrative error; or

“(B) the selection board that considered the officer or former officer did not have before it for consideration material information.

“(2) EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is that of commander or below and whose name was referred to that board for consideration, the officer or former officer shall be considered—

“(A) to have failed of selection for promotion with respect to the board that considered the officer or former officer prior to the consideration of the special selection board; and

“(B) to incur no additional failure of selection for promotion as a result of the action of the special selection board.

“(c) REQUIREMENTS FOR SPECIAL SELECTION BOARDS.—Each special selection board convened under this section shall—

“(1) be composed in accordance with section 252 and the members of the board shall be required to swear the oaths described in section 254;

“(2) consider the record of an applicable officer or former officer as that record, if corrected, would have appeared to the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board and that record shall be compared with a sampling of the records of—

“(A) those officers of the same grade who were recommended for promotion by such prior selection board; and

“(B) those officers of the same grade who were not recommended for promotion by such prior selection board; and

“(3) submit to the Secretary a written report in a manner consistent with sections 260 and 261.

“(d) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—

“(1) IN GENERAL.—An officer or former officer whose name is placed on a promotion list as a result of the recommendation of a special selection board convened under this section shall be appointed, as soon as practicable, to the next higher grade in accordance with the law and policies that would have been applicable to the officer or former officer had the officer or former officer been recommended for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

“(2) EFFECT.—An officer or former officer who is promoted to the next higher grade as a result of the recommendation of a special selection board convened under this section shall have, upon such promotion, the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active duty promotion list as the officer or former officer would have had if the officer or former officer had been recommended for promotion to that grade by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

“(3) RECORD CORRECTION.—If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not eligible for promotion or a former officer whose name was referred to the board for consideration, the Secretary may act under section 1552 of title 10 to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from the officer or former officer not being selected for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

“(e) APPLICATION PROCESS AND TIME LIMITS.—The Secretary shall issue regulations regarding the process by which an officer or former officer may apply to have a matter considered by a special selection board convened under this section, including time limits related to such applications.

“(f) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have authority or jurisdiction over any

claim based in any way on the failure of an officer or former officer to be selected for promotion by a selection board convened under section 251, until—

“(1) the claim has been referred to a special selection board convened under this section and acted upon by that board; or

“(2) the claim has been rejected by the Secretary without consideration by a special selection board convened under this section.

“(g) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A court of the United States may review—

“(A) a decision of the Secretary not to convene a special selection board under this section to determine if the court finds that the decision of the Secretary was arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law; and

“(B) an action of a special selection board under this section to determine if the court finds that the action of the special selection board was contrary to law or involved material error of fact or material administrative error.

“(2) REMAND AND RECONSIDERATION.—If, with respect to a review under paragraph (1), a court makes a finding described in subparagraph (A) or (B) of that paragraph, the court shall remand the case to the Secretary and the Secretary shall provide the applicable officer or former officer consideration by a new special selection board convened under this section.

“(h) DESIGNATION OF BOARDS.—The Secretary may designate a selection board convened under section 251 as a special selection board so designated may function in the capacity of a selection board convened under section 251 and a special selection board convened under this section.”

(b) SELECTION BOARDS; SUBMISSION OF REPORTS.—Section 261(d) of title 14, United States Code, is amended by striking “selection board” and inserting “selection board, including a special selection board convened under section 263.”

(c) FAILURE OF SELECTION FOR PROMOTION.—Section 262 of title 14, United States Code, is amended to read as follows:

**“§ 262. Failure of selection for promotion**

“An officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade under section 256 of this title, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.”

(d) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 262 the following:

“263. Special selection boards; correction of errors.”

(e) APPLICABILITY; RULE OF CONSTRUCTION.—

(1) APPLICABILITY.—The amendments made by this section shall take effect on the date of enactment of this Act and the Secretary may convene a special selection board on or after that date under section 263 of title 14, United States Code, with respect to any error or other action for which such a board may be convened if that error or other action occurred on or after the date that is 1 year before the date of enactment of this Act.

(2) RULE OF CONSTRUCTION.—Sections 271, 272, and 273 of title 14, United States Code, apply to the activities of—

(A) a selection board convened under section 251 of such title; and

(B) a special selection board convened under section 263 of such title.

**SEC. 209. PROHIBITION OF CERTAIN INVOLUNTARY ADMINISTRATIVE SEPARATIONS.**

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 426 the following:

**“§ 427. Prohibition of certain involuntary administrative separations**

“(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not authorize the involuntary administrative separation of a covered individual based on a determination that the covered individual is unsuitable for deployment or other assignment due to a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual that resulted in the covered individual being determined to be fit for duty.

“(b) REEVALUATION.—

“(1) IN GENERAL.—The Secretary may require a Physical Evaluation Board to reevaluate any covered individual if the Secretary determines there is reason to believe that a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual renders the covered individual unsuitable for continued duty.

“(2) RETIREMENTS AND SEPARATIONS.—A covered individual who is determined, based on a reevaluation under paragraph (1), to be unfit to perform the duties of the covered individual's office, grade, rank, or rating may be retired or separated for physical disability under this chapter.

“(c) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means any member of the Coast Guard who has been determined by a Physical Evaluation Board, pursuant to a physical evaluation by that board, to be fit for duty.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 426 the following:

“427. Prohibition of certain involuntary administrative separations.”

**SEC. 210. MAJOR ACQUISITIONS.**

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

**“§ 569a. Major acquisitions**

“(a) IN GENERAL.—In conjunction with the transmittal by the President to Congress of the budget of the United States for fiscal year 2014 and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

“(b) INFORMATION TO BE INCLUDED.—Each report under subsection (a) shall include for each major acquisition program—

“(1) a statement of the Coast Guard's mission needs and performance goals relating to such program, including a justification for any change to those needs and goals subsequent to a report previously submitted under this section;

“(2) a justification explaining how the projected number and capabilities of assets acquired under such program meet applicable mission needs and performance goals;

“(3) an identification of any and all mission hour gaps, accompanied by an explanation of how and when the Coast Guard will close those gaps;

“(4) an identification of any changes with respect to such program, including—

“(A) any changes to the timeline for the acquisition of each new asset and the phase-out of legacy assets; and

“(B) any changes to—

“(i) the costs of new assets or legacy assets for that fiscal year or future fiscal years; or

“(ii) the total acquisition cost;

“(5) a justification explaining how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

“(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

“(7) an identification of how funds in the applicable fiscal year's budget request will be allocated, including information on the purchase of specific assets;

“(8) a projection of the remaining operational lifespan and life-cycle cost of each legacy asset that also identifies any anticipated resource gaps;

“(9) a detailed explanation of how the costs of legacy assets are being accounted for within such program; and

“(10) an annual performance comparison of new assets to legacy assets.

“(c) ADEQUACY OF ACQUISITION WORKFORCE.—Each report under subsection (a) shall—

“(1) include information on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload;

“(2) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under section 562(c) of this subchapter; and

“(3) identify positions that are or will be understaffed and actions that will be taken to correct such understaffing.

“(d) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class, with an explanation detailing the reasons why the cutters have not been maintained in class.

“(e) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term ‘major acquisition program’ means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, is amended by inserting after the item relating to section 569 the following:

“569a. Major acquisitions.”.

(c) REPEALS.—

(1) Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 663 note) is repealed.

(2) Title 14, United States Code, is amended—

(A) in section 562, by repealing subsection (e); and

(B) in section 573(c)(3), by repealing subparagraph (B).

#### SEC. 211. ADVANCE PROCUREMENT FUNDING.

(a) IN GENERAL.—Subchapter II of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

#### “§ 577. Advance procurement funding

“(a) IN GENERAL.—With respect to any Coast Guard vessel for which amounts are appropriated and any amounts otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant of the Coast Guard may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

“(1) materials, parts, components, and labor for the vessel;

“(2) the advance construction of parts or components for the vessel;

“(3) protection and storage of materials, parts, or components for the vessel; and

“(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.

“(b) USE OF MATERIALS, PARTS, AND COMPONENTS MANUFACTURED IN THE UNITED STATES.—In entering into contracts and placing orders under subsection (a), the Commandant may give priority to persons that manufacture materials, parts, and components in the United States.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 576 the following:

“577. Advance procurement funding.”.

#### SEC. 212. MINOR CONSTRUCTION.

(a) IN GENERAL.—Section 656 of title 14, United States Code, is amended by adding at the end the following:

“(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

“(1) IN GENERAL.—Subject to the reporting requirements set forth in paragraph (2), each fiscal year the Secretary may expend from amounts made available for the operating expenses of the Coast Guard not more than \$1,500,000 for minor construction and improvement projects at any location.

“(2) REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on each project undertaken during the course of the preceding fiscal year for which the amount expended under paragraph (1) exceeded \$500,000.”.

(b) CLERICAL AMENDMENTS.—

(1) HEADING.—Section 656 of title 14, United States Code, as amended by this Act, is further amended by striking the section designation and heading and inserting the following:

“§ 656. Use of certain appropriated funds”.

(2) ANALYSIS.—The analysis for chapter 17 of title 14, United States Code, is amended by striking the item relating to section 656 and inserting the following:

“656. Use of certain appropriated funds.”.

#### SEC. 213. CAPITAL INVESTMENT PLAN AND ANNUAL LIST OF PROJECTS TO CONGRESS.

(a) CAPITAL INVESTMENT PLAN.—Section 663 of title 14, United States Code, is amended to read as follows:

##### “§ 663. Capital investment plan

“(a) IN GENERAL.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(1) a capital investment plan for the Coast Guard that identifies for each capital

asset for which appropriations are proposed in that budget—

“(A) the proposed appropriations included in the budget;

“(B) the total estimated cost of completion;

“(C) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

“(D) an estimated completion date at the projected funding levels; and

“(E) an acquisition program baseline, as applicable; and

“(2) a list of each unfunded priority for the Coast Guard.

“(b) UNFUNDED PRIORITY DEFINED.—In this section, the term ‘unfunded priority’ means a program or mission requirement that—

“(1) has not been selected for funding in the applicable proposed budget;

“(2) is necessary to fulfill a requirement associated with an operational need; and

“(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.”.

(b) ANNUAL LIST OF PROJECTS TO CONGRESS.—Section 693 of title 14, United States Code, is amended to read as follows:

##### “§ 693. Annual list of projects to Congress

“The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President's budget submission for that fiscal year.”.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) ANALYSIS FOR CHAPTER 17.—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by striking the item relating to section 663 and inserting the following:

“663. Capital investment plan.”.

(2) ANALYSIS FOR CHAPTER 19.—The analysis for chapter 19 of title 14, United States Code, is amended by striking the item relating to section 693 and inserting the following:

“693. Annual list of projects to Congress.”.

(3) COAST GUARD AUTHORIZATION ACT OF 2010.—Section 918 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 663 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

#### SEC. 214. AIRCRAFT ACCIDENT INVESTIGATIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

##### “§ 678. Aircraft accident investigations

“(a) IN GENERAL.—Whenever the Commandant of the Coast Guard conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

“(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

“(1) IN GENERAL.—Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

“(2) CONDITIONS.—The Commandant shall only disclose information requested pursuant to paragraph (1) if the Commandant determines—



“(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

“(B) that release of such tapes, reports, or other information—

“(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

“(ii) would not compromise national security.

“(3) **RESTRICTION.**—A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

“(c) **OPINIONS REGARDING CAUSATION OF ACCIDENT.**—Following an aircraft accident referred to in subsection (a)—

“(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

“(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

“(d) **USE OF INFORMATION IN CIVIL OR CRIMINAL PROCEEDINGS.**—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘accident investigation’ means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

“(2) the term ‘safety investigation’ means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a) that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“678. Aircraft accident investigations.”.

#### **SEC. 215. COAST GUARD AUXILIARY ENROLLMENT ELIGIBILITY.**

(a) **IN GENERAL.**—Section 823 of title 14, United States Code, is amended to read as follows:

##### **“§ 823. Eligibility; enrollments**

“The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

“(1) who—

“(A) are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

“(B) by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary; and

“(2) who may be enrolled therein pursuant to applicable regulations.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

“823. Eligibility; enrollments.”.

#### **SEC. 216. REPEALS.**

(a) **DISTRICT OMBUDSMEN.**—Section 55 of title 14, United States Code, and the item relating to such section in the analysis for chapter 3 of such title, are repealed.

(b) **COOPERATION WITH RESPECT TO AIDS TO AIR NAVIGATION.**—Section 82 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(c) **OCEAN STATIONS.**—Section 90 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(d) **DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.**—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

(e) **ADVISORY COMMITTEE.**—Section 193 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(f) **HISTORY FELLOWSHIPS.**—Section 198 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

#### **SEC. 217. TECHNICAL CORRECTIONS TO TITLE 14.**

Title 14, United States Code, as amended by this Act, is further amended—

(1) by amending chapter 1 to read as follows:

##### **“CHAPTER 1—ESTABLISHMENT AND DUTIES**

“Sec.

“1. Establishment of Coast Guard.

“2. Primary duties.

“3. Department in which the Coast Guard operates.

“4. Secretary defined.

##### **“§ 1. Establishment of Coast Guard**

“The Coast Guard, established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times.

##### **“§ 2. Primary duties**

“The Coast Guard shall—

“(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

“(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

“(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States, covering all matters not specifically delegated by law to some other executive department;

“(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

“(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

“(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

“(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

#### **“§ 3. Department in which the Coast Guard operates**

“(a) **IN GENERAL.**—The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

“(b) **TRANSFERS.**—Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

“(c) **OPERATION AS A SERVICE IN THE NAVY.**—Whenever the Coast Guard operates as a service in the Navy—

“(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

“(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

“(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

“(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

“(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

#### **“§ 4. Secretary defined**

“In this title, the term ‘Secretary’ means the Secretary of the respective department in which the Coast Guard is operating.”;

(2) in section 95(c), by striking “of Homeland Security”;

(3) in section 259(c)(1), by striking “After selecting” and inserting “In selecting”;

(4) in section 286a(d), by striking “severance pay” each place it appears and inserting “separation pay”;

(5) in the second sentence of section 290(a), by striking “in the grade of vice admiral” and inserting “in or above the grade of vice admiral”;

(6) in section 516(a), by striking “of Homeland Security”;

(7) by amending section 564 to read as follows:

#### **“§ 564. Prohibition on use of lead systems integrators**

“(a) **IN GENERAL.**—

“(1) **USE OF LEAD SYSTEMS INTEGRATOR.**—The Commandant may not use a private sector entity as a lead systems integrator.

“(2) **FULL AND OPEN COMPETITION.**—The Commandant shall use full and open competition for any acquisition contract unless

otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

“(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

“(b) LIMITATION ON FINANCIAL INTEREST IN SUBCONTRACTORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

“(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

“(2) the procurement was awarded by an entity performing lead systems integrator functions or a subcontractor through full and open competition;

“(3) the procurement was awarded by a subcontractor through a process over which the entity performing lead systems integrator functions or a Tier 1 subcontractor exercised no control; or

“(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.”;

(8) in section 569(a), by striking “and annually thereafter.”;

(9) in the analysis for chapter 17—

(A) by striking the item relating to section 669 and inserting the following:

“669. Telephone installation and charges.”;

and

(B) by striking the item relating to section 674 and inserting the following:

“674. Small boat station rescue capability.”;

(10) in section 666(a), by striking “of Homeland Security” and inserting “of the department in which the Coast Guard is operating”;

(11) in section 673(a)(3), by striking “of Homeland Security (when the Coast Guard is not operating as a service in the Navy)”;

(12) in section 674, by striking “of Homeland Security”;

(13) in section 675(a), by striking “Secretary” and all that follows through “may not” and inserting “Secretary may not”; and

(14) in the first sentence of section 740(d), by striking “that appointment” and inserting “that appointment to the Reserve”.

#### SEC. 218. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking “as shortage category positions;” and inserting “as positions for which there exists a shortage of candidates or there is a critical hiring need;”;

(2) in subsection (b)—

(A) by striking “paragraph” and inserting “section”; and

(B) by striking “2012.” and inserting “2015.”; and

(3) in subsection (c), by striking “section 562(d) of title 14, United States Code, as added by this title,” and inserting “section 569a of title 14, United States Code.”.

#### SEC. 219. RENEWAL OF TEMPORARY EARLY RETIREMENT AUTHORITY.

For fiscal years 2013 through 2018—

(1) notwithstanding subsection (c)(2)(A) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C.

1293 note), such section shall apply to the Coast Guard in the same manner and to the same extent it applies to the Department of Defense, except that—

(A) the Secretary of Homeland Security shall implement such section with respect to the Coast Guard and, for purposes of that implementation, shall apply the applicable provisions of title 14, United States Code, relating to retirement of Coast Guard personnel; and

(B) the total number of commissioned officers who retire pursuant to this section may not exceed 200, and the total number of enlisted members who retire pursuant to this section may not exceed 300; and

(2) only appropriations available for necessary expenses for the operation and maintenance of the Coast Guard shall be expended for the retired pay of personnel who retire pursuant to this section.

#### SEC. 220. RESPONSE BOAT-MEDIUM PROCUREMENT.

(a) REQUIREMENT TO FULFILL APPROVED PROGRAM OF RECORD.—Except as provided in subsection (b), the Commandant of the Coast Guard shall maintain the schedule and requirements for the total acquisition of 180 boats as specified in the approved program of record for the Response Boat-Medium acquisition program in effect on June 1, 2012.

(b) APPLICABILITY.—Subsection (a) shall not apply on and after the date on which the Commandant submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such documentation as the Coast Guard Major Systems Acquisition Manual requires to justify reducing the approved program of record for Response Boat-Medium to a total acquisition of less than 180 boats.

#### SEC. 221. NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—

(1) MULTIYEAR AUTHORITY.—In fiscal year 2013 and each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating may enter into, in accordance with section 2306b of title 10, United States Code, a multiyear contract for the procurement of Coast Guard National Security Cutters and Government-furnished equipment associated with the National Security Cutter program.

(2) LIMITATION.—The Secretary may not enter into a contract under paragraph (1) until the date that is 30 days after the date the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings specified under section 2306b(a) of title 10, United States Code, and has done so in accordance with paragraph (3) of this subsection.

(3) DETERMINATION OF SUBSTANTIAL SAVINGS.—For purposes of this section, in conducting an analysis with respect to substantial savings under section 2306b(a)(1) of title 10, United States Code, the Secretary—

(A) may not limit the analysis to a simple percentage-based metric; and

(B) shall employ a full-scale analysis of cost avoidance—

(i) based on a multiyear procurement; and

(ii) taking into account the potential benefit any accrued savings might have for future shipbuilding programs if the cost avoidance savings were subsequently utilized for further ship construction.

(b) CERTIFICATE TO OPERATE.—The Commandant of the Coast Guard may not certify

a sixth National Security Cutter as Ready for Operations before the Commandant has—

(1) submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives program execution plans detailing—

(A) how the first 3 National Security Cutters will achieve the goal of 225 days away from homeport in fiscal years following the completion of the Structural Enhancement Drydock Availability of the first 2 National Security Cutters; and

(B) increased aerial coverage to support National Security Cutter operations; and

(2) awarded a contract for detailed design and construction for the Offshore Patrol Cutter.

#### SEC. 222. COAST GUARD POLAR ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a business case analysis of the options for and costs of reactivating and extending the service life of the *Polar Sea* until at least September 30, 2022, to maintain United States polar icebreaking capabilities and fulfill the Coast Guard's high latitude mission needs, as identified in the Coast Guard's July 2010, High Latitude Study Mission Analysis Report, during the Coast Guard's recapitalization of its polar class icebreaker fleet. The analysis shall include—

(1) an assessment of the current condition of the *Polar Sea*;

(2) a determination of the *Polar Sea's* operational capabilities with respect to fulfilling the Coast Guard's high latitude operating requirements if renovated and reactivated;

(3) a detailed estimate of costs with respect to reactivating and extending the service life of the *Polar Sea*;

(4) a life cycle cost estimate with respect to operating and maintaining the *Polar Sea* for the duration of its extended service life; and

(5) a determination of whether it is cost-effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services as part of a strategy to maintain polar icebreaking services.

(b) RESTRICTIONS.—The Secretary shall not remove any part of the *Polar Sea* until the Secretary submits the analysis required under subsection (a).

(c) DEADLINE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the analysis required under subsection (a).

(d) REQUIREMENT FOR REACTIVATION OF *POLAR SEA*.—

(1) SERVICE LIFE EXTENSION PLAN.—

(A) IN GENERAL.—If the Secretary determines based on the analysis required under subsection (a) that it is cost-effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services, the Secretary shall develop a service life extension plan for such reactivation, including a timetable for such reactivation.

(B) UTILIZATION OF EXISTING RESOURCES.—In the development of the plan required under subparagraph (A), the Secretary shall utilize to the greatest extent practicable recent plans, studies, assessments, and analyses regarding the Coast Guard's icebreakers and high latitude mission needs and operating requirements.

(C) SUBMISSION.—The Secretary shall submit the plan required under subparagraph

(A), if so required, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the submission of the analysis required under subsection (a).

(2) DECOMMISSIONING; BRIDGING STRATEGY.—If the analysis required under subsection (a) is submitted in accordance with subsection (c) and the Secretary determines under subsection (a)(5) that it is not cost-effective to reactivate the *Polar Sea*, then not later than 180 days after the date on which the analysis is required to be submitted under subsection (c) the Commandant of the Coast Guard—

(A) may decommission the *Polar Sea*; and  
(B) shall submit a bridging strategy for maintaining the Coast Guard's polar icebreaking services until at least September 30, 2022, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) RESTRICTION.—Except as provided in subsection (d), the Commandant of the Coast Guard may not—

(1) transfer, relinquish ownership of, dismantle, or recycle the *Polar Sea* or *Polar Star*;  
(2) change the current homeport of either of the vessels; or  
(3) expend any funds—

(A) for any expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for dock use or other goods and services;  
(B) for any personnel expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for a decommissioning officer;

(C) for any expenses associated with a decommissioning ceremony for either of the vessels;  
(D) to appoint a decommissioning officer to be affiliated with either of the vessels; or  
(E) to place either of the vessels in inactive status.

(f) DEFINITION.—For purposes of this section—

(1) the term “*Polar Sea*” means Coast Guard Cutter *Polar Sea* (WAGB 11); and  
(2) the term “*Polar Star*” means Coast Guard Cutter *Polar Star* (WAGB 10).

(g) REPEAL.—This section shall cease to have effect on September 30, 2022.

### TITLE III—SHIPPING AND NAVIGATION

#### SEC. 301. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) IN GENERAL.—When the head”; and  
(2) by adding at the end the following:

“(2) DETERMINATIONS.—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) NOTICE TO CONGRESS.—

“(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

#### SEC. 302. LIMITATION OF LIABILITY FOR NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.

(a) IN GENERAL.—Section 2307 of title 46, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

“§2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators”;

(2) by striking “Any pilot” and inserting the following:

“(a) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot”; and

(3) by adding at the end the following:

“(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2307 and inserting the following:

“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators.”.

#### SEC. 303. SURVIVAL CRAFT.

Section 3104 of title 46, United States Code, is amended—

(1) in subsection (b) by striking “January 1, 2015” and inserting “the date that is 30 months after the date on which the report described in subsection (c) is submitted”; and

(2) by adding at the end the following:

“(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water, which shall include—

“(1) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of fiscal years 1991 through 2011;

“(2) the effect the carriage of such survival craft has on—

“(A) vessel safety, including stability and safe navigation; and

“(B) survivability of individuals, including persons with disabilities, children, and the elderly;

“(3) the efficacy of alternative safety systems, devices, or measures;

“(4) the cost and cost effectiveness of requiring the carriage of such survival craft on vessels; and

“(5) the number of small businesses and nonprofit entities that would be affected by requiring the carriage of such survival craft on vessels.”.

#### SEC. 304. CLASSIFICATION SOCIETIES.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—  
(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and  
(C) by adding at the end the following:

“(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.”;

(2) in subsection (d)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and  
(C) by adding at the end the following:

“(C) the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.”; and

(3) by adding at the end the following:

“(e) The Secretary shall revoke a delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for a state sponsor of terrorism.

“(f) In this section, the term ‘state sponsor of terrorism’ means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.”.

#### SEC. 305. DOCKSIDE EXAMINATIONS.

(a) IN GENERAL.—Section 4502(f) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “at least once every 2 years” and inserting “at least once every 5 years”; and

(B) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) shall complete the first dockside examination of a vessel under this subsection not later than October 15, 2015.”.

(b) DATABASE.—Section 4502(g)(4) of title 46, United States Code, is amended by striking “a publicly accessible” and inserting “an”.

(c) CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) in subsection (c), by striking “July 1, 2012,” and inserting “July 1, 2013.”;

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking “July 1, 2012,” and inserting “July 1, 2013.”; and

(B) in paragraph (2)—

(i) by striking “July 1, 2012,” each place it appears and inserting “July 1, 2013.”; and

(ii) by striking “substantial change to the dimension of or type of vessel” and inserting “major conversion”; and

(3) by adding at the end the following:

“(e) For the purposes of this section, the term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(1) The vessel’s keel is laid.

“(2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.”.

(d) CONFORMING AMENDMENTS.—Chapter 51 of title 46, United States Code, is amended—

(1) in section 5102(b)(3), by striking “July 1, 2012,” and inserting “July 1, 2013.”; and

(2) in section 5103(c)—

(A) by striking “July 1, 2012,” each place it appears and inserting “July 1, 2013.”; and

(B) by striking “substantial change to the dimension of or type of the vessel” and inserting “major conversion”.

#### SEC. 306. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

##### “§ 7508. Authority to extend the duration of medical certificates

“(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner’s document, or certificate of registry issued under chapter 71 or 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or is in response to a national emergency or natural disaster.

“(b) MANNER OF EXTENSION.—An extension under this section may be granted to individual seamen or a specifically identified group of seamen.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“7508. Authority to extend the duration of medical certificates.”.

#### SEC. 307. CLARIFICATION OF RESTRICTIONS ON AMERICAN FISHERIES ACT VESSELS.

Section 12113(d)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking “that the regional” and inserting the following: “that—

“(i) the regional”;

(B) by striking the semicolon and inserting “; and”; and

(C) by adding at the end the following:

“(ii) in the case of a vessel listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-625 et seq.), the vessel is neither participating in nor eligible to participate in the non-AFA trawl catcher processor subsector (as that term is defined under section 219(a)(7) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2887)); and

(2) by amending subparagraph (C) to read as follows:

“(C) the vessel—

“(i) is either a rebuilt vessel or replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627);

“(ii) is eligible for a fishery endorsement under this section; and

“(iii) in the case of a vessel listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-625 et seq.), is neither participating in nor eligible to participate in the non-AFA trawl catcher processor subsector (as that term is defined under section 219(a)(7) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2887); or”.

#### SEC. 308. INVESTIGATIONS BY SECRETARY.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended by inserting after section 12139 the following:

##### “§ 12140. Investigations by Secretary

“(a) IN GENERAL.—The Secretary may conduct investigations and inspections regarding compliance with this chapter and regulations prescribed under this chapter.

“(b) AUTHORITY TO OBTAIN EVIDENCE.—

“(1) IN GENERAL.—For the purposes of any investigation conducted under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence relevant to the matter under investigation if—

“(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena—

“(i) is reasonable; and

“(ii) will interfere with a criminal investigation; and

“(B) the Attorney General—

“(i) determines that the subpoena is reasonable and will not interfere with a criminal investigation; or

“(ii) fails to make a determination with respect to the subpoena before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A) with respect to the subpoena.

“(2) ENFORCEMENT.—In the case of a refusal to obey a subpoena issued to any person under this section, the Secretary may invoke the aid of the appropriate district court of the United States to compel compliance.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12139 the following:

“12140. Investigations by Secretary.”.

#### SEC. 309. PENALTIES.

Section 12151(a) of title 46, United States Code, is amended—

(1) by striking “A person that violates” and inserting the following:

“(1) CIVIL PENALTIES.—Except as provided in paragraph (2), a person that violates”;

(2) by striking “\$10,000” and inserting “\$15,000”; and

(3) by adding at the end the following:

“(2) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—A person that violates section 12111(d) or a regulation prescribed under that section is liable to the United States Government for a civil penalty in an amount that is \$25,000 or twice the charter rate of the vessel involved in the violation (as determined by the Secretary), whichever is greater. Each day of a continuing violation is a separate violation.”.

#### SEC. 310. UNITED STATES COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

##### “§ 55502. United States Committee on the Marine Transportation System

“(a) ESTABLISHMENT.—There is established a United States Committee on the Marine Transportation System (in this section referred to as the ‘Committee’).

“(b) PURPOSE.—The Committee shall serve as a Federal interagency coordinating committee for the purpose of—

“(1) assessing the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

“(2) promoting the integration of the marine transportation system with other modes of transportation and other uses of the marine environment; and

“(3) coordinating, improving the coordination of, and making recommendations with regard to Federal policies that impact the marine transportation system.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of—

“(A) the Secretary of Transportation;

“(B) the Secretary of Defense;

“(C) the Secretary of Homeland Security;

“(D) the Secretary of Commerce;

“(E) the Secretary of the Treasury;

“(F) the Secretary of State;

“(G) the Secretary of the Interior;

“(H) the Secretary of Agriculture;

“(I) the Attorney General;

“(J) the Secretary of Labor;

“(K) the Secretary of Energy;

“(L) the Administrator of the Environmental Protection Agency;

“(M) the Chairman of the Federal Maritime Commission;

“(N) the Chairman of the Joint Chiefs of Staff; and

“(O) the head of any other Federal agency who a majority of the voting members of the Committee determines can further the purpose and activities of the Committee.

“(2) NONVOTING MEMBERS.—The Committee may include as many nonvoting members as a majority of the voting members of the Committee determines is appropriate to further the purpose and activities of the Committee.

“(d) SUPPORT.—

“(1) COORDINATING BOARD.—

“(A) IN GENERAL.—There is hereby established, within the Committee, a Coordinating Board. Each member of the Committee may select a senior level representative to serve on such Board. The Board shall assist the Committee in carrying out its purpose and activities.

“(B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Coordinating Board shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined by a majority of the voting members of the Committee.

“(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall appoint an Executive Director of the Committee.

“(3) TRANSFERS.—Notwithstanding any other provision of law, the head of a Federal department or agency who is a member of the Committee may—

“(A) provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the activities of the Committee; and

“(B) transfer funds to another Federal department or agency in order to carry out the activities of the Committee.

“(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this

Act and every 5 years thereafter, the Committee shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

“(1) steps taken to implement actions recommended in the document titled ‘National Strategy for the Marine Transportation System: A Framework for Action’ and dated July 2008;

“(2) an assessment of the condition of the marine transportation system;

“(3) a discussion of the challenges the marine transportation system faces in meeting user demand, including estimates of investment levels required to ensure system infrastructure meets such demand;

“(4) a plan, with recommended actions, for improving the marine transportation system to meet current and future challenges; and

“(5) steps taken to implement actions recommended in previous reports required under this subsection.

“(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with marine transportation system-related advisory committees, interested parties, and the public.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 555 of title 46, United States Code, is amended by adding at the end the following:

“55502. United States Committee on the Marine Transportation System.”.

#### SEC. 311. TECHNICAL CORRECTION TO TITLE 46.

Section 7507(a) of title 46, United States Code, is amended by striking “73” each place it appears and inserting “71”.

#### SEC. 312. DEEPWATER PORTS.

Section 3(9)(A) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(9)(A)) is amended by inserting “or from” before “any State”.

### TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

#### SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2013.

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$77,253,000, of which—

(A) \$67,253,000 shall remain available until expended for Academy operations; and

(B) \$10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$16,045,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

(B) \$2,545,000 shall remain available until expended for direct payments to such academies; and

(C) \$11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve

Fleet, \$12,717,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$3,750,000, all of which shall remain available until expended for administrative expenses of the program.

#### SEC. 403. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

##### “§ 50307. Maritime environmental and technical assistance program

“(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and nongovernmental entities and facilities.

“(b) COMPONENTS.—Under this section, the Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) COORDINATION.—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and nongovernmental entities and facilities to carry out the activities authorized under subsection (a).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance program.”.

#### SEC. 404. PROPERTY FOR INSTRUCTIONAL PURPOSES.

Section 51103(b) of title 46, United States Code, is amended—

(1) in the subsection heading, by striking “SURPLUS”;

(2) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine

equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of the Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels, if such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.”; and

(3) in paragraph (2)(C), by inserting “or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof” after “a nonprofit training institution”.

#### SEC. 405. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes short sea transportation.”; and

(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) DOCUMENTATION.—Section 55605 is amended in the matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

#### SEC. 406. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.

Section 57101(a) of title 46, United States Code, is amended by inserting “of 1,500 gross tons or more or such other vessels as the Secretary of Transportation determines are appropriate” after “Administration”.

#### SEC. 407. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER VESSELS.—All Federal entities are authorized to transfer vessels to the National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.”.

#### SEC. 408. CLARIFICATION OF HEADING.

(a) IN GENERAL.—The section designation and heading for section 57103 of title 46, United States Code, is amended to read as follows:

##### “§ 57103. Donation of nonretention vessels in the National Defense Reserve Fleet”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 571 of title 46, United States Code, is amended by striking the item relating to section 57103 and inserting the following:

“57103. Donation of nonretention vessels in the National Defense Reserve Fleet.”.

**SEC. 409. MISSION OF THE MARITIME ADMINISTRATION.**

Section 109(a) of title 49, United States Code, is amended—

(1) in the subsection heading by striking “ORGANIZATION” and inserting “ORGANIZATION AND MISSION”; and

(2) by adding at the end the following: “The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.”.

**SEC. 410. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.**

Subparagraphs (B), (C), and (D) of section 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:

“(B) activate and conduct sea trials on each vessel at a frequency that is considered by the Secretary to be necessary;

“(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;

“(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and”.

**SEC. 411. REQUIREMENT FOR BARGE DESIGN.**

Not later than 270 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

**SEC. 412. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) **ASSESSMENT.**—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with anti-trust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 413. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS STUDY AND COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.**

(a) **SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.**—It is the sense of Congress

that the Secretary of Defense should expedite completion of the study of strategic ports in the United States called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112-329) so that it can be submitted to Congress before July 1, 2013.

(b) **SUBMISSION OF REPORT TO COMPTROLLER GENERAL.**—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States for consideration under subsection (c).

(c) **COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.**—

(1) **COMPTROLLER GENERAL REVIEW.**—Not later than 90 days after receipt of the report referred to in subsection (a), the Comptroller General shall conduct an assessment of the report and submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report of such assessment.

(2) **COMPTROLLER GENERAL STUDY AND REPORT.**—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall conduct a study of the Department of Defense's programs and efforts related to the state of strategic ports with respect to the Department's operational and readiness requirements, and report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate on the findings of such study. The report may include an assessment of—

(A) the extent to which the facilities at strategic ports meet the Department of Defense's requirements;

(B) the extent to which the Department has identified gaps in the ability of existing strategic ports to meet its needs and identified and undertaken efforts to address any gaps; and

(C) the Department's ability to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) **STRATEGIC PORT DEFINED.**—In this section, the term “strategic port” means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.

**SEC. 414. MARITIME WORKFORCE STUDY.**

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

- (1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;
- (2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;
- (3) identify trends in maritime training;
- (4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;
- (5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and
- (6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 415. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **ASSESSMENT.**—The Comptroller General of the United States shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts.

(b) **CONTENTS.**—The assessment under subsection (a) shall include a review of—

(1) whether the Maritime Administration's contract source selection procedures and practices are consistent with law, including the Federal Acquisition Regulation, and Federal best practices associated with making source selection decisions;

(2) the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities; and

(3) any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

(c) **FINDINGS.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall report the findings of the assessment under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

**TITLE V—PIRACY****SEC. 501. SHORT TITLE.**

This title may be cited as the “Piracy Suppression Act of 2012”.

**SEC. 502. TRAINING FOR USE OF FORCE AGAINST PIRACY.**

(a) **IN GENERAL.**—Chapter 517 of title 46, United States Code, is amended by adding at the end the following:

**“§ 51705. Training for use of force against piracy**

“The Secretary of Transportation, in consultation with the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, shall certify a training curriculum for United States mariners on the use of force against pirates. The curriculum shall include—

“(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

“(2) information on current threats and patterns of attack by pirates;

“(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

“(4) standard rules for the use of force for self-defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

“(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.”.

(b) **DEADLINE.**—The Secretary of Transportation shall certify the curriculum required under the amendment made by subsection (a)

not later than 270 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis for chapter 517 of title 46, United States Code, is amended by adding at the end the following:

“51705. Training program for use of force against piracy.”.

**SEC. 503. SECURITY OF GOVERNMENT-IMPELLED CARGO.**

Section 55305 of title 46, United States Code, is amended by adding at the end the following:

“(e) SECURITY OF GOVERNMENT-IMPELLED CARGO.—

“(1) In order to ensure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense), when responsible for the carriage of such equipment, materials, or commodities, to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities if the vessels are transiting high-risk waters.

“(2) The Secretary of Transportation shall direct each department or agency responsible to provide armed personnel under paragraph (1) to reimburse, subject to the availability of appropriations, the owners or operators of applicable vessels for the cost of providing armed personnel.

“(3) In this subsection, the term ‘high-risk waters’ means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which an applicable voyage begins.”.

**SEC. 504. ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2009 through 2012 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the estimated cost for each of the fiscal years 2009 through 2012 for such incidents.

**TITLE VI—MARINE DEBRIS**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Marine Debris Act Amendments of 2012”.

**SEC. 602. SHORT TITLE AMENDMENT; REFERENCES.**

(a) SHORT TITLE AMENDMENT.—Section 1 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 note) is amended by striking “Research, Prevention, and Reduction”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Debris Act (33 U.S.C. 1951 et seq.), as so retitled by subsection (a) of this section.

**SEC. 603. PURPOSE.**

Section 2 (33 U.S.C. 1951) is amended to read as follows:

**“SEC. 2. PURPOSE.**

“The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.”.

**SEC. 604. NOAA MARINE DEBRIS PROGRAM.**

(a) NAME OF PROGRAM.—Section 3 (33 U.S.C. 1952) is amended—

(1) in the section heading by striking “PREVENTION AND REMOVAL”; and

(2) in subsection (a)—

(A) by striking “Prevention and Removal Program to reduce and prevent the occurrence and” and inserting “Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the”; and

(B) by inserting “the economy of the United States,” after “marine debris on”; and

(C) by inserting a comma after “environment”.

(b) PROGRAM COMPONENTS.—Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows:

“(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

“(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

“(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

“(3) undertake efforts to reduce the adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

“(A) research and development of alternatives to gear posing threats to the marine environment and methods for marking gear used in certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

“(B) the development of effective non-regulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in gear recovery;

“(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives; and

“(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Administrator to be severe marine debris events, including plans to—

“(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

“(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

“(C) estimate the potential impacts of a severe marine debris event, including eco-

nomics impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture.”.

(c) GRANT CRITERIA AND GUIDELINES.—Section 3(c) (33 U.S.C. 1952(c)) is amended—

(1) in paragraph (1), by striking “section 2(1)” and inserting “section 2”;

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(d) REPEAL.—Section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915), and the item relating to that section in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987, are repealed.

**SEC. 605. REPEAL OF OBSOLETE PROVISIONS.**

Section 4 (33 U.S.C. 1953) is amended—

(1) by striking “(a) STRATEGY.—”; and

(2) by striking subsections (b) and (c).

**SEC. 606. COORDINATION.**

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and appear as section 5 of the Marine Debris Act (33 U.S.C. 1954), as so retitled by section 602(a) of this title.

(2) CONFORMING AMENDMENT.—Section 5 of the Marine Debris Act (33 U.S.C. 1954), as amended by paragraph (1) of this subsection, is further amended in subsection (d)(2)—

(A) by striking “this Act” and inserting “the Marine Plastic Pollution Research and Control Act of 1987”; and

(B) by inserting “of the Marine Plastic Pollution Research and Control Act of 1987” after “section 2201”.

(3) CLERICAL AMENDMENT.—The item relating to section 2203 in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 is repealed.

(b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2) of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954(c)(2)), as in effect immediately before the enactment of this Act—

(1) is redesignated and moved to appear as subsection (e) at the end of section 5 of the Marine Debris Act, as amended by subsection (a) of this section; and

(2) is amended—

(A) by striking “ANNUAL PROGRESS REPORTS.—” and all that follows through “thereafter” and inserting “BIENNIAL PROGRESS REPORTS.—Biennially”;

(B) by striking “Interagency” each place it appears;

(C) by striking “chairperson” and inserting “Chairperson”;

(D) by inserting “Natural” before “Resources”;

(E) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(F) by moving all text 2 ems to the left.

**SEC. 607. CONFIDENTIALITY OF SUBMITTED INFORMATION.**

Section 6(2) (33 U.S.C. 1955(2)) is amended by striking “by the fishing industry”.

**SEC. 608. DEFINITIONS.**

Section 7 (33 U.S.C. 1956) is amended—

(1) in paragraph (2), by striking “2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914)” and inserting “5 of this Act”;

(2) by striking paragraph (3) and inserting the following:

“(3) MARINE DEBRIS.—The term ‘marine debris’ means any persistent solid material



that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.”;

(3) by striking paragraph (5);

(4) by redesignating paragraph (7) as paragraph (5);

(5) in paragraph (5), as redesignated by paragraph (4) of this section, by striking “Prevention and Removal”;

(6) by striking paragraph (6) and inserting the following:

“(6) SEVERE MARINE DEBRIS EVENT.—The term ‘severe marine debris event’ means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.”; and

(7) by redesignating paragraph (8) as paragraph (7).

#### SEC. 609. SEVERE MARINE DEBRIS EVENT DETERMINATION.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall determine whether the March 2011, Tohoku earthquake and subsequent tsunami and the October 2012, hurricane Sandy each caused a severe marine debris event (as that term is defined in section 7(6) of the Marine Debris Act (33 U.S.C. 1956(6)), as amended by this Act).

(b) DEADLINE.—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide the determination required under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

#### TITLE VII—MISCELLANEOUS

##### SEC. 701. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 547) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) LICENSING RESTRICTIONS.—

“(1) IN GENERAL.—Subsection (a) only applies to a foreign citizen who holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the position, with respect to requirements for experience, training, and other qualifications.

“(2) TREATMENT OF CREDENTIAL.—An equivalent credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.”;

(2) in subsection (c) by inserting “or Guam” before the period at the end; and

(3) in subsection (d) by striking “on December 31, 2012” and inserting “on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2012”.

##### SEC. 702. TECHNICAL CORRECTIONS.

(a) STUDY OF BRIDGES.—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 33 U.S.C. 494a) is amended to read as follows:

##### “SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

“The Commandant of the Coast Guard shall submit to the Committee on Com-

merce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the construction or alteration of any bridge, drawbridge, or causeway over the navigable waters of the United States with a channel depth of 25 feet or greater that may impede or obstruct future navigation to or from port facilities and for which a permit under the Act of March 23, 1906 (33 U.S.C. 491 et seq.), popularly known as the Bridge Act of 1906, was requested during the period beginning on January 1, 2006, and ending on August 3, 2011.”.

(b) WAIVER.—Section 7(c) of the America’s Cup Act of 2011 (125 Stat. 755) is amended by inserting “located in Ketchikan, Alaska” after “moorage”.

##### SEC. 703. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking “2013” and inserting “2014”.

##### SEC. 704. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 (33 U.S.C. 1223 note) dealing with notice of arrival requirements for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless the vessel arrives from a foreign port or place.

##### SEC. 705. WAIVERS.

(a) TEXAS STAR CASINO.—

(1) IN GENERAL.—Notwithstanding section 12113(a)(4) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a fishery endorsement for the *Texas Star Casino* (IMO number 7722047).

(2) RESTRICTION.—Notwithstanding section 12113(b)(1) of title 46, United States Code, a fishery endorsement issued under paragraph (1) is not valid for any fishery for which a fishery management plan has been approved by the Secretary of Commerce pursuant to section 304 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854) before the date of enactment of this Act.

(b) RANGER III.—Section 3703a of title 46, United States Code, does not apply to the passenger vessel *Ranger III* (United States official number 277361), during any period that the vessel is owned and operated by the National Park Service.

##### SEC. 706. NATIONAL RESPONSE CENTER NOTIFICATION REQUIREMENTS.

The Ohio River Valley Water Sanitation Commission, established pursuant to the Ohio River Valley Water Sanitation Compact consented to and approved by Congress in the Act of July 11, 1940 (54 Stat. 752), is deemed a Government agency for purposes of the notification requirements of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603). The National Response Center shall convey notification, including complete and unredacted incident reports, expeditiously to the Commission regarding each release in or affecting the Ohio River Basin for which notification to all appropriate Government agencies is required.

##### SEC. 707. VESSEL DETERMINATIONS.

The vessel with United States official number 981472 and the vessel with United States official number 988333 shall each be deemed to be a new vessel effective on the date of delivery after January 1, 2008, from a privately owned United States shipyard if no encum-

brances are on record with the Coast Guard at the time of the issuance of the new vessel certificate of documentation for each vessel.

##### SEC. 708. MILLE LACS LAKE, MINNESOTA.

The waters of Mille Lacs Lake, Minnesota, are not waters subject to the jurisdiction of the United States for the purposes of section 2 of title 14, United States Code.

##### SEC. 709. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

Not later than 270 days after the date of enactment of this Act, the Secretary of Homeland Security shall reform the process for Transportation Worker Identification Credential enrollment, activation, issuance, and renewal to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

##### SEC. 710. INVESTMENT AMOUNT.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the \$22,500,000 invested in income-producing securities for purposes of section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by \$12,851,340.

##### SEC. 711. INTEGRATED CROSS-BORDER MARITIME LAW ENFORCEMENT OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may establish an Integrated Cross-Border Maritime Law Enforcement Operations Program to coordinate the maritime security operations of the United States and Canada (in this section referred to as the “Program”).

(b) PURPOSE.—The Secretary, acting through the Commandant, shall administer the Program in a manner that results in a cooperative approach between the United States and Canada to strengthen border security and detect, prevent, suppress, investigate, and respond to terrorism and violations of law related to border security.

(c) TRAINING.—The Secretary, acting through the Commandant and in consultation with the Secretary of State, may—

(1) establish, as an element of the Program, a training program for individuals who will serve as maritime law enforcement officers; and

(2) conduct training jointly with Canada to enhance border security, including training—

(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada;

(B) on the integration, analysis, and dissemination of port security information by and between the United States and Canada;

(C) on policy, regulatory, and legal considerations related to the Program;

(D) on the use of force in maritime security;

(E) on operational procedures and protection of sensitive information; and

(F) on preparedness and response to maritime terrorist incidents.

(d) COORDINATION.—The Secretary, acting through the Commandant, shall coordinate the Program with other similar border security and antiterrorism programs within the Department of Homeland Security.

(e) MEMORANDA OF AGREEMENT.—The Secretary may enter into any memorandum of agreement necessary to carry out the Program.

**SEC. 712. BRIDGE PERMITS.**

(a) IN GENERAL.—For the purposes of reviewing a permit application pursuant to section 9 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401), the Act of March 23, 1906, popularly known as the Bridge Act of 1906 (33 U.S.C. 491 et seq.), the Act of June 21, 1940, popularly known as the Truman-Hobbs Act (33 U.S.C. 511 et seq.), or the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), the Secretary of the department in which the Coast Guard is operating may—

(1) accept voluntary services from one or more owners of a bridge; and

(2) accept and credit to Coast Guard operating expenses any amounts received from one or more owners of a bridge.

(b) EXPEDITED PROCESS.—The Secretary of the department in which the Coast Guard is operating shall complete, on an expeditious basis and using the shortest existing applicable process, determinations on any required approval for issuance of any permits under the jurisdiction of such department related to the construction or alteration of a bridge over the Kill Van Kull consistent with Executive Order 13604 (March 22, 2012) and the Administration's objectives for the project.

**SEC. 713. TONNAGE OF AQUEOS ACADIAN.**

The Secretary of the department in which the Coast Guard is operating may consider the tonnage measurements for the vessel *Aqueos Acadian* (United States official number 553645) recorded on the certificate of inspection for the vessel issued on September 8, 2011, to be valid until May 2, 2014, if the vessel and the use of its space is not changed after November 16, 2012, in a way that substantially affects the tonnage of the vessel.

**SEC. 714. NAVIGABILITY DETERMINATION.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of additional regulatory requirements imposed on passenger vessels operating on the Ringo Cocks Canal in Louisiana as a result of the covered navigability determination.

(b) RESTRICTION.—Before the date that is 180 days after the date on which the assessment required under subsection (a) is submitted, the Commandant may not enforce any regulatory requirements imposed on passenger vessels operating on the Ringo Cocks Canal in Louisiana that are a result of the covered navigability determination.

(c) COVERED NAVIGABILITY DETERMINATION DEFINED.—In this section, the term “covered navigability determination” means the Coast Guard's Navigability Determination for Ringo Cocks Canal, Louisiana, dated March 25, 2010.

**SEC. 715. COAST GUARD HOUSING.**

Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the Coast Guard's National Housing Assessment and any analysis conducted by the Coast Guard of such assessment.

**SEC. 716. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH-LATITUDE REGIONS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is op-

erating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an assessment of the need for additional Coast Guard prevention and response capability in the high-latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the assessment—

(1) an analysis of the high-latitude operating capabilities of all current Coast Guard assets other than icebreakers, including assets acquired under the Deepwater program;

(2) an analysis of projected needs for Coast Guard operations in the high-latitude regions; and

(3) an analysis of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard operations in the high-latitude regions, including forward operating bases and existing infrastructure in the furthest north locations that are ice free, or nearly ice free, year round.

**SEC. 717. POTENTIAL PLACE OF REFUGE.**

(a) CONSULTATION.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall consult with appropriate Federal agencies and with State and local interests to determine what improvements, if any, are necessary to designate existing ice-free facilities or infrastructure in the Central Bering Sea as a fully functional, year-round Potential Place of Refuge.

(b) PURPOSES.—The purposes of the consultation under subsection (a) shall be to enhance safety of human life at sea and protect the marine environment in the Central Bering Sea.

(c) DEADLINE FOR SUBMISSION.—Not later than 90 days after making the determination under subsection (a), the Commandant shall inform the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing of the findings under subsection (a).

**SEC. 718. MERCHANT MARINER MEDICAL EVALUATION PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Coast Guard National Maritime Center's merchant mariner medical evaluation program and alternatives to the program.

(b) CONTENTS.—The assessment required under subsection (a) shall include the following:

(1) An overview of the adequacy of the program for making medical certification determinations for issuance of merchant mariners' documents.

(2) An analysis of how a system similar to the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners program, and the Federal Aviation Administration's Designated Aviation Medical Examiners program, could be applied by the Coast Guard in making medical fitness determinations for issuance of merchant mariners' documents.

(3) An explanation of how the amendments to the International Convention on Stand-

ards of Training, Certification and Watchkeeping for Seafarers, 1978, that entered into force on January 1, 2012, required changes to the Coast Guard's merchant mariner medical evaluation program.

**SEC. 719. DETERMINATIONS.**

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of—

(1) the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards;

(2) enforcement of the Coast Guard's foreign rebuild determination regulations; and

(3) recommendations for improving transparency in the Coast Guard's foreign rebuild determination process.

**SEC. 720. IMPEDIMENTS TO THE UNITED STATES-FLAG REGISTRY.**

(a) ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of factors under the authority of the Coast Guard that impact the ability of vessels documented in the United States to effectively compete in international transportation markets.

(b) CONTENT.—The assessment under subsection (a) shall include—

(1) a review of differences between Coast Guard policies and regulations governing the inspection of vessels documented in the United States and International Maritime Organization policies and regulations governing the inspection of vessels not documented in the United States;

(2) a statement on the impact such differences have on operating costs for vessels documented in the United States; and

(3) recommendations on whether to harmonize any such differences.

(c) CONSULTATION.—In preparing the assessment under subsection (a), the Commandant may consider the views of representatives of the owners or operators of vessels documented in the United States and the organizations representing the employees employed on such vessels.

**SEC. 721. ARCTIC DEEPWATER SEAPORT.**

(a) STUDY.—The Commandant of the Coast Guard, in consultation with the Commanding General of the Army Corps of Engineers, the Maritime Administrator, and the Chief of Naval Operations, shall conduct a study on the feasibility of establishing a deepwater seaport in the Arctic to protect and advance strategic United States interests within the Arctic region.

(b) SCOPE.—The study under subsection (a) shall include an analysis of—

(1) the capability provided by a deepwater seaport that—

(A) is in the Arctic (as that term is defined in the section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)); and

(B) has a depth of not less than 34 feet;

(2) the potential and optimum locations for such deepwater seaport;

(3) the resources needed to establish such deepwater seaport;

(4) the timeframe needed to establish such deepwater seaport;

(5) the infrastructure required to support such deepwater seaport; and

(6) any other issues the Secretary considers necessary to complete the study.

(c) DEADLINE FOR SUBMISSION OF FINDINGS.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 722. RISK ASSESSMENT OF TRANSPORTING CANADIAN OIL SANDS.**

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess the increased vessel traffic in the Salish Sea (including Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca), that may occur from the transport of Canadian oil sands oil.

(b) SCOPE.—The assessment required under subsection (a) shall, at a minimum, consider—

(1) the extent to which vessel (including barge, tanker, and supertanker) traffic may increase due to Canadian oil sands development;

(2) whether the transport of oil from Canadian oil sands within the Salish Sea is likely to require navigation through United States territorial waters;

(3) the rules or regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass those rules or regulations in such waters and adjacent Canadian waters;

(4) the rules or regulations that restrict the amount of oil transported in tankers or barges in United States waters, including an assessment of whether there are methods to bypass those rules or regulations in such waters and adjacent Canadian waters;

(5) the spill response capability throughout the shared waters of the United States and Canada, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation;

(6) the vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca;

(7) the agreement between the United States and Canada that outlines requirements for laden tank vessels to be escorted by tug boats;

(8) whether oil extracted from oil sands has different properties from other types of oil, including toxicity and other properties, that may require different maritime clean up technologies;

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian oil sands development or expected to be associated with Canadian oil sands development; and

(10) the potential costs and benefits to the United States public and the private sector of maritime transportation of oil sands products.

(c) CONSULTATION REQUIREMENT.—In conducting the assessment required under this section, the Commandant shall consult with the State of Washington, affected tribal governments, and industry, including vessel operators, oil sands producers, and spill response experts. The Commandant may consult with the Secretary of State.

(d) DEADLINE FOR SUBMISSION.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit the assessment required under this section to

the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

**GENERAL LEAVE**

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 825.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield to the chairman of the full committee, Mr. MICA, such time as he may consume.

Mr. MICA. I thank the gentleman for yielding.

First, I want to take a moment to thank Mr. LOBIONDO for his outstanding leadership of the Coast Guard Committee, and also Mr. LARSEN, the ranking member from Washington. I know FRANK LOBIONDO has a great love for the United States Coast Guard. He has worked diligently, long, and tirelessly for one of our most important branches and most historic branches of government over the years and dedicated part of his time, but a full commitment, to the United States Coast Guard.

As we take up H.R. 2838 today, as we consider that reauthorization for the United States Coast Guard—and Congress must authorize every program. We create the Coast Guard by law. We must also set the policy and the programs and the funding levels through our committee, an important responsibility.

Now, we have an important responsibility, but we're reminded again, even in the last few days, of the death of one of our Coast Guard officers, Chief Mate Terrell Horne. He was killed protecting the United States. I think it was drug smugglers who took his life in southern California while a small boat was trying to stop their activities. Here again we are painfully reminded of the sacrifice of those men and women in service to the United States. So this morning, I really would like to dedicate this reauthorization to his memory and the memory of all the men and women who have served in the Coast Guard.

I had lost one young lady from St. Augustine in the Arctic. I remember that tragic loss of her life and so many others who have served us well in the United States Coast Guard, an important national security and safety agency that protects us day in and day out, 24/7. So we are reminded of their sacrifices and, today, of our responsibility.

To succeed at the many jobs that we assign members of the Coast Guard, they must have the resources on the water and the docks to complete their important mission. This bill authorizes the Coast Guard for fiscal years 2013 and 2014. It's a total of \$8.6 billion. Of course, when you talk about trillions in our Federal budget and activities, it's a small amount for the more than 50,000 Coast Guard men and women and for the programs that they undertake again each day.

□ 0920

One of the things we've tried to do is make the regulatory burden on fishermen more reasonable by extending some of the time they undergo to have dockside examinations. Again, in addition to serving national security purposes and maritime safety, we also serve an important economic activity, and that's the fishing community.

This bill also looks towards helping others that we're responsible for in the maritime industry. One of the problems we've had is in developing a TWIC card. A TWIC card is a Transportation Worker Identification Credential. We've had great problems with trying to get that installed so that we could find out who is entering our ports and to ensure that is done safely and securely, particularly with the threats that we face, the huge coastline of ports, the exposure that we face from maritime threats. And I think we've, hopefully, lessened some of the burdensome time required by multiple trips to get folks that need these cards to go to these enrollment centers—again, trying to help those who we're supposed to serve and to help them do their job in an expedited fashion.

As you know, our committee published a report. When we were in the minority, we helped author it. The title of the report was, "The Federal Government Must Stop Sitting on Its Assets." And in each of the categories and areas we're responsible for in the Transportation Committee, whether it's empty public buildings that have sat there, properties underutilized, we want to make sure that taxpayers' resources are used in the best possible way.

So this bill follows up our report by requiring the Coast Guard, which has currently sidelined one of our heavy icebreakers, to make a decision on either being reactivated or decommissioned. Again, we can't sit on valuable assets in any of our agencies.

Finally, this bill restricts the use of post-construction of future National Security Cutters until our National Security Cutters meet long-promised mission performance capabilities. We started producing a small number of National Security Cutters—bigger than 100-plus-foot cutters—after 9/11. We've had some problems with that program. It's our responsibility to straighten out

those problems, to make certain that the long-promised mission performance capabilities are met, and this bill hopefully leads us in that positive direction.

Unfortunately, the bill does not restrict the ability of foreign seamen injured outside the United States on non-U.S.-flagged vessels from suing in United States courts, paid for by United States taxpayers. It was something we had hoped to achieve. We couldn't put it in this bill.

There are some other measures I would have liked to have had in this bill. It does not, unfortunately, establish—but we passed in the House—a uniform national standard for ballast water discharges. And that provision is supported by many in the House and by the U.S. and international maritime industries.

So we've done a good part of the job. I think we've met our responsibility, and I am pleased that we are here to authorize, for a period of 2 years, the United States Coast Guard, its operations and its programs, and support the men and women who support us. So, with that, I urge the passage of H. Res. 825.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of the resolution introduced by my colleague from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee.

Before I begin my remarks, I want to join the gentleman from Florida (Mr. MICA), and of course the many others, in offering my condolences to the entire Coast Guard family for the tragic loss of one of their shipmates during a drug interdiction operation in the waters off of southern California this past weekend. We all recognize that the servicemen and -women of the Coast Guard willingly and routinely expose themselves to highly dangerous conditions on behalf of our Nation. Nevertheless, it is a profound tragedy when a servicemember makes that sacrifice, and our thoughts and prayers are with the Coast Guard at this time.

The legislation I stand in support of today has been developed as a compromise over the past 2 months during negotiations with the Senate. It would amend H.R. 2838, the Coast Guard and Maritime Transportation Act of 2012, that passed the House last November, and it also incorporates numerous provisions from the amendments to H.R. 2838 that cleared the Senate in September. And I appreciate the gentleman from New Jersey (Mr. LOBIONDO) for his willingness to work with me on this legislation in a bipartisan and open manner. I'm confident in saying that this bill embodies a fair and bipartisan compromise for everyone involved and that we can feel proud of this work.

As the ranking member of the Coast Guard Subcommittee, it's been a high

priority for me to advance policies to revitalize and expand our domestic maritime industries, and this legislation marks a significant achievement in doing just that. It creates jobs in the shipbuilding industry by taking vital steps towards improving our icebreaker fleet and finishing the program of record for Response Boat-Medium.

Earlier this year, I had a chance to visit job-creating shipyards that will be a part of the modernization effort of the Coast Guard. These shipyards provide good-paying jobs for hardworking engineers, welders, electricians, and mechanics all over the Northwest and throughout the country. The reauthorization of the Maritime Administration will improve the fortunes of those shipyards, and I am pleased that that is included in this bill as well.

But we've also, in authorizing the Coast Guard, reformed a number of key programs. The Coast Guard has one of the most expansive missions in the Federal Government. This multimission maritime military service is responsible for a broad range of activities, including mariner licensing, emergency oil spill response, vessel inspections, and navigation safety. The Coast Guard remains indispensable to the maintenance of a reliable and secure marine supply chain that supports maritime cargo operations, which contribute \$649 billion annually to the U.S. GDP, sustaining more than 13 million jobs.

This legislation authorizes funding levels for both the Coast Guard and the Reserve that provide for increased funding levels in fiscal years '13 and '14 over the fiscal year '12 level.

I believe the funding levels in the bill remain insufficient to address the documented needs of the Coast Guard. The Coast Guard has been asked to do more with less, and I'm afraid that their only choice during this time of budget uncertainty is to do less with less, and that's just wrong. So while I would prefer these levels to be higher, I understand that these funding levels are likely the best that can be provided under the constraints.

We must be aware, however, that funding levels in this legislation are absent any consideration of what will be needed to address the estimated \$260 million in damages to Coast Guard facilities in the Northeast as a result of Hurricane Sandy. These costs will be addressed in the future, I assume.

And I want to highlight, as well, that this legislation contains several provisions that will improve the Coast Guard's readiness and capabilities in the increasingly important Arctic region. Specifically, this bill directs the Coast Guard to complete a business case analysis to assess the cost-effectiveness of reactivating its heavy icebreaker, the *Polar Sea*. This analysis is overdue and it is vitally important.

At present, the Coast Guard has only one icebreaker, the *Healy*. Although

the Coast Guard expects, in 2013, to reactivate the other heavy icebreaker, the *Polar Star*, the plain fact remains that the Coast Guard's icebreaker fleet remains severely undercapitalized and overextended. As it will be years before a new icebreaker can be delivered, it's essential that we make informed decisions on the *Polar Sea* now in order to have a balanced assessment of Coast Guard polar icebreaker capabilities in the near term.

This legislation also advances provisions that address many administrative, personnel, procurement, and regulatory issues affecting the Coast Guard; specifically, several new authorities to bring the Coast Guard into parity with the other armed services have been included. Additionally, this legislation contains new authorities that will improve the efficiency and oversight of the Coast Guard's major acquisition programs, especially new advanced procurement authority and development of multiyear capital investment programs.

The bill includes language I authored that requires the Coast Guard to complete the procurement of 180 Response Boat-Mediums, or RB-Ms, as originally planned in the program of record for this vessel. This is a critical piece of maritime security, and the completion of these boats will lead to additional job creation in small shipyards.

Besides addressing the needs of the Coast Guard, this legislation also advances several important initiatives to support the U.S. Merchant Marine:

Title III of the legislation protects the Jones Act by strengthening the review and notice requirements for future administrative waivers. This provision, originally called for in H.R. 3202, the American Mariner Jobs Protection Act, should help preserve more opportunities for U.S. carriers and seafarers. The title also provides for a formal authorization for the Committee on the Maritime Transportation System;

Title IV of the legislation includes several provisions that will improve the Maritime Administration's ability to accept, manage, and recycle vessels held in the National Defense Reserve Fleet;

I'm also pleased title VI reauthorizes the Marine Debris Research, Reduction, and Prevention Act. More and more marine debris from the 2011 Japanese tsunami continues to wash up on the shores of the Pacific coast, including in my State of Washington. Japan, in the midst of a recovery from this disaster, though, has shown extraordinary leadership and friendship with the United States by recently announcing that they will donate directly \$5 million to debris cleanup.

□ 0930

It is important that we reauthorize the Marine Debris Act to ensure that

the National Oceanic and Atmospheric Administration has the authority it needs to work with States to address this threat.

I very much appreciate the cooperation of Chairman LoBiondo for including this important environmental measure, and I also applaud my colleagues, Mr. Thompson and Mr. Farr, for their work to see this program reauthorized.

In closing, Mr. Speaker, this legislation reflects a fair and balanced compromise. We have an obligation to support the Coast Guard and support our U.S. merchant marine. A safe and secure maritime environment is good for job creation, good for the economy, and good for the American people. In my estimation, this legislation fulfills that obligation. I urge its passage today, and I just briefly want to thank once again Mr. LoBiondo for his incredible work to be bipartisan, open, and transparent in working to bring this legislation to passage.

With that, I reserve the balance of my time.

Mr. LoBiondo. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 825.

H.R. 2838 reauthorizes the activities of the Coast Guard through the fiscal year 2014 at levels that will allow for the administration's requested 1.7 percent military pay increase for fiscal year 2013 and provide for a military pay increase for fiscal year 2014 at a level consistent with CBO's estimate on the rate of inflation. The bill provides funding for the Coast Guard at levels that will reverse the irresponsible cuts proposed by the Obama administration and will ensure the service has what it needs to successfully conduct its missions.

The legislation includes critical provisions that will give the Coast Guard, its servicemembers, and its dependents great parity with their counterparts in the Department of Defense, something that we've worked very hard to achieve. H.R. 2838 also contains reforms and improvements to the Coast Guard's acquisition program and activities. The bill encourages job growth in the maritime sector by cutting EPA, TSA, and Coast Guard regulatory burdens on small businesses. Finally, the bill enhances the security of U.S. vessels and crews transiting high-risk waters, reauthorizes the national security aspects of the Maritime Administration for fiscal year 2013, and makes several important improvements to NOAA's marine debris program, as noted by Mr. Larsen.

H.R. 2838 was put together in cooperation with the minority and with our counterparts in the Senate. I'd like to thank Mr. Mica, chairman of the full committee; I'd like to thank Mr. Rahall, the ranking member of the full committee; I especially want to

thank Mr. Larsen. We've had, I think, a model for how a committee or a subcommittee should operate. We've been focused on results. We've been focused on incorporating good ideas. Rick, I very much appreciated your cooperation in moving forward on these very important issues for the Nation.

Finally, I would like to thank the staff on both sides for their work and their help in this legislation. We rely on them a great deal. They've worked in an extraordinary manner, and it's very much appreciated, and hopefully we get the results we need.

I also want to take a moment to underscore the very dangerous work that the Coast Guard does to keep our Nation and our shores safe. We were all shocked and very saddened to hear the news this weekend that a Coastie lost his life in the line of duty. This underscores how our Coast Guard men and women put their life at risk each and every day. They're really underrecognized and underappreciated for the work they do. And with drugs being such a great scourge in our country, it sounds like this Coastie was just brutally murdered. So our heart goes out to the men and women of the Coast Guard, his colleagues, his family, and his friends. Chief Petty Officer Terrell Horne was serving his country and gave his life for his country. Again, our thoughts and prayers go out to his family and friends. We're tremendously thankful for all the brave men and women of the Coast Guard and the work that they do each and every day.

I urge all Members to support H.R. 2838, and I reserve the balance of my time.

Mr. Larsen of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Hahn).

Ms. Hahn. Thank you, Mr. Larsen and Mr. LoBiondo, for your work on this.

Mr. Speaker, I rise to offer my support for the House and Senate agreement on the Coast Guard reauthorization for fiscal year 2013 and 2014.

The United States Coast Guard plays an integral role in our Nation's homeland security. They are on the front lines each and every day ensuring that our ports and waterways remain safe and secure.

As a cofounder and cochair of the congressional bipartisan PORTS Caucus, we're learning more and more every day about the critical role that our Coast Guard plays in the security of our ports. Our caucus members had a very productive conversation with Vice Admiral Peter Neffenger of the U.S. Coast Guard in April, whom I got to know very well in Los Angeles when he was the captain of the ports of Los Angeles and Long Beach. He discussed the Coast Guard's critical role in providing security and disaster preparedness at our Nation's ports. That's why providing the Coast Guard with the

necessary ships and gear they need is so important.

However, it's neither the ships nor the gear that make up the heart of the United States Coast Guard. It is the men and women who fight every day to make this country a safer place. They serve with bravery and poise, and are sometimes called upon to make the ultimate sacrifice. And as has been talked about this morning, unfortunately that is what occurred this past weekend when a brave Coast Guardsman gave his life for this country. On December 2, Chief Petty Officer Horne was killed when he and his team came upon a boat suspected of drug smuggling and were rammed upon approaching it. The impact knocked Officer Horne and another Coast Guardsman into the water, inflicting Horne with a severe traumatic head injury that ultimately proved to be fatal.

Chief Petty Officer Terrell Horne was a distinguished Coast Guardsman, and his life is deeply cherished by our Nation as we reflect on his unwavering commitment to protecting our country. He and his family were from Redondo Beach, which is in my current congressional district. His sacrifice serves as a stark reminder of the extraordinary sacrifices our men and women in uniform make boldly for this country each and every day.

As my colleagues consider this bill before us, I ask that we all keep Officer Horne's family, friends, and fellow officers in the Coast Guard in your thoughts and prayers and never forget the sacrifices that our men and women make for us each and every day. I appreciate all the comments that have been made this morning reflecting this same thought.

Mr. LoBiondo. I continue to reserve the balance of my time.

Mr. Larsen of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. Bonamici).

Ms. Bonamici. Thank you very much, Mr. Chair and Mr. Ranking Member.

Mr. Speaker, I rise today in support of the underlying bill which reauthorizes important programs to keep our waterways safe and navigable, protect our marine economy, defend our maritime borders, and support the brave Coast Guard personnel, including the personnel of the U.S. Coast Guard sector Columbia River, which is headquartered in Oregon's First Congressional District. They all work in pursuit of these vital missions. I also thank the chairman and ranking member of the Coast Guard Subcommittee for their work on this, as well as the chair and ranking member of the full Transportation and Infrastructure Committee.

In addition to supporting the basic mission of the Coast Guard, this legislation includes language to reauthorize another important mission carried out

by our Federal Government that is worthy of this body's support, NOAA's marine debris program. In June of this year, coastal residents in my home State of Oregon found a 66-foot dock resting on a beach near the town of Newport, Oregon. The dock was just one piece of many that scientists have estimated to be a debris field with as much as 1.5 million tons of debris that were washed into the ocean by the tsunami that struck Japan in March of 2011.

Beyond the obvious navigational dangers posed by the dock and the other debris that has been discovered in States on the Pacific coastline, the debris also brings with it invasive species that could harm our maritime environment. Not only is this debris dangerous, it's costly to remove, and the threat of a significant increase in debris arriving on our coasts has caused many State and local governments serious budgetary concerns. Oregon spent nearly \$80,000 just removing that one dock.

Since the arrival of the Japanese dock on Agate Beach, Oregon, other members and I have heard from constituents who call on us to provide them with some assistance in dealing with this unprecedented situation.

□ 0940

The Marine Debris Program at NOAA makes some funding available through grants provided to coastal communities and to State and local governments to assist with debris response and removal. The bill we are considering today reauthorizes NOAA's Marine Debris Program. That's very important.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LARSEN of Washington. I yield the gentlelady an additional 30 seconds.

Ms. BONAMICI. In addition to that, I've introduced bipartisan legislation with Congresswoman HERRERA BEUTLER from Washington, the Marine Debris Emergency Act, to expedite that funding, which can currently take about a year from proposal to award. This bill will shorten the window to 60 days, which could be very important.

So I urge my colleagues to support our coastal communities by supporting this legislation and the bill before us today. Thank you to the chairs and ranking member for their hard work.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

Mr. Speaker, I rise today to highlight title VI of the Coast Guard and Maritime Transportation Act of 2012, which amends the Marine Debris Program.

This partnership between NOAA and the United States Coast Guard has

been hugely beneficial to our Nation's coastal communities. It has improved research and debris removal activities at sea and has built a greater understanding of the challenges we face in addressing this threat. There are so many successful projects funded by the Marine Debris Program, which is astounding considering that the program spends far less than \$10 million.

I want to highlight the National Fish and Wildlife Foundation NOAA grant program for Marine Debris Research and Technology. From 2005 to 2011, this program supported 46 projects involving fishermen, ports, and marinas, and they leveraged \$2.7 million in NOAA funding with \$2.9 million in non-Federal matching funds.

Another program, Fishing for Energy, is one innovative program that installs collection bins for commercial fishermen to dispose of old or unwanted fishing gear. To date, this program has disposed of more than 700 tons of obsolete or derelict gear, which annually accounts for \$250 million in lost marketable lobster and which saves up to \$792 million in damages to boat propellers from derelict fishing gear. If that isn't enough, an Energy-from-Waste facility recycles the gear and harnesses electricity from the recycling process. It doesn't cost the fishermen anything to dispose of this gear, and that's why it's such a successful program.

This small Federal investment results in a huge cost savings. Marine debris is a much larger and growing problem. With the disaster in Japan last year and with recent storms like Sandy, cleaning up debris requires both resources and coordination between agencies and States. While I commend the bipartisan support and leadership of my colleagues to get this bill to the President, I am disappointed that the program's authorization has not been extended. I will continue to work for the permanent reauthorization of the Marine Debris Program because it is a critical program for coastal communities.

I urge my colleagues to support this bill, which is one of bipartisan-bicameral compromise. I thank Chairman MICA, Chairman HASTINGS, Ranking Member RAHALL, and Ranking Member MARKEY for their leadership in bringing my bill, H.R. 1171, to the floor for passage out of the House. I thank Chairman LOBIONDO and Ranking Member LARSEN for including this important language in the Coast Guard and Maritime Transportation Act of 2012. I urge your support.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. I yield myself such time as I may consume.

Mr. Speaker, thank you so much for an opportunity to speak on this important resolution. I want to urge everyone to support its passage.

Finally, I want to thank the staff for its great work in putting this together. It's a bit of a dance to put all of the pieces together in legislation like this, but they did a great job, so I want to extend my thanks to them as well.

With that, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, in closing, I would like to thank everyone who has been involved in this process. Again, I especially thank Mr. LARSEN for the cooperative initiatives and efforts that we've been able to undertake. I hope that all the Members of the House of Representatives will think about the sacrifices that the men and women of the Coast Guard make and will vote affirmatively for this bill.

I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I applaud Chairmen MICA and LOBIONDO and Ranking Members RAHALL and LARSEN for their work on the Coast Guard and Maritime Transportation Act of 2012 and for their leadership. I also thank our colleagues in the Senate for their work.

The bill before us contains provisions in Section 301 that are substantially similar to H.R. 3202, the American Mariners Job Protection Act, which I introduced with Congressman JEFF LANDRY.

These provisions will significantly expand transparency surrounding the issuance of waivers allowing non-Jones Act qualified vessels to carry cargoes between two ports in the United States.

While the Jones Act can be waived in the interest of national defense, the Maritime Administration (MARAD) is required to assess whether Jones Act-qualified vessels are available to carry the cargo under consideration. However, recent experience suggests that such assessments have been cursory at best.

The provisions included in Section 301 will require MARAD to publicize the results of such assessments, including detailing the actions that could be taken to enable American vessels to carry the cargo for which a waiver is sought. MARAD will also be required to publish its determinations on its website and provide notification to Congress when a Jones Act waiver is requested or issued.

I thank my colleagues for working with me and Congressman LANDRY to make these important improvements in the administration of the Jones Act.

While I applaud the inclusion of these provisions, the bill before us does contain provisions that I do not support. In particular, I am deeply disappointed that this bill eliminates provisions in the Coast Guard Authorization of 2010 that I authored to establish an ombudsman in each Coast Guard District.

These ombudsmen were intended to serve as liaisons between the Coast Guard and ports, terminal operators, shipowners, and labor representatives to enable these stakeholders to seek further review of disputes regarding the application of Coast Guard regulations. They would have given the port community another mechanism to engage with the Coast Guard to ensure that the application of regulations achieves critical safety and security objectives while having the least possible impact on commerce.



I am also disappointed that this legislation delays the introduction of modern survival craft that ensure that all parts of the body are out of the water. Instead, the bill allows the continued use of equipment that pre-dates World War II.

We would never think of using pre-World War II technology in other aspects of our lives when significantly more advanced technology is available. For that reason, I am shocked that my colleagues believe such antiquated equipment is appropriate for those whose lives are at risk at sea—particularly the disabled, the elderly and children. This is not a subject that needs more study. It has been studied numerous times—and the National Transportation Safety Board (NTSB) explicitly opposes the continued use of life floats and non-inflatable buoyant apparatus as primary lifesaving devices.

Similarly, I am disappointed by provisions in this bill that delay the requirement that fishing vessels undergo dockside exams—and that will reduce the frequency of such exams once they are implemented. Five years between dockside examinations will do little to reduce the unconscionably high casualties suffered by commercial fishermen in what remains our nation's most dangerous profession.

Finally, I am disappointed that we could not include legislation Congressman LANDRY and I introduced to restore the cuts to cargo preference programs made in the MAP-21 legislation. Cargo preference requirements are critical to the maintenance of a robust U.S.-flagged fleet and these cuts should never have been made.

While I will not oppose this legislation, I believe it could have been significantly better than it is in its current form—and I hope we can address these matters promptly in the 113th Congress.

Mr. ROHRBACHER. Mr. Speaker, I rise in support of H. Res. 825, a resolution providing for the concurrence by the House in the Senate amendments to H.R. 2838, the Coast Guard Authorization Act of 2012, with an amendment.

For many years I have directed my district staff in Huntington Beach, California, to organize regular briefings for me as well as public informational meetings about homeland and border security, particularly security of the coastline I have the honor to represent in Congress. On April 4 of this year, I had one such briefing in the American Legion Post in Newport Beach that featured presentations by the Department of Homeland Security Office of Intelligence and Analysis, U.S. Coast Guard and U.S. Border Patrol. The briefings were attended by police, sheriff, fire and marine safety personnel from San Diego to Los Angeles.

These briefings are always foremost in my mind when I urge my colleagues in Congress to summon the political will to stop giving our country away by failing to enforce our borders. The southern California shoreline is the destination for a brazen invasion of contraband and illegal labor smugglers by sea. The brazenness is exceeded only by the shocking multiplier effect of violent crime to persons and property that emanates from the "stash" (safe) houses and sweat shops that proliferate along a clandestine network extending north from San Diego.

The stakes have been rising in recent years as hundreds of "panga" boats ply the waters of Orange County's most treasured beachfront locations, looking for scouts and convoys forward positioned to make a pick-up of exploited workers or drugs shipments. Some panga boats are small, seating 6 to 8 passengers, and sometimes the boats are huge and hold up to 40 people. To suggest it is a sophisticated operation would be an understatement. That is why we enlist the public as well as our protective law enforcement services to spread the word of warning and alert the citizenry to the threat we face as individuals and as a society.

On December 2, 2012, we were tragically reminded of what is at stake when news from the U.S. Coast Guard reached my desk that a brave member of the United States Coast Guard, Chief Petty Officer Terrell Horne III, was killed in action while defending our coastline from the wave of unlawful foreign incursions. As I did in my letter to Admiral Papp, Commandant of the USCG, I want to convey here the most heartfelt condolences from my family and me, as well as millions of Americans living on this coastline, to Chief Petty Officer Horne's family, to the crew of the Cutter *Halibut* on which Petty Officer Horne served, and to the larger USCG community.

Reports indicate that Chief Petty Officer Horne was in a chase boat pursuing a panga when it turned and rammed his craft, killing him and injuring other USCG members doing their jobs for us. This violence against our coastal defenders is yet another wake up call to America, sounding anew a warning that we must as a nation summon courage to defend our border equal to the devotion to duty Chief Petty Officer Horne exemplified. There was no price he was unwilling to pay to protect our nation, and we must honor him by rising in the same degree to the cause for which he died.

Every day courageous men and women of the USCG are on the front line of the struggle to restore the rule of law in the navigable waters of our nation. As the daily assault on our coastal communities escalates, the USCG stands between us and lawlessness on the open seas and along the shorelines where our very civil order now is under siege. This tragic loss of one of American's finest is the terrible price we pay to turn back those emboldened to violate our border security and threaten our homeland in desperate criminal enterprises, profiting from trafficking in drugs and human beings.

Unyielding in our vigilance against these modern day pirates and slave traders, we pause to mourn the loss of a fellow American whose service to our nation humbles us and deepens our resolve to prevail against the perpetrators of violence and crime making landfall on our coast from the sea.

That can and must be done to honor Chief Petty Officer Horne and all those who have sacrificed all so we may remain a sovereign nation and free people. We owe it to Terrell Horne and each and every one of our fallen heroes. I again urge my colleagues to support H. Res. 825 in honor of Terrell and all those who sacrifice so much for all of us.

Mr. LOBIONDO. Mr. Speaker, I understand a concern has been raised by the gentleman from Alaska, Mr. YOUNG and others that word-

ing in Section 307 of the Coast Guard and Maritime Transportation Act of 2012 relating to a vessel's "eligibility" to participate in the non-AFA trawl catcher/processor sector could potentially be read to result in the loss of fishery endorsements for AFA catcher/processors. I can affirm that it is not the intent of the legislation that either existing AFA vessels or rebuilt or replacement AFA vessels suffer a loss of fishery endorsements merely for being considered eligible to participate in a fishery in which they are not participating.

As my colleagues know, this provision came as the result of a request from the other body during negotiations with them on a final text of the legislation. I can assure my colleagues that it was never contemplated that either existing AFA catcher/processors or rebuilt or replacement AFA vessels would lose, or be precluded from acquiring, fishery endorsements just because a federal agency might find such vessels eligible to participate in certain fisheries. The wording of Section 307, that amends 46 U.S.C. section 12113(d)(2)(C), relates to a section in statute pertaining to rebuilt or replacement AFA vessels. It creates restrictions on those vessels from entering the non-AFA pollock catcher/processor sector as replacement vessels, but it is not intended to affect the fishery endorsements for existing AFA catcher/processors or rebuilt or replacement AFA vessels that are not participating in the non-AFA trawl catcher/processor sector.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the Coast Guard and Maritime Transportation Act of 2012. This important bill provides the funding and policy support for all of the programs and missions of the United States Coast Guard. The bill also includes policy and statutory provisions that are important to the entire maritime industry. Part of what our U.S. flag vessel industry does is assist us in developing our energy resources offshore whether in the Arctic or elsewhere. This effort will help us achieve energy independence. Without these working boats being able to operate both domestically and internationally, we as a nation would be lagging even further behind. We need to do what we can to support vessels that can and will do this work.

One such provision in this Coast Guard bill addresses the tonnage situation of the vessel *Aqueos Acadian*. The world of tonnage measurement is an arcane and complicated subject. However, it is vital to the operation and economics of any vessel. In this case the *Aqueos Acadian*, in its original configuration in 1973 when she was built, was certified in Coast Guard documentation to be 274 Gross Registered Tons (GRT), which is the official domestic tonnage measurement. Later in her career, the vessel underwent modifications (addition of a closed-in "shelter deck"), which increased her domestic tonnage (GRT) as well as her international tonnage, which is measured differently than domestic tonnage under the International Tonnage Convention (ITC) rules. Later still in the vessel's history, the modifications that increased the tonnage measurements were removed and the vessel's official documents were then issued by the Coast Guard and ABS to reflect that the GRT had been reduced to 275, almost exactly the original GRT of 274. Vessels that are greater



than 300 GRT have safety and manning requirements that are substantially more complicated than vessels at or below 300 GRT. At the time of the certification of the down-sizing modifications reducing the GRT, the ITC tonnage was not reduced because the Coast Guard's ability to administratively reduce international tonnage, once it has gone up, is either extremely arcane or non-existent—even if the vessel's domestic and international tonnage has in fact been reduced.

Aqueos Corporation purchased the vessel for offshore work and, as stated above, its official documents reflected that the GRT had been reduced to below 300 GRT. Relying on those Coast Guard and ABS issued documents, the company sought Coast Guard administrative help to reduce the ITC tonnage commensurate with the recognition that the GRT had been reduced (prior enlarging modifications removed). In the Coast Guard Authorization bill (H.R. 2838) just enacted this week, there is language that allows the company to keep operating the vessel under its current documentation (below 300 GRT) and allows time to complete the tonnage reducing modifications that were not done by the previous owners of the vessel but which the Coast Guard has said must be done. Unfortunately the ITC tonnage reduction remains incomplete. The provision does not restore the vessel's ITC tonnage to that of the GRT, once the tonnage reducing modification is made in dry dock. This second step would afford to the vessel the same result that other vessels in the *Aqueos Acadian's* class have, which, through a previous legislative grandfather provision, allows those vessels' GRT and ITC tonnage to be the same. This second step would not give the vessel a competitive advantage relative to other vessels in the *Acadian's* class, rather without it the company is at a competitive disadvantage with those other vessels in its class. As time goes by the vessel is losing out on potentially millions of dollars of domestic and international work.

It may be that the ITC provides for recognition of the lower tonnage administratively, but the path is not clear whether such an administrative route exists. Again in the case of this vessel, it is essentially being restored to its original tonnage at the time it was built in 1973. I understand the concern addressed by the ITC of vessels substantially changing their size. A larger vessel should be regulated at a larger tonnage. However, I have not been made aware of any vessel that fits this fact pattern of being enlarged and then substantially altered to be restored to its original tonnage. Unfortunately, the way that the ITC addresses this situation is to forever assign a vessel a higher tonnage even if it in fact has been reduced. That is simply unfair. Other vessels of the same class which did not undergo the enlargement are now enjoying a lower ITC tonnage. The equities are that this vessel should be similarly recognized once restored. This is an equitable case for assigning it the ITC tonnage as though it had not undergone the earlier enlargement.

While there may be a way to do this administratively, that process has not been made clear and seems to be a maze of arcane International Maritime Organization procedures. Thus, the case for correcting the international

tonnage for this vessel is a compelling one based on a unique situation. The recognition of such a unique case as this would not undermine the U.S. credibility or the ITC itself, or cause any backlash in the international community. This vessel should not be force fit into a regime that does not recognize its circumstance. We need vessels such as the *Aqueos Acadian* to develop offshore energy resources as soon as possible. This provision gets part of the job done and in time perhaps an additional measure is needed. In the meantime, I strongly urge the Coast Guard to develop an administrative solution and I ask the Coast Guard to consider all of the factors mentioned above.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and agree to the resolution, H. Res. 825.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### S. CON. RES. 50

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication

Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content;

Whereas the position of the United States Government has been and is to advocate for the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee.

#### GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD for S. Con. Res. 50.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

This week, representatives from 193 countries are meeting in Dubai to reexamine an international treaty dealing with telecommunications. Several hostile countries are seeking to use this opportunity to impose new international regulations on the Internet.

We need to send a strong message to the world that the Internet has thrived under a decentralized, bottom-up, multistakeholder governance model. That is why I stand in strong support of Senator RUBIO's Senate Concurrent Resolution 50. The U.S. is united in its opposition to international control over Internet governance, and we've seen leadership pushing back against ceding more power to the International Telecommunication Union. It is referred to as the "ITU." It's a branch of the United Nations.

Some want to give it new powers. Several countries see the Internet as a tool for political and/or economic control that they want to exploit. For example, Russia's Vladimir Putin has

openly stated his intention to seek "international control over the Internet using the monitoring and supervisory capabilities of the ITU." Just last week, the Syrian Government shut off Internet access as the regime sought to suppress the free exchange of information among its private citizens. But it's because the Internet is the ultimate tool of political and economic liberation that we should foster and protect it, not give those who fear its impact on politics and the economy the power to repress its continued innovation and untapped potential.

I also want to make an important point about our legitimacy in the fight to keep the Internet thriving, democratic, and decentralized. Unfortunately, we did undermine our credibility when the Federal Communications Commission imposed net neutrality regulations without the proper statutory authority to do so. Even Ambassador Verveer at the State Department had made the point. He said in 2010 that the net neutrality proceeding "is one that could be employed by regimes that don't agree with our perspectives about essentially avoiding regulation of the Internet and trying to be sure not to do anything to damage its dynamism and its organic development. It could be employed as a pretext or as an excuse for undertaking public policy activities that we would disagree with pretty profoundly."

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We need to pass S. Con. Res. 50 and rebuild our credibility in support of Internet freedom. Regulating beyond our authority at home sets a very bad example when we want to oppose truly devastating regulations at the international level. Despite our domestic disagreements on telecom policy, one thing both sides of the aisle can agree on is that we should uphold the Internet governance model that's working. Let's not try to fix what's not broken.

In Dubai, we want our country promoting private markets and U.S. interests. Let's encourage the decentralized governance model that's been successful in the past, and let's show leadership instead of giving away broad regulatory powers to those who don't deserve and who should not have it.

I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it's fitting that on the week in which the World Conference on International Telecommunications convenes in Dubai that the House will once again take up a resolution demonstrating the bipartisan commitment of Congress to preserve the open structure and multistakeholder approach that has guided the Internet over the past two decades.

I think we are all very, very proud that there is not only bipartisan but bicameral support underlying this reso-

lution, and there is complete support across the executive branch of our government. In other words, the United States of America is totally unified on this issue of an open structure, a multistakeholder approach that has guided the Internet over the past two decades.

The Senate resolution before us today, Mr. Speaker, makes a minor technical change to a resolution that the House passed unanimously in August by a vote of 414-0. I have no objection to this change, and I ask my colleagues to support this bipartisan measure.

I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN), who is the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. WALDEN. I thank my colleague and friend for the time.

I rise today in support of Senate Concurrent Resolution 50, which, as you've heard, opposes international regulation of the Internet. It is virtually identical to the language that our friend and colleague Representative MARY BONO MACK put forward in H. Con. Res. 127, which was introduced earlier this year and passed by my subcommittee and in the full Energy and Commerce Committee and went on to pass this House without opposition. With this vote, we unify that language and we send a strong bipartisan, bicameral signal about America's commitment to an unregulated Internet.

I want to thank Representative BONO MACK for championing this important legislation to keep the Internet free from government regulation. I also wish to thank FCC Commissioner Robert McDowell, who has tirelessly sounded the call, not only about the peril we face if we stand idly by as countries like Russia and China seek to exert control over the Internet, but also about how FCC's own actions adopting network neutrality rules regulating the Internet undermine America's case abroad.

I also fear that recent talks of cybersecurity executive orders here at home may be cited back to us by some foreign nations with them accusing us of telling them to do as we say but not as we do.

The historical hands-off regulatory policy has allowed the Internet to become the greatest vehicle for global, social, and economic liberty since the printing press. And despite the current economic climate, it continues to grow at an astonishing pace.

FCC Commissioner McDowell and Chairman Genachowski are in Dubai this week as U.S. delegates to the World Conference on International Telecommunications. Our committee has also sent representatives from both parties to keep an eye on the pro-

ceedings. There, the 193 member countries of the United Nations are considering whether to apply to the Internet a regulatory regime that the International Telecommunications Union created in the 1980s for old-fashioned telephone service, as well as whether to swallow the Internet's nongovernmental organizational structure whole and make it part of the United Nations. Neither of these are acceptable outcomes and must be strongly opposed by our delegation.

Among those supportive of such regulation is Russian President Vladimir Putin, who spoke positively about the idea of "establishing international control over the Internet," to use his own words. Some countries have even proposed regulations that would allow them to read citizens' email in the name of security, require citizens to register their email addresses for tracking purposes, and to charge for Internet access to their countries on a per-click basis.

This resolution rejects these proposals by taking the radical position that if the most revolutionary advance in technology, commerce, and social discourse of the last century is not broken, as you've heard others say, there's no reason to "fix" it.

The ability of the Internet to grow at this staggering pace is due largely to the flexibility of the multistakeholder model that governs the Internet so successfully today. Nongovernmental institutions now manage the Internet's core functions with input from private and public sector participants, and this structure prevents governmental or nongovernmental actors from controlling the design of the network or the content that it carries. Without one entity in control, the Internet has become a driver of jobs, information, business expansion, investment, and innovation. Moving away from the multistakeholder model would harm these abilities, preventing the Internet from spreading prosperity and the cause of freedom.

As the United States delegation continues its work at the WCIT, this resolution is an excellent bipartisan demonstration of our Nation's commitment to preserve the multistakeholder governance model and keep the Internet free from international regulation. I encourage my colleagues to support passage of this measure.

Mrs. BLACKBURN. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Louisiana (Mr. SCALISE), who is a member of the Telecommunications and Internet Subcommittee.

Mr. SCALISE. Mr. Speaker, I want to thank the gentlelady from Tennessee for yielding and for her leadership on this issue.

As has been noted, right now, in Dubai, an arm of the United Nations is considering trying to take international control over parts of the

Internet. If you look at the struggling economy we have right now in the United States, one of the few bright spots is the telecommunications industry. One of the reasons—as a computer science major, I would argue that one of the reasons that the telecommunications and technology industry has been so successful even in a tough economy is because the government hasn't figured out how to regulate it and slow it down.

And yet here you have a proposal by the United Nations, coming out of the United Nations, to interfere with that multistakeholder organization which has been and allowed this industry to be so successful and allowed the Internet to shape and dramatically improve so many people's lives. So many of the things we can do today and all of the conveniences that have been added through great new apps and great new technology have come from this multistakeholder governance of the Internet. And yet here you have the United Nations try to step in.

And let's be real clear about who some of these countries are that want to do this and what they're intending to do if they are successful. Countries like Russia and China are leading this. Some of the Arab nations right now where you see uprisings, and many of those uprisings, by the way, have been brought through social media, through an open and free Internet where people can come together in cyberspace and hold their leadership accountable and in some cases rise up against oppressive governments, and those governments would like nothing more than to be able to shut that down by taking over control of the Internet.

I know it's been brought up before by the gentlelady from Tennessee and others, but I think it's important to know that Vladimir Putin, when he was meeting with the ITU Secretary-General said his goal, the reason that he and others like China are pursuing this, is to establish international control over the Internet through these new ITU rules.

And so while these discussions are going on in Dubai, I think it's critical that this piece of legislation is something we can arm our supporters with, those who stand up for Internet freedom, to say it is the United States Congress' bipartisan agreement that we want to maintain that freedom. We don't want United Nations control over the Internet.

□ 1000

Mrs. BLACKBURN. Mr. Speaker, we have no further speakers, and as I close, I want to thank Ms. ESHOO for the leadership that she has given. She's the ranking member of the Telecommunications and Internet Subcommittee.

I also want to draw attention to the outstanding work that Representative

MARY BONO MACK did as she led the debate and the discussion and pushed for the resolution, authored the resolution that the House passed earlier on this very issue. I also want to thank her for her work with Senator RUBIO and having a resolution that would be agreed to by both Chambers.

As Ms. ESHOO indicated earlier, the Senate resolution makes a technical change, a small technical change, in the resolution that was passed by the House. This is where the U.S. needs to stand firm. It's a way that we, in a bipartisan manner, can stand firm for freedom. I encourage the passage of this resolution; and I encourage that we, as a body, will continue to stand for a free and open Internet.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 50.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BLACKBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6620) to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6620

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Former Presidents Protection Act of 2012".

#### SEC. 2. ELIMINATING CERTAIN LIMITATIONS ON THE LENGTH OF SECRET SERVICE PROTECTION FOR FORMER PRESIDENTS AND FOR THE CHILDREN OF FORMER PRESIDENTS.

(a) FORMER PRESIDENTS.—Section 3056(a)(3) of title 18, United States Code, is amended by striking "unless the former President did not" and all that follows through "warrant such protection".

(b) CHILDREN OF FORMER PRESIDENTS.—Section 3056(a)(4) of title 18, United States Code, is amended by striking "for a period" and all that follows through "comes first".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6620, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6620, the Former Presidents Protection Act of 2012, amends Federal law to uniformly provide lifetime Secret Service protection to all of America's former Presidents.

I want to thank the gentleman from South Carolina (Mr. GOWDY) and the gentleman from Virginia (Mr. SCOTT) for sponsoring this commonsense, bipartisan legislation.

America has a responsibility to protect its Presidents and their families, and not simply while they serve in office. We also have a duty to ensure the ongoing safety of those who serve in America's highest elected office after they leave office.

In 1958, Congress first authorized Secret Service protection for former Presidents, which was limited to a reasonable period of time after a President leaves office. Congress expanded this to lifetime protection in 1965.

But in 1994, Congress once again limited Secret Service protection for former Presidents, this time to 10 years after a President leaves office. This 10-year restriction applied to Presidents who took office after January 1, 1997.

The role of a former President has changed throughout the years. Former Presidents now have a global presence, and they are often seen as de facto representatives of the United States.

Whether it's former President Carter's work in peace negotiations with other countries or President Clinton's global initiative, former Presidents have a valuable role in using their experience and knowledge to help the U.S. in both a public and private capacity.

The world has changed dramatically since the 9/11 terrorist attacks. The threats to American personnel and interests continue as terrorists wage a war against the United States. Arbitrarily limiting Secret Service protection to 10 years may have made sense in 1994, after the Cold War had ended and before the war on terror had begun.

In a world where Americans who serve the public interest are considered targets, we must make sure that the safety and security of our former Chief Executives is not jeopardized. H.R. 6620 recognizes that those who serve as President are symbols of America and

American freedoms and deserve to be protected.

There are only a handful of Americans who will be called upon to serve this country as President. These individuals represent America, not only while serving in office, but remain in the public consciousness long after they leave. H.R. 6620, simply recognizes that unique role and reinstates lifetime protection for all of our former Presidents.

I want to again thank Mr. GOWDY and Mr. SCOTT for their work on this issue, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen, H.R. 6620 is a commonsense bill that will ensure the continued safety of our Presidents after they leave the White House by extending the ability of the Secret Service to protect former Presidents; and I'm proud to join with the chairman, Mr. SMITH, of Judiciary, in support of this bill.

For Presidents who didn't serve prior to 1997, current Federal law provides that the Secret Service's protection terminates 10 years after the President leaves office. The 10-year limitation was enacted in 1994, when the nature of threats to former Presidents was more limited. But times have changed, and it's an unfortunate fact that former Presidents will require Secret Service protection for the rest of their lives. Therefore, this bill would simply restore the law to its prior form.

When a President of the United States completes his term, he remains a symbol of our Nation. Sadly, our Presidents who've worked hard to protect us from those who would harm our Nation may, themselves, continue to be in harm's way even after they complete their terms in office.

Most former Presidents remain prominently in the public eye, continuing to represent our country in significant ways and providing leadership on important issues. We should recognize and encourage their continued service by providing them with the protection they need.

This bill would also expand the Secret Service's authorization to protect the children of former Presidents until they reach 16 years of age. This also makes good sense under the current circumstances.

I want to recognize the Secret Service for their excellent and tireless job that they perform in protecting our national leaders. The men and women of the Secret Service conduct themselves with valor, while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President and special national security events as well.

The Secret Service has other important functions which also deserve recognition.

For example, the investigative role of the Secret Service has expanded greatly, from protecting the currency against counterfeiting, to investigating a wide variety of crimes related to this country's financial institutions and credit systems.

□ 1010

I, too, join in commending the gentleman from South Carolina, a member of our committee, TREY GOWDY, for his special work on this bill; and I urge my colleagues to support H.R. 6620.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. GOWDY), who is the sponsor of this legislation.

Mr. GOWDY. Mr. Speaker, I would like to first thank Chairman LAMAR SMITH. This may be my last opportunity to thank him for his service as chairman of the Judiciary Committee, not just for this bill but for the work he's done in the full 2 years. He has done a fantastic job, and I would like to thank the chairman for that.

Mr. Speaker, two things are clear: protection, security, and public safety—those are the fundamental obligations of government; and, secondly, we live in an increasingly dangerous world with increasing threats against our citizens and targets that are viewed as high profile. For those reasons, Mr. Speaker, and others, I earnestly believe those who serve this country as President should never have to worry about their personal safety.

Under current law, protection for President Obama and President George W. Bush will cease after 10 years. Both men are young, enjoy good health, and have long lives ahead of them post-Presidency. This bill proposes to extend that security for the remainder of their lives. There's an unintended anomaly, Mr. Speaker, that if current law were not changed, Hillary Clinton, Barbara Bush and Laura Bush would receive more protections by virtue of being First Lady than they would if they had served as President themselves. So I hope my colleagues will make sure that the person and the symbol of our Presidency is safe and secure for the duration of their natural lives.

Mr. CONYERS. Mr. Speaker, before I yield to the distinguished gentlelady from Texas, I would like to observe the great relationship that has been formed on Judiciary between myself and the distinguished gentleman from San Antonio, Texas. For 4 years he was the ranking member on his side, while I was chair. We worked together. And for the 2 years he served as chair, I worked as his ranking member. We had a cordial and, I think, important relationship in framing and putting forward the issues for the Committee on the Judiciary, and I thank him.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. CONYERS. I will yield to the gentleman, with pleasure.

Mr. SMITH of Texas. Mr. Speaker, I wanted to thank the former chairman of the Judiciary Committee himself for those generous comments and say I've certainly enjoyed our working relationship over the last 6 years, and I know that that will continue as well.

Mr. CONYERS. I yield such time as she may consume to the gentlelady from Texas, a senior member of Judiciary, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. This is an enormously positive exhibition of the working relationship of the members of the House Judiciary Committee. And I thank both the chairman and the ranking member for the evidence of collegiality in these waning moments of the 112th Congress.

I'm going to follow my ranking member and acknowledge appreciation for the service of Judiciary Committee Chairperson LAMAR SMITH, who happens to be a tall Texan. And so we are delighted to thank him very much for the work that he has done, and to join with an established icon of Judiciary prominence in JOHN CONYERS. The two match well in their excellence, and I thank the ranking member and the former chairperson for his work and service. There is great work being done by the Judiciary Committee, and I think it is enormously important that we are the holders and protectors of the Constitution on behalf of not only our Members but on behalf of the United States of America.

Now is not the time, but I do want to acknowledge and hope that the House will consent at the appropriate time to acknowledge one of our fallen of great prominence of this committee, someone who I sat in his office as a baby Member of Congress, the Honorable Jack Brooks, who has passed. I hope there will be an appropriate moment for us to honor him before we leave today.

I rise to be able to thank the sponsor of this legislation—he attracted my interest in it—to correct something that probably was thought to be of good direction, but was not, in the limitation of the coverage of the President and the President's children, the First Family's children.

As a member of the Homeland Security Committee, let me say that we are celebratory of the fact that we have not had another attack on our soil since 9/11. If we look at it in a global perspective, we've not fought a war on our soil since—I believe at least an intense one—since the Civil War. But certainly we know that terrorism and danger have taken a new direction in this country and the world. And for those of us who spend time on these issues on a regular basis, this is a forward-thinking and smart initiative to

ensure that the security of the men and/or women who have served as President of the United States and their children can be fully protected.

Let me acknowledge, as well, the service of the men and women of the United States Secret Service. And to be very frank, having jurisdiction over the Secret Service and Homeland Security and having interacted with them on a number of occasions, certainly we note that there was a moment in this last year that did not reflect well upon the decades of service of the United States Secret Service. But they have done their job well. They have been dutiful servants and protectors of the men that have held the highest office, along with the First Ladies and their children. This legislation speaks to a modern-day world where you never know where danger may approach someone and can be utilized in an untoward manner, such as being held hostage and used to threaten the sanctity and democracy and freedom of this Nation.

So this legislation reflects our smartness and astuteness in correcting what was probably thought to be good but upon reflection does not reflect on the goodness of this Congress, the goodness of the American people, who respect the service of their public servants to the highest office in this land.

With that, Mr. Speaker, I want to ask my colleagues to support the underlying legislation. And as this exhibits our opportunity that we can work together, I know that we'll find the right solution for solving our issues of middle class tax cuts and the fiscal deadline and make sure we move in a very positive direction.

Mr. CONYERS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6620.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6602) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

The Clerk read the title of the bill.

The text of the bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Purpose.

Sec. 3. Technical amendments.

#### SEC. 2. PURPOSE.

The purpose of this Act is to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

#### SEC. 3. TECHNICAL AMENDMENTS.

(a) TABLES OF CONTENTS.—

(1) TABLE OF CONTENTS OF THE TITLE.—Title 36, United States Code, is amended in the matter before subtitle I by striking

|   |         |
|---|---------|
| “Subtitle   | Sec.    |
| “I. PATRIOTIC AND NATIONAL OBSERVANCES AND CEREMONIES | 101     |
| “II. PATRIOTIC AND NATIONAL ORGANIZATIONS             | 10101   |
| “III. TREATY OBLIGATION ORGANIZATIONS                 | 300101” |

and inserting

#### “Subtitle I—Patriotic and National Observances and Ceremonies

##### “Part A—Observances and Ceremonies

|  |      |
|--|------|
| “Chap.   | Sec. |
| “1. Patriotic and National Observances                             | 101  |
| “3. National Anthem, Motto, Floral Emblem, March, and Tree         | 301  |
| “5. Presidential Inaugural Ceremonies                              | 501  |
| “7. Federal Participation in Carl Garner Federal Lands Cleanup Day | 701  |
| “9. Miscellaneous  | 901  |

##### “Part B—United States Government Organizations Involved With Observances and Ceremonies

|  |      |
|--|------|
| “21. American Battle Monuments Commission                            | 2101 |
| “23. United States Holocaust Memorial Council                        | 2301 |
| “25. President's Committee on Employment of People With Disabilities | 2501 |

##### “Subtitle II—Patriotic and National Organizations

##### “Part A—General

|               |       |
|---------------|-------|
| “101. General | 10101 |
|---------------|-------|

##### “Part B—Organizations

|   |          |
|---|----------|
| “201. Agricultural Hall of Fame                           | 20101    |
| “202. Air Force Sergeants Association                     | 20201    |
| “203. American Academy of Arts and Letters                | 20301    |
| “205. American Chemical Society                           | 20501    |
| “207. American Council of Learned Societies               | 20701    |
| “209. American Ex-Prisoners of War                        | 20901    |
| “210. American GI Forum of the United States              | 21001    |
| “211. American Gold Star Mothers, Incorporated            | 21101    |
| “213. American Historical Association                     | 21301    |
| “215. American Hospital of Paris                          | 21501    |
| “217. The American Legion                                 | 21701    |
| “219. The American National Theater and Academy           | 21901    |
| “221. The American Society of International Law           | 22101    |
| “223. American Symphony Orchestra League                  | 22301    |
| “225. American War Mothers                                | 22501    |
| “227. AMVETS (American Veterans)                          | 22701    |
| “229. Army and Navy Union of the United States of America | 22901    |
| “231. Aviation Hall of Fame                               | 23101    |
| “233 through 299  | Reserved |
| “301. Big Brothers—Big Sisters of America                 | 30101    |
| “303. Blinded Veterans Association                        | 30301    |
| “305. Blue Star Mothers of America, Inc.                  | 30501    |
| “307. Board For Fundamental Education                     | 30701    |
| “309. Boy Scouts of America                               | 30901    |
| “311. Boys & Girls Clubs of America                       | 31101    |

|   |          |
|---|----------|
| “313 through 399  | Reserved |
| “401. Catholic War Veterans of the United States of America, Incorporated               | 40101    |
| “403. Civil Air Patrol  | 40301    |
| “405. Congressional Medal of Honor Society of the United States of America              | 40501    |
| “407. Corporation for the Promotion of Rifle Practice and Firearms Safety               | 40701    |
| “409 through 499  | Reserved |
| “501. Daughters of Union Veterans of the Civil War 1861–1865                            | 50101    |
| “503. Disabled American Veterans  | 50301    |
| “505 through 599  | Reserved |
| “601. 82nd Airborne Division Association, Incorporated                                  | 60101    |
| “603 through 699  | Reserved |
| “701. Fleet Reserve Association   | 70101    |
| “703. Former Members of Congress  | 70301    |
| “705. The Foundation of the Federal Bar Association                                     | 70501    |
| “707. Frederick Douglass Memorial and Historical Association                            | 70701    |
| “709. Future Farmers of America   | 70901    |
| “711 through 799  | Reserved |
| “801. General Federation of Women's Clubs   | 80101    |
| “803. Girl Scouts of the United States of America                                       | 80301    |
| “805. Gold Star Wives of America  | 80501    |
| “807 through 899  | Reserved |
| “901. Help America Vote Foundation  | 90101    |
| “903 through 999  | Reserved |
| “1001. Italian American War Veterans of the United States                               | 100101   |
| “1003 through 1099  | Reserved |
| “1101. Jewish War Veterans of the United States of America, Incorporated                | 110101   |
| “1103. Jewish War Veterans, U.S.A., National Memorial, Incorporated                     | 110301   |
| “1105 through 1199  | Reserved |
| “1201. Korean War Veterans Association, Incorporated                                    | 120101   |
| “1203 through 1299  | Reserved |
| “1301. Ladies of the Grand Army of the Republic   | 130101   |
| “1303. Legion of Valor of the United States of America, Incorporated                    | 130301   |
| “1305. Little League Baseball, Incorporated   | 130501   |
| “1307 through 1399  | Reserved |
| “1401. Marine Corps League  | 140101   |
| “1403. The Military Chaplains Association of the United States of America               | 140301   |
| “1404. Military Officers Association of America   | 140401   |
| “1405. Military Order of the Purple Heart of the United States of America, Incorporated | 140501   |
| “1407. Military Order of the World Wars   | 140701   |
| “1409 through 1499  | Reserved |
| “1501. National Academy of Public Administration  | 150101   |
| “1503. National Academy of Sciences   | 150301   |
| “1505. National Conference of State Societies, Washington, District of Columbia         | 150501   |
| “1507. National Conference on Citizenship   | 150701   |
| “1509. National Council on Radiation Protection and Measurements                        | 150901   |
| “1511. National Education Association of the United States                              | 151101   |
| “1513. National Fallen Firefighters Foundation  | 151301   |
| “1515. National Federation of Music Clubs   | 151501   |
| “1517. National Film Preservation Foundation  | 151701   |
| “1519. National Fund for Medical Education  | 151901   |
| “1521. National Mining Hall of Fame and Museum  | 152101   |
| “1523. National Music Council   | 152301   |
| “1524. National Recording Preservation Foundation                                       | 152401   |
| “1525. National Safety Council  | 152501   |
| “1527. National Ski Patrol System, Incorporated   | 152701   |
| “1529. National Society, Daughters of the American Colonists                            | 152901   |
| “1531. The National Society of the Daughters of the American Revolution                 | 153101   |
| “1533. National Society of the Sons of the American Revolution                          | 153301   |
| “1535. National Tropical Botanical Garden   | 153501   |
| “1537. National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic       | 153701   |

|  |          |
|--|----------|
| "1539. The National Yeomen (F) .....   | 153901   |
| "1541. Naval Sea Cadet Corps .....   | 154101   |
| "1543. Navy Club of the United States of<br>America .....  | 154301   |
| "1545. Navy Wives Clubs of America .....   | 154501   |
| "1547. Non Commissioned Officers Associa-<br>tion of the United States of Amer-<br>ica, Incorporated ..... | 154701   |
| "1549 through 1599 .....   | Reserved |
| "1601 through 1699 .....   | Reserved |
| "1701. Paralyzed Veterans of America .....   | 170101   |
| "1703. Pearl Harbor Survivors Association .....  | 170301   |
| "1705. Polish Legion of American Vet-<br>erans, U.S.A. ....  | 170501   |
| "1707 through 1799 .....   | Reserved |
| "1801 through 1899 .....   | Reserved |
| "1901. Reserve Officers Association of the<br>United States .....  | 190101   |
| "1903. Retired Enlisted Association, Incor-<br>porated .....   | 190301   |
| "1905 through 1999 .....   | Reserved |
| "2001. Society of American Florists and<br>Ornamental Horticulturists .....                                | 200101   |
| "2003. Sons of Union Veterans of the Civil<br>War .....  | 200301   |
| "2005 through 2099 .....   | Reserved |
| "2101. Theodore Roosevelt Association .....  | 210101   |
| "2103. 369th Veterans' Association .....   | 210301   |
| "2105 through 2199 .....   | Reserved |
| "2201. United Service Organizations, Incor-<br>porated .....   | 220101   |
| "2203. United States Capitol Historical So-<br>ciety .....   | 220301   |
| "2205. United States Olympic Committee ..  | 220501   |
| "2207. United States Submarine Veterans<br>of World War II .....   | 220701   |
| "2209 through 2299 .....   | Reserved |
| "2301. Veterans of Foreign Wars of the<br>United States .....  | 230101   |
| "2303. Veterans of World War I of the<br>United States of America, Incor-<br>porated .....                 | 230301   |
| "2305. Vietnam Veterans of America, Inc. ..  | 230501   |
| "2307 through 2399 .....   | Reserved |
| "2401. Women's Army Corps Veterans' As-<br>sociation .....   | 240101   |
| "2403 through 2499 .....   | Reserved |
| "2501 through 2599 .....   | Reserved |
| "2601 through 2699 .....   | Reserved |
| "2701 through 2799 .....   | Reserved |

### "Subtitle III—Treaty Obligation Orga- nizations

"3001. The American National Red Cross ... 300101".  
(2) TABLES OF CONTENTS OF SUBTITLES.—  
Title 36, United States Code, is further  
amended as follows:

(A) In the matter before chapter 1, after  
the heading

#### "Subtitle I—Patriotic and National Observances and Ceremonies",

strike

"PART A—OBSERVANCES AND CEREMONIES"

and all that follows through

"25. President's Committee on Employ-  
ment of People With Disabilities .. 2501".

(B) In the matter before chapter 101, after  
the heading

#### "Subtitle II—Patriotic and National Organizations",

strike

"PART A—GENERAL"

and all that follows through

"2701. [Reserved] ..... 270101".

(C) In the matter before chapter 3001, after  
the heading

#### "Subtitle III—Treaty Obligation Organizations",

strike

"Chapter  
"3001. The American National Red Cross ... 300101".

(b) RESERVED CHAPTERS.— Title 36, United  
States Code, is further amended as follows:

(1) In the matter before

"CHAPTER 301—BIG BROTHERS—BIG  
SISTERS OF AMERICA",

insert

"CHAPTERS 233 THROUGH 299—  
RESERVED".

(2) In the matter before

"CHAPTER 401—CATHOLIC WAR VET-  
ERANS OF THE UNITED STATES OF  
AMERICA, INCORPORATED",

insert

"CHAPTERS 313 THROUGH 399—  
RESERVED".

(3) In the matter before

"CHAPTER 501—DAUGHTERS OF UNION  
VETERANS OF THE CIVIL WAR 1861–1865",

insert

"CHAPTERS 409 THROUGH 499—  
RESERVED".

(4) In the matter before

"CHAPTER 601—82ND AIRBORNE DIVISION  
ASSOCIATION, INCORPORATED",

insert

"CHAPTERS 505 THROUGH 599—  
RESERVED".

(5) In the matter before

"CHAPTER 701—FLEET RESERVE  
ASSOCIATION",

insert

"CHAPTERS 603 THROUGH 699—  
RESERVED".

(6) In the matter before

"CHAPTER 801—GENERAL FEDERATION  
OF WOMEN'S CLUBS",

insert

"CHAPTERS 711 THROUGH 799—  
RESERVED".

(7) In the matter before

"CHAPTER 1001—ITALIAN AMERICAN WAR  
VETERANS OF THE UNITED STATES",

strike

"CHAPTER 901—[RESERVED]"

and insert (before chapter 901 as renum-  
bered and transferred by subsection  
(c)(6)(A)),

"CHAPTERS 807 THROUGH 899—  
RESERVED".

(8) In the matter before

"CHAPTER 1001—ITALIAN AMERICAN WAR  
VETERANS OF THE UNITED STATES"

insert (after chapter 901 as renumbered and  
transferred by subsection (c)(6)(A))

"CHAPTERS 903 THROUGH 999—  
RESERVED".

(9) In the matter before

"CHAPTER 1101—JEWISH WAR VETERANS  
OF THE UNITED STATES OF AMERICA,  
INCORPORATED",

insert

"CHAPTERS 1003 THROUGH 1099—  
RESERVED".

(10) In the matter before

"CHAPTER 1201—KOREAN WAR VETERANS  
ASSOCIATION, INCORPORATED",

insert

"CHAPTERS 1105 THROUGH 1199—  
RESERVED".

(11) In the matter before

"CHAPTER 1301—LADIES OF THE GRAND  
ARMY OF THE REPUBLIC",

insert

"CHAPTERS 1203 THROUGH 1299—  
RESERVED".

(12) In the matter before

"CHAPTER 1401—MARINE CORPS  
LEAGUE",

insert

"CHAPTERS 1307 THROUGH 1399—  
RESERVED".

(13) In the matter before

"CHAPTER 1501—NATIONAL ACADEMY OF  
PUBLIC ADMINISTRATION",

insert

"CHAPTERS 1409 THROUGH 1499—  
RESERVED".

(14) In the matter before

"CHAPTER 1701—PARALYZED VETERANS  
OF AMERICA",

strike

"CHAPTER 1601—[RESERVED]"

and insert

"CHAPTERS 1549 THROUGH 1599—  
RESERVED"

"CHAPTERS 1601 THROUGH 1699—  
RESERVED".

(15) In the matter before

"CHAPTER 1901—RESERVE OFFICERS  
ASSOCIATION OF THE UNITED STATES",

strike

"CHAPTER 1801—[RESERVED]"

and insert

"CHAPTERS 1707 THROUGH 1799—  
RESERVED"

"CHAPTERS 1801 THROUGH 1899—  
RESERVED".

(16) In the matter before

"CHAPTER 2001—SOCIETY OF AMERICAN  
FLORISTS AND ORNAMENTAL HORTI-  
CULTURISTS",

insert

"CHAPTERS 1905 THROUGH 1999—  
RESERVED".

(17) In the matter before

"CHAPTER 2101—THEODORE ROOSEVELT  
ASSOCIATION",

insert

"CHAPTERS 2005 THROUGH 2099—  
RESERVED".

(18) In the matter before

"CHAPTER 2201—UNITED SERVICE  
ORGANIZATIONS, INCORPORATED",

insert

"CHAPTERS 2105 THROUGH 2199—  
RESERVED".

(19) In the matter before

"CHAPTER 2301—VETERANS OF FOREIGN  
WARS OF THE UNITED STATES",

insert

"CHAPTERS 2209 THROUGH 2299—  
RESERVED".

(20) In the matter before

"CHAPTER 2401—WOMEN'S ARMY CORPS  
VETERANS' ASSOCIATION",

insert

"CHAPTERS 2307 THROUGH 2399—  
RESERVED".

(21) In the matter before

"Subtitle III—Treaty Obligation  
Organizations",

strike

"CHAPTER 2501—[RESERVED]"

"CHAPTER 2601—[RESERVED]"

"CHAPTER 2701—[RESERVED]"

and insert

**“CHAPTERS 2403 THROUGH 2499—  
RESERVED**

**“CHAPTERS 2501 THROUGH 2599—  
RESERVED**

**“CHAPTERS 2601 THROUGH 2699—  
RESERVED**

**“CHAPTERS 2701 THROUGH 2799—  
RESERVED”.**

(c) OTHER TECHNICAL AMENDMENTS TO TITLE 36.—Title 36, United States Code, is further amended as follows:

(1) NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM, MARCH, AND TREE.—In the heading for chapter 3, strike **“FLORAL EMBLEM MARCH”** and insert **“FLORAL EMBLEM, MARCH”**.

(2) UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—In section 2301(2), strike “section 2306” and insert “section 2304”.

(3) CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.—In section 40706(a)—

(A) in the matter before paragraph (1), strike the dash appearing after “the Secretary of the Army” and insert a colon;

(B) in paragraph (1), strike “firearms” and insert “Firearms”; and

(C) in paragraph (3), strike “trophies” and insert “Trophies”.

(4) MILITARY OFFICERS ASSOCIATION OF AMERICA.—In section 140402, in the matter before paragraph (1), strike “(a) GENERAL.—The purposes” and insert “The purposes”.

(5) NATIONAL FILM PRESERVATION FOUNDATION.—In section 151705(b), in the matter before paragraph (1), strike “the the jurisdiction” and insert “the jurisdiction”.

(6) HELP AMERICA VOTE FOUNDATION.—

(A) RENUMBERING AND TRANSFER OF CHAPTER.—Chapter 1526 is renumbered as chapter 901 and transferred so as to appear after

**“CHAPTERS 807 THROUGH 899—  
RESERVED”**

(as inserted by subsection (b)(7)).

(B) RENUMBERING OF SECTIONS.—In chapter 901, as renumbered by subparagraph (A), and in the chapter analysis, sections 152601 through 152612 are renumbered as sections 90101 through 90112, respectively.

(C) CONFORMING AMENDMENT.—In section 90109, as renumbered by subparagraph (B), strike “section 152602” and insert “section 90102”.

(7) NATIONAL TROPICAL BOTANICAL GARDEN.—At the end of the chapter table of contents for chapter 1535, insert—

“153514. Authorization of appropriations.”.

(8) NATIONAL YEOMEN (F).—

(A) In the heading for chapter 1539, strike **“YEOMEN F”** and insert **“YEOMEN (F)”**.

(B) In section 153901, strike “Yeomen F” and insert “Yeomen (F)”.

(C) In paragraphs (1) and (2) of section 153902, strike “Yeomen (f)” and insert “Yeomen (F)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6602, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States.

□ 1020

This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of Law Revision Counsel to develop H.R. 6602. The bill makes technical changes to title 36 of the United States Code, the laws that govern patriotic and national observances.

Codification laws do not make any substantive changes to existing law. Industries, government agencies, and interested parties commented on the draft of H.R. 6602 before its consideration today. I am confident this bill will improve our legislative codification system, and I encourage my colleagues to support the bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6602 makes revisions in title 36 to the United States Code that are necessary to keep the title current, as well as to make technical corrections and improvements. H.R. 6602 was prepared by the Office of the Law Revision Counsel as part of its ongoing responsibility under 2 U.S.C., section 285b, to prepare and submit to the Committee on the Judiciary one title at a time a complete compilation, restatement, and revision of the general and permanent laws of the United States.

This legislation gathers provisions relating to patriotic and national observances and ceremonies, patriotic and national organizations, and treaty obligation organizations under the current title 36. The amendments strike the existing abbreviated table of contents of the title and insert a more comprehensive title-wide table of contents, update the format of the chapter headings of reserved chapters, and make other necessary technical corrections.

H.R. 6602 is not intended to make any substantive changes to the law. As is typical with the codification process, a number of nonsubstantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

I am pleased again to have worked with Chairman LAMAR SMITH to draft this legislation, and I thank him for moving it to the House floor and urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers on this side. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6602.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**ELIMINATION OF A REPORTING  
REQUIREMENT FOR UNFUNDED  
DNA IDENTIFICATION GRANT  
PROGRAM**

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6605) to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6605

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ELIMINATION OF REPORT REQUIREMENT.**

Section 2406 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-5) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6605, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?



There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the ranking member, Mr. CONYERS, in cosponsoring this commonsense, bipartisan bill which eliminates an unnecessary reporting requirement on the States from an unfunded Federal grant program.

Earlier this year, I cosponsored, with Mr. CONYERS, H.R. 6189, the Reporting Efficiency Improvement Act. In response to a specific request from the administration, H.R. 6189 eliminated two reports that the Department of Justice was required to prepare for grant programs that have not been funded by Congress for many years. One of these grant programs is the DNA Identification Act of 1994. On October 5, the President signed into law H.R. 6189.

H.R. 6605, the bill before the House today, does for the States what H.R. 6189 did for the Federal Government: It eliminates the statutory requirement for States to report to the Attorney General about grants from the DNA Identification Act of 1994. Because Congress has not funded this grant program in nearly a decade, this statutory reporting requirement is unnecessary.

I again thank Mr. CONYERS, the ranking member of the Judiciary Committee, for his initiative on this issue, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

To our colleagues, this measure before us now, H.R. 6605, is a non-controversial bill that makes a single technical correction to the U.S. Code. Under the Government Performance and Results Modernization Act of 2010, the Department of Justice conducts an annual review of statutory reporting requirements that are outdated, duplicative, or otherwise no longer useful to Congress. After conducting that review, the Department recommended we eliminate two reports, both related to programs that have not received funding from Congress for the better part of a decade. Last September, with the support of Chairman LAMAR SMITH, Congress passed H.R. 6189, the Reporting Efficiency Improvement Act, to remove these two reporting requirements from the Federal code. President Obama signed H.R. 6189 into law on October 5 of this year.

The bill before us today makes a single technical correction to the Federal code in order to reflect the changes we made earlier this year. Specifically, the legislation eliminates a cross-reference to a report that, after the enactment of H.R. 6189, no longer exists. This bill is a housekeeping measure and nothing more.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6605.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1030

**CLARIFICATION WITH RESPECT TO ABSENCE FROM THE UNITED STATES DUE TO CERTAIN EMPLOYMENT BY CHIEF OF MISSION OR ARMED FORCES**

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in an executive level security position is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization if at least a portion of such period was spent in Iraq or Afghanistan, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6223

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLARIFICATION WITH RESPECT TO ABSENCE FROM THE UNITED STATES DUE TO CERTAIN EMPLOYMENT BY CHIEF OF MISSION OR ARMED FORCES.**

(a) IN GENERAL.—Section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended to read as follows:

“(e) NATURALIZATION.—

“(1) IN GENERAL.—A period of absence from the United States described in paragraph (2)—

“(A) shall not be considered to break any period for which continuous residence or physical presence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.); and

“(B) shall be treated as a period of residence and physical presence in the United States for purposes of satisfying the requirements for naturalization under such title.

“(2) PERIOD OF ABSENCE DESCRIBED.—A period of absence described in this paragraph is a period of absence from the United States due to a person’s employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

“(A) such employment involved supporting the Chief of Mission or United States Armed

Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity; and

“(B) the person spent at least a portion of the time outside the United States working directly with the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6223, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support this bill and thank Representative DENT for introducing it.

Many men and women put their lives at risk to serve our nation with the Department of State in U.S. Embassies abroad. They contribute directly to the security of our country.

As we have become aware, conflicts from across the globe affect these employees in countries such as Tunisia, Syria, Egypt, Israel, and most recently, Libya. Our embassies have been attacked. Our flags have been burned. And our ambassador to Libya and three other Americans have been murdered.

Regrettably, service to the United States in our embassies abroad often occurs under dangerous conditions and in threatening environments.

The work of our foreign officers and agents assures us that we are kept safe each and every day. We are fortunate to have men and women willing to sacrifice and serve in the embassies. These individuals often accept posts on the front lines overseas as they serve to defend our freedoms. And for that we are grateful.

To ensure that our nation has the tools and resources it needs, such as linguistic expertise or knowledge of a specific geographic area, legal permanent residents serve the United States in critical capacities in some of the most vulnerable parts of the world.

Unfortunately, their loyalty, dedication and success can come at a price if they intend on naturalizing and becoming a United States citizen.

Under the Immigration and Nationality Act, an applicant for naturalization must be a lawfully admitted permanent resident for at least five years, have continuous residence in the U.S. during that time and be physically

present in the U.S. for at least half of that five year period.

Continuous residence is the time that the applicant has maintained official residence within the United States. Physical presence is the time the applicant has been actually and physically located in the United States.

A permanent resident may become ineligible to naturalize because they have not been "physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year."

Any departure from the United States prevents the establishment of "an uninterrupted period of one year" after lawful admission for permanent residence.

This means that a legal permanent resident who is serving in our embassies overseas cannot qualify for naturalization.

This bill resolves this issue. It allows legal permanent residents' time in embassies abroad to count towards both the "continuous residence" requirement and the "physical presence" requirement for naturalization.

This is a common sense change that brings certain national security professionals in our embassies abroad in line with their military counterparts. Military service members' time overseas currently counts towards physical presence.

Like their military colleagues, senior and managerial legal permanent residents who serve in embassies, regardless of duration, are now regarded as being legally physically present in the U.S. during the period they serve the Department of State.

Additionally, under current law, a person who provides translator or interpreter services to the U.S. Armed Forces or the Chief of Mission in Iraq or Afghanistan can count that period of absence from the United States toward the "continuous residence." However, that time does not count towards the one year continuous physical presence requirement for naturalization.

This bill allows people who work in a security-related position in an executive or managerial capacity for the Armed Forces and Chief of Mission to benefit in the same way as people who work as interpreters or translators.

It also permits interpreters and translators who serve the Armed forces or Chief of Mission in places other than Iraq or Afghanistan to receive this benefit.

I again thank Mr. DENT for his work on this bill as it honors the legal permanent residents who serve our nation abroad and facilitates their path to citizenship. I urge my colleagues to support this bill.

I, again, just want to thank the gentleman from Pennsylvania (Mr. DENT) for sponsoring this bill, and I yield him the balance of my time.

Mr. DENT. Mr. Speaker, I am here today to rise in support of H.R. 6223, a bill I introduced earlier this year as well as in the 111th Congress.

I would especially like to thank Chairman LAMAR SMITH for his service as chairman of this committee for the past 2 years. He has been a great leader, and I will miss him as chairman. I just wanted to thank him for his help with this legislation, as well as his

staff, Dimple Shah and others, Kristin Dini from my own office. I wanted to thank them all for their support and help with this measure. They have taken a lot of time to understand the difficulty the current policy poses to highly skilled and committed men and women serving in some of the most volatile regions of the world.

As the chairman briefly described, H.R. 6223 would amend current law to allow legal permanent residents working for the chief of mission in an interpreter, translator, or in an executive or managerial security-related position overseas to count their time of service toward the continuous residence and physical presence requirement for naturalization as a United States citizen.

While this change is seemingly minor in the grand scheme of immigration policy, it is one that should be addressed by Congress—if for no other reason than to recognize the critical contribution these men and women are making for our country in the war against terrorism in unstable regions across the globe.

Quite candidly and truthfully, I didn't give much thought to this issue until a few years ago when I was made aware of the selfless and highly skilled service being provided by a constituent and legal permanent resident from Pennsylvania, George Bou Jaoudeh, who happens to be a Lebanese national working with the State Department security overseas in Iraq since 2005.

Mr. Bou Jaoudeh spends 4 months in Iraq and then 20 days in the United States. As a green card holder with a desire to naturalize as a U.S. citizen, he has been unable to meet continuous residency and physical presence requirements because of his time working abroad in support of our country in a very dangerous place, I think we would all agree.

Consequently, even though he works inside the American embassy in Baghdad, George Bou Jaoudeh has not met his 1-year continuous residency requirement, which is absurd because he is serving our Nation on American territory in the embassy. It's a shame that we have to use legislation to address this, but that's the situation we find ourselves in.

In September, the world watched as a violent raid on our embassy in Benghazi, Libya, took the life of Ambassador Chris Stevens and three other brave Americans, two of whom have served as diplomatic security officers. Committed to serving our Nation, these men gave their lives to provide security for American diplomats in an unstable country, struggling in the midst of historic change.

There is a real enemy working to, at the very least, threaten American ideals and our way of life. Let's ensure the policies shaping our immigration laws do not create a greater hindrance to us in this fight.

With this bill under consideration today, we have the opportunity to recognize the legal permanent residents who have proven their commitment to our Nation's ideals and missions, should they be working with the State Department as executive-level security personnel, interpreter, or translator, regarding their continuous residence and physical presence requirements.

I ask the House to support this commonsense, reasonable legislation to make sure that we recognize individuals who are serving our country, legal residents who are serving in very dangerous places, serving in our State Department, that they be given the recognition they deserve and a proper pathway to citizenship.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6223, a bill that would expand upon a small, but important provision in our immigration laws and alleviate one barrier often faced by certain persons applying for naturalization.

Under our immigration laws, a lawful permanent resident who is applying to become a U.S. citizen generally must reside continuously in the United States for 5 years. Persons who are naturalizing by virtue of their marriage to a U.S. citizen or battered spouses or children may naturalize after a 3-year period of residence. A person must also be physically present in the United States for at least one-half of that time.

In 2007, Congress enacted a law to ensure that when a person works as an interpreter or translator in Iraq or Afghanistan for the U.S. chief of mission or the Armed Forces—either directly or by contract—that time should count toward the "continuous residence" requirement for naturalization.

This makes sense. Why should we penalize a lawful permanent resident for choosing to provide critical translation or interpretative services in Iraq or Afghanistan by saying that the person failed to reside continuously in the United States?

Today's bill builds on that commonsense provision in law in three ways:

First, it eliminates the geographical restriction in current law and says that time spent providing qualifying services to the U.S. chief of mission or Armed Forces anywhere in the world should be considered for naturalization purposes. Lawful permanent residents provide important services to our government all around the world, and it makes little sense to limit the provision only to service in those two countries.

Second, the current law applies only to the work of translators or interpreters, but lawful permanent residents assist our chiefs of mission and Armed Forces in a variety of important ways. To the current list of qualifying jobs,

this bill adds certain high-level security-related work.

Finally, although the provision in current law only allows the time abroad not to count as a break in the “continuous residence” requirement for naturalization, this bill would allow the time also to count toward the “physical presence” requirement.

I thank the gentleman from Pennsylvania for his work on the bill. I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6223, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.”

A motion to reconsider was laid on the table.

#### PATENT LAW TREATIES IMPLEMENTATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3486) to implement the provisions of the Hague Agreement and the Patent Law Treaty.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3486

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Patent Law Treaties Implementation Act of 2012”.

#### TITLE I—HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

##### SEC. 101. THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS.

(a) IN GENERAL.—Title 35, United States Code, is amended by adding at the end the following:

#### “PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

“CHAPTER 381. International design applications 381.

#### “CHAPTER 38—INTERNATIONAL DESIGN APPLICATIONS

“Sec.

“381. Definitions.

“382. Filing international design applications.

“383. International design application.

“384. Filing date.

“385. Effect of international design application.

“386. Right of priority.

“387. Relief from prescribed time limits.

“388. Withdrawn or abandoned international design application.

“389. Examination of international design application.

“390. Publication of international design application.

#### “§ 381. Definitions

“(a) IN GENERAL.—When used in this part, unless the context otherwise indicates—

“(1) the term ‘treaty’ means the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;

“(2) the term ‘regulations’—

“(A) when capitalized, means the Common Regulations under the treaty; and

“(B) when not capitalized, means the regulations established by the Director under this title;

“(3) the terms ‘designation’, ‘designating’, and ‘designate’ refer to a request that an international registration have effect in a Contracting Party to the treaty;

“(4) the term ‘International Bureau’ means the international intergovernmental organization that is recognized as the coordinating body under the treaty and the Regulations;

“(5) the term ‘effective registration date’ means the date of international registration determined by the International Bureau under the treaty;

“(6) the term ‘international design application’ means an application for international registration; and

“(7) the term ‘international registration’ means the international registration of an industrial design filed under the treaty.

“(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

#### “§ 382. Filing international design applications

“(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

“(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

“(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 shall apply.

“(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 if the international design application is filed—

“(1) in a country other than the United States;

“(2) at the International Bureau; or

“(3) with an intergovernmental organization.

#### “§ 383. International design application

“In addition to any requirements pursuant to chapter 16, the international design application shall contain—

“(1) a request for international registration under the treaty;

“(2) an indication of the designated Contracting Parties;

“(3) data concerning the applicant as prescribed in the treaty and the Regulations;

“(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international design application, presented in the number and manner prescribed in the treaty and the Regulations;

“(5) an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

“(6) the fees prescribed in the treaty and the Regulations; and

“(7) any other particulars prescribed in the Regulations.

#### “§ 384. Filing date

“(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 may be treated as a design application under chapter 16.

“(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.

#### “§ 385. Effect of international design application

“An international design application designating the United States shall have the effect, for all purposes, from its filing date determined in accordance with section 384, of an application for patent filed in the Patent and Trademark Office pursuant to chapter 16.

#### “§ 386. Right of priority

“(a) NATIONAL APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172, a national application shall be entitled to the right of priority based on a prior international design application that designated at least 1 country other than the United States.

“(b) PRIOR FOREIGN APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172 and the treaty and the Regulations, an international design application designating the United States shall be entitled to the right of priority based on a prior foreign application, a prior international application as defined in section 351(c) designating at least 1 country other than the United States, or a prior international design application designating at least 1 country other than the United States.

“(c) PRIOR NATIONAL APPLICATION.—In accordance with the conditions and requirements of section 120, an international design

application designating the United States shall be entitled to the benefit of the filing date of a prior national application, a prior international application as defined in section 351(c) designating the United States, or a prior international design application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international design application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application as defined in section 351(c) which designated but did not originate in the United States or a prior international design application which designated but did not originate in the United States, the Director may require the filing in the Patent and Trademark Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

#### “§ 387. Relief from prescribed time limits

“An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application may be excused as to the United States upon a showing satisfactory to the Director of unintentional delay and under such conditions, including a requirement for payment of the fee specified in section 41(a)(7), as may be prescribed by the Director.

#### “§ 388. Withdrawn or abandoned international design application

“Subject to sections 384 and 387, if an international design application designating the United States is withdrawn, renounced or canceled or considered withdrawn or abandoned, either generally or as to the United States, under the conditions of the treaty and the Regulations, the designation of the United States shall have no effect after the date of withdrawal, renunciation, cancellation, or abandonment and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 386(c) was made in a national application, or an international design application designating the United States, or a claim for benefit under section 365(c) was made in an international application designating the United States, filed before the date of such withdrawal, renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

#### “§ 389. Examination of international design application

“(a) IN GENERAL.—The Director shall cause an examination to be made pursuant to this title of an international design application designating the United States.

“(b) APPLICABILITY OF CHAPTER 16.—All questions of substance and, unless otherwise required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16.

“(c) FEES.—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

“(d) ISSUANCE OF PATENT.—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16.

#### “§ 390. Publication of international design application

“The publication under the treaty of an international design application designating the United States shall be deemed a publication under section 122(b).”.

(b) CONFORMING AMENDMENT.—The table of parts at the beginning of title 35, United States Code, is amended by adding at the end the following:

“V. The Hague Agreement concerning international registration of industrial designs ..... 401”.

#### SEC. 102. CONFORMING AMENDMENTS.

Title 35, United States Code, is amended—  
(1) in section 100(i)(1)(B) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking “right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c)” and inserting “right of priority under section 119, 365(a), 365(b), 386(a), or 386(b) or to the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)”;

(2) in section 102(d)(2) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking “to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c)” and inserting “to claim a right of priority under section 119, 365(a), 365(b), 386(a), or 386(b), or to claim the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)”;

(3) in section 111(b)(7)—

(A) by striking “section 119 or 365(a)” and inserting “section 119, 365(a), or 386(a)”; and

(B) by striking “section 120, 121, or 365(c)” and inserting “section 120, 121, 365(c), or 386(c)”;

(4) in section 115(g)(1) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking “section 120, 121, or 365(c)” and inserting “section 120, 121, 365(c), or 386(c)”;

(5) in section 120, in the first sentence, by striking “section 363” and inserting “section 363 or 385”;

(6) in section 154—

(A) in subsection (a)—

(i) in paragraph (2), by striking “section 120, 121, or 365(c)” and inserting “section 120, 121, 365(c), or 386(c)”; and

(ii) in paragraph (3), by striking “section 119, 365(a), or 365(b)” and inserting “section 119, 365(a), 365(b), 386(a), or 386(b)”; and

(B) in subsection (d)(1), by inserting “or an international design application filed under the treaty defined in section 381(a)(1) designating the United States under Article 5 of such treaty” after “Article 21(2)(a) of such treaty”;

(7) in section 173, by striking “fourteen years” and inserting “15 years”;

(8) in section 365(c)—

(A) in the first sentence, by striking “or a prior international application designating the United States” and inserting “, a prior international application designating the United States, or a prior international design application as defined in section 381(a)(6) designating the United States”; and

(B) in the second sentence, by inserting “or a prior international design application as

defined in section 381(a)(6) which designated but did not originate in the United States” after “did not originate in the United States”; and

(9) in section 366—

(A) in the first sentence, by striking “unless a claim” and all that follows through “withdrawal.” and inserting “unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, or a claim for benefit under section 386(c) was made in an international design application designating the United States, filed before the date of such withdrawal.”; and

(B) by striking the second sentence and inserting the following: “However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b), or under section 386 (a) or (b), if it designated a country other than the United States.”.

#### SEC. 103. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on the later of—

(1) the date that is 1 year after the date of the enactment of this Act; or

(2) the date of entry into force of the treaty with respect to the United States.

(b) APPLICABILITY OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this title shall apply only to international design applications, international applications, and national applications filed on and after the effective date set forth in subsection (a), and patents issuing thereon.

(2) EXCEPTION.—Sections 100(i) and 102(d) of title 35, United States Code, as amended by this title, shall not apply to an application, or any patent issuing thereon, unless it is described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(c) DEFINITIONS.—For purposes of this section—

(1) the terms “treaty” and “international design application” have the meanings given those terms in section 381 of title 35, United States Code, as added by this title;

(2) the term “international application” has the meaning given that term in section 351(c) of title 35, United States Code; and

(3) the term “national application” means “national application” within the meaning of chapter 38 of title 35, United States Code, as added by this title.

#### TITLE II—PATENT LAW TREATY IMPLEMENTATION

#### SEC. 201. PROVISIONS TO IMPLEMENT THE PATENT LAW TREATY.

(a) APPLICATION FILING DATE.—Section 111 of title 35, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

“(3) FEE, OATH OR DECLARATION, AND CLAIMS.—The application shall be accompanied by the fee required by law. The fee, oath or declaration, and 1 or more claims may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee, oath or declaration, and 1 or more claims within such prescribed period, the application shall be regarded as abandoned.

“(4) FILING DATE.—The filing date of an application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.”;

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

“(3) **FEE.**—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.

“(4) **FILING DATE.**—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.”; and

(3) by adding at the end the following:

“(c) **PRIOR FILED APPLICATION.**—Notwithstanding the provisions of subsection (a), the Director may prescribe the conditions, including the payment of a surcharge, under which a reference made upon the filing of an application under subsection (a) to a previously filed application, specifying the previously filed application by application number and the intellectual property authority or country in which the application was filed, shall constitute the specification and any drawings of the subsequent application for purposes of a filing date. A copy of the specification and any drawings of the previously filed application shall be submitted within such period and under such conditions as may be prescribed by the Director. A failure to submit the copy of the specification and any drawings of the previously filed application within the prescribed period shall result in the application being regarded as abandoned. Such application shall be treated as having never been filed, unless—

“(1) the application is revived under section 27; and

“(2) a copy of the specification and any drawings of the previously filed application are submitted to the Director.”.

(b) **RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHTS.**—

(1) **IN GENERAL.**—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

**“§ 27. Revival of applications; reinstatement of reexamination proceedings**

“The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to revive an unintentionally abandoned application for patent, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant for patent or patent owner.”.

(2) **CONFORMING AMENDMENT.**—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

“27. Revival of applications; reinstatement of reexamination proceedings.”.

(c) **RESTORATION OF PRIORITY RIGHT.**—Title 35, United States Code, is amended—

(1) in section 119—

(A) in subsection (a)—

(i) by striking “twelve” and inserting “12”; and

(ii) by adding at the end the following: “The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application in this country within the 12-month period was unintentional.”; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting after the first sentence the following: “The Director may prescribe regu-

lations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application under section 111(a) or section 363 within the 12-month period was unintentional.”; and

(II) in the last sentence—

(aa) by striking “including the payment of a surcharge” and inserting “including the payment of the fee specified in section 41(a)(7)”;

(bb) by striking “during the pendency of the application”; and

(ii) in paragraph (3), by adding at the end the following: “For an application for patent filed under section 363 in a Receiving Office other than the Patent and Trademark Office, the 12-month and additional 2-month period set forth in this subsection shall be extended as provided under the treaty and Regulations as defined in section 351.”; and

(2) in section 365(b), by adding at the end the following: “The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to accept an unintentionally delayed claim for priority under the treaty and the Regulations, and to accept a priority claim that pertains to an application that was not filed within the priority period specified in the treaty and Regulations, but was filed within the additional 2-month period specified under section 119(a) or the treaty and Regulations.”.

(d) **RECORDATION OF OWNERSHIP INTERESTS.**—Section 261 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph by adding at the end the following: “The Patent and Trademark Office shall maintain a register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.”; and

(2) in the fourth undesignated paragraph by striking “An assignment” and inserting “An interest that constitutes an assignment”.

**SEC. 202. CONFORMING AMENDMENTS.**

(a) **IN GENERAL.**—Section 171 of title 35, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) **IN GENERAL.**—Whoever”;

(2) by striking “The provisions” and inserting “(b) **APPLICABILITY OF THIS TITLE.**—The provisions”;

(3) by adding at the end the following:

“(c) **FILING DATE.**—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.”.

(b) **RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHT.**—Title 35, United States Code, is amended—

(1) in section 41—

(A) in subsection (a), by striking paragraph (7) and inserting the following:

“(7) **REVIVAL FEES.**—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, or for the extension of the 12-month period for filing a subsequent application, \$1,700.00. The Director may refund any part of the fee specified in this paragraph, in exceptional circumstances as determined by the Director”; and

(B) in subsection (c), by striking paragraph (1) and inserting the following:

“(1) **ACCEPTANCE.**—The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in subsection (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a maintenance fee after the 6-month grace period, the patent shall be considered as not having expired at the end of the grace period.”;

(2) in section 119(b)(2), in the second sentence, by striking “including the payment of a surcharge” and inserting “including the requirement for payment of the fee specified in section 41(a)(7)”;

(3) in section 120, in the fourth sentence, by striking “including the payment of a surcharge” and inserting “including the requirement for payment of the fee specified in section 41(a)(7)”;

(4) in section 122(b)(2)(B)(iii), in the second sentence, by striking “, unless it is shown” and all that follows through “unintentional”;

(5) in section 133, by striking “, unless it be shown” and all that follows through “unavoidable”;

(6) by striking section 151 and inserting the following:

**“§ 151. Issue of patent**

“(a) **IN GENERAL.**—If it appears that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

“(b) **EFFECT OF PAYMENT.**—Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.”;

(7) in section 361, by striking subsection (c) and inserting the following:

“(c) International applications filed in the Patent and Trademark Office shall be filed in the English language, or an English translation shall be filed within such later time as may be fixed by the Director.”;

(8) in section 364, by striking subsection (b) and inserting the following:

“(b) An applicant’s failure to act within prescribed time limits in connection with requirements pertaining to an international application may be excused as provided in the treaty and the Regulations.”; and

(9) in section 371(d), in the third sentence, by striking “, unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable”.

**SEC. 203. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this title—

(1) shall take effect on the date that is 1 year after the date of the enactment of this Act; and

(2) shall apply to—

(A) any patent issued before, on, or after the effective date set forth in paragraph (1); and

(B) any application for patent that is pending on or filed after the effective date set forth in paragraph (1).

(b) **EXCEPTIONS.**—

(1) **SECTION 201(a).**—The amendments made by section 201(a) shall apply only to applications that are filed on or after the effective date set forth in subsection (a)(1).

(2) PATENTS IN LITIGATION.—The amendments made by this title shall have no effect with respect to any patent that is the subject of litigation in an action commenced before the effective date set forth in subsection (a)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 3486, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate ratified both The Hague Agreement on Industrial Designs and the Patent Law Treaty in December of 2007. Each treaty is non-controversial and helps American inventors who need overseas patent protection.

However, the treaties cannot take effect until we amend our national patent law to cohere with our new obligations. Now that patent reform is behind us, we turn to implement both treaties through S. 3486. And I thank Ranking Member CONYERS, Senator LEAHY, Senator GRASSLEY, and PTO Director Kappos for their work on this bill.

The Hague Agreement makes the process of registering industrial designs in other countries much easier for American applicants. Its signature provision allows a design owner to apply for protection in a number of African, Asian, and European nations through a single filing.

Currently, an American design applicant must file separate applications for design protection in each country or intergovernmental organization. The centralized registration procedure under the agreement will bring substantial cost savings to American industrial design owners.

In addition, the filing of a single application that is accepted by a centralized office will lead to fewer processing mistakes and delays by the applicant and foreign patent offices.

□ 1040

The Hague Agreement also specifies administrative procedures to be followed by design patent applicants seeking multinational registration under the act. This allows us to provide the United States with the administrative benefits of a multinational design pro-

tection system and still retain our own substantive system.

The Patent Law Treaty, or PLT, also simplifies the formal obligations imposed on inventors and reduces cost for patent applicants and owners. The PLT furthers our policy of strong and intellectual property protection. It simplifies national and international formal requirements associated with patent applications and patents. This makes it easier for American patent applicants and owners to obtain and maintain patents throughout the world, as well as in the United States.

The drafting of S. 3486 was a collaborative effort that included the bipartisan and bicameral participation of the House and Senate Judiciary Committees, the Patent and Trademark Office, and the House legislative counsel. I again want to thank Ranking Member CONYERS, Senator LEAHY, Senator GRASSLEY, and PTO Director Kappos for their contributions to the project.

S. 3486 saves American inventors money and expands their patent protection outside the United States. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3486 because it will decrease the barriers that U.S. innovators and businesses confront when they pursue patent protection in foreign countries. Specifically, the legislation will standardize the application procedures of the U.S. Patent and Trademark Office and will make them consistent with The Hague Agreement concerning the international registration of industrial designs known as The Hague Treaty and the Patent Law Treaty.

The bill implements The Hague Treaty and Patent Law Treaty, which were ratified by the Senate unanimously on December 7, 2007. Unfortunately, neither of these treaties have yet to take effect in the United States because we have not passed implementing legislation. This bill addresses this problem in the following respects.

To begin with, the bill standardizes the application procedures so they're consistent with the procedures in other countries that are signatories to the treaties. Under current law, U.S. designers must file separate applications in each jurisdiction where they want to receive rights. This procedure is burdensome, complicated, and often involves several languages. Under this measure, the U.S. creators of industrial designs will be able to use a simplified application system by filing a single English language international design application with the Patent and Trademark Office. This modification will not affect the standard for attaining a design patent, but it will aid small companies in seeking to expand their businesses overseas by streamlining the ap-

plication process. Additionally, the bill will extend the term of the design patent from 14 years to 15 years, which will benefit U.S. patent holders.

Second, the bill implements provisions under the Patent Law Treaty that revive applications which have been unintentionally abandoned.

Finally, by implementing the Patent Law Treaty, several hurdles which disadvantage American businesses will be removed. Implementing the Patent Law Treaty will amend patent application procedures for filing dates, fees, surcharges for fees, as well as for oaths, declarations, and claims submitted after the filing date. These modifications should save innovators precious resources.

In conclusion, the bill would benefit our Nation's economy by helping American innovators and businesses better protect their inventions overseas.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no other speakers on this side, and I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 3486.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### 21ST CENTURY LANGUAGE ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2367) to strike the word "lunatic" from Federal law, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2367

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Language Act of 2012".

#### SEC. 2. MODERNIZATION OF LANGUAGE REFERRING TO PERSONS WHO ARE MENTALLY ILL.

(a) WORDS DENOTING NUMBER, GENDER, AND SO FORTH.—Section 1 of title 1, United States Code, is amended—

(1) by striking "and 'lunatic'"; and

(2) by striking "lunatic,".

(b) BANKING LAW PROVISIONS.—

(1) TRUST POWERS.—The first section of the Act entitled "An Act to place authority over the trust powers of national banks in the Comptroller of the Currency", approved September 28, 1962 (12 U.S.C. 92a), is amended—

(A) in subsection (a), by striking "committee of estates of lunatics,"; and

(B) in subsection (b), by striking "committee of estates of lunatics".



(2) CONSOLIDATION AND MERGERS OF BANKS.—The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(A) in section 2 (12 U.S.C. 215)—

(i) in subsection (e), by striking “receiver, and committee of estates of lunatics” and inserting “and receiver”; and

(ii) in subsection (f), by striking “receiver, or committee of estates of lunatics” and inserting “or receiver”; and

(B) in section 3 (12 U.S.C. 215a)—

(i) in subsection (e), by striking “receiver, and committee of estates of lunatics” and inserting “and receiver”; and

(ii) in subsection (f), by striking “receiver, or committee of estates of lunatics” and inserting “or receiver”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 2367, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 21st Century Language Act is a relatively simple bill. It strikes the word “lunatic” from the United States Code.

The term “lunatic” derives from the Latin word for “moon.” Before the modern era, it was used to describe a person who suffers from mental disease because of the belief that lunar cycles had an impact on brain function. But as science and medicine have progressed, society has come to understand mental illness with more clarity.

Senator CONRAD and Senator CRAPO introduced the legislation under consideration to strike the word “lunatic” from the United States Code. I thank them for their effort, and I encourage my colleagues to join me in support of this bill to modernize our codified law to reflect a 21st-century understanding of mental illness.

With that, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill eliminates outdated references in the U.S. Code that stigmatize individuals with mental illness issues. This legislation easily passed the Senate with strong bipartisan support.

The bill eliminates the word “lunatic” from several sections of the United States Code in order for our Code to reflect meanings which are much more

appropriate and up to date in the 21st century.

In the past, Members of Congress from both sides of the aisle have worked together to address similar terms in the Code which negatively describe individuals with mental health issues. For example, in 2010, Rosa’s Law passed in Congress with bipartisan support and was later signed into law. The law replaced parts of the Code containing the phrase “having mental retardation” with the phrase “having intellectual disabilities.”

The term “lunatic” holds a place in antiquity and should no longer have a prominent place in our U.S. Code. Although the bill does not replace the word with another term, it follows the precedence of Congress to study semantics and continuously improves the status and appropriateness of our Nation’s laws by addressing pejorative terms.

I applaud the bipartisan group of Senators—Senators CONRAD, CRAPO, and JOHANNES—for their work on this legislation. In addition, the bill shares strong support among our Nation’s leading mental health advocates.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 2367.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o’clock and 48 minutes a.m.), the House stood in recess.

□ 1117

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 11 o’clock and 17 minutes a.m.

#### ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to withdraw my

motion that the House suspend the rules with regard to H.R. 5817.

The SPEAKER pro tempore. The motion is withdrawn.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. Con. Res. 50, H.R. 6602, and S. 2367, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and concur in the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 34, as follows:

[Roll No. 617]

#### YEAS—397

|             |              |               |
|-------------|--------------|---------------|
| Adams       | Brown (GA)   | Conaway       |
| Aderholt    | Brown (FL)   | Connolly (VA) |
| Alexander   | Buchanan     | Conyers       |
| Altmire     | Bucshon      | Cooper        |
| Amash       | Buerkle      | Costa         |
| Amodei      | Burgess      | Courtney      |
| Andrews     | Butterfield  | Cravaack      |
| Bachus      | Camp         | Crawford      |
| Baldwin     | Campbell     | Crenshaw      |
| Barber      | Canseco      | Critz         |
| Barletta    | Cantor       | Crowley       |
| Barrow      | Capito       | Cuellar       |
| Barton (TX) | Capps        | Culberson     |
| Bass (CA)   | Capuano      | Cummings      |
| Becerra     | Carnahan     | Curson (MI)   |
| Benishek    | Carney       | Davis (CA)    |
| Berg        | Carson (IN)  | Davis (IL)    |
| Berkley     | Carter       | DeFazio       |
| Berman      | Cassidy      | DeGette       |
| Biggert     | Castor (FL)  | DeLauro       |
| Bilirakis   | Chabot       | DelBene       |
| Bishop (GA) | Chaffetz     | Denham        |
| Bishop (NY) | Chandler     | Dent          |
| Bishop (UT) | Chu          | DesJarlais    |
| Blackburn   | Cielline     | Deutch        |
| Blumenauer  | Clarke (MI)  | Diaz-Balart   |
| Bonamici    | Clarke (NY)  | Dicks         |
| Boren       | Clay         | Dingell       |
| Boswell     | Cleaver      | Doggett       |
| Boustany    | Clyburn      | Dold          |
| Brady (PA)  | Coble        | Donnelly (IN) |
| Brady (TX)  | Coffman (CO) | Doyle         |
| Braley (IA) | Cohen        | Dreier        |
| Brooks      | Cole         | Duffy         |



|                 |                 |                  |             |               |               |                 |                 |                  |
|-----------------|-----------------|------------------|-------------|---------------|---------------|-----------------|-----------------|------------------|
| Duncan (SC)     | Kingston        | Quayle           | Wilson (FL) | Womack        | Yoder         | DesJarlais      | Jordan          | Platts           |
| Duncan (TN)     | Kinzinger (IL)  | Quigley          | Wilson (SC) | Woodall       | Young (AK)    | Deutch          | Kaptur          | Poe (TX)         |
| Edwards         | Kissell         | Rahall           | Wittman     | Woolsey       | Young (FL)    | Diaz-Balart     | Keating         | Polis            |
| Ellison         | Kucinich        | Rangel           | Wolf        | Yarmuth       | Young (IN)    | Dingell         | Kelly           | Pompeo           |
| Ellmers         | Labrador        | Reed             |             |               |               | Doggett         | Kildee          | Posey            |
| Emerson         | Lamborn         | Rehberg          |             |               |               | Dold            | Kind            | Price (GA)       |
| Engel           | Lance           | Reichert         | Ackerman    | Calvert       | Pence         | Donnelly (IN)   | King (IA)       | Price (NC)       |
| Eshoo           | Landry          | Renacci          | Akin        | Costello      | Ruppersberger | Doyle           | King (NY)       | Quayle           |
| Farenthold      | Langevin        | Reyes            | Austria     | Hastings (FL) | Schilling     | Dreier          | Kingston        | Rahall           |
| Farr            | Lankford        | Ribble           | Baca        | Johnson (IL)  | Shuler        | Duffy           | Kinzinger (IL)  | Rangel           |
| Fattah          | Larsen (WA)     | Richardson       | Bachmann    | Kline         | Speier        | Duncan (SC)     | Kissell         | Reed             |
| Fincher         | Larson (CT)     | Richmond         | Bartlett    | Mack          | Sullivan      | Duncan (TN)     | Kucinich        | Rehberg          |
| Fitzpatrick     | Latham          | Rigell           | Bass (NH)   | Marino        | Thornberry    | Edwards         | Labrador        | Reichert         |
| Flake           | LaTourette      | Rivera           | Bilbray     | Matsui        | Towns         | Ellison         | Lamborn         | Renacci          |
| Fleischmann     | Latta           | Roby             | Black       | McKeon        | Velázquez     | Ellmers         | Lance           | Reyes            |
| Fleming         | Lee (CA)        | Roe (TN)         | Bonner      | Miller, Gary  | Visclosky     | Emerson         | Landry          | Ribble           |
| Flores          | Levin           | Rogers (AL)      | Bono Mack   | Nadler        |               | Engel           | Langevin        | Richardson       |
| Forbes          | Lewis (CA)      | Rogers (KY)      | Burton (IN) | Paul          |               | Eshoo           | Lankford        | Richmond         |
| Fortenberry     | Lewis (GA)      | Rogers (MI)      |             |               |               | Farenthold      | Larsen (WA)     | Rigell           |
| Fox             | Lipinski        | Rohrabacher      |             |               |               | Farr            | Larson (CT)     | Rivera           |
| Frank (MA)      | LoBiondo        | Rokita           |             |               |               | Fattah          | Latham          | Roby             |
| Franks (AZ)     | Loeb            | Rooney           |             |               |               | Fincher         | LaTourette      | Roe (TN)         |
| Frelinghuysen   | Lofgren, Zoe    | Ros-Lehtinen     |             |               |               | Fitzpatrick     | Latta           | Rogers (AL)      |
| Fudge           | Long            | Roskam           |             |               |               | Flake           | Lee (CA)        | Rogers (KY)      |
| Gallegly        | Lowey           | Ross (AR)        |             |               |               | Fleischmann     | Levin           | Rogers (MI)      |
| Garamendi       | Lucas           | Ross (FL)        |             |               |               | Flores          | Lewis (CA)      | Rohrabacher      |
| Gardner         | Luetkemeyer     | Rothman (NJ)     |             |               |               | Forbes          | Lewis (GA)      | Rokita           |
| Garrett         | Lujan           | Roybal-Allard    |             |               |               | Fortenberry     | Lipinski        | Rooney           |
| Gerlach         | Lummis          | Royce            |             |               |               | Fox             | LoBiondo        | Ros-Lehtinen     |
| Gibbs           | Lungren, Daniel | Runyan           |             |               |               | Frank (MA)      | Loeb            | Roskam           |
| Gibson          | E.              | Rush             |             |               |               | Franks (AZ)     | Lofgren, Zoe    | Ross (AR)        |
| Gingrey (GA)    | Lynch           | Ryan (OH)        |             |               |               | Frelinghuysen   | Long            | Ross (FL)        |
| Gohmert         | Maloney         | Ryan (WI)        |             |               |               | Fudge           | Lowey           | Rothman (NJ)     |
| Gonzalez        | Manzullo        | Sánchez, Linda   |             |               |               | Gallegly        | Lucas           | Roybal-Allard    |
| Goodlatte       | Marchant        | T.               |             |               |               | Garamendi       | Luetkemeyer     | Royce            |
| Gosar           | Markey          | Sanchez, Loretta |             |               |               | Gardner         | Lujan           | Runyan           |
| Gowdy           | Massie          | Sarbanes         |             |               |               | Garrett         | Lummis          | Ruppersberger    |
| Granger         | Matheson        | Scalise          |             |               |               | Gerlach         | Lungren, Daniel | Rush             |
| Graves (GA)     | McCarthy (CA)   | Schakowsky       |             |               |               | Gibbs           | E.              | Ryan (OH)        |
| Graves (MO)     | McCarthy (NY)   | Schiff           |             |               |               | Gibson          | Lynch           | Ryan (WI)        |
| Green, Al       | McCaul          | Schmidt          |             |               |               | Gingrey (GA)    | Maloney         | Sánchez, Linda   |
| Green, Gene     | McClintock      | Schock           |             |               |               | Gohmert         | Manzullo        | T.               |
| Griffin (AR)    | McCollum        | Schrader         |             |               |               | Gonzalez        | Marchant        | Sanchez, Loretta |
| Griffith (VA)   | McDermott       | Schwartz         |             |               |               | Goodlatte       | Markey          | Sarbanes         |
| Grijalva        | McGovern        | Schweikert       |             |               |               | Gosar           | Massie          | Scalise          |
| Grimm           | McHenry         | Scott (SC)       |             |               |               | Gowdy           | Matheson        | Schakowsky       |
| Guinta          | McIntyre        | Scott (VA)       |             |               |               | Granger         | McCarthy (CA)   | Schiff           |
| Guthrie         | McKinley        | Scott, Austin    |             |               |               | Graves (GA)     | McCarthy (NY)   | Schmidt          |
| Gutierrez       | McMorris        | Scott, David     |             |               |               | Graves (MO)     | McCaul          | Schock           |
| Hahn            | Rodgers         | Sensenbrenner    |             |               |               | Green, Al       | McClintock      | Schrader         |
| Hall            | McNerney        | Serrano          |             |               |               | Green, Gene     | McCollum        | Schwartz         |
| Hanabusa        | Meehan          | Sessions         |             |               |               | Griffin (AR)    | McDermott       | Schweikert       |
| Hanna           | Meeks           | Sewell           |             |               |               | Griffith (VA)   | McGovern        | Scott (SC)       |
| Harper          | Mica            | Sherman          |             |               |               | Grimm           | McHenry         | Scott (VA)       |
| Harris          | Michaud         | Shimkus          |             |               |               | Guinta          | McIntyre        | Scott, Austin    |
| Hartzler        | Miller (FL)     | Shuster          |             |               |               | Guthrie         | McKinley        | Scott, David     |
| Hastings (WA)   | Miller (MI)     | Simpson          |             |               |               | Gutierrez       | McNerney        | Sensenbrenner    |
| Hayworth        | Miller (NC)     | Sires            |             |               |               | Hahn            | Meehan          | Serrano          |
| Heck            | Miller, George  | Slaughter        |             |               |               | Hall            | Meeks           | Sessions         |
| Heinrich        | Moore           | Smith (NE)       |             |               |               | Hanabusa        | Mica            | Sewell           |
| Hensarling      | Moran           | Smith (NJ)       |             |               |               | Hanna           | Michaud         | Sherman          |
| Herger          | Mulvaney        | Smith (TX)       |             |               |               | Harper          | Miller (FL)     | Shimkus          |
| Herrera Beutler | Murphy (CT)     | Smith (WA)       |             |               |               | Harris          | Miller (MI)     | Shuster          |
| Higgins         | Murphy (PA)     | Southerland      |             |               |               | Hartzler        | Miller (NC)     | Simpson          |
| Himes           | Myrick          | Stark            |             |               |               | Hastings (WA)   | Miller, George  | Sires            |
| Hinche          | Napolitano      | Stearns          |             |               |               | Hayworth        | Moore           | Slaughter        |
| Hinojosa        | Neal            | Stivers          |             |               |               | Heck            | Moran           | Smith (NE)       |
| Hirono          | Neugebauer      | Stutzman         |             |               |               | Heinrich        | Mulvaney        | Smith (NJ)       |
| Hochul          | Noem            | Sutton           |             |               |               | Hensarling      | Murphy (CT)     | Smith (WA)       |
| Holden          | Nugent          | Terry            |             |               |               | Herger          | Murphy (PA)     | Southerland      |
| Holt            | Nunes           | Thompson (CA)    |             |               |               | Herrera Beutler | Myrick          | Stark            |
| Honda           | Nunnelee        | Thompson (MS)    |             |               |               | Higgins         | Nadler          | Stearns          |
| Hoyer           | Olson           | Thompson (PA)    |             |               |               | Himes           | Napolitano      | Stivers          |
| Huelskamp       | Oliver          | Tiberi           |             |               |               | Hinche          | Neal            | Stutzman         |
| Huizenga (MI)   | Owens           | Tierney          |             |               |               | Hinojosa        | Neugebauer      | Sutton           |
| Hultgren        | Palazzo         | Tipton           |             |               |               | Hirono          | Noem            | Terry            |
| Hunter          | Pallone         | Tonko            |             |               |               | Hochul          | Nugent          | Thompson (CA)    |
| Hurt            | Pascrell        | Tsongas          |             |               |               | Holden          | Nunes           | Thompson (MS)    |
| Israel          | Pastor (AZ)     | Turner (NY)      |             |               |               | Holt            | Nunnelee        | Thompson (PA)    |
| Issa            | Paulsen         | Turner (OH)      |             |               |               | Honda           | Olson           | Thornberry       |
| Jackson Lee     | Payne           | Upton            |             |               |               | Hoyer           | Oliver          | Tiberi           |
| (TX)            | Pearce          | Van Hollen       |             |               |               | Huelskamp       | Owens           | Tierney          |
| Jenkins         | Pelosi          | Walberg          |             |               |               | Huizenga (MI)   | Palazzo         | Tipton           |
| Johnson (GA)    | Perlmutter      | Walden           |             |               |               | Hultgren        | Pallone         | Tonko            |
| Johnson (OH)    | Peters          | Walsh (IL)       |             |               |               | Hunter          | Pascrell        | Tsongas          |
| Johnson, E. B.  | Peterson        | Walz (MN)        |             |               |               | Hurt            | Pastor (AZ)     | Turner (NY)      |
| Johnson, Sam    | Petri           | Wasserman        |             |               |               | Israel          | Paulsen         | Turner (OH)      |
| Jones           | Pingree (ME)    | Schultz          |             |               |               | Issa            | Payne           | Upton            |
| Jordan          | Pitts           | Waters           |             |               |               | Jackson Lee     | Pearce          | Van Hollen       |
| Kaptur          | Poe (TX)        | Watt             |             |               |               | (TX)            | Pelosi          | Walberg          |
| Keating         | Polis           | Waxman           |             |               |               | Jenkins         | Perlmutter      | Walden           |
| Kelly           | Pompeo          | Webster          |             |               |               | Johnson (GA)    | Peters          | Walsh (IL)       |
| Kildee          | West            | Welch            |             |               |               | Johnson (OH)    | Peterson        | Walz (MN)        |
| Kind            | Price (GA)      | Westmoreland     |             |               |               | Johnson, E. B.  | Petri           | Wasserman        |
| King (IA)       | Price (NC)      | Whitfield        |             |               |               | Johnson, Sam    | Pingree (ME)    | Schultz          |
| King (NY)       |                 |                  |             |               |               | Jones           | Pitts           | Waters           |

## NOT VOTING—34

□ 1140

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6602) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 39, as follows:

[Roll No. 618]

## YEAS—392

|             |             |               |
|-------------|-------------|---------------|
| Adams       | Brady (TX)  | Clay          |
| Aderholt    | Braley (IA) | Cleaver       |
| Alexander   | Brooks      | Clyburn       |
| Altman      | Brown (GA)  | Coble         |
| Amash       | Brown (FL)  | Coffman (CO)  |
| Amodei      | Buchanan    | Cohen         |
| Andrews     | Bucshon     | Cole          |
| Bachus      | Buerkle     | Conaway       |
| Baldwin     | Burgess     | Connolly (VA) |
| Barletta    | Butterfield | Conyers       |
| Barrow      | Camp        | Cooper        |
| Barton (TX) | Campbell    | Costa         |
| Bass (CA)   | Canseco     | Courtney      |
| Becerra     | Cantor      | Cravaack      |
| Benish      | Capito      | Crawford      |
| Berg        | Capps       | Crenshaw      |
| Berkley     | Capuano     | Critz         |
| Biggert     | Carnahan    | Crowley       |
| Bilirakis   | Carney      | Cuellar       |
| Bishop (GA) | Carson (IN) | Culberson     |
| Bishop (NY) | Carter      | Cummings      |
| Bishop (UT) | Cassidy     | Curson (MI)   |
| Black       | Castor (FL) | Davis (CA)    |
| Blackburn   | Chabot      | Davis (IL)    |
| Blumenauer  | Chaffetz    | DeFazio       |
| Bonamici    | Chandler    | DeGette       |
| Boren       | Chu         | DeLauro       |
| Boswell     | Ciavarella  | DelBene       |
| Boustany    | Clarke (MI) | Denham        |
| Brady (PA)  | Clarke (NY) | Dent          |

|              |             |            |
|--------------|-------------|------------|
| Watt         | Wilson (FL) | Woolsey    |
| Waxman       | Wilson (SC) | Yarmuth    |
| Webster      | Wittman     | Yoder      |
| Welch        | Wolf        | Young (AK) |
| West         | Womack      | Young (FL) |
| Westmoreland | Woodall     | Young (IN) |

## NOT VOTING—39

|             |               |            |
|-------------|---------------|------------|
| Ackerman    | Costello      | Paul       |
| Akin        | Dicks         | Pence      |
| Austria     | Fleming       | Quigley    |
| Baca        | Grijalva      | Schilling  |
| Bachmann    | Hastings (FL) | Shuler     |
| Barber      | Johnson (IL)  | Smith (TX) |
| Bartlett    | Kline         | Speier     |
| Bass (NH)   | Mack          | Sullivan   |
| Berman      | Marino        | Towns      |
| Bilbray     | Matsui        | Velázquez  |
| Bonner      | McKeon        | Visclosky  |
| Bono Mack   | McMorris      | Whitfield  |
| Burton (IN) | Rodgers       |            |
| Calvert     | Miller, Gary  |            |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1147

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 21ST CENTURY LANGUAGE ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 2367) to strike the word “lunatic” from Federal law, and for other purposes on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 32, as follows:

[Roll No. 619]

## YEAS—398

|             |             |               |
|-------------|-------------|---------------|
| Adams       | Blumenauer  | Carter        |
| Aderholt    | Bonamici    | Cassidy       |
| Alexander   | Boren       | Castor (FL)   |
| Altmire     | Boswell     | Chabot        |
| Amash       | Boustany    | Chaffetz      |
| Amodei      | Brady (PA)  | Chandler      |
| Andrews     | Brady (TX)  | Chu           |
| Bachus      | Braley (IA) | Cicilline     |
| Baldwin     | Brooks      | Clarke (MI)   |
| Barber      | Broun (GA)  | Clarke (NY)   |
| Barletta    | Brown (FL)  | Clay          |
| Barrow      | Buchanan    | Cleaver       |
| Barton (TX) | Bucshon     | Clyburn       |
| Bass (CA)   | Buerkle     | Coble         |
| Becerra     | Burgess     | Coffman (CO)  |
| Benishek    | Butterfield | Cohen         |
| Berg        | Camp        | Cole          |
| Berkley     | Campbell    | Conaway       |
| Berman      | Canseco     | Connolly (VA) |
| Biggert     | Cantor      | Conyers       |
| Bilirakis   | Capito      | Cooper        |
| Bishop (GA) | Capps       | Costa         |
| Bishop (NY) | Capuano     | Courtney      |
| Bishop (UT) | Carnahan    | Cravaack      |
| Black       | Carney      | Crawford      |
| Blackburn   | Carson (IN) | Crenshaw      |

|                 |                 |                  |             |              |             |
|-----------------|-----------------|------------------|-------------|--------------|-------------|
| Critz           | Hoyer           | Olson            | Thornberry  | Walsh (IL)   | Wilson (SC) |
| Crowley         | Huelskamp       | Oliver           | Tiberi      | Walz (MN)    | Wittman     |
| Cuellar         | Huizenga (MI)   | Owens            | Tierney     | Wasserman    | Wolf        |
| Culberson       | Hultgren        | Palazzo          | Tipton      | Schultz      | Womack      |
| Cummings        | Hunter          | Pallone          | Tonko       | Waters       | Woodall     |
| Curson (MI)     | Hurt            | Pascrell         | Towns       | Watt         | Woolsey     |
| Davis (CA)      | Israel          | Pastor (AZ)      | Tsongas     | Waxman       | Yarmuth     |
| Davis (IL)      | Issa            | Paulsen          | Turner (NY) | Webster      | Yoder       |
| DeFazio         | Jackson Lee     | Payne            | Turner (OH) | Welch        | Young (AK)  |
| DeGette         | (TX)            | Pearce           | Upton       | West         | Young (FL)  |
| DeLauro         | Jenkins         | Pelosi           | Van Hollen  | Westmoreland | Young (IN)  |
| DelBene         | Johnson (GA)    | Perlmutter       | Walberg     | Whitfield    |             |
| Denham          | Johnson (OH)    | Peters           | Walden      | Wilson (FL)  |             |
| Dent            | Johnson, E. B.  | Peterson         |             |              |             |
| DesJarlais      | Johnson, Sam    | Petri            |             |              |             |
| Deutch          | Jones           | Pingree (ME)     |             |              |             |
| Diaz-Balart     | Jordan          | Pitts            |             |              |             |
| Dicks           | Kaptur          | Platts           |             |              |             |
| Dingell         | Keating         | Poe (TX)         |             |              |             |
| Doggett         | Kelly           | Polis            |             |              |             |
| Dold            | Kildee          | Pompeo           |             |              |             |
| Donnelly (IN)   | Kind            | Posey            |             |              |             |
| Doyle           | King (IA)       | Price (GA)       |             |              |             |
| Dreier          | King (NY)       | Price (NC)       |             |              |             |
| Duffy           | Kingston        | Quayle           |             |              |             |
| Duncan (SC)     | Kinzinger (IL)  | Rahall           |             |              |             |
| Duncan (TN)     | Kissell         | Rangel           |             |              |             |
| Edwards         | Kucinich        | Reed             |             |              |             |
| Ellison         | Labrador        | Rehberg          |             |              |             |
| Ellmers         | Lamborn         | Reichert         |             |              |             |
| Emerson         | Lance           | Renacci          |             |              |             |
| Engel           | Landry          | Reyes            |             |              |             |
| Eshoo           | Langevin        | Ribble           |             |              |             |
| Farenthold      | Lankford        | Richardson       |             |              |             |
| Farr            | Larsen (WA)     | Richmond         |             |              |             |
| Fattah          | Larson (CT)     | Rigell           |             |              |             |
| Fincher         | Latham          | Rivera           |             |              |             |
| Fitzpatrick     | LaTourette      | Roby             |             |              |             |
| Flake           | Latta           | Roe (TN)         |             |              |             |
| Fleischmann     | Lee (CA)        | Rogers (AL)      |             |              |             |
| Fleming         | Levin           | Rogers (KY)      |             |              |             |
| Flores          | Lewis (CA)      | Rogers (MI)      |             |              |             |
| Forbes          | Lewis (GA)      | Rohrabacher      |             |              |             |
| Fortenberry     | Lipinski        | Rokita           |             |              |             |
| Fox             | LoBiondo        | Rooney           |             |              |             |
| Frank (MA)      | Loeb            | Ros-Lehtinen     |             |              |             |
| Franks (AZ)     | Lofgren, Zoe    | Roskam           |             |              |             |
| Frelinghuysen   | Long            | Ross (AR)        |             |              |             |
| Fudge           | Lowe            | Ross (FL)        |             |              |             |
| Gallegly        | Lucas           | Rothman (NJ)     |             |              |             |
| Garamendi       | Luetkemeyer     | Roybal-Allard    |             |              |             |
| Gardner         | Lujan           | Royce            |             |              |             |
| Garrett         | Lummis          | Runyan           |             |              |             |
| Gerlach         | Lungren, Daniel | Ruppersberger    |             |              |             |
| Gibbs           | E.              | Rush             |             |              |             |
| Gibson          | Lynch           | Ryan (OH)        |             |              |             |
| Gingrey (GA)    | Maloney         | Ryan (WI)        |             |              |             |
| Gonzalez        | Manzullo        | Sánchez, Linda   |             |              |             |
| Goodlatte       | Marchant        | T.               |             |              |             |
| Gosar           | Markey          | Sanchez, Loretta |             |              |             |
| Gowdy           | Massie          | Sarbanes         |             |              |             |
| Granger         | Matheson        | Scalise          |             |              |             |
| Graves (GA)     | McCarthy (CA)   | Schakowsky       |             |              |             |
| Graves (MO)     | McCarthy (NY)   | Schiff           |             |              |             |
| Green, Al       | McCaul          | Schmidt          |             |              |             |
| Green, Gene     | McClintock      | Schock           |             |              |             |
| Griffin (AR)    | McCollum        | Schrader         |             |              |             |
| Griffith (VA)   | McDermott       | Schwartz         |             |              |             |
| Grijalva        | McGovern        | Schweikert       |             |              |             |
| Grimm           | McHenry         | Scott (SC)       |             |              |             |
| Guinta          | McIntyre        | Scott (VA)       |             |              |             |
| Guthrie         | McKinley        | Scott, Austin    |             |              |             |
| Gutierrez       | McMorris        | Scott, David     |             |              |             |
| Hahn            | Rodgers         | Sensenbrenner    |             |              |             |
| Hall            | McNerney        | Serrano          |             |              |             |
| Hanabusa        | Meehan          | Sessions         |             |              |             |
| Hanna           | Meeks           | Sewell           |             |              |             |
| Harper          | Mica            | Sherman          |             |              |             |
| Harris          | Michaud         | Shimkus          |             |              |             |
| Hartzler        | Miller (FL)     | Simpson          |             |              |             |
| Hastings (WA)   | Miller (NC)     | Sires            |             |              |             |
| Hayworth        | Miller, George  | Slaughter        |             |              |             |
| Heck            | Moore           | Smith (NE)       |             |              |             |
| Heinrich        | Moran           | Smith (NJ)       |             |              |             |
| Hensarling      | Mulvaney        | Smith (TX)       |             |              |             |
| Herger          | Murphy (CT)     | Smith (WA)       |             |              |             |
| Herrera Beutler | Murphy (PA)     | Southerland      |             |              |             |
| Higgins         | Myrick          | Stark            |             |              |             |
| Himes           | Nader           | Stearns          |             |              |             |
| Hincheey        | Napolitano      | Stivers          |             |              |             |
| Hinojosa        | Neal            | Stutzman         |             |              |             |
| Hirono          | Neugebauer      | Sutton           |             |              |             |
| Hochul          | Noem            | Terry            |             |              |             |
| Holden          | Nugent          | Thompson (CA)    |             |              |             |
| Holt            | Nunes           | Thompson (MS)    |             |              |             |
| Honda           | Nunnelee        | Thompson (PA)    |             |              |             |

## NAYS—1

Gohmert

## NOT VOTING—32

|             |               |           |
|-------------|---------------|-----------|
| Ackerman    | Calvert       | Paul      |
| Akin        | Costello      | Pence     |
| Austria     | Hastings (FL) | Quigley   |
| Baca        | Johnson (IL)  | Schilling |
| Bachmann    | Kline         | Shuler    |
| Bartlett    | Mack          | Shuster   |
| Bass (NH)   | Marino        | Speier    |
| Bilbray     | Matsui        | Sullivan  |
| Bonner      | McKeon        | Velázquez |
| Bono Mack   | Miller (MI)   | Visclosky |
| Burton (IN) | Miller, Gary  |           |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1155

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MILLER of Michigan. Mr. Speaker, on rollcall No. 619 I was inadvertently detained. Had I been present, I would have voted “yea.”

## CHANGING EFFECTIVE DATE OF CERTAIN FINANCIAL DISCLOSURE FORMS

Mr. McHENRY. Mr. Speaker, I ask unanimous consent that the Committees on Oversight & Government Reform and House Administration be discharged from further consideration of the bill (H.R. 6634) to change the effective date for the Internet publication for certain financial disclosure forms, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the bill is as follows:

H.R. 6634

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

Section 1(a) of the Act entitled “An Act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes”, approved September 28, 2012 (Public Law 112–

178; 5 U.S.C. App. 105 note) is amended by striking "December 8, 2012" and inserting "April 15, 2013".

#### SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on December 8, 2012.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1200

#### MOMENT OF SILENCE IN REMEMBRANCE OF THE HONORABLE JACK BROOKS

(Mr. HALL asked and was given permission to address the House for 1 minute.)

Mr. HALL. Mr. Speaker, I rise today along with my colleagues, GENE GREEN and SHEILA JACKSON LEE, to ask you to join us in a moment of silence honoring our colleague, the Honorable Jack Brooks, former dean, who passed away yesterday evening at the age of 89. Jack Brooks was a fellow Texan and a good friend who served 42 years in Congress. He was a leader dedicated to bettering our country, and he will be sorely and dearly missed by his family, friends, and this Congress.

The SPEAKER pro tempore. Members will please rise for a moment of silence.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I would be glad to yield to my friend, the majority leader, for his favorite 10 or 15 or 20 minutes of the week to inquire of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morning-hour and at 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday, the House will meet at 10 a.m. for morning-hour and at noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Thursday. Members are advised that this is a change from the original House calendar.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business Friday. Additionally, the House will appoint conferees for the National Defense Authorization Act now that the Senate has completed its work.

As was announced last week, the House has a number of outstanding legislative items that we must resolve,

and first amongst them is the so-called "fiscal cliff." Though the House's target adjournment set in October of last year was December 14, that is no longer the case. Instead, Members are advised that the House will now be in session the week of December 17. Exact days will be announced next week. Members are further reminded that the House will not adjourn the 112th Congress until a credible solution to the fiscal cliff has been found.

Mr. HOYER. I thank the gentleman for his comments. I thank him for the early notice on next Friday.

First, Mr. Leader, if I could, we have the ending as next Thursday. I want to clarify for Members so that they know: we will not be in session next Friday. Is that accurate?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that is correct.

Mr. HOYER. Thank you for that information.

I also want to congratulate the gentleman for providing for the week of the 17th. I know none of us want to do that, but I appreciate the majority's focus on the business that has not been done. I also appreciate the gentleman's focus on the fiscal cliff and for indicating that we need to resolve that prior to leaving the 112th Congress. I think those are both positive announcements. I applaud him for that.

On the fiscal cliff—we discuss this all the time—but I want to inform the majority leader that there are now 175 signatures—we hope to have more, and we would obviously welcome people on your side of the aisle—on the discharge petition for the Walz bill, which mirrors the Senate bill, as the majority leader, I'm sure, knows, to ensure that no individual who makes \$200,000 or less on net taxable income or that a family who makes \$250,000 or less will see a tax increase on January 1. Hopefully, we will resolve the fiscal cliff and get an agreement.

I again ask my friend: the Walz bill will be compliant with the rules and will not have a blue slip problem, obviously, and hopefully we could move that bill. Again, for the purposes of giving confidence to the 98 percent of our taxpayers who are making less than the sums put forward in the bill—\$200,000 and \$250,000—I understand and anticipate the gentleman's response that we are all concerned with growing the economy and creating jobs and that we don't want to dampen that dam; and we understand the gentleman's concern about small businesses, particularly those 3 percent of small businesses that make more than this and report it on a personal income basis.

I would hope that we could give serious consideration to trying to act sooner than the end of the year and as soon as possible, frankly, on—as we call it—the middle class tax cut, the \$250,000 and under.

I yield to my friend to see whether or not, perhaps, the actions that have been taken this week have any bearing on his thoughts on whether we could schedule that bill.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that I don't think it is a good thing right now to bring that bill to the floor because we hope that we can have successful negotiations with the White House.

I think, as the gentleman said earlier this week, Mr. Speaker, that our side actually put on the table, in our letter to the President, some specific proposals that actually deserve a response from the White House. That's what we're looking for: Are we going to get a response to our proposal about putting revenues of \$800 billion on the table, of putting out there a framework for spending reduction?

I know, Mr. Speaker, the gentleman has agreed with me that we've got to do something to address the spending problem because you can't keep taxing and borrowing without doing the other side, which is to take care of the problem of spending. I think that the letter and the proposal that we sent to the President deserve a response, Mr. Speaker; and if we don't get a response, then perhaps the President will be willing to meet with us—one or the other—because it doesn't seem to me to be upholding the obligation to the American people that we're going to resolve this issue if we just stand still.

□ 1210

We put these specifics out on the table. The President has not responded. We ask the President to respond, Mr. Speaker. And I'd say to the gentleman that I hope that that's what can happen, either a response from the President—not just a summary rejection but a specific, serious response in the nature of our proposal—or if the President would agree to sit down and talk about it. That's what we've got to do to fulfill our obligation. I don't think bringing that bill to the floor, Mr. Speaker, is going to further that likelihood.

Mr. HOYER. I thank the gentleman for his observation.

He and I do share the view that we need to address both the revenue side and spending side of our budget. My view is, and I've said this on a regular basis, what we really have is not necessarily a taxing problem or a spending problem; we have a paying for problem. The actions we take, we ought to pay for them. We haven't done that through the years. Frankly, we haven't done it on both sides of the aisle. I don't want to get into that specific argument, but the fact is, if we pay for things, you don't create debt. And if you cut revenues and you cut spending, you don't create debt. If you cut revenues and don't cut spending, you create debt just as surely as if you spend

money and buy things and don't pay for them. In either instance, you create debt, and we need to get this country on a fiscally sustainable path.

So I congratulate the gentleman—not the gentleman specifically, but I was pleased, and the gentleman and I would disagree on the specificity of the offer that was included or the suggestion that was included in your letter. For instance, the President has put forward, as you know, in his budget and in his further proposals, an extensive list of reductions in spending that he proposed. In addition, he has put forward very specific proposals vis-a-vis revenues. His most specific proposal, of course, has been widely debated and discussed, and there was a difference of opinion on whether or not we ought to cap the taxes on \$250,000 and under families and \$200,000 and under individuals. There was a very robust debate on that during the campaign. The voters voted, and that's a very specific proposal.

In the \$800 billion that you suggest in the letter that you jointly signed with the Speaker and others, there is a suggestion of \$800 billion in revenues, which I believe is insufficient to get us to where we need to be. But having said that, it is certainly a good start, but it is not a good start if all it is is conceptual.

The President, as I said, has made very specific proposals. He wants taxes on those making over \$250,000 to go up. That produces a certain amount of revenue, somewhere in the neighborhood of the \$800 billion of which you speak. The fact is, though, in your proposal, we don't have the specifics other than to know that you're focused on preferences or loopholes—describe them as you may—which would be a reduction.

The gentleman knows the three largest of those is the health care, the mortgage interest, and the pension benefits that can be taken off your taxes. I don't know whether the gentleman suggests reducing those specifically, and I don't ask him to respond to that now, but I do tell my friend that if we don't have those specifics, as you have very specifically from the President, he also recommended capping deductions at 28 percent, a very specific revenue-generating proposal. He has also, as I said, agreed to very substantial spending cuts which he has outlined in his budget. And, as the gentleman also knows, we've cut a trillion dollars, give or take some billions of dollars, in expenditures pursuant to the debt limit extension of 2011. So we have addressed very substantial reductions in funding for 2011, for 2012, for 2013, and for out-years after that.

So I would urge my friend, when he says he's given specifics, as far as I know, the letter essentially has five lines in it. The letter is longer than that, but five lines of spending and/or tax-cutting proposals, but they are all

generic, not specific. And that is, I think, the problem we have in these negotiations, to the extent that they exist. Unfortunately, we're not doing as much as I think we ought to be doing. We don't have specifics, and, therefore, conceptually everybody can say, well, we want to get \$800 billion. The President and, apparently, your letter agree on that. How you get there is the key. And if you don't have specifics—the President has offered specifics on how to get there. I would respectfully suggest you have not offered specifics other than we're going to deal with preference items. But they're very controversial: charitable deductions, very controversial; other deductions, controversial. We have to really get down to the nitty-gritty of, okay, how are you going to do it?

I would urge the gentleman, in furtherance of what he and his party have already done, to perhaps be specific in how we get the \$800 billion. The President has said how we get the \$800 billion. I think that would be very helpful, and I yield to my friend.

Mr. CANTOR. I thank the gentleman.

That's what, really, discussions are for; that's what meetings are for. It's to try to get to the specifics. And although he and I differ, Mr. Speaker, the gentleman and I differ about the specifics of our proposal and the President's proposal because, frankly, I know and I think both sides know where each other are on taxes right now. Certainly the President was in a different place back in the summer of 2011 when he had indicated that—what was said was, Give us \$1 trillion in additional revenues which could be accomplished without hiking tax rates is what the President said. Certainly the position he's taking now, that absolutely we have to have rate increases, is different than that. But that's what the President has said this time. So we know where each other is there. It's the specifics on the spending.

The gentleman points out, Mr. Speaker, that the President has submitted budgets in the past. There's been no discussions of specifics whatsoever, even when the Speaker or I have suggested in meetings that we've had as to where are your specifics. They have just not been forthcoming. So if the President is serious to actually do something about the problem, then I think we do need to come together and say to the American people we're willing to cut the wasteful spending here and, in the gentleman's own words, Mr. Speaker, to pay for what we actually spend, not to just keep spending what we don't have. I think it could really move the ball forward on these negotiations.

So I accept the spirit in which the gentleman suggests we should have more discussions to get the ball moving forward; it's just the White House doesn't seem willing to do so. And in-

stead, we see the President going on a television interview and saying that he summarily rejects our position instead of trying to get down to the specifics of the problem, which is reducing wasteful spending.

Mr. HOYER. I thank the gentleman.

I want to say two things. First of all, I want to clarify, and I think I did clarify, that \$800 billion clearly is in your proposal. When I said the President agrees with that \$800 billion, he agrees to getting to at least \$800 billion. He thinks we need more. I agree with the President; we need more.

When the gentleman says the problem is wasteful spending, I disagree with the gentleman very substantially on that. The problem is not wasteful spending; the problem is spending. Whether it's not wasteful or not, if it's good spending, we need to pay for it.

Now, where the gentleman and I have a very substantial disagreement, I know, is that when the gentleman and his party voted to reduce revenues by over \$2 trillion, they didn't reduce spending by \$2 trillion. As I said at the outset, inevitably, if you reduce revenues by \$2 trillion and you up spending, which is what happened, frankly, as all of us know from 2001 to 2008, and particularly 2001 to 2006, if you up spending and reduce revenues, inevitably you have debt, just as if you buy stuff and don't pay for it, you have debt. So whether you reduce revenues or don't pay for what you buy, the result is exactly the same—debt. So that's why I say paying for is the problem.

The gentleman and I have a very substantive disagreement on whether or not you ought to have to pay for tax cuts. You have to pay for it one way or the other. You're either going to pay for it by having additional debt on which you'll pay substantial interest, or you'll pay for it by reducing programs. It's not wasteful spending. I'd like to get rid of all wasteful spending.

□ 1220

But I suggest to the gentleman, and he knows the figures as well as I do because we've been through a lot of meetings together on this, the issue is not wasteful spending. The issue is we've decided to buy things, a lot of which I think we ought to be buying, including Social Security, including Medicare, including investment in education, including investment in infrastructure, including investment in innovation to grow our economy, which, in turn, will help our deficit situation as the economy grows, without raising any taxes.

But the fact of the matter is, I know the gentleman has historically not felt that tax cuts ought to be paid for, either by cutting spending, which didn't occur, or by offsetting revenues.

So I want to make it clear the President does not agree with the \$800 billion level because he doesn't think the math works. I share the President's view. The math doesn't work.

And ultimately, in my opinion, the most useful effort will be if we all agree on the objective, whether it's \$4 trillion, whether it's 70 percent debt to GDP ratio, which most economists, or a little less than that, say is sustainable and will have us on a sustainable path.

If we all agreed on the objective and then, Mr. Majority Leader, simply made the math work to get there in a way that we could agree on, I think America would be advantaged, I think the economy would be advantaged, and we would see a renaissance of job creation in this country as we did in the 2000s.

I'll be glad to yield to my friend.

Mr. CANTOR. I accept the gentleman's good intentions, and I know that he doesn't think that we ought to be imposing additional obligations on the American people to pay more of their money into Washington if the money is not going to be spent in a way that is something that they would like.

So if it's wasteful spending, or if it's spending just to aggravate the deficit situation, and that's from the perspective that we come, fix the problem. If the obsession is to raise taxes, you know we don't agree with that, but fix the problem.

So if you're asking for somebody to give more of their money to Washington, then at least be able to tell them that we are going to manage down the debt. That's what we're about here, which is why the focus is on spending, and how we have to ratchet down the spending in this town.

That's where we've heard no specifics or willingness on the part of the President to engage in discussions about specifics on spending.

As far as the math is concerned, again, it was a very different President in the summer of 2011 when he said \$1.2 trillion in additional revenues could be accomplished without hiking tax rates. That's what he said. So, again, all of a sudden that math doesn't work, but it worked for 1.2 before.

Regardless, we sort of understand now, at least this round, where everyone is on taxes. Let's get to the problem, and maybe then we can resolve the taxes question.

Mr. HOYER. Well, we have a fundamental disagreement because the gentleman continues to want to focus on spending. I think that's right that we focus on spending. But again, debt is not caused by spending; it is caused by buying things that you don't pay for, or it's caused by cutting revenues that you don't offset either by cuts in spending, by cutting revenues. That's what causes debt. It's not buying things that causes debt. It's not paying for things.

The discipline, I will tell my friend, in the system for the American public is, if they want things, for us having the honesty to say, okay, if you want a

tax cut or you want a strong defense, it costs money, both of them cost money. And if you're willing to pay for it, we will do that. If you're not willing to pay for it, we ought not to do it.

That's not been our practice, unfortunately, and we dropped the PAYGO requirement, as the gentleman knows, in 2001, actually 2003 legally. De facto, we dropped it in 2001, because we had substantial tax cuts without paying for them. We waived that requirement, and I think that, frankly, got us into the problem we have on either side of the aisle, whether it's spending or revenue reductions.

I don't think the President's changed his position. I think the positions have changed. Mr. Bowles indicated that. Others have indicated that. The situation has changed its dynamic in the sense that it's not the situation we were confronting in 2011.

But this is an important discussion because it really requires us to come to make a commonsense, math decision, not an ideological decision driven by debate about spending or taxes, but on how we have a budget that is a sustainable budget for our kids and for our grandkids and for our country over the long term. And I think that's what this discussion ought to be about. And if it is, I think we can get this challenge resolved, and Americans and America will say finally, finally, those representatives we've sent to Washington have sat down together with one another and made sense.

Again, I want to say to the gentleman, I can't read it either, and you certainly can't read it from there. But you can see that, perhaps, the five lines here, and then the very long lines the President has proposed in terms of cuts and revenues.

I think if you're expecting the President to come and say, well, we can get your \$800 billion this way, that way and the other way, he's not going to do that because he's not going to negotiate with himself.

On the other hand, if you come to us and say specifically this is how we're going to get the \$800 billion, we're going to eliminate the charitable deduction. This is how we're going to get the \$800 billion, we're going to eliminate the mortgage deduction, that's something we can discuss. But if we don't have specifics on what you're going to do, but just a conclusionary "we're going to get 800 billion," then it's hard to negotiate because we don't know what the negotiation parameters are.

I yield to my friend.

Mr. CANTOR. I'd just say, the gentleman is really saying there is a need for discussions, and that's what I'm saying today, Mr. Speaker.

Mr. HOYER. We agree.

Mr. CANTOR. We need to sit down and discuss. We do agree on that. Obviously, the White House doesn't agree

on that, and we're trying to urge some real serious commitment to resolving this on the part of the White House.

Mr. HOYER. The gentleman has indicated there is other business that needs to be done. Let me briefly address those.

The farm bill, obviously, continues to be not resolved, not addressed. The Senate passed a bill, as the gentleman so well knows, 64-35, two-thirds of the Senate voting for it. We would be hopeful that that Senate bill could be put on the floor. I've talked to Chairwoman STABENOW. She and her ranking member worked very hard on that. I know our committee's reported out a bill 35-11, but that has not come to the floor. That was passed out almost 6 months ago, 5 months ago.

So I would hope that the farm bill could be moved. I know I'm going to be talking to some of my ag community today. They're very hopeful that a—not a stopgap but a farm bill of a sufficient length—and I think they would opt—I don't want to speak for them before I meet with them—but for the Senate bill, we need to pass that. Milk prices, as you know, will spike dramatically on January 1 if we don't pass the farm bill.

Also, on the Violence Against Women Act, I know last week we had the sponsor in the chair. I didn't know that. I thank the gentleman for reminding me.

But the Violence Against Women Act has been passed by this House and by the Senate. I would urge the majority to get us to conference on that. Rather than go through why I think the Senate bill's a good bill and you think the House bill's a good bill, the way to resolve that is to go to conference. I would urge the gentleman to go to conference on the Violence Against Women Act.

I believe the President is going to come down in very short order with some preliminary numbers on the supplemental. I think I'm going to New York tomorrow to spend time with some of our Members there and see the devastation that has occurred. The gentleman, I know, is very aware of that as well. We need to do a supplemental, so we need to have time to do that.

And lastly, although we haven't discussed it very often—it's not a very sexy issue, postal reform, again, is another issue that we're talking about balancing. The postal department has not been able to balance its budget, as we know. Part of it is dealing with the retirement programs that they're funding.

But I'm wondering if the gentleman has any thoughts on any one of those four bills.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'll try and be brief. On the farm bill, the gentleman is correct. We're going to face some very dire consequences if we

don't act on the issue prior to leaving here. And part of what I had indicated last week is that is something we are focused on and know we've got to deal with the issue prior to the end of the year.

On the issue of VAWA, as the gentleman and I have discussed many times on the floor, he knows that we can't go to conference with the Senate bill. The Senate bill has a blue slip problem.

I am speaking with the Vice President and his office and trying to resolve the issue of the differences surrounding the VAWA bill. This week I've actually been encouraged to see that we could very well see agreement on VAWA, and I'm very hopeful that that comes about. But I am encouraged about the discussions that my office is having with the Vice President's office right now, that bill being a high priority of Vice President BIDEN.

□ 1230

On the issue of the supplemental, I imagine, Mr. Speaker, the gentleman has seen the press reports that I have that the White House is anticipating sending up a \$60 billion supplemental request for damages related to Sandy, and I think tomorrow would be that day, at least according to press reports. As the gentleman may know, the FEMA Director testified to the House yesterday that the agency can meet its needs associated with the disaster through the spring. Approximately \$2 billion has been delivered, with about \$5 billion remaining in the disaster relief fund.

So, again, no one is here saying that we don't want to deliver the necessary aid to the victims, because that is a priority. But we're looking forward to receiving that request and taking a look at the numbers and the need to make sure we can move forward on that as well.

Lastly, Mr. Speaker, postal reform. The gentleman and I have, yes, talked about this a lot and know that the issue has to do with the obligations of the Postal Service and how we can address those to create a more balanced prospect for the future to allow for its continuance, so we're looking at that as well. And the gentleman knows there's a lot of discussions, both bipartisan and bicameral, on that issue as well.

Mr. HOYER. I thank the gentleman.

Obviously, we are coming here to meet and we're focused on the fiscal cliff, but there are other things that we could be, hopefully, resolving in the time that we have available to us between now and the end of the year, and I would hope that we would do that.

I yield back the balance of my time.

#### ADJOURNMENT TO FRIDAY, DECEMBER 7, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 11 a.m. on Friday, December 7, 2012, and further when the House adjourns on that day, it adjourn to meet at noon on Tuesday, December 11, 2012, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. BERG). Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### CONGRATULATING RYAN DEVLIN ON RECEIVING 2013 PENNSYLVANIA TEACHER OF THE YEAR AWARD

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Ryan Devlin of Brockway, Pennsylvania, on receiving the 2013 Pennsylvania Teacher of the Year Award. Ryan is the youngest educator to receive this esteemed award. His recognition also marks the 2nd consecutive year in which the recipient is from the Fifth District of Pennsylvania, which I'm proud to represent.

In 2009, Ryan completed his master's degree in education at California University of Pennsylvania. The following year he was hired by the English Department at Brockway Area School District. Today, he teaches British literature, creative writing, digital media, and computer science, and also serves as the adviser to the senior high gifted program.

Ryan is a teacher that goes above and beyond, a characteristic he has demonstrated year after year. For example, he's played an active role in introducing new technology to both students and staff and has worked to develop 21st century learning skills in a classroom environment that fosters creativity, innovation, and critical thinking. Most importantly, Ryan works tirelessly to help his students achieve success in the classroom.

Ryan Devlin, thank you for your commitment to the teaching profession. Congratulations.

#### TRIBUTE TO CONGRESSMAN JACK BROOKS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as announced earlier by Congressman RALPH HALL, we lost a memorable Texas legislator, Congressman Jack Brooks, who proudly served his southeast Texas district for 42 years after he was first elected in 1952, ultimately serving as dean of this House of Representatives and dean of our congressional delegation.

I knew Jack Brooks from my days in the State legislature, and he was one of my mentors when I first came to the House of Representatives. Representative Brooks was known for his tough persona and for chewing on his cigar while commanding a room. But he had a heart of gold. I remember sitting down with him when I first came to the House of Representatives. When he asked me what committee I wanted to serve on, I thought, well, I'll get what I need. I told him I wanted Energy and Commerce. He chewed on his cigar and said, You'll get Ed and Labor and like it.

But Jack was a great leader and a role model. He supported civil rights bills, refused to sign the segregationist Southern Manifesto in 1956, and helped write the historic Civil Rights Act of 1964 that banned racial segregation.

May we always remember Congressman Jack Brooks. He was a great man, political figure, U.S. Marines veteran, and a friend that I'll never forget.

#### PULSE OF TEXAS: GLENN FROM SPRING, TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Glenn from Spring, Texas, wrote me this:

Starting at the age of 15, I worked any job I could to help support myself through college—manually dug ditches, construction work, plant work. After college, I found an entry-level position in the field I studied. With hard work, I have been constantly employed for 36 years and now nearing retirement. I have never requested or received any Federal financial assistance. I enjoy contributing to my community and church. This is my American Dream.

Now the administration wants to increase the taxes I pay for being successful. As my grandmother would say, "If you can work, do so, and never let your pride or laziness get in your way to earn an honest living, and you will be rewarded in life."

Mr. Speaker, this administration wants to punish those who have lived the American Dream. During a recession, no one's taxes should be increased. This administration cannot tax and spend America into prosperity.

And that's just the way it is.

#### THREE YEARS OF CAPTIVITY FOR CUBAN HOSTAGE ALAN GROSS

(Mr. RIVERA asked and was given permission to address the House for 1 minute.)

Mr. RIVERA. This week marked the 3-year anniversary that a United States citizen, Alan Gross, has been held hostage in Cuba. He was arrested on December 3, 2009, for engaging in humanitarian activities to help the oppressed Cuban people.

Once again, the specter of a swap for Cuban spies being held in prison here

has been raised. I would continue to encourage the administration to reject that notion, particularly when these Cuban spies are being held for participating in a murder conspiracy against other American citizens that were shot down over international water.

I would remind the administration that Cuba remains on the list of terrorist nations—nations that are specific enemies of this country and want to do harm to this country; a country that is harboring fugitives from U.S. justice, and a country where, just this week, peaceful dissidents in Cuba were attacked once again, according to reports from Cuba, by relatives of a political police captain on the island that attacked supporters of the peaceful group the Ladies in White.

Once again, I would urge, as I have done so many times, that the international community continue to denounce the atrocious human rights abuses on the island nation of Cuba.

#### FOREST SERVICE IN TOMBSTONE, ARIZONA

(Mr. SCHWEIKERT asked and was given permission to address the House for 1 minute.)

Mr. SCHWEIKERT. How many of us have heard of a little town called Tombstone? It's popped up in movies, American folklore. Guess what? The Forest Service seems hell-bent on ending its existence. This town is older than my State. Its water rights are older than my State. Yet the Forest Service is restricting the town from 87 percent of its water supply because there's Forest Service land around Tombstone.

This picture isn't a picture of a bunch of cowboys out having fun. They're not allowed to take a little Bobcat up the mountainside to get the springs to fix their water, so you have to go up by hand up a mountainside to remove the boulders.

Is there an adult in the Forest Service who has a lick of sense?

#### REMEMBERING THE LIFE OF COLD SPRING OFFICER TOM DECKER

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to lend my voice to the chorus of Minnesotans that are grieving at the loss of one of our finest, Cold Spring Police Officer Tom Decker, who was senselessly murdered while responding to a call for help.

A 6-year veteran of the force and a father of four, Officer Decker exemplified what it means to serve and protect. He loved his job and the community that he served, and those he served admired and respected him in return. He was absolutely one of the

good guys: a dedicated husband, father, and police officer.

So today, Mr. Speaker, let us honor Officer Decker's life and the incredible devotion he gave to his community. He was a hero. But more importantly, he was an incredible human being. He and his service will be absolutely and deeply missed. Let us all keep Officer Decker and his loved ones, fellow officers, and community in our prayers.

#### THE 147TH ANNIVERSARY OF THE ABOLITION OF SLAVERY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize an important day in American history. Tomorrow, we will celebrate the 147th anniversary of the abolition of that regrettable institution of slavery. On 6 December 1865, the State of Georgia became the 27th State to ratify the 13th Amendment, marking the three-fourths supermajority necessary to amend the Constitution. The 13th Amendment accomplished something that the Emancipation Proclamation did not and perhaps could not do. It declared the non-existence of slavery in the whole of the "United States, or any place subject to their jurisdiction."

The triumph the 13th Amendment represents not just for African Americans but for all Americans should be celebrated every December 6.

[From the Raleigh News & Observer, Dec. 5, 2012]

#### THE DAY SLAVERY OFFICIALLY ENDED

(By James A. Wynn Jr.)

The movie "Lincoln" highlights the struggle over the passage and ratification of the Thirteenth Amendment, the historic proviso that officially ended slavery in America. The triumph that the Thirteenth Amendment represents—not just for African Americans but for all Americans—should be celebrated, and we should celebrate it tomorrow, December 6.

No amendment has a greater or simpler declarative force than the Thirteenth. It states uncompromisingly that "Neither slavery nor involuntary servitude . . . shall exist within the United States." The amendment also empowered Congress to enact laws to enforce its substantive protections.

The significance of the Thirteenth Amendment cannot be overstated. Among other things, it extended the phrase "We the People" in the Preamble to the Constitution to all Americans, it ended the implicit sanctioning of slavery in the original Constitution and it made clear that abolishing slavery was the sovereign will of the people.

The U.S. Supreme Court, with its notorious 1857 Dred Scott decision, left no doubt that the phrase "We the People" in the Preamble did not include slaves. According to the court, African-Americans were not intended to be included in "We the People" because "[t]hey had for more than a century before been regarded as an inferior order . . . and so far inferior, that they had no rights which the white man was bound to respect;

and that the Negro might justly and lawfully be reduced to slavery for his benefit."

The Thirteenth Amendment repudiated and effectively overruled Dred Scott and all it stood for, making clear that neither African-Americans, nor anyone else, could "justly and lawfully" be enslaved in this great country.

Further, the Thirteenth Amendment ended the original Constitution's implicit sanctioning of slavery. Although the word "slave" appears nowhere in the original Constitution, the document tacitly accepted slavery. For example, as a result of an infamous compromise between Northern and Southern states, Article I of the Constitution based political representation in the House of Representatives on the population of "free Persons" and three-fifths "of all other Persons" in each State.

Thus, despite the Declaration of Independence's majestic pronouncement that "all men are created equal," the original Constitution indicated otherwise. With the Thirteenth Amendment, the Constitution expressly rejected slavery.

Finally, the Thirteenth Amendment, "ratified by the Legislatures of three-fourths of the several states," as required by Article V of the Constitution, abolished slavery through the sovereign will of the people and the democratic process. By contrast, the Emancipation Proclamation, an 1863 declaration freeing slaves in Confederate territory, was a wartime measure issued unilaterally by Lincoln.

The Thirteenth Amendment has been the subject of far less litigation than the Fourteenth. As a result, it has suffered unjust obscurity. And to the extent we celebrate it at all, we do so on the wrong day, February 1—the anniversary of the day President Abraham Lincoln signed a joint resolution submitting the proposed amendment to the states for ratification.

Addressing a crowd outside the White House after he signed the joint resolution, Lincoln remarked that the occasion was one "of congratulation to the country and to the whole world." In 1948, President Harry Truman declared February 1 "National Freedom Day."

Yet despite the symbolic significance of Lincoln's act, the Thirteenth Amendment had no legal effect until the states adopted it. Indeed, Lincoln's signature was unnecessary, and no other proposed amendment has been submitted to a president for signature.

The Thirteenth Amendment was put to all 36 states, including those formerly part of the Confederacy. Georgia became the 27th state to ratify the amendment, on Dec. 6, 1865, marking the achievement of the three-fourths supermajority necessary to amend the Constitution. The Supreme Court has held that constitutional amendments take legal effect when ratified. Thus, Dec. 6, 1865, marks the arguably most significant, and yet perhaps most unrecognized, date in African-American history.

Sadly, Lincoln never lived to see the Thirteenth Amendment ratified: He was assassinated on April 15, 1865, nearly eight months before Georgia provided the decisive vote in favor of ratification. No doubt Lincoln would have celebrated the day our nation constitutionally enshrined an abhorrence of slavery, the evil institution against which Lincoln had fought so hard.

No longer should the Thirteenth Amendment rest in silence. We should begin our holiday season by celebrating on Thursday the 147th anniversary of the Thirteenth Amendment's ratification. It is a day not



just for African-Americans, but for all Americans, to commemorate our bettering our Constitution by spelling out the truth that Dr. Martin Luther King Jr. rightly called self-evident: "All men are created equal."

□ 1240

#### TAXING AND SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I appreciate the hour, and I appreciate you being here with us this afternoon.

You know, it seems like just yesterday to me that you and I showed up here on Capitol Hill. It was that giant freshman class of 2010, and golly we came to do something.

I remember back in freshman orientation, folks hadn't even been sworn in yet and they were already trying to get focused on what the first votes in January 2011 would be about and the constant noise in the room was about how do we make a difference, how do we make it matter. This was a freshman class full of people who didn't come because they wanted a business card that says "Congressman." They didn't come because this was just part of a career path they had been planning since they were kids. They came because they were men and women, moms and dads, small business owners, big business employees, folks from back home who said: golly, the country is in trouble, and if we don't have leadership who's willing to stand up and do the right thing for the right reasons, this country might just go over the edge.

There were 99 of us, Mr. Speaker. You remember. It was Republicans and Democrats. Now, there were more of us as Republicans than there were of them, but we came together in those early days to say: What can we do to make a difference?

Mr. Speaker, you can't see it here, but I have a chart of our spending as a percent of the share of our economy and tax revenue as a percent of the share of our economy. Now, Mr. Speaker, what you see on the chart with the green line is historical tax revenue. What you see is, going back to World War II, going back to the mid-1940s, that it really has not mattered in the history of this Nation whether the top tax rate was 90 percent as it was before the Kennedy years, or 70 percent as it was at the beginning of the Kennedy years, or 28 percent as it was in the Reagan years. It really has not mattered what the top bracket is. All Americans are willing to give to government is about 18 percent of GDP.

It turns out, Mr. Speaker—this will be no surprise to you—it turns out Americans are pretty smart. If what

you decide, as the Federal Government, is we're going to tax this behavior, well, Americans start engaging in this other behavior instead. If what you say is, no, I'm going to tax that behavior, they say, well, that's okay, I'll go do this instead. Americans are pretty smart, and they change their behavior to maximize the benefit for themselves and their families, their kids and their grandkids.

So, going back—just a historical truth—through modern American history, post-World War II history, no matter what we've done with the Tax Code, Americans have only contributed about 18 percent of GDP. That distinguishes it, Mr. Speaker, from our spending trajectory in this country.

Now, on the chart I have our spending in red. Historical spending is represented by this jagged line. Projected future spending is that big smooth line that rises right off the chart. This red line, Mr. Speaker, represents what happens to Federal spending if we do nothing. That's important. What does it mean to do nothing? What I mean is, if we were to close down the White House tomorrow and not sign one new law; if we were to close down the U.S. House of Representatives tomorrow and not pass one new law; if we were to close the United States Senate—and I know what you're thinking, Mr. Speaker, you're thinking we're not going to be able to tell much difference there anyway, that's not true—if we close the United States Senate and pass not one new bill through the United States Senate, this trajectory of spending is what faces America. This trajectory of spending is what happens if we do nothing.

Mr. Speaker, there is no set of circumstances, not a historical set of circumstances, not a set of circumstances that we could conjure up where we could possibly raise enough money through the Tax Code to pay for the spending that this Congress, past Congresses, this President, past Presidents have promised the American people.

Here's the thing, Mr. Speaker: you and I are lovers of freedom, so we would never propose such a plan; but if we were to go out today and nationalize everything, if we were to put a 100 percent tax on every American worker in this land, if we were to put a 100 percent tax on every business in this land, if we were to take everything from everybody—their house, their business, their stocks, their bonds—if we were to sell every business in America at the auction block, if we took it all, the present value of that wealth would not be enough to pay the future promises that Presidents and Congresses have made.

We are in a spending-driven crisis. The question is: How do you tackle that, Mr. Speaker? Candidly, coming up with a clever idea to raise taxes is pretty easy. You just look at what

taxes are today, and you say let's make them higher tomorrow. It doesn't take a lot of thoughtfulness to put that together. We can all agree on a plan that has the number that taxes are today and we make that number higher tomorrow. That's not an intellectual challenge. It's the wrong tax policy, and we see it in the President's budget from 2012.

I tell every town hall meeting, Mr. Speaker, that I have, every audience that's there that I appreciate this President. I appreciate this President because the law of the land is that every year the President of the United States will submit to the Congress his or her proposed budget, and every year this President has been in office he has done exactly that.

That's important, because a budget is a statement of your values, Mr. Speaker. You know that. I mean, when we talk about where we're going to spend the tax dollars that we take in, what those priorities are, that tells us what our values are. When we talk about how much money we're going to take from the American people—who those folks are who are going to have to pay more, who those folks are who are going to have to pay less—we talk about our values. So every single year the President has put his values statement forward.

Now, that distinguishes him from a body that has disappointed me so terribly much, Mr. Speaker, in my 2 short years in this Congress, and that's the United States Senate. In the 2 years I've been here, I've never seen a Senate budget. I thought that was odd until I talked to colleagues who had been here longer and they said, actually, Congressman, we haven't seen a budget in almost 4 years from the United States Senate. No budget in 4 years. No statement of values. No statement of solutions. No recognition that there is a problem and then a proposal to make it better.

But what I have here, Mr. Speaker, is a chart that represents the President's budget from February. As he has done faithfully for these 4 years in office, he submitted his budget in February that would take us through the 2013 year. In that budget he raised taxes by \$2 trillion. Now, that's not a values statement about that. If I were to issue a values statement, I would tell you I don't want taxes to go up by \$2 trillion. I think it's a bad plan, I think it's bad for the economy, I think it's bad for the American people. But the President laid that plan out there for the American people to decide. In fact, he ran a campaign on that all spring, all summer and all fall, and the American people sent him back to service for another 4 years.

But what you see in his budget, Mr. Speaker, as represented on this chart, is facing \$16 trillion in public debt—largest public debt in American history, about \$55,000 for every man,

woman and child in this country, their burden of the debt, a debt that's threatening to sink our economy. Thank goodness we're the best of all the worst economies in the world, Mr. Speaker, because folks are still investing here. Whenever the rest of the world bounces back, we're going to be in bad, bad shape. You don't know how fast that spiral is going to get started.

□ 1250

But the President, looking at that same set of facts that I have just shared and the same set of facts that you and I look at here in this body, Mr. Speaker, he proposed a budget that raised taxes by \$2 trillion but increased spending by just as much.

Here it is, Mr. Speaker: this white dotted line represents the trajectory of debt accumulation for America. Again, if we do nothing, this is the debt accumulation for America. The red line represents the debt accumulation under the President's budget proposal. And what you see is that in 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020, under the President's proposed budget, after raising taxes on the American people by \$2 trillion, the debt of this Nation actually grows faster than if we had done nothing at all because the President takes all of those tax dollars and spends them on his priorities.

Going back to that first chart, Mr. Speaker. The problem that we have in America is not a tax revenue problem; it's a spending problem. And if we refuse to grapple with the spending problem, we'll go nowhere. The President refused to grapple with that spending problem except—and I blew it up on here so that everybody could see it—way out past 2021, kind of between 2021 and 2022, the debt gets just a little bit smaller under the President's plan than it is currently if we do nothing at all.

Now my experience in just 2 short years, Mr. Speaker, is that those good things that we promise are going to happen 10 years from now, those tough decisions we promise we are going to make 10 years from now, those never get made. We spend the money in year one, but we never make the cuts in year 10. I don't know if we can count on that at all.

But, again, the President is a smart guy. I think he cares about this country. The American people just endorsed him for a second term. His 10-year budget plan does nothing, nothing to improve our deficit trajectory, our debt accumulation over the next 9 years.

Which brings us to where we are right now, Mr. Speaker, with this so-called fiscal cliff. It's not really a fiscal cliff. And the truth is, we have a tax decision coming up, and we have a spending decision coming up. And, truthfully, we need to have even more spending decisions coming up. But we're calling it the fiscal cliff. And "se-

quester" is a new word that we brought into the American parlance as a result of that.

The sequester, as you recall, Mr. Speaker, was the hammer that we put in place. It was one of the first big votes that you and I took way back in August of 2011. As part of an agreement, the President wanted to raise the debt ceiling. There were bills that needed to be paid. The Speaker of the House, JOHN BOEHNER, said, We are not going to expand America's credit card until we get serious about curbing spending. And he said to the President, No, Mr. President, I will not raise the limit on America's credit card unless you agree to dollar-for-dollar reductions on the spending side of the ledger so that we're not just making the problem worse; we're creating a pathway to solve the problem altogether. I admire the Speaker for that.

And the Speaker and the President agreed on this proposal. It was called the Budget Control Act of 2011. And what it did was it created for the first time ever a little committee here on Capitol Hill, a committee that was going to report language directly to the House floor and the Senate floor—no filibusters, no prevention of it coming by amendments, no monkey business—just directly to the floor for an up-or-down vote.

There were six House Members and six Senate Members on this panel. Mr. Speaker, you will recall it was six Republicans and six Democrats, serious men and women on this panel. And they looked at not just the \$3.8 trillion annual Federal budget. They looked not just at the more than \$50 trillion that would be represented in a 10-year budget. They looked at hundreds of trillions of dollars in Federal spending and commitments over a three-generational window. They worked on it for 3½ months; and collectively, at the end of the day, they agreed on not \$1 in changes. Not \$1, not \$1.

The greatest disappointment of my 2 years here has been the failure of that joint select committee to succeed. Call it politics. I don't know what you want to call it. Again, these were serious men and women. They were tasked with solving our Nation's fiscal crisis, and they failed.

So then what? Well, the Speaker had the wisdom back in 2011 to make sure that we were really getting dollar-for-dollar changes on the spending side and on the savings side when we were going to raise the debt limit. And what the Speaker and the President ultimately agreed to was this crazy hammer called the sequester, an across-the-board cut on discretionary spending.

Discretionary spending is about one-third of our budget. Mandatory spending—Medicare, Medicaid, Social Security, interest on the national debt, those programs—represents about two-thirds of the spending in the country.

But they envisioned this across-the-board cut that would come on discretionary spending—that one-third of our budget—if the joint select committee failed to reach an agreement. And the cuts were designed to be so severe that no self-respecting joint select committee would ever fail to reach an agreement because they needed to prevent these cuts from happening. Well, they didn't reach an agreement, as you know, Mr. Speaker, as history has now told us. And I want to show you where these sequester cuts are coming.

As I just talked about, we have discretionary spending. It's broken up into defense and non-defense discretionary spending. And then we have mandatory spending which, again, is Medicare, Medicaid, Social Security, those mandatory programs where the money goes out the door whether Congress meets or not.

Well, look at how we've decided to take control of spending in this agreement, Mr. Speaker. Defense discretionary spending, we all know national security is a constitutional obligation that this Congress has. It is one of the few constitutionally delineated responsibilities this Congress must fulfill. Defense spending represents less than 17 percent of all the spending America does. That means 17 percent of our \$3.8 trillion annual budget is defense spending, 17 percent of the spending. But these sequestration cuts, Mr. Speaker, are going to fall 50 percent on the Defense Department. We're asking the Defense Department, our men and women in uniform, to bear the lion's share of that burden.

Now, I don't think that's right. I voted in favor of this hammer to take place, this hammer that was going to be so severe and so draconian that no one would ever let it happen. They would sit down at a table and agree, as people who represent America should be able to do.

But when they failed and we saw these defense cuts were going to come, we brought out in May of last year—these last-minute negotiations in December drive me crazy, Mr. Speaker. And I want the American people to know—and I know you tell them on a regular basis that it doesn't have to be this way. It was May of 2012—7 months ago—that this House looked at the size of these defense cuts, looked at the impact it would have on our men and women in uniform and their families, and we said, There's a better way.

We didn't kick the can down the road. We didn't say, Oh, let's just put these cuts off altogether; America doesn't really have a spending problem. We don't really need to control that side of the balance sheet. No, we passed a bill in this House in May of this year that didn't just replace the defense spending with smarter cuts on the mandatory side of the ledger but, actually, over time was going to make even

bigger reductions in spending, create even larger savings to the American people—savings that we know we have to have if we are to succeed as an economy. And we did that back in May.

Now, Mr. Speaker, as you know, the Senate has not passed a proposal to do that very same thing—not in May, not in June, not in July, not this fall. The President hasn't proposed—well, I guess in the proposal he made last week, he said, Well, let's just kick that can down the road for another year. That's not an answer. That's a frequent go-to place that we go to in this body—Republicans and Democrats alike. Let's just kick it down the road for another year. But that's not the answer. You and I know that the time for kicking cans down the road is gone.

So in May of this year, we passed this replacement. It has yet to see any action. But I just wanted to be clear. As you know, Mr. Speaker, this body laid a proposal out, detailed line by line by line of how it is that we can both protect our men and women in uniform, continue to serve them and their families, and take our spending responsibilities and our saving responsibilities here seriously.

We'll go on here, Mr. Speaker. Non-defense discretionary spending, it represents about 13 percent of that \$3.8 trillion annual pot. Where do the spending cuts fall there? This 13.4 percent of the spending is going to have to bear 35.1 percent of the cuts. Golly, that's not going to be easy, Mr. Speaker. I mean, these are programs that folks care about.

□ 1300

Take the food stamp program, for example, Mr. Speaker, the SNAP program. That's an important program, and I think we can all agree that there's some waste, there's some fraud, there's some abuse, and there's some things we can fix in that program. We did that in the bill we passed in May. It's an important support program to make sure that the most vulnerable among us are cared for and they can bounce back up. It's one of those programs where we try to reach out, Mr. Speaker, not to prop folks up, but to give them a hand up so that they can succeed.

These programs across the board are facing a 35 percent cut. Why is that? In fact, in the 2 years you and I have been here, Mr. Speaker, we've seen discretionary spending start—it started in 2010 at some of the highest levels in American history. You and I, in a bipartisan way, brought it down in 2011, we brought it down again in 2012, and we brought it down again for FY 2013.

I open up those newspapers, Mr. Speaker, and folks talk about how there's no agreement here, how it's just folks arguing and fighting with each other. In a bipartisan way, this House, that Senate, and our President

have seen discretionary spending drop 3 years in a row. Never before in my lifetime have we seen such a thing. I credit this body with being a driving force in that because we're elected by the American people, who want to see their fiscal books put back in order, but we've succeeded on the discretionary side.

Discretionary turns out to be the easier nut to crack because that money doesn't go out the door unless this U.S. House of Representatives acts. That distinguishes it, Mr. Speaker, from mandatory spending. That's the third set of columns on my chart. Mandatory spending, as I said, is two-thirds of our budget, 63.8 percent to be precise. And of all the sequestration cuts, 63.8 percent of the budget is only going to bear 14.4 percent of the pain. The back story there, Mr. Speaker, is that's only 14.4 percent of the pain. As I said, discretionary spending has been on the chopping block in 2011, 2012, and now again in 2013. But mandatory spending we haven't had a single agreement about, and I don't hear the White House talking about it either.

The White House put together a group, and it was called the Simpson-Bowles Commission. It was named after Erskine Bowles, who is a former Clinton chief of staff, and Alan Simpson, who is a former Republican senator. They came together in what the President called his deficit-reduction commission to give the President an idea of what we could do to get our fiscal house in order. I just want to show you here on this chart, Mr. Speaker, the chronic deficits that we've had in this country. It goes back to 1970. All of this red ink represents the inflation adjusted—these are all in 2012 dollars. So we're comparing apples to apples all the way across this chart. The deficits that we've had in this country—and you'll see going back to 1970, Mr. Speaker, which happens to be the year of my birth, we've run a deficit every single year through 1998.

Do you remember 1998? We had Newt Gingrich leading the first Republican U.S. House of Representatives in modern times. We had Bill Clinton in the White House. They came together to solve some big problems: welfare reform, health insurance reform. Folks forget about health insurance reform for the 1990s. We did away with pre-existing conditions, and we did away with all of the impediments in the large group markets, what they call ERISA plans. They had great success back in that area, and they finally got back into some positive territory.

To be truthful, this assumes that all the Social Security revenues and the Medicare revenues are getting spent on other projects rather than going in the trust funds and being preserved. We didn't really have a surplus. We were spending Social Security and Medicare revenues to create a surplus, but we did have some better years then.

Then we go into the Bush years, and this is important. Of course, 9/11 changed the way this country deals with national security. There were a lot of programs going on, much to my surprise, Mr. Speaker. You'll remember we created a brand new Federal department with a Republican House, a Republican Senate, and a Republican President. We created a brand new entitlement program in Medicare part D with a Republican House and a Republican President. And we ran during the Bush years—and they're represented right here—we ran at that time what were the largest deficits in American history. The largest deficits in American history were run during the Bush administration with a Republican House, a Republican President, and we began to get a hold of that. Of course, that was after September 11, 2001. Again, we had a dramatic uptick in spending on homeland security concerns, on national security concerns. That's an explanation; it's not an excuse. We reached those massive deficits, the largest deficits in American history, and we began to bring those back down.

Enter 2007. From 2007–2008, we had a Republican President in the White House, and we had a Democratic Speaker here in the U.S. House. Spending began to tick back up. And as we entered the Obama years, Mr. Speaker, here is the largest deficit in American history recorded during the Bush administration. This is the annual deficit recorded in the Obama administration. Not twice as large as the largest deficit in American history, not three times as large as the largest deficit in American history, but almost four times larger than the previous largest annual deficit in American history was the first-year deficit recorded in the Obama administration. That was the first time ever that we had run trillion-dollar deficits, and we've continued to run trillion dollar deficits during that time.

Tax policy hasn't changed during that time. Tax policy is exactly the same. You hear in the newspaper all the time, Mr. Speaker, about the Bush tax cuts. I don't know that that has meaning anymore. Of course, in 2001 and 2003, we did do some dramatic changes to tax policy. President Obama extended all of those changes in 2010. So that's the law of the land still today.

Tax policy has been exactly the same over this continuum. What has changed, Mr. Speaker, is the spending. The reason deficits have grown not one, not two, not three, but almost four times larger than the previous record deficit in American history is not because tax policy has changed—it hasn't. It's because Federal spending policy has changed, and that's what we have to get our arms around here in this body.

What I show going forward, Mr. Speaker—I put a little square around the annual budget deficits that have been run during the first 4 years of the Obama administration, but I also project for the Congressional Budget Office—that's the nonpartisan budget planning group we have here on Capitol Hill—what they believe is in store for us in the future if we continue under current policy. That's trillion-dollar deficits going out for years to come. The problem is not tax policy, Mr. Speaker. The problem is spending policy.

Can we improve tax policy? You better believe it. Mr. Speaker, you know I'm a cosponsor—in fact, I'm the main sponsor of H.R. 25, The Fair Tax. That's the largest, most popularly cosponsored fundamental tax reform proposal on either the House side or the Senate side. In fact, it's the largest, most popularly cosponsored tax proposal on both sides of the United States Congress. It would fundamentally change the way we tax. We can absolutely improve our tax system. But don't be misled. The problem in America is not bad tax policy. The problem is bad spending policy. We have to move the focus away from taxation, which again has been the same for the last 12 years, and move it towards spending, which has changed dramatically just in the last 4 years.

I'm not one just to point the finger of blame, Mr. Speaker. You know, this freshman class came about results. They didn't come about whose fault it was. There is plenty of blame on both sides of the aisle. There is plenty of blame in the Congress and the White House. There is plenty of blame going back decades. But finding a solution is a priority for every man and woman in this body. All 435 men and women in this body are focused on finding a solution.

I'm just so proud, Mr. Speaker. I start to grin every time I start to talk about it. When you and I got here in this body, Mr. Speaker, we tackled fundamental spending reform for the first time in my lifetime. And we didn't pass it just once, Mr. Speaker. When we came in in 2011, we passed it twice. This House has passed the only budget to pass anywhere in this town. In the 2 years I've been in Congress, we didn't do it once, we did it twice. We didn't do it one year, we did it both years. And in each, Mr. Speaker, we didn't just complain about those before us who left us a current path of deficit and despair going forward—which is what happens if we fail to tackle our spending concerns—we passed that path to prosperity here in this House of Representatives that provided a solution. Not a solution 10 years from now, not a solution 5 years from now, but a solution that begins to administer tough love because that's the only kind that is left here, in year one.

□ 1310

You can't kick the cans down the road. You have to take these challenges head on.

But it's not just about the blame. Again, Mr. Speaker, there are solutions. We proposed that solution in the Ryan budget. I say the "Ryan budget." I'm proud of him. He's my chairman. I sit on the Budget Committee. It was actually a very cooperative process. He laid out his ideas. He had this great committee of Democrats and Republicans there who gave input, who made changes. We passed that bill in the Budget Committee. We then brought it to the House floor, and we had a free-for-all in which every Member of the House who wanted to introduce a budget could introduce a budget, and there were several. Hear that. Every man and woman in this body who thought he had a better way to solve America's fiscal crisis could introduce a budget, and many of them did. Only one of those budgets passed this body. That's now the House budget—passed not once but twice—which provided real solutions.

Here is our spending represented in a different way because there are so many red herrings in this body. I want to say, Mr. Speaker, if you'd help me spread the word with my colleagues on the left, I say this from the heart. You know, we get down here, I'm on the Rules Committee, and I often handle the Rules debates here on the floor. It gets kind of toxic from time to time. Folks are trying to make their points. Everybody has got his talking points. It turns into an argument instead of a discussion about how to make America better. I do hope in this coming time, whether we use Special Order time to do it or whether we use some time off the floor to do it, that we will find an opportunity to have more of a discussion, because the facts are what the facts are. We ought to be able to agree on what the facts are, and then we ought to be able to disagree about what those solutions are. We ought to be able to question each other's judgment without questioning each other's motivations, and I hope we'll be able to spend some time on that. I heard folks say, Mr. Speaker, Oh, the problem is that global war on terror. It's all those war-fighting efforts. That's what has put us in this deficit circumstance that we're in.

This blue represents base spending going back to 2002. I started it right there when the wars began. This yellow line represents the spending that was done on the global war on terror. It's a big number because our commitment to our men and women in uniform is unequivocal. We stand behind the men and women who have been asked by their Commander in Chief to go overseas and defend our freedom and to protect our Nation. We defend them here in this House, unequivocally, with our budget votes, but it's a small number

compared to all the other spending that goes on. Clearly, this yellow line is not what has created our trillion-dollar budget deficits—the largest budget deficits in American history by a factor of 4. It's the base spending that does that.

Here are the financial bailouts. I would have voted "no" on those bailouts had I been here, Mr. Speaker. You and I were not, but it wasn't the financial bailouts. As good or bad as they were, they're just this little green line right here. That is not what created these massive deficits. It's this giant blue line here. Then, finally, there was the 2009 stimulus bill, which is, actually, the largest portion here in the recent history of what we're spending on. We spent more on the stimulus bill than we spent on our men and women fighting two wars overseas. But even that is not responsible for this continuing growing line of Federal spending.

We're spending more than we've ever spent before. In fact, in the 10 years from 2012 to 2022—again, if we do nothing, Federal spending is expected to rise by 33 percent. I don't know if your salary is expected to rise by 33 percent, Mr. Speaker, if you're working in middle America. I know my community's salaries are not. This is 33 percent the size and scope of government, and the President is proposing to grow it more, to spend more. The problem isn't tax policy. The problem is spending.

We hear a lot about fairness, and I want to talk a little bit about that now. I'm going to switch to tax policy because that's what everybody seems to be obsessed with in the media, and I want to make sure we dispel some of the myths of what's going on there. I went to Dictionary.com, as I'm apt to do, and I printed out what "fair" is.

They said: "(1) Free from bias, dishonesty, or injustice" as their first definition. "(2) Legitimately sought, pursued, done, given, etc.; proper under the rules." Fair.

I think we all support fairness—in fact, I'm certain that we do—but I'm absolutely certain that what President Obama believes is "fairness" is very different from what the people whom I represent believe is "fairness."

What I've brought here, Mr. Speaker, is a chart from the Joint Committee on Taxation. That's the group here on Capitol Hill that is in charge of measuring all the tax policies. It's a nonpartisan group, and they just try to tell you what the facts are about tax policy. This chart represents what the facts were in 2010 about the taxes and tax rates. That was the most recent year for which they had a study. It counts all the tax returns turned in in America. There were 155 million of them. There were 155 million tax returns turned in in America. Adjusted gross income, that's not actually your total income—it's a machination you

go through there on your tax returns—but we break it out into different categories. Out of 155 million tax returns turned in, just under 6 million reported an income of \$200,000 or above. What's even more interesting, though, is the number of returns below \$10,000 because we're going to talk about fairness.

As for those folks with tax returns under \$10,000, I don't think there is a man or a woman in this body, Mr. Speaker, who believes that if there are families of four trying to get by on \$10,000 that they don't need some help, because they're not going to be able to make it. I pinch pennies as tight as anybody can. Everything I get is free with a rebate from Walgreens, from CVS, OfficeMax, and right on down the line. I've not met a sale that I won't travel to. That's tough to do in today's economy, \$10,000, so that's why it's so interesting.

Look out here. Of the almost 21 million tax returns filed, only 14 of them ended up having a tax associated with them, and 425,000 were itemized. I want you to think about that, Mr. Speaker. Most Americans don't itemize on their taxes. They have what is called the standard exemption, the standard deduction. Most Americans take that, even homeowners. Of course, the mortgage interest deduction is the largest itemized deduction that most American families take, followed by the charitable deduction, but most American families don't itemize at all.

So you have to ask yourself, Mr. Speaker: Who are the folks who are reporting under \$10,000 a year in income who are doing all this itemizing?

Look at that ratio: Taxable returns to itemized returns, it's about 30-1. Even down here among the richest of Americans, Mr. Speaker, it's 1-1. So, 30-1. Folks are gaming this Tax Code to participate not at all in the funding of our government. When we get together here to try to think about how we take care of the poorest among us, when we get together here to think about how to reach out to those less fortunate among us, we look at this category. Sure, folks making under \$10,000 a year, don't they need our help? I tell you, if they're itemizing because they're doing such clever, crazy things on the Tax Code that the standard deduction and the standard exemption are not good enough for them, and if they're going to maximize their returns even more so they can get to zero, those folks are not the ones who need our help. We need to consider that in the context of fairness: 155 million returns with 6 million of them over \$200,000 a year.

We're in a Republic, Mr. Speaker—some folks say “democracy.” Obviously, it's a Republic—but the majority can rule here. I'm just doing the math in my head. If there are 155 million people filing tax returns but only

6 million of them are making more than \$200,000 a year, I'm pretty sure that I can find 51 percent who say, Let's not tax us, but let's tax them instead. I want you to think about that in the context of fairness.

Just in the spirit of full disclosure, Mr. Speaker, I'm not in the 1 percent. I have aspirations one day to make it into the 1 percent, but I'm not in the 1 percent. I never have been in my adult working life. I don't think I'm going to make it in anytime soon, but I aspire to fiscal success. I hope I have those good ideas that folks want to pay for. I hope that, by the sweat of my brow and by the power of my work ethic, I can generate some wealth, but I'm not part of the “them” who folks want to tax. I'm part of the “us” who folks don't want to tax and who are going to get a free ride in this proposal from the President.

□ 1320

I want to talk about that in the context of fairness. Let me tell you something you may not know, Mr. Speaker. Jimmy Carter was the last President from the great State of Georgia, so I'm going to start in the last of the Carter years, 1979.

What I have here on this chart is the percentage of all Federal income tax liability paid by citizens of the United States of America, what are we doing as citizens of America to pay for our government. And in the last year of the Carter administration, the bottom 80 percent of American income earners, which is most of us, that's the middle class, that's everybody there, the bottom 80 percent, was paying 35 percent of all the bills in this country. So 80 percent of Americans were paying 35 percent of the bills. That top 1 percent, Mr. Speaker, that top 1 percent of America was paying 18 percent of the bills.

Now, again, we talk about fairness. Again, I'm not in the 1 percent; although, again, I might like to be one day. For the 1 percent to be paying 18 percent of all of the burdens of this country, is that fair? Is that fair? For the 1 percent to pay 18 percent, is that fair? Again, we can look at the numbers. We can look at income distribution. We can look at all sorts of things. But think about that in the context of we always talk about people paying their fair share. In the last year of the Carter administration, the top 1 percent were paying 18 percent of the burden of America. But this is what's really interesting and, to me, Mr. Speaker, troubling, as a first-term Member in this United States House of Representatives. Look from 1979 out to today, and what you see, beginning in the 1990s, is that the majority of us, the 80 percent, begin to pay less of our Federal burden than do the 1 percent. In fact—and it's staggering to me, Mr. Speaker, and so I went and pulled the

numbers. As we sit here, again, for the last year for which CBO is able to produce numbers—it's 2009. In 2009, the 80 percent of us who are in the middle, the 80 percent of us who form all of our communities back home and all of our clubs, the 80 percent of us who show up to church on Sunday and polls on Tuesday to make sure that we're doing our spiritual and civic duty, the 80 percent of us, we're only shouldering 6 percent of the total income tax burden in this land.

Now, I just want to ask you, Mr. Speaker, we're all smart folks. Again, I drive a long way to get something free with rebate at Walgreens. And for folks, Mr. Speaker, listening at Walgreens, I really don't like the new policy they have with those coupons that expire. I want to get back to the gift card program. That's not something we're going to do here on the floor; we're not going to mandate that for them. But 80 percent of us are paying 6 percent of the burden. What do you think that does to elections? You see it in the children in your life, right?

When your children have skin in the game, when they have some candy they might have to give up, when they have some chores they might not have to do if they negotiate properly, when you have skin in the game, you make different decisions. You find when you give the children in your life some money in their pocket and you're going through those impulse rows as you're walking out of the supermarket, Mr. Speaker, if they've got a dollar in their pocket, they're looking hard at those prices, seeing what's on two for one today, seeing what the discounts are. If it's their dollar, they're going to really think about what it is they're going to purchase in the candy aisle on the way out of the grocery store. But when they don't have any money in their pocket and they're just asking Mom and Dad to pick up the tab, there's no limit to what it is they're interested in having, right? The Snickers bar looks good. How about some of these sour things? My breath is bad; I need some gum. All across the board, there's no limit to what it is they might want.

What's going to happen to our Republic, Mr. Speaker, if we, the 80 percent, allow ourselves to only be burdened with 6 percent of the job of paying for the obligations of this country? Completely inverted there, Mr. Speaker. Today, again, 2009, the last year for which we had numbers, the top 1 percent paid 39 percent of all the bills. But again, if the 80 percent are only paying 6 percent of all the bills, that means the top 20 percent are paying 94 percent of all the bills. Again, what election is it that we're going to have where folks say, You know what, that guy over there shouldn't be picking up the tab for me.

What's happening to us as a Republic? Who are we now as a people? Do we

want to help the least among us? Absolutely, we do. We always have; we always will. We can argue about whether we should do it from the Federal Government or from the State government or from our communities and from our churches, but of course we're committed to fulfilling those goals.

But we cannot, it is not fair, and I would argue it is immoral to face the kind of challenges that we're facing and say, You know what; we, the 80 percent of America, aren't going to help at all. We're already paying 6 percent of all the bills. There are 80 percent of us, we're the primary beneficiaries of it all, but we're paying 6 percent of all the bills; we don't want to pay more. Tax them. That is incredibly dangerous and antithetical to who we are as a Republic.

You know, this isn't new, Mr. Speaker. This isn't new. We can go back to Ben Franklin. He is often cited as saying that when the people find that they can vote themselves money, that will herald the end of the Republic.

That makes sense; right? It only takes 51 percent to win an election. So if 51 percent of the people can make sure that the other 49 percent have to bear all burdens and pay all the bills and do all the fighting and work out all the problems, then the 51 percent can just take the day off. Now that's not where we are in America, Mr. Speaker, but Ben Franklin worried about that over 200 years ago.

Milton Friedman, a Nobel Prize winning economist passed away, but his words are still with us. I think he said it well. In his "Free to Choose" statement, Mr. Speaker, back in 1990, he said this:

There is all the difference in the world, however, between two kinds of assistance through government that seem superficially similar: first, 90 percent of us agree to impose taxes on ourselves in order to help the bottom 10 percent; and second, 80 percent voting to impose taxes on the top 10 percent to help the bottom 10 percent.

There's all the difference in the world, Milton Friedman says, between when 90 percent of us choose to burden ourselves so that we can help others, and when 80 percent decide they want to burden a different 10 percent so that they can help yet another 10 percent. And it is different. It's morally different.

And I've got to tell you, Mr. Speaker, and that's what I love about our freshman class, Republicans and Democrats alike, nobody came here to pass the buck. Nobody came here to say that decisions are easy and somebody should have made them earlier. They came here and said these decisions are really hard, but we're going to make them anyway.

What's the morality of deciding that our country is in peril and the people who ought to solve it are them; not us, but them; not me, but someone else; not in my family, but in my neighbor's family. There's a morality there.

Now, listen, I'm the first to tell you, Mr. Speaker, we need more revenue in this country. And the reason we don't have much revenue today is because folks don't have jobs. Guess what. If you don't have a job, you don't have any income. If you don't have any income, you can't pay any income taxes. That's not rocket science. That's basic economics, and it's at work every day in this country. We've got to get folks back to work. And more of them, Mr. Speaker.

□ 1330

If you're a family of four and you're earning \$30,000 a year, you can't afford to pay the bills of this country in the same way that someone making \$200,000 a year can. That's okay. We understand that. That's why there are graduated rates in the Income Tax Code. Some people pay 10 percent, some people pay 15 percent, some people pay 25 percent, some people pay in the 30s. The more you have, the more we think you're able to contribute.

But here we are in what every American economist would agree is one of the most dire economic circumstances of our time, and what I hear described as leadership from the President is don't change anything for the 80 percent. In fact, spend more on the 80 percent, and go tap that last 1 percent to pay all the bills. The top 1 percent are already paying all the bills.

This chart, which again I would say demonstrates a moral imperative that we investigate and grapple with as American citizens, as members of the greatest self-ruling Nation in the history of the world, what we've already seen is just, in my lifetime, born in 1970, just in my lifetime, through self-governance, we have completely turned on its head who pays the bills for America. And more and more and more and more we've said, It doesn't need to be me; it doesn't need to be us; it can be them; they can do it all.

That is not who we are. That's not who we teach our children to be, and it's not the legacy that we want to leave behind. Eighty percent of us, including me, in this country are paying only 6 percent of the burden of being an American citizen.

This chart, Mr. Speaker, reflects what happens if we roll off this fiscal cliff. They describe it as a cliff. Again, it's a spending decision and a tax decision, but I've listed them both up here. This chart comes from the Congressional Research Service.

A couple of interesting things I want to point out here. First and foremost, if we do nothing, there are going to be tax increases of about \$400 billion. There are going to be spending reductions of about \$102 billion. There are some other changes that would happen at the end of the year that aren't associated with policy decisions. So, at the end of the day, we change the scope of

our deficit by about \$607 billion if we do nothing.

That's what makes this such a hard issue to grapple with, Mr. Speaker. If we do nothing, if we reach no agreement, changes that happen automatically and burden us all in different ways will create \$607 billion for the U.S. Treasury that we didn't have before. And that's only half of the annual deficit.

You see all the pandemonium that folks are describing, all the frightful words that are used to describe the fiscal cliff. If we roll over that fiscal cliff and all of those bad things come to bear, the tax increases and the spending reductions, collectively, they make \$607 billion. And if we apply that to next year's deficit, we still won't reduce next year's annual deficit to the level of what used to be the highest deficit in American history run up under the Bush administration. We can roll right over the fiscal cliff, create \$607 billion in taxes and savings that we didn't have before, and we still won't have reduced our annual budget deficit to what was formerly the highest budget deficit in American history before the Obama administration. That's how far out of whack we are.

I'm not trying to blame the President for that. I think there is some blame there. There's blame here. There's blame everywhere. I only say the Obama administration so folks understand this is a problem that has existed. As long as I've been alive, we've been running systemic deficits. But in the Bush administration, we were running the highest deficit in American history, and today it's four times larger. And if we roll over the fiscal cliff that everyone says is going to be so awful, we only solve half the problem. Still don't get back to what used to be the most profligate spending days in American history, used to be the largest American deficits in American history, the Bush administration. That's Number 1 that I want to get from this chart.

Here's Number 2, Mr. Speaker, going back to the grappling with fairness, who we are as a people, what we're about. I put up that chart earlier that showed how some folks were getting away with paying zero. Even though they had lots of money, they were just itemizing it all away so they didn't have to pay anything on the tax burden; certainly their right as an American citizen to take advantage of those Federal tax laws.

But we tried that. Back in the late sixties, early seventies, we created what was called the alternative minimum tax, Mr. Speaker. The alternative minimum tax, and it was designed—and you can go back and read about it in the CONGRESSIONAL RECORD. It's all right there. It was designed to get them.

We've talked a lot about who the "us" are and who the "them" are. The



“them” are the people with the money who aren’t paying their fair share. Again, we can argue about what fair share is, but that’s why we created the alternative minimum tax. The “them” weren’t making the proper payments. And what it turned out to be was they really were making a lot of money and they really were itemizing a lot of deductions. So, really, they were wealthy folks who were doing all the things the Tax Code encouraged them to do, but they ended up paying zero, and the 80 percent of us didn’t like it. We thought, Golly, they have lots of money; they shouldn’t be paying zero; we should do better. So we created the alternative minimum tax.

Here’s the thing. The alternative minimum tax is still on the books today. We did such a crummy job of trying to attack the rich back when we created the alternative minimum tax, it’s grown out of control, and it now hits middle-income Americans all across the country, except that the Congress fixes it 1 year at the time.

That’s one of the crazy things that you learn when you become a Congressman is that you don’t actually solve problems long term; you apparently just fix them 1 year at the time so you can come back again next year and fix the same problem in the same way once again.

All the taxes in the Bush administration, all these taxes we talk about, the ones that President Bush passed in 2001 and 2003, the ones that President Obama extended in 2010, all of those taxes combined create \$104 billion for next year. That’s a \$104 billion change.

Fixing the AMT, fixing the alternative minimum tax, solving this thing that we created in order to tax the rich, to keep it now from impacting the middle class, is going to cost 117. All the Bush tax cuts combined are 104. Fixing this problem that Congress created back in the early 1970s, 117. We don’t do that well when we try to attack the “them” in order to avoid the burden on the “us,” and we’re going to see that when we do the AMT patch again this year.

I want to close with this, Mr. Speaker. I have a chart here of who benefits from tax loopholes. Again, I’m a Fair Tax guy. H.R. 25, Mr. Speaker, I hope you’ll go and pull it out, think about being a cosponsor if you’re not already.

I want to change the way we do taxes in this country. But just by closing loopholes—and I hear the newspaper asking all the time: Which loopholes? What loopholes? How are you going to do that?

This shows who benefits from the loopholes, Mr. Speaker, in the Tax Code. It’s not the bottom 20 percent. It’s not the second 20 percent or the third or the fourth. It’s not really even the top 20 percent. It’s the top 1 percent.

So I would just encourage you, Mr. Speaker, to ask the President—as we’re

going through these discussions, he clearly has campaigned on getting more money out of the 1 percent.

I showed this chart, Mr. Speaker, that questions the morality of where we end up, questions what it means to our Republic at the end of the day if we continue to give so much of the burden to the few and leave the rest of us with none of the burden at all.

But if he is intent on doing that, he doesn’t have to raise tax rates. He can do it through abolishing tax loopholes, which makes the Code fairer and more transparent to us all. We have a right to know what we have to pay in a tax code. These loopholes obscure it.

Mr. Speaker, I don’t know what’s going to happen in these final days. I know that the Speaker of this House is committed to doing the things that matter, to making a big difference for our children and for our grandchildren, to not kick the can down the road one more time. I pledge to support that plan, Mr. Speaker. I, too, did not come here to kick the can down the road. I came here to make the tough decisions.

And I say to my friends, and there are a lot of them out there who made tough decisions and they paid an electoral price for it. That’s not a short list of folks. That’s a long list of folks, and it happens every 2 years. You see people who had the courage to do what they thought was right, and they pay a price for that in terms of their political career.

□ 1340

But what I love about this institution, Mr. Speaker, these freshmen that I was elected with—you and I were elected with—these new freshmen that are coming in after this past election, I see men and women who care so much less about a political career and care so much more about doing things that matter for this Republic. I’m proud to be associated with them. And I’m convinced if we get past the rhetoric and get back to the discussion, we’re going to be able to come up with a solution that the American people will be proud of and that we can be proud to tell our children and our grandchildren that we were a part of.

With that, Mr. Speaker, I yield back the balance of my time.

#### HONORING THE 50TH ANNIVERSARY OF LA ROCHE COLLEGE

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker’s announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALTMIRE. I will not speak for nearly 60 minutes. I’m tempted to engage the gentleman, my good friend, Mr. WOODALL, in debate. But I won’t do that because I know he’s still smarting from his Bulldogs’ loss over the week-

end. And I’ll let him continue to think about that. I very much enjoy the friendship and camaraderie with Mr. WOODALL, although we do have a difference of opinion on some of those issues.

Before we start, Madam Speaker, I would say to the individual who will be speaking following my presentation that I plan to only speak for about 5 minutes or less. This will not be an hour-long presentation. So the speaker who will follow me on the majority side, I recommend he hang near the floor because I will be wrapping up shortly.

Madam Speaker, I rise to commemorate the 50th anniversary of La Roche College. Founded in 1963 by the Sisters of Divine Providence in McCandless, Pennsylvania, a suburb of Pittsburgh, it was named in honor of Marie de la Roche, the first superior of the Congregation of the Sisters of Divine Providence. Originally a college for religious sisters, it now educates a diverse group of students from around the world, offering high-quality educational opportunities that continue to reflect its Catholic heritage.

Soon after its founding, La Roche experienced financial difficulties that threatened the school’s existence. Due to the financial strain, the congregation at that time seriously considered permanently closing the college. However, because of the profound and positive impact the school made on the community in the short time its doors had been opened, the students, State officials, and the community leaders urged the congregation and the school’s leadership to continue the mission of the school and to keep the school open.

Thankfully, due to the outpouring of support from the community, in 1970 the board amended its charter to establish La Roche College as an independent, coeducational Catholic institution, which it remains today. It also joined with the Art Institute of Pittsburgh and diversified its course offerings, expanding the areas of study the college would offer, including graphic and interior design programs that are among La Roche College’s most popular programs today.

I was proud to serve on the Board of Trustees at La Roche College. It was during my time as a trustee that I had the wonderful opportunity to get to know the late Monsignor William Kerr, who served as La Roche’s president for 12 years. It was during his tenure that the college established the Pacem in Terris Institute, a scholarship program for outstanding college-age men and women from conflict and post-conflict nations such as Rwanda and Bosnia. The institute allows students to receive an education at La Roche College to study leadership and diplomacy in return for their agreement to return to their home country after graduation to



help engage in the peace process and rebuild their nations.

The institute successfully reflects the college's vision and mission to "foster global citizenship." That program over the years has created a bond with some countries that is unlike any other institution of higher learning in America. It has had students go through the program that have gone back to their home countries and have very successfully become leaders in those countries. We are better off as a Nation and as a global community because of their work and because of that program which initiated and continues at La Roche College.

It was also during my time on the Board of Trustees in 2004 that La Roche College Board of Trustees appointed Sister Candace Introcaso as the college's seventh president. Sister Candace began her career in education at La Roche in the late 1980s, and it's under her leadership that the college has continued to expand its global footprint while placing a renewed focus on serving the needs of those in the Pittsburgh region. I had the privilege of working closely with Sister Candace during my time as a trustee and as the Congressman who now represents La Roche College. The future is bright for the college under her continued leadership.

La Roche College improves upon itself year after year. It continues to expand its academic offerings, with more than 50 undergraduate majors, 20 undergraduate minors, and three graduate programs. For six consecutive years, it has been named one of the Best Northeastern Colleges by the Princeton Review, and it fields 12 intercollegiate teams.

On many occasions my office used their facilities for workshops and town hall meetings. Over the years, La Roche students and faculty, as well as Sister Candace, came to visit my office on a number of occasions to discuss the importance of education to our country and their efforts to collaborate with the greater Pittsburgh and western Pennsylvania community for the betterment of our entire region.

Next year marks the 50th anniversary of La Roche College. Despite early financial troubles, the leadership of the college persevered, kept the doors open, and always stayed true to the mission of the school. La Roche College is a tremendous asset to our community, and we look forward to many, many more years of continued success. I wish them nothing but the best, and congratulations on their 50th anniversary at La Roche College.

I yield back the balance of my time.

#### A GAME OF CAT AND MOUSE WITH THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Madam Speaker.

It's a pleasure to follow my friend from Pennsylvania (Mr. ALTMIRE) and before that my friend from Georgia (Mr. WOODALL). It made a lot of sense. In fact, the last vote we took today was to eliminate the word "lunatic" from our Federal law. I don't have a problem with lunatic being used in the Federal law. Apparently, I was the only one here on the floor that didn't have a problem with using the term "lunatic." In fact, it occurred to me that not only should we not eliminate the term lunatic at a time when we are facing national bankruptcy if we don't get serious about our issues but we should also use the term to identify those who want to continue doing business as usual around this town.

It's time we got serious. One of the things that would help the administration get serious, because it is a big deal and not because CBO has no clue what it's going to cost, as illustrated by them initially scoring, I believe, \$1.1 trillion, then \$800 billion, and now \$1.6 trillion taking effect. Maybe \$1.8 trillion. They don't have a clue. They're not allowed to use real historical reality, real rules to score. They use a fictitious static rule that is just so inaccurate. It would be a joke if it weren't so sad as to what it's done to good legislation.

Because of the emphasis on tax and all the people that are going to be hit with a tax because this administration and the Democratic Senators down the Hall—at least their leadership—continue to play games of cat and mouse and of chicken with the future of our financial stability and economy, I think it's important to look at taxes.

□ 1350

The President, for example, and Majority Leader REID in the Senate say they want to help the middle class, the poor working folks. So, apparently—and I know former Speaker PELOSI said we need to pass the bill so we can find out what's in it, but it's obvious from Leader REID's comments and the President's comments, those two people never read the ObamaCare bill.

It's a bit of interesting reading. I did go through it all before I voted against it; a lot of interesting stuff. I don't know why the President needs his own commission, the Noncommissioned Officer Corps. There were toss-outs to the big pharmaceuticals, AARP. If you saw somebody endorse this bill, then you could find a provision in here, if you knew what to look for, where they got their little pound of pork. So it's quite interesting. But Mr. Speaker, I would encourage the President and HARRY REID, since they have slapped this bill on the backs of every American, they

really ought to read what they've done to Americans. There are a lot of people that have.

There was a good article, it seemed to be—I don't know Guy Benson, but a political editor for Townhall.com wrote on September 20, 2012, he was talking about the President:

Barack Obama's re-election racket has been running millions of dollars worth of advertisements claiming that Mitt Romney's "plan" will raise taxes on middle class Americans. This isn't true; Romney promises precisely the opposite, and FactCheck.org has called out Democrats for repeating the debunked charge. But to paraphrase Bill Clinton's DNC speech in Charlotte, it takes some brass to preemptively criticize someone for doing what you've already done yourself. Before we get to the latest dreary punch line, let's go back to the video tape.

And online it had a video that could be punched, and it was President Barack Obama speaking. Part of his quote says:

I can make a firm pledge: Under my plan, no family making less than \$250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

The article goes on:

This man's "firm pledges" aren't worth very much, are they? Kate touched on this last night, but it's worth another spin, if only to marvel at the sheer hypocrisy of it all. The Congressional Budget Office has determined that millions of Americans will get socked by the ObamaCare mandate tax, 80 percent of whom are middle-income citizens. Nearly 6 million Americans—significantly more than first estimated—will face a tax penalty under President Barack Obama's health overhaul for not getting insurance, congressional analysts said Wednesday. Most would be in the middle class. The new estimate amounts to an inconvenient fact for the administration, a reminder of what critics see as broken promises. And the Budget Office analysis found that nearly 80 percent of those who'll face the penalty would be making up to or less than five times the Federal poverty level. Currently that would work out to \$55,850 or less for an individual and \$115,250 or less for a family of four. Average penalty: about \$1,200 in 2016.

It goes on to point out:

CBO also said there will be 30 million people without insurance, though all but the 6 million will be exempt from the tax. The exempt Americans are a combination of illegal immigrants and those with incomes too low to pay income tax.

The article says:

Just so we're clear: ObamaCare raids \$716 billion from almost-insolvent Medicare to chip in toward its own \$2 trillion price tag, raises premiums on average families, increases national health care spending faster than doing nothing would have, swells the deficit, exacerbates the national doctor shortage, is insanely costly and difficult to comply with, and raises taxes by \$500 billion on the backs of millions of middle class families—and the country will still have 30 million people lacking health insurance. What a deal! And most of that dysfunction doesn't kick in until 2014.

If it had kicked in in 2012, you would have seen a different President elected, I'm sure. But in any event, what the

ObamaCare bill requires—and one further comment. When a bill is based on a fraud, it's probably not going to end up being a good bill. The ObamaCare bill—and I hear people talk about 2,700 pages, 2,500, 2,600—let's see. My version here—this is one we got from the official printer—2,407 pages. But it's interesting, the title of the bill:

*Resolved*, That the bill from the House of Representatives (H.R. 3590) entitled "An Act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes," do pass with the following amendments: Strike out all after the enacting clause and insert—ObamaCare.

So they took House bill 3590 that was an act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes—this is a tax credit for our military members—they struck, as it says: "Strike out all after the enacting clause and insert" ObamaCare. That's a fraudulent bill. That bill did not originate in the House, it originated in the Senate. The Constitution requires that any bill that raises revenue must originate in the House. It started as a fraud. This bill became a fraud when it was enacted and it was asserted that this originated in the House. It did not.

We had a tax credit for first-time homebuyers for our military. There was nothing germane about ObamaCare to a tax credit for our military. That's why I say a bill that starts out as a fraud is probably not going to be real good for a lot of folks.

So, though the President promised people all across America over and over that if you make less than \$250,000 then you will not see your taxes go up, well, let's take a breather from the so-called fiscal cliff—the truth of the matter is we went off of that back in August 2011 when we passed that ridiculous debt ceiling bill that is going to further gut Medicare, on top of what ObamaCare did to it, and also gut our national security. But looking back at ObamaCare and the tax consequences—and Madam Speaker, that's why I keep saying the President really ought to read the bill that bears his name, that people refer to as ObamaCare. He really ought to read it. Majority Leader REID really ought to read the bill because he'll get to the part that has a mandatory provision that the Supreme Court had to take up: Is this mandate a penalty or a tax? And of course the intellectual gymnastics that our Chief Justice had to go through to say, between pages 11 and 15 of the opinion, that this is a penalty, it's not a tax. Because under the anti-injunction statute, no Federal court would have jurisdiction to take up the case if it's a tax because

you would have to wait until 2014. Because under the anti-injunction statute, under Federal law, no Federal court could take it up until the tax is actually imposed and the person filing suit is actually someone against whom that tax is imposed. So they would have to wait until 2014 in the intellectual gymnastics of the Chief Justice, he says, between pages 11 and 15.

□ 1400

So Congress called it a penalty. It is really a penalty. They knew what it was. It's a penalty. It's not a tax for these purposes because, you know, it's just being assessed against someone if they don't buy this basic health insurance policy. And it's estimated that will cost thousands and thousands of dollars.

Then, of course, you get on over to around page 60. And after he said, It's a penalty; therefore the anti-injunction statute doesn't prevent us from taking jurisdiction. And now that we have jurisdiction, we'll take it up. And now we take it up, and we say, It's really a tax, so it's okay. Boy, that kind of intellectual lack of integrity in any Federal entity is a danger to the ongoing of the Nation.

But for those of us that did read the bill, you will find that if someone is making 133 percent of the poverty level or more, they must buy the basic ObamaCare policy. Well, 133 percent of the poverty level for one person would be \$14,856. So anyone in America who makes more than \$14,856, as an individual—and in case those at the White House don't know, \$14,856 is less than and not even equal to \$250,000—but if you make \$14,856, as an individual, when the tax fully kicks in, you will pay an extra 2.5 percent income tax as a penalty for not buying the ObamaCare health insurance bill. And so you will get popped with an extra 2.5 percent tax, which will be \$371 slapped on the people that can afford it the least. This ObamaCare bill slaps \$371 extra on somebody that can't afford health insurance at a time when they can't afford to pay the extra tax. Well, congratulations.

That's why I really wish the Senate majority leader and the President themselves would read this bill so they know what they're doing to people so that when they say, This isn't going to hit anybody with any extra tax if you make less than \$250,000—if they continue to say it, they'll know that is simply not true.

If you are a couple and you make \$20,123 and you cannot afford—between the two of you, you are just scraping by with \$20,000; gas prices are up because of all the money flooded into the market created by our Federal Reserve; inflation is going to be kicking in big time this next year; and it's going to be a struggle for any couple that's making \$20,000. It's going to be

tough. Prices of everything are going to be going up.

So at a time when they will not be able, probably, to afford several thousand dollars for the ObamaCare basic policy—some estimates have been that it will be around \$12,000—well, then, you are going to pay an extra \$503 in a tax penalty because ObamaCare mandates it.

Let's go to a family of six. If you are a family of six and you make \$41,190 and you cannot afford thousands and thousands of dollars for the basic ObamaCare health insurance policy, then this poor family, struggling with six folks—I grew up in a family with four kids. When times were good, we ate beef. When times were not, we would have Beanee Weenee. I happen to like it just fine, but it's still a struggle.

For those who continue to struggle, as I heard Jay Leno once say, Four words: Kraft Macaroni and Cheese, one of my favorite meals. But, nonetheless, it is going to be hard to afford even macaroni and cheese.

If you have a family of six, you are making \$41,190, and you can't afford thousands and thousands of dollars for the ObamaCare basic policy, then, hello, you are going to pay over \$1,000 additionally in your income tax.

I hope and pray that somebody in the majority—because I know the hearts of so many of my friends across the aisle. They care deeply about people suffering in America. I know they do. They really do care. That's why I want them to read ObamaCare, as I did, and see what you are doing to the poor and the downtrodden in America.

The President is still running around saying, you know, if you are making less than \$250,000, you are not going to have any extra tax. Wrong. Read your own bill. Speaker PELOSI said, We will pass the bill to find out what's in it. They still don't know what's in it. That's why somebody has got to stand up and tell them what's in this bill is taxes on people that cannot afford it.

If they cannot afford thousands of dollars for a health insurance policy, they're not going to be able to afford \$1,030 in extra income tax that our President and all the Democrats passed without a single Republican vote. They're not going to be able to afford that.

I guess that's why ObamaCare is going to provide for an additional 17,000 or so IRS agents. Because with this poor family of six making 133 percent of the poverty level, you are probably going to have to chase those two adults down in that family of six and get blood from a turnip because they don't have the \$1,030 to pay in extra income tax. If they did, they might try to buy some form of health insurance. But even if they spent \$1,030 on the health insurance policy, from the estimates we've seen, that still would not be anywhere near enough to buy the basic

policy required by ObamaCare. This is going to devastate the working poor in America.

And again, I go back. Any bill that starts as a fraud is probably not going to be good for America.

So we come back to all of the rhetoric about taxes. Look, too many people in the House and Senate have forgotten that in July of 2011—that's the real time we were facing a fiscal cliff. And S&P made clear, Look, if you don't cut at least \$4 trillion over 10 years, which is \$400 billion a year, we were running a deficit at that time around \$1.5 trillion over what we were bringing in. And they were saying—and I thought it was pretty modest—if you don't cut at least \$400 billion of the \$1.5 trillion you are overspending, then you are going to get downgraded.

Leaders in both parties really didn't take that seriously. So they came back with a proposal for a supercommittee; and if the supercommittee didn't reach an agreement on \$1.2 trillion over 10 years, a \$120 billion reduction from the overspending of \$1.5 trillion—that should have been a drop in the bucket. That's nothing. We should have been able to cut that much, and we didn't do it. So now the sequestration is looming, and we come back to this issue again. But I'm shocked that so many people have already forgotten.

When we failed to cut \$4 trillion over 10 years from our budget back in the summer of 2011, we got downgraded, and things got more expensive.

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Tim Geithner back then was saying, August 2, the world comes to an end financially. We're going to hit the financial ceiling. It's going to be disastrous. Then, basically, the interpretation of what he was saying is, when we get to August 2, Just kidding. We're going to be okay for a little longer, but we're about to hit it anyway.

The financial cliff was approached, and we went over it. Now we're bouncing down the cliff from ledge to ledge. I'm hopeful that at some point we'll say we've fallen far enough. Let's not go all the way down to the bottom of the abyss. Let's start climbing out of this vast hole we've dug for ourselves that we've been plummeting down. Let's get back on top. You're never going to do that bringing in \$2.4 or \$2.5 trillion and spending over \$3.5 trillion. And we want to eliminate the word "lunatic" from the Federal code? That's lunacy to think you can keep spending over a trillion dollars more than you bring in, when you're bringing in about \$2.5 trillion, and not pay the price.

It is immoral for one generation to be spending money that the next generations haven't even had an opportunity to earn. It is narcissistic to say we are so important in our generation that we are going to lavish money on

ourselves uncontrollably so that future generations will pay for our self-indulgence.

The history of America is one generation after another making sure that the generations that follow would have it better than they did. When we come to this generation, my generation—and it's embarrassing, but we've been so self-indulgent, so self-absorbed that we would spend future generations' money. They are kids, some of them are not even born, and they are going to have to bear the cost of what we're doing. As one of our Republican friends said just about an hour ago, Be quite sure any deficit spending now will be a tax on someone at some point. It's just the way it is.

We keep hearing that everybody needs to pay their fair share, and I hope that beginning now when people hear "fair share," they'll think about a flat tax. Steve Forbes has been talking about it for years. RAND PAUL had an article out a year or so ago proposing a flat tax. My friend, MIKE BURGESS, has a proposal. Many of us have proposals.

Look, you talk about wanting Warren Buffett to pay what his secretary does, yet you haven't made one proposal that will bring Warren Buffett to paying what his secretary does. That's crazy. That's why we shouldn't eliminate the word "lunatic." It really has application around this town.

Warren Buffett ought to take heed. He runs around telling people, yeah, rich people should pay more taxes. Well, he's not. He's not going to pay more, not on any of the proposals that the President has him running around endorsing. How about a flat tax that says 15 percent for capital gains tax, what Warren Buffett normally pays, 15 percent for his secretary in income tax, 15 percent for gift tax, and a 15 percent corporate tax. Let's just go 15 percent across the board. The irony is that the economy would so explode—so many more people would be employed, so many more people would be making more money—that the revenue would actually come in in greater amounts. We would actually get greater revenue, and there would be less pain and less suffering in America.

A couple of years or so ago, an 80-year-old lady in east Texas said:

I grew up here in east Texas in a home that had no electricity, no power. We had a wood-burning stove; and now the electricity, propane, everything is so expensive, my Social Security doesn't cover it. It looks like I'm going to have to go back to a wood-burning stove just to exist. This could be a cold winter.

It doesn't have to be like that. It ought to be an economic renaissance. The more fair we are here in Washington—you make more, you pay more; you make less, you pay less. I'm one of those that likes two deductions: one for charitable giving and the other for the mortgage interest deduction.

We can negotiate over numbers. That's not a problem. We could com-

promise. We can reach an agreement, a compromise over numbers, but let's don't compromise on a principle that is so basic and simply says, if you make more, you pay more. It's an easy concept. You make more, you pay more; you make less, you pay less. That's fair.

For Heaven's sake, let's do this. Let's take that ObamaCare burden off the working poor in America that are going to get socked with that tax. We were told for so long, if we don't do something, there will be maybe 30 million people in America who won't have insurance. Then we get to the bottom of it and we find out, well, now we're going to have lots of people paying lots more taxes and we're still—oh, and we're gutting Medicare. Because of ObamaCare, we're gutting Medicare by \$716 billion so the seniors will have less health care. Oh, I know, some of our Democrat friends have said not to worry, we're only taking that from the health care providers—the doctors, the hospitals. We're taking that from them. We're not taking it from you, seniors. You don't have to worry. You will have Medicare. My foot.

Those health care providers who have \$716 billion sucked out of the system will not be able to provide service to all the seniors, and that's why we start hearing stories now about how ObamaCare is going to work. Some say the age may be 75 that is tossed out by the panel. It won't be a death panel, but it will be a panel that says, You're 75. No hip. No, no. You're too old. You don't get a hip. You don't get a knee. You're just going to have to suffer because you're not productive anymore.

That is outrageous. Every individual has value.

I would just like to conclude with words from my friend Dick Morris, who said:

I know there is a disagreement on when life begins in America, but for Heaven's sake, we ought to agree that life ends when you die.

That's why ObamaCare needs to go.

With that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for December 4 and today on account of family medical reasons.

Mr. BILBRAY (at the request of Mr. CANTOR) for today on account of personal reasons.

Ms. MATSUI (at the request of Ms. PELOSI) for today on account of attending funeral of longtime family friend Martin L. Friedman.

#### ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Friday, December 7, 2012, at 11 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8589. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0781; FRL-9370-6] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8590. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl(C8-C18) dimethylamidopropylamines; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0106; FRL-9369-2] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8591. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Christopher D. Miller, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

8592. A letter from the Attorney, Legal Division, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Consumer Leasing (Regulation M) [Docket No.: CFPB-2012-0042] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8593. A letter from the Attorney, Legal Division, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Truth In Lending (Regulation Z) [Docket No.: CFPB-2012-0004] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8594. A letter from the Attorney, Legal Division, Consumer Product Safety Commission, transmitting the Bureau's final rule — Truth in Lending (Regulation Z) [Docket No.: CFPB-2012-0043] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8595. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Indonesia, Singapore, and/or Malaysia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8596. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Ghana pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8597. A letter from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Updating OSHA Standards Based on National Consensus Standards; Head Protection [Docket No.: OSHA-2011-0184] (RIN: 1218-AC65) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8598. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Control of NO<sub>x</sub> Emissions from Glass Melting Furnaces [EPA-R03-OAR-2012-0785; FRL-9755-4] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, for Imperial County, Placer County and Ventura County Air Pollution Control Districts [EPA-R09-OAR-2012-0120; FRL-9710-3] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley and South Coast; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amendments [EPA-R09-OAR-2011-0589 and EPA-R09-OAR-2011-0622; FRL-9753-3] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2012-0473; FRL-9745-1] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Approval of Air Quality Implementation Plans and Findings of Failure to Submit Required Plans; California; San Joaquin Valley; 1-Hour and 8-Hour Ozone Extreme Area Plan Elements [EPA-R09-OAR-2012-0734; FRL-9753-4] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8603. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance on Performing a Seismic Margin Assessment in Response to the March 2012 Request for Information Letter (JLD-ISG-2012-04) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8604. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants, Regulatory Guide 1.182 [NRC-2012-XXXX] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8605. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-149, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-103, pursuant to the reporting requirements of

Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8607. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-113, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8608. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8609. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-148, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8610. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-150, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8611. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-137, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8612. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-092, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8613. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-127, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8614. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-152, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8615. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

8616. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

8617. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Introduction [Docket: FAR 2012-0080, Sequence 7] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Oversight and Government Reform.

8618. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2012 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

8619. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8620. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustment for Inflation [Docket No.: 121022566-2566-01] (RIN: 0605-AA31) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8621. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3350-EM in the Commonwealth of Massachusetts, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8622. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3353-EM in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8623. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Health Care and Social Assistance (RIN: 3245-AG30) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8624. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Adoption of 2012 North American Industry Classification System for Size Standards (RIN: 3245-AG47) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8625. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Real Estate and Rental and Leasing (RIN: 3245-AG28) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8626. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Educational Services (RIN: 3245-AG29) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8627. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — December 2012 (Rev. Rul. 2012-31) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8628. A letter from the Under Secretary, Department of Defense, transmitting the Fiscal Year 2011 Defense Environmental Programs Annual Report; jointly to the Committees on Armed Services and Energy and Commerce.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following actions were taken by the Speaker:

The Committee on Natural Resources discharged from further consideration H.R. 511 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The Committee on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure discharged from further consideration H.R. 4297.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. KLINE: Committee on Education and the Workforce. H.R. 4297. A bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st Century, with an amendment; Rept. 112-699, Pt. 1; referred to the Committee on Veterans' Affairs for a period ending not later than December 14, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL (for himself, Mr. CONAWAY, and Mr. SMITH of Texas):

H.R. 6633. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR:

H.R. 6634. A bill to change the effective date for the Internet publication of certain financial disclosure forms; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. WALDEN (for himself, Mr. AMODEI, and Ms. BONAMICI):

H.R. 6635. A bill to direct the Secretary of Defense to submit a report to Congress on the future availability of TRICARE Prime throughout the United States and to ensure that certain TRICARE beneficiaries retain access to a primary care provider, and for other purposes; to the Committee on Armed Services.

By Mr. GRIMM (for himself, Mr. BISHOP of New York, Mr. ENGEL, Ms. HOCHUL, Mr. HANNA, Mr. KING of New

York, Mr. GIBSON, Mr. TONKO, Mr. TURNER of New York, and Mr. CROWLEY):

H.R. 6636. A bill to designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the "Leonard Montalto Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself and Mr. PAULSEN):

H.R. 6637. A bill to allow the Secretary of the Treasury to rely on State examinations for certain financial institutions, and for other purposes; to the Committee on Financial Services.

By Ms. DeLAURO (for herself and Mrs. LOWEY):

H.R. 6638. A bill to amend chapter V of the Federal Food, Drug, and Cosmetic Act to enhance the requirements for pharmacies that compound drug products; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 6639. A bill to amend the Wildfire Suppressing Aircraft Transfer Act of 1996 to facilitate inter-agency agreements with the Air National Guard and the Air Force Reserve to secure Defense Support to Civil Authority (DSCA) missions in the initial airborne response to fighting wildfires; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Mr. GOSAR):

H.R. 6640. A bill to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California, and for other purposes; to the Committee on Natural Resources.

By Mr. RIBBLE (for himself and Mr. FLEISCHMANN):

H.R. 6641. A bill to authorize the Secretary of Transportation to establish a pilot program to study the benefits of using hair specimens for preemployment controlled substances tests of commercial motor vehicle operators, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LoBIONDO:

H. Res. 825. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment; considered and agreed to.

By Mr. FLEMING (for himself, Mr. POSEY, Mr. MULVANEY, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. GORMERT, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. WALBERG, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. FLORES, Mr. BARTON of Texas, Mr. OLSON, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. AUSTIN SCOTT of Georgia, and Mr. BRADY of Texas):

H. Res. 826. A resolution expressing the sense of the House of Representatives that Congress should retain its authority to borrow money on the credit of the United States and not cede this power to the President; to the Committee on Ways and Means.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or Joint resolution.

By Mr. HALL:

H.R. 6633.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 of the United States Constitution.

By Mr. CANTOR:

H.R. 6634.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. WALDEN:

H.R. 6635.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is pursuant to the following:

1) Article I, Section 8, Clause 1: "The Congress shall have Power To lay and Collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"

2) Article I, Section 1—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GRIMM:

H.R. 6636.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads.

By Mr. ELLISON:

H.R. 6637.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3.

By Ms. DELAURO:

H.R. 6638.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. GALLEGLY:

H.R. 6639.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 1 of the United States Constitution. The Congress shall have Power to . . . provide for the common Defense and general Welfare of the United States.

By Mr. GRIJALVA:

H.R. 6640.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. RIBBLE:

H.R. 6641.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 390: Mr. MCNERNEY.

H.R. 591: Mr. CROWLEY.

H.R. 1802: Mr. THOMPSON of California.

H.R. 2085: Ms. CASTOR of Florida.

H.R. 2229: Mr. CONYERS.

H.R. 2324: Mr. ENGEL.

H.R. 3324: Ms. BONAMICI.

H.R. 3395: Mrs. CAPITO.

H.R. 3798: Ms. DEGETTE.

H.R. 3984: Mrs. NAPOLITANO.

H.R. 4216: Ms. ZOE LOFGREN of California.

H.R. 4336: Mr. WALDEN.

H.R. 5436: Mr. POLIS.

H.R. 5817: Mr. WILSON of South Carolina.

H.R. 5991: Mr. PASTOR of Arizona.

H.R. 6101: Mr. AL GREEN of Texas.

H.R. 6157: Mr. GENE GREEN of Texas.

H.R. 6241: Mr. WAXMAN.

H.R. 6364: Mr. BUTTERFIELD, Mr. LONG, Mr. JONES, Mr. CARNAHAN, and Ms. MOORE.

H.R. 6426: Mr. RUSH.

H.R. 6490: Mr. FLEISCHMANN, Mr. BROUN of Georgia, Mr. JONES, Mr. MICHAUD, and Mr. RUPPERSBERGER.

H.R. 6572: Mr. TIERNEY, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. CICILLINE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. DOYLE, Mr. FITZPATRICK, and Mr. RAHALL.

H.R. 6578: Mr. SHIMKUS.

H.R. 6587: Ms. BASS of California, Mrs. CAPPs, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, and Ms. PELOSI.

H.R. 6616: Mr. MULVANEY.

H. Con. Res. 21: Mr. CARNEY.

H. Con. Res. 142: Mrs. CAPITO, Mr. ROGERS of Kentucky, Mr. LANKFORD, and Mrs. LUMMIS.

H. Res. 220: Mr. BISHOP of New York and Mr. HECK.

H. Res. 760: Mr. SCOTT of Virginia.

H. Res. 820: Ms. PELOSI.

**SENATE—Wednesday, December 5, 2012**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, You have truly been good to us. Even when we stumble and fall, Your mercy continues to sustain us. Lead our lawmakers to realize that the abilities You have given them are only maximized when they are used for Your purposes. Show them the best way to use their talents and opportunities to honor and serve You. Lord, keep them from being so mired in political gridlock that they fail to do what is best for this land we love. May they speak today words that are constructive and helpful, bringing encouragement, as well as vision, to their work. Let Your glory be seen in this place.

We pray in Your holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for up to 4 hours. The reason for that is we have been on a Defense bill for a considerable number of days, and people haven't had the opportunity to come to express their views on a number of different issues, so we are going to extend that morning business for a longer time than normal.

Following morning business, about 2 o'clock, we will begin consideration of H.R. 6156, the Russia trade bill. We hope we are able to complete action on that matter today.

**DISABILITIES TREATY**

Mr. REID. Madam President, across the country Americans are lamenting the lack of progress in negotiations to avoid a massive tax increase on middle-class families, and I share that frustration. But for insight into why negotiations have been difficult, consider yesterday's failure of the disabilities convention at the hands of the tea party. This shouldn't have been a battle, but extreme elements of the Republican Party picked a fight when there was nothing to fight about. Thirty-eight Republicans voted against the convention, including several who were on record supporting it, even cosponsored it. This treaty, already ratified by 125 countries, would hold foreign nations to the same high standard and treatment the United States already maintains for people with disabilities.

It would safeguard American citizens traveling, working, and serving abroad, and that is hundreds of thousands of people right now. The treaty has the support of veterans groups, disability groups from around the country, virtually all of them. It wouldn't cost the taxpayers a single penny. It wouldn't require any changes to existing United States law, and the issue is as bipartisan as they come.

Here is what one Senator said about the treaty:

Protecting the rights of persons with disabilities, any person's, is not a political issue. It is a human issue, regardless of where in the world a disabled person strives to live a normal, independent life where basic rights and accessibilities are available. Disability rights and protections have always been a bipartisan issue and ratifying this treaty should be no different.

This wasn't some ultraliberal speaking, it was Senator JOHN MCCAIN, a disabled veteran, a hero from the Vietnam conflict, who broke with extremists and tea partiers and voted to ratify the treaty.

The convention also has the strong support from a number of other leading Republicans, including George H.W. Bush, the first President Bush. He, by the way, of course, was a World War II veteran and did heroic things during that war.

It also has the support of former Senate Majority Leader Bob Dole, certainly a patriot. Senator Dole, a disabled veteran from World War II, who led the fight to pass the treaty, was here yesterday urging Republican support.

Think about that. Robert Dole, who was grievously injured in World War II, spent more than 2 years in a hospital, came to this Senate floor, and the first speech he gave was on disabilities. We need to do something about it. He was here leading the fight to pass the treaty, urging Republicans to support it.

A few Republicans greeted him as he was in his wheelchair here. They greeted this 89-year-old war hero—I repeat, a patriot—who just last week was in Walter Reed Hospital. Then one by one all but a handful of them voted against the treaty, ensuring its failure. But their professed reasons for opposing it had no basis in fact—none.

Most Republicans acknowledged that. Some used an excuse, well, it is a lameduck, we shouldn't be doing it in a lameduck. I mean, wow.

There is no justification for sending a message that every individual around the world who strives to lead a productive life in spite of a disability does not deserve the same just treatment. There is no justification for telling disabled Americans, especially those who have sacrificed their bodies for our freedom, our veterans, that they don't deserve the same protections abroad they do here at home. Yet that is the message 38 of my Republican colleagues sent yesterday.

**TAX INCREASES**

These are the same Republicans with whom Democrats are supposed to reach an agreement to protect middle-class families from a tax increase. It is difficult to engage in rational negotiations when one side holds well-known facts and proven truths in such low esteem. Hopefully, compromise is not out of reach, but as negotiations continue, I hope my Republican colleagues will keep in mind the oft-repeated words of Senator Daniel Patrick Moynihan who said, You are entitled to your own opinion, but you are not entitled to your own facts.

I know how high the stakes are. The days run short. There is still a quick, easy way out of this. The House must take up the Senate-passed middle-class



tax cut. A few reasonable Republicans who are left agree we need to give certainty to middle-class families now.

Yesterday OLYMPIA SNOWE, a very courageous legislator for more than two decades, who is retiring, said Congress should fight about tax rates for the top 2 percent after we have reassured the middle class. Americans “should not even be questioning that we will ultimately raise taxes on low- to middle-income people.” That is her quote.

People are questioning this. If House Republican leaders allow a vote on our legislation, it will pass; every Democrat will vote for it. It will only take 26 Republican votes. It is a huge body, 435 Members. We only need 26 Republicans for this to pass. I know there are 26 Republicans who would vote for this. We have one conservative Republican serving in the House who has said more than half would vote for it. I believe there are 26 reasonable Republicans willing to put their promise to serve constituents ahead of their pledge to serve Grover Norquist.

So I say to my friend, JOHN BOEHNER, in the House of Representatives, you control matters on the floor. No one else does. You have the ability, and you are the only one who has the ability, to put this on the floor for a vote.

He should do that. That would be the American way.

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business for the day?

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore.

Under the previous order, the Senate will be in a period of morning business for up to 4 hours with Senators permitted therein up to 10 minutes each, with the majority controlling the first 30 minutes.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan.

#### THE FISCAL CLIFF

Ms. STABENOW. Madam President, I rise today to once again speak about the fact that in July, July 25 of this

year, the Senate passed a middle-class tax cut bill guaranteeing that the first \$250,000 dollars of income any American has would be exempted from any tax increase. We all know that the vast majority—in fact 98 percent—of Americans, makes less than that amount of money. We are talking about 98 percent of Americans receiving tax cuts under that proposal.

Back in July we passed this proposal, and it is now still waiting in the House of Representatives. So far the House leadership has refused to even let the bill come up for a vote, even though we all know that there is a majority of Members in the House who would vote for this and guarantee that as we go into Christmas, middle-class families across America would know they would have \$2,200 in their pockets, more in their pocket right now, next year, than they will have if their tax cuts expire. We have passed this bill, and we are urging the House of Representatives to do the right thing and to pass this bill.

Even Republicans in the House say they support this effort. We all know that Representative TOM COLE from Oklahoma said last week, “I think we ought to take the 98 percent deal right now.” It is a pretty good deal.

Let us start. We know we have a large deficit reduction effort that needs to take place. There is a lot of give and take that needs to take place. We know what the elements are. But let us do step one, which is something overwhelmingly we agree with. The Senate has passed it on a bipartisan basis. There are enough votes in the House of Representatives. Let us get that piece done and not hold middle-class families hostage to the idea that the wealthiest among us should get additional tax cuts. Let us agree that 98 percent of families in America should be secure in knowing they are not going to have \$2,200 more taken out of their pockets next year.

Now, we have just a few days to get this done. In fact, right now we have 27 days until middle-class taxes go up. In 27 days, we will see taxes go up for middle-class families. So this needs to get done now.

There are numerous House Members now agreeing with us—Republican House Members—and I commend them. In addition to Representative COLE, Representative WALTER JONES from North Carolina said yesterday that he would vote for the Senate’s middle-class tax cut bill. Representative STEVE LATOURETTE, Representative CHARLES BASS, Representative MARY BONO MACK, Representative MIKE SIMPSON, and Representative ROBERT DOLD have all said the Senate plan is a responsible approach that protects middle-class families from a massive tax hike.

We now have a situation where the Democratic leader in the House is putting forward what is called a discharge

petition. As our distinguished Presiding Officer knows and as I know, having been House Members, if a majority of the House signs a petition, that can essentially force a vote even if the Speaker and the Republican leadership don’t want to bring it up.

I am hopeful that 218 Members on both sides of the aisle will sign this petition and that we will be able to guarantee before Christmas that middle-class families across this country are not going to have to worry about spending \$2,200 more on taxes next year. We need to get this done, and I am hopeful that the House Members will sign that discharge petition if the Speaker does not take this up.

What does this \$2,200 mean? It is the difference between paying the bills or not. It is the difference between getting ready for Christmas—buying the tree and the decorations and the presents. So many families these days are back doing layaway, which, for me, when my kids were little and we were trying to budget and figure out how to do things, meant picking out something back in September or in the summer and putting it on layaway and hoping to pay for it so the kids would have the Christmas I wanted for them. Families are doing that today, budgeting every single dollar to make sure they can provide the Christmas they want for their children. As they are budgeting all that, they need to know they do not have to budget a tax increase starting in January, which is what will happen if the House doesn’t act within the next 27 days.

One constituent of mine indicated to me that \$2,200 was 4 months of her grocery bill. That is a lot of money. We are talking about 4 months of her family eating. We have also figured out that \$2,200 would buy 650 gallons of gas. For the average commuter, that is enough gas to get back and forth to work every day for 3 years. That is a lot of money—\$2,200, 650 gallons of gas. And \$2,200 will buy families in Michigan 550 gallons of milk for their families. So we are talking about a significant amount of money for the average middle-class family, those aspiring to get into the middle class, and those struggling across the country. This is a lot of money for the families we are talking about.

The Republicans in the House can stop this tax increase if they want to. They have 27 days to do it, 27 days to stop a tax increase on middle-class families, 27 days to stop an increase and make sure \$2,200 more is not taken out of the pockets of families next year.

Let me stress again as well that we are talking about middle-class tax cuts that would allow every American to get a tax cut on their first \$250,000 of income. For the majority of people—98 percent of Americans—that is their income, or less. They do not make more

than \$250,000 a year. But for everybody who does, it would continue to make sure their taxes don't go up.

For those above that, we would say: You know, for the last decade you have had extra tax cuts, and we are going to ask you now, in the face of the largest deficits our country has ever seen, to do your part, to share in solving the problem.

I know an awful lot of people who are ready to say: Absolutely. I want to do my part.

That is what we are talking about—those wealthiest few being at the table to do their part so we can solve the biggest deficit crisis we have had as a country.

So we are talking about every American earning \$250,000 or less or earning an income of \$250,000 or less being exempt from tax increases, and that covers, as I said, 98 percent of Americans.

There is agreement on both sides of the aisle. I congratulate and appreciate very much Senator SNOWE's comments in which she indicated we should just get this done. She said Americans should not even be questioning that we will ultimately raise taxes on low- to middle-income people. We should take it off the table while grappling with tax cuts for the wealthy.

I couldn't agree more. We are going to miss Senator SNOWE in the Senate. She, as usual, is right on the money in terms of the common sense of this situation.

In July the Senate passed a middle-class tax cut. I believe we now have a majority in the House of Representatives, on a bipartisan basis, believes middle-class taxpayers should get tax cuts next year. The House needs to bring it up and vote on it now so we get that off the table. That is step one.

Then, of course, we have larger issues on which we have to agree. We have to sit down and come together on those issues. Last year we agreed on \$1 trillion in spending reductions. This step gets middle-class taxpayers off the hook, being held as pawns, held hostage to whether the wealthiest among us will get additional tax cuts next year. Let's just say middle-class families get \$2,200 next year, they get to continue their tax cuts, and then we will go on to the next step.

It seems to me—and we certainly saw this as we were doing the farm bill—you don't have to agree on everything to do something. You start with what you agree on. Everybody says they agree middle-class families in this country should get tax cuts next year and beyond. Then let's just do it. What are we waiting for? Let's do that, and then we will look for the next set of issues we can agree on to solve the large problems we have in terms of our fiscal situation and economic growth, by the way, because we will never get out of debt with 12 million people out of work. So we better continue to be fo-

cused on jobs, which I know is a huge focus for our caucus—making sure people can lift themselves out of poverty into the middle class and have the opportunity for good-paying jobs for themselves and their families.

So we have a lot of issues to talk about, but since everybody says they agree middle-class taxpayers should not get a \$2,200 tax increase next year, why don't we just do that? We shouldn't have to run the clock out and get closer and closer to the holidays, closer and closer to Christmas, with families not knowing what they are going to have to budget for next year. Let's just do it and let families know we can actually work together and get things done because that is really what people are asking us to do.

I believe that is the message of this past election, that people want us to sit down and be reasonable and work together. They also sent a message through the reelection of our President, who campaigned saying the wealthiest among us should be part of solving the problem and can afford to pay a little more to make sure we are not asking middle-class families to bear the entire burden of resolving the deficit in our country. The President won. The public said: Yes, that makes common sense. Everybody ought to be participating, not just middle-class families or senior citizens, who have been hit the hardest in the recession. With everything that has happened in the last decade, they have been hit the hardest or carried the brunt of it.

We are simply saying: You know what. Everybody ought to be in this. As Americans, we all benefit from this great country, the blessings of this country, and everybody ought to be part of the solution.

So I believe that was a very strong message. I believe it was a very strong message to say people want us to work together.

I also know, in looking at the proposal the Speaker has given, it is a nonstarter, saying we are taking off the table any effort that would stop more tax cuts for the wealthiest among us, and instead what we want to focus on is closing loopholes and deductions, because that falls right back to the middle class again—home mortgage deduction, college deduction, the mortgage tax relief bill I have which makes sure that in a short sale or another situation where a family is coming to some agreement with the bank on loan forgiveness, they do not pay taxes on that as income. So we have a whole range of what they call tax deductions they can close that fall smack-dab on the middle class, and that is a nonstarter.

In conclusion, let me say once again that we have 27 days to stop a tax hike on middle-class families across America—\$2,200 that will hit people next year. It makes no sense. If they pass

the Senate bill, they will be guaranteeing that 98 percent of American people don't have a tax hike. We need to get it done, and I would urge in the strongest possible way that the Speaker bring this up right away and pass it.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I wish to thank the Senator from Michigan for her leadership on this issue—21 days until Christmas, 27 days until “cliffmas.” That is the fiscal cliff—December 31—and people are counting down. Two-thirds of Americans are watching this debate on Capitol Hill because it affects every single family, every individual. One has to think, could Congress possibly step back and let taxes go up on working families? What are they thinking?

We know what working families are dealing with. Many working families across America struggle paycheck to paycheck. The Pugh Institute did a study last year and asked working families how many could come up with \$2,000 in 30 days for an emergency expenditure. It is easy to imagine one—a car repair, a quick trip to the hospital emergency room costing \$2,000. Only half of working families could come up with \$2,000 in 30 days. That shows how close to the edge many people live. And now we have before us the possibility that these very same families struggling with these issues are in fact going to see their taxes go up on December 31.

There is one person who will decide that: Speaker JOHN BOEHNER, the Republican Speaker of the House of Representatives. Now, why am I putting all this on poor JOHN BOEHNER, a Congressman from Ohio, from a working family himself? Well, because it is within his power to call before the House of Representatives a measure that passed the Senate last July. We passed on a bipartisan vote a measure to protect all families making less than \$250,000 a year from any income tax increase on December 31. We sent it over to the House of Representatives in July. Speaker BOEHNER has refused to call up this measure that would protect working families. As a result, if he does nothing, their tax bill will go up \$2,200 next year. How do you explain that? It is not only unfair to those families who are working and struggling, it is really not good for this country. All of us know the issue of income inequality. How many working families are falling further and further behind every single year despite their best efforts, despite their hard work? We also know that many families are looking ahead and wondering how in the world they are going to pay for a college education for their kids or maybe even stay in their homes.

Those are life-and-death, day-to-day, paycheck-to-paycheck decisions families face. And let me be even more specific. The failure of Speaker JOHN BOEHNER to call this bill for a vote in the House of Representatives before December 31 endangers our economy. That is right. The failure to pass this bill in the House of Representatives before December 31 will endanger our economy. Why? Because we are in the midst of recovery from a recession. People are getting their jobs back. Businesses are getting a little stronger. But if Speaker BOEHNER refuses to call this bipartisan measure that passed the Senate and we see a downturn in consumer confidence because people think their taxes are going up, if we see a downturn in consumer purchasing because people aren't sure about that next paycheck, then we are going to see a stall in this economy. It will be Speaker BOEHNER's stall, and it is not something he should take lightly.

This is a delicate recovery moving in the right direction, but if it is going to gain strength there has to be some certainty, and it should start with the passage of this measure.

The House Republican leadership is bargaining with the President now. The President said the wealthiest among us who have realized the American dream should be willing to pay a little bit more so others get a chance at the American dream. That is not unfair. I think many of us who came from working families and have done well with our lives believe, yes; we owe it to our kids and we owe it to the next generation to give them a fighting chance. If that is going to happen, then Speaker BOEHNER and the House Republican leadership have to take this very seriously very quickly.

I understand the pressure the Speaker is under, and I guess my colleague, Senator MCCASKILL of Missouri, said it very concisely and effectively last Sunday on one of the talk shows. She said it is a hard political choice for JOHN BOEHNER. He has to decide what is more important, the survival of his speakership or the survival of this Nation. That is a pretty stark choice but not a hard choice for a real leader.

I will say this to Speaker BOEHNER: If you step up and do the right thing for the working families across America, if you step up and do the right thing for this country, Democrats will stand with you on a bipartisan basis to make it happen. That is the only way we are ever going to achieve the right result in this debate over the fiscal cliff.

So we call on Speaker BOEHNER: Before you go home to relax in Ohio for Christmas, let families across America relax knowing that they are not going to see their income tax rates go up on January 1. This is worth \$2,200 to the average family in my home State of Illinois. And I say to the Speaker, it is worth that to families across the

United States. For the good of this Nation, for the good of the economy, for the good of these working families, for goodness' sake, pass this measure, this bipartisan measure that passed the Senate last July. Get this part done. We can debate the rest, but give peace of mind to these working families and middle-income families so that tomorrow they are not going to see their income taxes go up.

#### DISABILITIES CONVENTION

Madam President, it was a disappointing day yesterday when the Senate failed by five votes to pass the convention on disabilities. It is a measure I worked on with former California Congressman Tony Coelho, who has been an outstanding advocate for the disabled in America throughout his career in the Congress and Senate. But it was also an effort for one particular friend in Illinois, Marca Bristo.

Marca is an exceptional person, confined to a wheelchair, but one would never know it. This woman is everywhere, all the time, working night and day to help the disabled in my State and around the Nation. She came to me as well and said: Can you help pass this convention on disabilities?

I said: It is going to be hard because a lot of Members just don't want to take up a measure and consider something like this.

She said: We will put together a strong group supporting it.

When it was all over, virtually every veterans organization in America supported this convention on disabilities. In addition, every disabilities group also endorsed it—the chamber of commerce and so many others—because 125 nations have already ratified this convention on disabilities.

What is it? It is a treaty that was drawn up by President George Herbert Walker Bush and signed by him but needs to be ratified by the Senate, and we failed to do it. Years and years have passed since President Bush, and we haven't taken it up. One hundred twenty-five nations took it up and passed it but not the United States.

There was one real champion for this, and he came to the Senate floor yesterday. It was good to see him again—what an outstanding man and individual—Senator Robert Dole. We have had our differences politically, but I am an admirer of Robert Dole and what he has given to America.

A disabled veteran from World War II, he came back having been shattered by that war and built a life of public service that he gave to the people of Kansas and here in the Senate Chamber. He and his wife, former Senator Liddy Dole, came to the floor of the Senate before the vote. They were just over here in the well. I looked at him and I thought: We have to do this for Bob Dole. This man speaks for disabled veterans and the disabled community. He was with Senator TOM HARKIN, one

of the lead persons when it came to passing the Americans with Disabilities Act 22 years ago.

It was a solemn moment in the Senate, with Senator Dole sitting right there in the well begging his colleagues to pass this disabilities convention, maybe his last lobbying effort that he would undertake. It meant so much to the Dole family and to Robert Dole, and he came to the floor and we called the measure. Those who witnessed it will remember that most Members came and sat in their chairs to cast a vote, which is rare here, and it tells the story that this was more than just an ordinary routine vote.

We listened as the rollcall was made, and we watched the Senators stand and vote. Then toward the end, I turned to TOM HARKIN sitting over here and said: We don't have it. We missed it.

We did. We failed to ratify this by five votes. We had 61 votes, and we needed 66, because Senator KIRK is absent because of illness. Sixty-six votes were needed to pass this.

There were only eight Republicans who would stand with all of the Democrats to pass this convention on disabilities. Senator JOHN MCCAIN led that effort—JOHN MCCAIN, a person who knows the cost of war and the price that is paid and who showed extraordinary political courage. Senator JOHN KERRY also joined him, another Vietnam war veteran who stood up for these disabled veterans, for their conflict and World War II and Korea and so many others.

What a disappointment. What a disappointment that the Senate, which on a bipartisan basis passed the Americans with Disabilities Act with more than 90 votes 22 years ago, couldn't even ratify this treaty which would not change a single law in America, which would not infringe on our freedoms in any way—that we couldn't pass that on the Senate floor. What a sad testament to what has happened to the Senate in the last two decades that a man like Bob Dole would witness this. I am sure it broke his heart. It broke mine too.

I went out afterwards and saw the disabled gathered in the lobby out here. Many of them were crying. They couldn't believe it. At a time in America when we are giving the disabled chances they have never had, opportunities they have deserved for decades and generations, that we would turn down this convention on disabilities here—it was a sad moment in the history of the Senate that only eight Republicans would join every Democratic Senator in voting for the ratification of this treaty on disabilities.

Some of these colleagues may have another chance. Maybe next year we will have another go at it. I certainly hope Senator Dole will be here to join us and see that happy day. But yesterday was a sad day for the Senate and a sad day for our Nation.

We owe a debt of gratitude to the disabled who work so hard, to the disabled veterans who testified and worked so hard for the passage of this treaty, and we owe it to them and the disabled around the world to give them a chance—a chance for an opportunity which has become the law in America and needs to be the law across this Nation. Whatever the petty political squabbles were that led to this vote yesterday, we need to put them behind us. It is important for us in the 21st century to speak as one on a bipartisan basis for the disabled.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, in less than 1 month American taxpayers face the greatest tax increase in our Nation's history.

Two years ago the President and the Senate Democrats opted to postpone these tax increases for 2 years. They did so knowing that raising taxes in a weak economy is an unnecessary and counterproductive jolt to the system. Forty Democrats supported doing that.

Since then, however, the President has been single-minded in arguing for tax increases on certain wealthy taxpayers. He and his Democratic friends promoted these tax hikes in the name of a so-called balanced approach to deficit reduction. Now, with the country fast approaching the fiscal cliff, it is time to pay the piper. But as the President issues ultimatums about what kind of tax increases are necessary to avert the fiscal cliff, it is worth noting that he has abandoned any pretense of seeking a balanced approach to deficit reduction.

Last week's proposal from the White House amounts to little more than a massive set of tax increases—by the way, far in excess of the tax hikes he ran on or anything that Senate Democrats would support, coupled with new spending. Even Democrats don't support what he called for. And his response to Speaker BOEHNER's balanced plan is raise taxes today, and next year we will come back and discuss raising taxes again.

The President's commitment to a balanced approach to new tax revenue and spending reforms has morphed postelection into new tax revenue and increased spending. To cap it off, they have thrown in a fresh demand that would eliminate any limit on the Federal debt.

The proposal outlined by Treasury Secretary Geithner last week shows that, if given a chance, Democrats will never use new taxes to reduce the deficit. They will instead use it to pay for larger government, more public workers, and more government waste.

We need to have a serious conversation about our Federal debt, which is now over \$16.3 trillion and going up every day. How do we get that number

under control? The President and his Democratic friends have suggested for years that they can do it on the revenue side specifically by taxing the wealthy. Yet the new taxes on the rich promised by the President during the campaign would reduce the next 10 years' of deficits by only 8 percent, assuming they didn't do any more spending.

So where is the rest of the money going to come from? We need to have a serious conversation about spending, but so far the President, congressional Democrats, and the liberal interest groups who support them have refused to engage.

All I can say is that Republicans are here, and we are ready to talk. We are ready to reach a balanced resolution that would spare the American people from the consequences of going over the fiscal cliff.

I have only been here 36 years, but I have seen every President willing to meet on a regular basis at budget crunch time with people on both sides of the table over and over and over until they gradually whittle it down to where they can agree. I haven't seen that with President Obama. I have even heard Democrats complain that he never talks to them.

We cannot do this kind of work without very strong Presidential effort. That is what Presidents are for. And it can't just be laying down a gauntlet or saying: You can't cross over that, drawing a line in the sand. You have two programs now, and those two sides need to get together. That includes the President and whatever Democrats he cares to put in the equation, and also Speaker BOEHNER, Leader MCCONNELL, and others.

As we attempt to reach a meaningful resolution of this debate in the coming weeks, there are three guideposts that I will keep in sight.

First is the cliff itself. Going over it would be the height of irresponsibility. According to the Congressional Budget Office, going over the cliff will reduce GDP to a negative one-half of 1 percent next year, throwing us back into a recession and causing unemployment to surge to 9.1 percent or more. But it seems increasingly clear that the President and Democrats in Congress are content to go over the cliff regardless of the outcome. I can't believe that is so, but I have heard them say it. They think they will have an advantage if we go over the cliff.

Well, I hate to tell you, there will be no advantage to that. Leading Democrats have expressed on several occasions their openness toward going over the cliff. The question is, Why? Why would the President do this? Why would Democrats jeopardize the livelihoods of hundreds of thousands of American workers and the economic security of their families? Why are they putting raising tax rates on a few ahead of the well-being of all?

Republicans are working to avoid this outcome. We want to avoid raising tax rates because we know once they are raised they will stay there or there will be another demand next year to raise them higher. We have a good argument for that. We believe it hurts the economy by harming incentives to work, save, and invest.

Republicans have expressed some willingness to work with the President to raise revenue without raising tax rates, but the President refuses to budge. After all, he argued during his reelection that the deficit reduction math does not work otherwise.

This leads me to my second guidepost in this debate. It is the President's math that does not work, and his math is off in a multiplicity of ways. Let's start at the beginning. Last year's deficit was \$1.3 trillion. Next year's deficit is likely to exceed \$1 trillion for a fifth year in a row.

So what would the President's tax hikes proposal raise in terms of revenue? What would it have done to last year's \$1.3 trillion deficit, and what would it do to reduce our debt over the long term? If all of the 2001 and 2003 tax relief were to expire, it would reduce the deficit by \$426 billion over 1 year.

To put it another way, the full extension of the current bipartisan tax relief would cost \$426 billion over 1 year.

Now, that is a lot of revenue. But the President and congressional Democrats—or at least most of them—have no desire to see all of this tax relief expire. In fact, their plan, should we go over the cliff, is to reinstate almost all of it. They say they only want to raise taxes on the rich.

So how much would it cost if we extended current tax relief for everyone but those making over \$250,000, which some have said is the line for being rich? Assuming the estate tax stays where it is—a fair assumption, given the level of support for that policy even among Senate Democrats—the cost of extending all of the tax relief except for those individuals would be \$358 billion. And given that certain Senators from high-income blue States are uncomfortable designating families making \$250,000 a year as rich, it has been suggested that the current tax relief might be extended for everyone but so-called millionaires. Warren Buffett has said those earning \$500,000 a year or more, but others have said millionaires. And how much would that cost? The 1-year cost of that tax relief would be \$383 billion.

There are a few different ways we can look at these numbers. One way is to compare the cost of the Democrats' tax plan with that of the Republicans'. The 1-year difference between the Republican proposal of extending all tax relief and the Democrats' proposal to raise taxes on the rich is, at most, \$68 billion and perhaps as low as \$23 billion. With the deficit over \$1 trillion, is

the President willing to send us over the cliff for as little as \$23 billion in additional revenue? I cannot believe he is, but he is.

Another way to look at the numbers is to compare the cost of the Democrats' actual plan with the President's stated desire to raise revenue by \$1.6 trillion. He cannot get that from just the rich. Even if he took every dollar every millionaire earns this next year, he probably would have a little less than \$900 billion. That may be high.

I look forward to some enterprising reporter getting to the bottom of this one. The President says he wants to raise taxes by \$1.6 trillion and his Treasury Secretary suggests Democrats are on board with this strategy. I do not believe that for 1 minute. I don't believe his program would pass the Senate, and I don't think many Democrats would vote for it. I know at least 20 who will not. Yet the revenue generated by the proposal supported by real live Democrats seems to raise only between \$353 billion and \$383 billion.

Here is the question: Where is the President going to come up with another \$1.2 trillion or so in tax increases that his fellow Democrats will support? We have seen three budgets the President has sent up, and they have not received one vote from either Republicans or Democrats—not one. Where is the President going to come up with another \$1.2 trillion or so in tax increases and be able to get Democrats to support him? I do not mean supported by Democratic pundits; I mean supported by the 20 Democratic Senators who will be facing their constituents in 2014. The \$1.6 trillion tax increase is lifted from the President's own budget that has been rejected on a bipartisan vote—100 percent in both the House and the Senate—and that budget received no votes at all, Democrat or Republican, in either the House or the Senate. As I said, it is the President's numbers, the numbers Secretary Geithner sent here last week to promote that do not add up.

The President's insistence on a \$1.6 trillion tax hike that is neither supported by the American people nor even elected Democrats is not about deficit reduction. The President and congressional Democrats think they can bludgeon Republicans as an out-of-touch party of the rich because we support tax relief for everybody.

Let me say a few words in our defense. First off, and I want to say this loudly and clearly: I could not care less about the financial well-being of the Nation's rich. Whether Warren Buffett is able to maintain his corporate jet is no concern of mine, although he is a friend. The continued ability of actors and entertainment industry executives to summer at Lake Como and winter at Saint Kitts is not on my list of priorities. In fact, I believe when we do finally engage in fundamental tax re-

form it is worth our while to look at how these superrich are sheltering their wealth from the full burden of income taxation while the middle class continues to suffer on both the income tax and increasingly the alternative minimum tax, which is going to hit about 28 million regular people who are not millionaires on January 1, if we go over the cliff.

Still, I, along with most of my Republican colleagues, continue to promote the seamless extension of current tax policy. That is because of the impact of increasing marginal rates on small business owners and the consequent impact on job creation and economic growth. We know it is going to hit approximately 1 million small business owners very hard; most of whom put their money back into the business so they can grow it and hire more people.

Republicans support low marginal rates because we know that by raising rates we hamper the efforts of investors, small business owners and, most importantly, the American workers they employ. Republicans are averse to rate hikes that would have a detrimental impact on people's livelihoods. We are averse to rate hikes that would undermine the prospects of fundamental tax reform that promotes fairness and economic growth, and we are certainly averse to a discussion about increased revenue in the absence of serious talk about spending reform—something that is not, except in minuscule ways, in the President's suggestions.

We keep hearing Republicans are dug in on the issue of taxes and that their resistance to increased revenues has been holding back the big balance deal set by the President. This has to be one of the most misreported stories in my memory. Many Republicans have stated openness to increased revenues. There is a difference between revenues and tax rate increases that we Republicans continue to point out. But we are only willing to be open to increased revenues as part of a balanced deal and only if revenue increases are coupled with entitlement spending reform.

This brings me to my third guidepost for this debate. The President has shown a real stubbornness toward any reform of the spending programs that are the main drivers of our deficit and debt. We hear constantly about the intransigence of Republicans with their antitax rate increase views. Yet we do not see the same front page stories documenting the over-my-dead-body resistance of Richard Trumka, the head of the AFL/CIO, and the head of the AARP toward entitlement spending reform which everybody knows we have to do if we are going to keep Medicare going. I don't think there is anyone in this body who doesn't know that within 10 years it will be broke, unless we make the appropriate structural reforms now.

The President continues to call for a balanced approach to deficit reduction, but in practice he is offering all tax increases and no spending discipline. He has offered nothing meaningful on entitlement reform. The proposal put forward last week by Secretary Geithner was embarrassing.

I happen to like Secretary Geithner. I stood up for him under some trying circumstances on the Finance Committee before he was approved by the Senate. I did it because I believe he is a hard worker. I believe he is an intelligent man, and I personally like him. But, my gosh, if I were the Treasury Secretary and the President gave me that plan to go and show it to the leader of the House, the Speaker of the House, I would have said: No, Mr. President, you can't do this. This is an insult. If the President said you have to do this for me, I would say I think it is better for me to resign at this point.

It is embarrassing. I think Secretary Geithner knows it. If he does not, then he is not the man whom I have always thought he was. That proposal did nothing to address spending, aside from wanting to increase it. But that is where the Democrats are.

I understand the Democrats' predicament. Right after the election it appeared the door was open. The President seemed willing to address tax revenue in a responsible manner, a manner respectful of the legitimate concerns of the House majority and the 62.6 million individuals who did not vote for him. But within 1 week he was read the riot act by the unions and the AARP, who will resist any meaningful changes to the retirement spending programs that are now bankrupting our country.

Later this week I will outline a series of entitlement changes that could and should be supported on a bipartisan basis. The President told the American people he wants a balanced approach. My hope is the President comes forward on his own with his own details on how he would fix the entitlement spending programs; I mean real details on real proposals with real teeth, not the window dressing in the President's budget that even the Democrats reject and have rejected in the past.

The President has demanded a balanced approach. It is what he promised the American people and it is what we Republicans are prepared to give him. If the President wants to avoid going over the fiscal cliff, he can steer us away from it. The special interests and his liberal base will no doubt cry foul, but they will follow him if he will lead, and I don't see the leadership, between you and me.

Not to put too fine a point on it, but if we go over the cliff, it will be because the President wanted it to happen and he thinks he will get political points for doing it. With the Main

Street media, it is likely they will ignore the actual facts. Even though the President will never again run for any public office, he will have put cheap political points ahead of a reasonable deal he claims to support.

This is deeply cynical, and the President should understand that when the history of this episode is written, he will be portrayed not as a strong leader but one who wilted in the face of our generation's greatest challenge, caving in to the special interests over the well-being of the country. When he faced the choice of tough statesmanship or easy accolades from his house cable news network and a dead-ender base, he chose the latter.

I think it is time for the President to start leading and to put away his campaign talking points and talk to us rather than talking from a toy factory and trying to make his points. He needs to put away his campaign talking points, and he needs to engage in finding a balanced solution to our debt crisis. He needs to lead the country, and he needs to protect American small business, their workers, and their children from an increasingly dim fiscal future.

I am concerned about it. As I study it, the difference between the President's plan and what Senator McCONNELL and I have suggested, putting it over for 1 year and giving us 1 year to dedicate that to tax reform, the difference is about \$23 billion. At the most, it is \$68 billion. We are going to go to the cliff, \$23 billion? We would have to be nuts, even if our illustrious media will cover it up.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Iowa is recognized.

#### RULES OF THE SENATE

Mr. GRASSLEY. Madam President, there has been a lot of discussion lately about how the Senate is not working properly. This is evident to even a casual observer. On the other hand, to understand how the Senate was intended to work and what has gone wrong requires some knowledge of the history and the rules of the Senate. I would put more emphasis upon the history than the present rules of the Senate, particularly the history and purpose of the Senate expressed in the Federalist Papers by the people who were advising the States at that point, the colonies, to approve the Constitution.

To many people, this subject, no doubt, seems arcane and confusing. The simplistic explanation we get from the other side of the aisle—and it is a steady drumbeat—is that Republicans are filibustering everything just willy-nilly; thereby, grinding the Senate to a halt.

Various vague and nefarious motivations are suggested as to why Repub-

licans would do such a thing, but the point they want Americans to take away is that Republicans are abusing the filibuster. This message has been repeated ad nauseam by Democrats in the hope it will sink into the public's consciousness by rote. In fact, the story goes that Republicans have so abused the filibuster, the Democrats have no choice but to take it away, even if it means violating the Senate rules in order to change the rules. Can you imagine a political party saying it is OK to ignore the rules or to change the rules?

In order to discuss this topic, it is very important to establish what we mean by the word "filibuster" and how it fits into how the Senate operates today and has operated historically. I hope everyone will bear with me as we try to understand this because I ultimately want to get down to how the proposed changes to the Senate rules threaten the very principle underlying our system of government, particularly the checks and balances within our system of government.

First, I have a legitimate question: What is a filibuster? We talk about it so much that we would think it referred to a very specific activity that is easily understood by everyone. It can actually refer to different types of activities. Of course, this leads to confusion, and that confusion is reflected in some of the speeches from colleagues on the other side of the aisle, intentionally or not.

When most Americans think of a filibuster, they probably think of Jimmy Stewart in the classic film "Mr. Smith Goes to Washington," standing and talking without stopping for an extended period of time to delay proceedings and to take a lot of theater just to make a point. This is the classic understanding of a filibuster. Unless all Senators have agreed to waive Senate rules, it is a fact that a Senator who has been recognized to speak may retain the floor as long as he continues to speak. This is the basis in the Senate rules for a classic filibuster, but this is not the rule some Democrats want to change.

When the Members of the majority party complain about how many filibusters the Republicans have engaged in, they actually mean how many times the Senate has voted on a motion to bring debate to a close, and that motion is called the cloture motion. When debate comes to an end, it also means no more opportunities for amendments. If Republicans don't agree to end debate and force a final vote when the majority leader decides we should end debate and vote, he calls that a filibuster. In fact, even when every single Republican votes in favor of ending debate, he still calls it a filibuster. It ends up in those statistics that add up to numbers that are not very intellectually honest. Think of

Republicans voting in favor of ending debate and it is still called a filibuster.

We just voted a day or two ago, 93 to 0, to end debate on the Defense authorization bill. Is he still going to call that a filibuster as well? How can he accuse Republicans of filibustering when he is the one who made the cloture motion? This is a key point. When the Democrats talk about Republicans launching a filibuster, it is important to note it is the Senate majority leader who almost exclusively makes the motion to invoke cloture. I understand it takes a petition of 16, but not very many Senators I know ever initiate such a petition unless the Republican leader, when we are in the majority, or the Democratic leader, when they are in the majority, provoked that. This means the number the majority leader is so fond of quoting as a number of so-called Republican filibusters is the number of times he has attempted to shut down debate and block further amendments from being considered. Again, we are talking about a process launched by the majority leader intended to shut off debate and amendments, not some process initiated by Republicans.

If every time the majority leader made the motion to close debate we had been considering a bill for days or weeks with dozens of amendments and no end in sight, then there is a legitimacy to such a decision by the majority leader in the petition for cloture. He might then have a point. However, the recent history of the Senate cloture votes tells an entirely different story.

The majority leader has filed a motion to cut off debate in the same day a bill has been taken up over 220 times since he became majority leader. How can this be justified, considering the history of the Senate and given that it is a deliberative body? He certainly cannot claim Republicans are delaying action with excessive debate when he moves to cut off debate before that debate has ever begun. As I said, by forcing a final vote, a cloture motion also ultimately cuts off the amendments.

The right of a Senator to offer an amendment for consideration has been enshrined in the Senate rules from the very beginning. It is true that about half the cloture votes I cited were on the motion to proceed to consider a bill which is before the stage where amendments can be offered. I will say more on that point later. However, the majority leader has moved to cut off debate on amendments on a measure other than the motion to proceed over 100 times. In my judgment, he can hardly claim Republicans forced his hand by offering too many amendments when few, if any, amendments have even been considered when he attempts to cut off amendments.

What is more, the majority leader has consistently used the tactic called

filling the tree, where he offers blocker amendments that block any other Senator from offering their own amendments unless the majority leader or somebody speaking for him agrees to set aside a blocker amendment so the other Senator can offer an amendment. This way he is able to get in line first to put his blocker amendments in place because of a tradition that the majority leader has priority to be recognized by the Presiding Officer. This doesn't happen to appear anyplace in the rules. In fact, the rules make very clear that whatever Senator seeks recognition first should be recognized and that any Senator has a right to offer an amendment. This so-called filling the tree tactic was relatively rare before Senator REID became majority leader, but he has made it routine.

Technically, some germane amendments can be considered during a short window after cloture has been invoked and before final vote. But by using the blocker amendment tactic, along with a motion to invoke cloture, the majority leader can block any Senator from offering any amendment while shutting off debate. That means the Senate would take a final vote on a bill without a single amendment having been offered.

The abuse of this tactic is at the heart of the Senate's current gridlock. This is confirmed by a chart—and I don't have a copy of this chart with me—published with a recent New York Times article. Here is what the caption said:

The use of filibusters has risen since the 1970s, especially when Republicans have been in the Senate minority.

That would tend to blame Republicans, but listen to the rest of this quote.

But the most recent spike of Republican filibusters has coincided with the Democrats' unprecedented moves to limit amendments on the Senate floor.

This doesn't even tell the whole story because much of the time the Senate majority leader doesn't have to actually use his amendment-blocking tactics. He simply informs Republicans he will block amendments or refuses to commit to allow Republican amendments before making the motion to consider a bill. In this all-too-common scenario, the majority leader tells the Republicans he intends to move to consider a bill and will immediately move to cut off debate on that motion. By the way, if we do vote to take up this bill, we will not be allowed to offer any amendments. So that kind of puts everybody on this side of the aisle in a take-it-or-leave-it situation. Why on Earth would Republicans take that deal and vote for cloture on proceeding to a bill on which we are told we will be allowed no input, contrary to the deliberative tradition of the Senate?

Just to be clear, some Democrats have proposed eliminating the fili-

buster entirely. Others have proposals to limit it in various ways. Majority Leader REID wants to start by eliminating it on the motion to proceed. But as we have seen, the real problem is the way Republicans have been blocked from participating in the process. If we are looking to reform how the Senate operates, maybe we ought to start by considering doing away with the tradition that the majority leader can block amendments. That is something which is already contrary to the letter of the Senate rules.

Again, there is no doubt that the Senate is not functioning properly. However, the complaints I hear from Iowans are not that the Senate is considering too many amendments and working too hard to make sure the legislation we pass is worded properly. In fact, I hear quite the opposite. A great many Iowans have told me they are not happy with legislation being rammed through the Congress without their elected representatives even having an opportunity to read it. If Members of Congress don't have a chance to read a bill, we can bet the American public doesn't have a chance to understand it. I suppose that is fine if we believe we should pass a bill first and let the American people find out what is in it later, as Speaker PELOSI once famously suggested about the health care reform bill. We have to pass it, she said, and then we will find out what is in it. And then there is a rude awakening that now in this 2,700-page health care reform bill, we are finding out there are a lot of bad things in it, a lot of bad things that we warned the public about and warned the Democrats about as well. However, if one thinks, as I do, that we should be listening to those who elect us, one would have to conclude that a more deliberative process is needed, not less.

The rules of the House allow for quick consideration of legislation, but the Senate is supposed to be different and historically has been different. When the majority leader says the Senate is not operating efficiently, he means we are not approving the legislation he wants on the timetable he demands. The simple historical fact is the Senate is not designed for that kind of efficiency. However, for a period after the 2008 elections, the Democrats had 60 Members in the Senate. That is enough votes to shut off debate and amendments without a single Republican cooperating. Naturally, the majority party couldn't resist the temptation and shut Republican voices out of every aspect of the legislative process because they had the votes to do it. Not only did they use their supermajority to prevent Republican amendments on the floor of the Senate, but since they didn't need Republican votes to pass a bill, they cut us out of the process of developing the legislation.

In my experience as a former chairman and now ranking member, some of the best examples of bipartisanship happen at the committee level. The Senate committees are where Senators of both parties often work in a bipartisan way to delve into the details of the legislation and iron out imperfections. This is how most bills are supposed to be handled.

I often tell people who are cynical about all the partisanship they see on TV that there is a lot of bipartisan work that goes on that they never see because only controversial things get on television. When a committee process is working and the Democrats and Republicans are working together to get a bill and everything is going smoothly, no journalist is going to pay any attention to that. But that goes on in the committee process, and that process can be dry and it can be technical. Senators of both parties sitting around a table discussing where to place a comma doesn't make the breaking-news alerts. Nevertheless, the committees are where much of the hard bipartisan work of the Senate is done.

In recent years the Democratic leaders prefer to write bills behind closed doors without Republican input. I suppose the health care reform bill is the best example of that, but there are others as well. They have then used a parliamentary trick to bring them right to the Senate floor. I suppose I shouldn't use the words "parliamentary trick" because there is a rule XIV, but that bypasses the usual committee process where we build consensus between the political parties. If Republicans are shut out of having any significant input on the front end and are blocked from having any amendments on the back end, is it any wonder we don't vote for the majority leader's motion to cut off debate?

Despite the bad blood caused by the tactics I have described, I had hoped and believed that after the 2010 elections, things would be different. When Americans elected Republicans to a sizeable majority in the House of Representatives—larger than any election since 1938—and at the same time enlarged our representation in the Senate to 47 Members, I thought the majority party would recognize that they had to work with Republicans. With 47 Members, it was no longer possible under the Senate rules for the majority party to shut Republicans out of the legislative process and still expect to ram their agenda through. So I naturally assumed the Senate would resume its usual tradition of bipartisan cooperation involving open debate and amendments from both sides—in other words, the way the Senate had historically functioned.

The majority leader didn't see it that way and continued to shut Republicans out of the process. In fact, if he had allowed an open debate and amendment



process on many of the bills he sought to bring up, we could have gotten a lot more accomplished than we have. One week in June last year, we passed four controversial pieces of legislation because that process worked. It involved Republicans seeking things. But most of the time that doesn't happen. Sure, it would have taken more time under that amendment process and the deliberative process to consider each bill than the majority leader might have preferred to be given to it. He and his caucus might also have had to vote on Republican proposals instead of only legislation of his choosing. But is there anything wrong with a Republican offering an amendment now and then, even if that amendment loses? Some Republican amendments might have embarrassed Democrats by forcing them to vote on issues they would rather avoid. Is there anything wrong with voting on some tough issues from time to time? Some Republican amendments might have attracted enough Democratic votes to actually pass. Perhaps that is exactly what the majority leader might want to avoid. He seems to want total control over the agenda. Majority Leader REID has said as much in private. He told Senator MCCAIN flatout that "the amendment days are over." How can he say that?

There is a longstanding tradition here in the Senate that all voices be heard and that amendments get full hearing regardless of the party of the sponsor. For example, tax and trade policies aren't exactly areas of natural agreement between the two parties. Despite that fact, when I was chairman of the Senate Finance Committee, I helped put together several bipartisan bills. I, a Republican, worked in partnership with Senator BAUCUS, a Democrat, to produce bipartisan bills that we could both live with. Even when we were starting with a bipartisan bill, Senator BAUCUS wanted to make sure his fellow Democrats had a chance to offer amendments, and I respected that, and if he were chairman, he would have respected that for us Republicans. It took a lot of time and effort, but that is what we have to do in the Senate if we actually want to get something done rather than simply blame the other side if we fail.

The Senate has been called the greatest deliberative body in the world because it was specifically designed to proceed at a measured pace and guarantee that the rights of the minority party are protected from what political philosophers called the "tyranny of the majority."

In 1788, the father of the Constitution, James Madison, wrote in *Federalist Paper No. 10*:

Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the

public good is disregarded in the conflicts of rival parties, and that measures are too often decided not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.

In 1788 James Madison was warning us about the superior force of an overbearing majority, the reason the Senate was set up to make sure the overbearing majority of the other body, where the majority rules, didn't do stupid things.

Those arguing for abolishing the filibuster sometimes talk about majority rule as though this is some fundamental principle. On the contrary, the aim of our Constitution is to protect the individual rights of all Americans, not the right of the majority to impose its will on an unwilling minority. In fact, James Madison was very concerned about what he called factions gathering together to impose their will on others. So I wish to quote again from *Federalist No. 10*. Before I start that quote, let me say for the benefit of people that I think when he used the word "faction," for the most part he was speaking about political parties.

If a faction consists of less than a majority, relief is supplied by the Republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.

When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens.

To secure the public good and private rights against the dangers of such a faction, and at the same time preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed.

That was a long quote, so let me say that in other words, Madison is saying that an important goal of the U.S. Constitution is to protect "the public good and the private rights" from a temporary majority trying to impose its will on the minority. This is evidenced throughout the Constitution. We call it checks and balances. We see it in the separation of powers between the three branches of government, and we see it in our system of federalism dividing power between States and the Federal Government. It also helps explain our bicameral legislative branch, and, of course, what I am talking about here is the unique structure of the Senate.

In *Federalist No. 62*, also usually attributed to the father of the Constitution, James Madison, he explains:

The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.

Examples of this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations.

Madison wrote that in 1788, but it is still applicable in 2012.

So kind of repeating, the purpose of the Senate is to save us from "the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions."

There is a place for the passions of the moment in any republican form of government or any democratic society, and that place for the passions of the moment to be reflected is in our House of Representatives. But imagine if our only legislative body were the House of Representatives. Right now, that would mean Speaker BOEHNER would control the entire legislative agenda, and the priorities of the House Republicans would be the only legislation that would have a chance of passing.

Then, once the Democrats gained control in some future election, Republicans would have virtually no ability to have their views considered.

This is a teeter-totter approach to governing. This teeter-totter would not lead to thoughtful legislation that protects individual rights and balances the views of all Americans.

You will also note that Madison references examples from proceedings within the United States at that particular time. Many State legislatures in the early days of our Republic were unicameral, with frequent elections and also with weak executives. This led to many instances where a temporary majority faction would gain control and quickly pass legislation that advantaged the majority at the expense of the minority.

It is also the case that the Congress, under the Articles of Confederation, was unicameral, which caused a lot of instability as described, again, by Madison in *Federalist 62*:

Every new election in the States is found to change one-half of the representatives.

From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures.

But a continual change even of good measures is inconsistent with every rule of prudence and every prospect of success.

The remark is verified in private life, and becomes more just, as well as more important, in national transactions.

The staggering of the terms of Senators was partly done to provide stability, preventing temporary majorities from acting hastily and trampling on the rights of the minority.

Only one-third of the Senators are up for reelection every 2 years, unlike the House of Representatives, where all Members are up for reelection every 2 years. Because only one-third of the Senators are up for reelection at once, it is less likely that one party can sweep the election and gain control of the entire legislative branch of government in one election. Here we see how the Senate was specifically designed to prevent the tyranny of the majority.

In *Federalist Paper 66*, Madison, the father of the Constitution, continues

his explanation of the unique role of the Senate—the unique role of the Senate—

... there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.

In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?

Now, I want you to contrast—with these quotes from Madison—the role the father of our Constitution says the Senate is intended to play to the present debate going on in the Senate that the rules ought to be changed and the majority leader's vision for how a newly altered Senate would operate.

One faction, the Democratic Party, would be able to ram through massive pieces of legislation with little or no input from duly elected Senators who happen to be from another political party. And what if Republicans are not happy with being shut out of the legislative process at every stage? Well, the majority leader explained to one freshman Republican Senator: "You can always vote against the bill."

Not only does this take-it-or-leave-it approach effectively disenfranchise all those Americans who elected Senators from the minority party to represent their views, it also leads to poorly thought out legislation. Since the proposed changes to the Senate rules would make the body more like the House of Representatives, let's take another look at how that Chamber operates.

Although the House is designed to reflect the will of the current majority, the trend toward the majority party shutting out the minority party in that body has increased over time. Some people trace this trend to the last decade of the 19th century when the Speaker of the House was a man named Thomas Brackett Reed.

Then-Speaker Reed strengthened the power of the Speaker of the House of Representatives and sought to diminish the rights of the minority party. He once used his position to unilaterally change the interpretation of the quorum rule to prevent Members of the minority party from blocking a measure by refusing to vote in a quorum call. This incident was called the "Battle of the Reed Rules."

Then-Speaker Reed famously said: "The best system is to have one party govern and the other party watch." This attitude earned that Speaker of the House, whose name was Reed—they called him Czar Reed.

Do we really want another "Battle of the Reed Rules" like we had over a

century ago in the House of Representatives? Wouldn't that be going backwards?

Ironically, the House of Representatives under Speaker BOEHNER has actually allowed more opportunity for the minority party to affect legislation than the current Senate majority leader. Senate Minority Leader McCONNELL has cited data from the Congressional Research Service showing that the Democrat minority party in the House has had 214 occasions to affect legislation this year compared to only 67 for the Republican minority in the Senate.

When the House of Representatives allows for more input from the minority party than the Senate, which is supposed to be the deliberative body, it seems to me something is very wrong.

It is true that the cloture rule and the various different procedures that are called filibusters are not found in the Constitution. But changes to the Senate rules that some in the Democratic caucus are proposing would fundamentally transform the character of the Senate in a way that the Founders never intended and best expressed by James Madison.

The proposed gutting of the Senate's historic rules and traditions threatens to replace the principle of the rights of the minority, so important to James Madison and our other Founders, with a new principle that the might of the majority makes right. The fact that the majority leader is contemplating doing so on a partisan basis by ignoring existing Senate rules is outrageous. Can you imagine ignoring the rules to change the rules?

I know this unprecedented power grab makes even Democratic Senators uneasy. Other Democrats who find this proposal tempting and who have not yet served in the minority will find they have a rude awakening once they have to live under the new regime they might help create.

To all my colleagues who might be inclined to support this fundamental transformation of the Senate, I will repeat once more Madison's warning about temporary majorities in the heat of passion enacting legislation: "... measures which they themselves will afterwards be the most ready to lament and condemn."

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### THE FARM BILL

Ms. KLOBUCHAR. Madam President, I am here today to talk about the need for action on a 5-year farm bill for our farmers and our rural communities. The Senator from Iowa, who just spoke, understands how important this farm bill is. I know the Acting President pro tempore, from the State of New York, understands how important this farm bill is.

This summer, farmers in the Corn Belt of our country waited, sometimes in vain, for rain that could either make or break an entire year of work. Many of them lost their entire crop.

This fall, sugar beet farmers along the Red River Valley in Minnesota and North Dakota waited for dry weather because they needed that to pull out the last of their crop. And right now, at this very moment, farmers, ranchers, and rural communities throughout the country continue to wait. But this time they are not waiting for weather. They are not recovering from weather. They are waiting for a new farm bill. In fact, they have waited 167 days since the Senate passed the bipartisan farm bill this June, and they have waited 66 days since the 2008 farm bill expired in September.

Unlike the drought this summer and the hurricane that hit the State of the Acting President pro tempore this fall, the failure to complete a farm bill is entirely preventable. Inaction in the House of Representatives is hurting farmers right now. Without a new farm bill, dairy farmers have lost their safety net. In fact, prices may go to the 1939 levels. Talk about moving backward; that is what will happen if we do not get this farm bill done.

Livestock producers operate without key disaster programs without this farm bill, and farmers and rural communities are left guessing about what rules they will operate under as they plan next year's crop.

These are not small things. What kind of crop insurance are they going to be qualified for? Is there going to be some kind of safety net? They have absolutely no idea because we wait and we wait and we wait for the House of Representatives to act. They did pass a farm bill through their committee. I liked ours better, but they got it through the committee. But guess what. They have not been able to bring it to the floor for a vote, and our farmers and our ranchers and our people in our rural communities wait, and they wait, and they wait.

I believe there are good reasons we can finish the farm bill this year. There is already a path forward to complete work on a farm bill and have it signed by the President at the end of this year. The farm bill passed in the Senate, as we all know. It passed with strong bipartisan support. It was approved by a vote of 64 to 35. Thanks to Chairman STABENOW's leadership and the leadership of Ranking Member ROBERTS, we were able to get this bill through. We voted on nearly 80 amendments. We did our job in the Senate.

The Senate farm bill saves money. It would reduce the deficit by \$23 billion over the next 10 years. That is a savings over the last farm bill. The Senate farm bill also makes major reforms, such as eliminating direct payments and further focusing farm payments on our family farmers.

It extends disaster programs for livestock producers and it continues credit provisions to help our farmers get through tough times. It creates a public-private partnership to fund agricultural research to give farmers the tools they need to stay competitive and feed a growing world.

When Bill Gates comes and talks to me about the farm bill, you know this farm bill is more than just about some farmers in Minnesota. It is about feeding our country, it is about feeding the world, it is about the research we need to do to make sure we have the most efficient crops; that we are developing crops and we are developing livestock and varieties of crops and farm products that can feed the world.

This farm bill works to eliminate fraud and waste throughout the farm bill to ensure these programs are efficient and targeted. Passing this farm bill is important, and that is why 235 agriculture, conservation, research, and energy organizations signed a letter this November to leadership in the House urging that they pass a farm bill before the end of the year.

Our farmers and agricultural communities understand that tough budgetary choices need to be made. That is why the Senate Agriculture Committee actually came forward and said: OK, we are going to find a way to do this very differently. We are going to eliminate direct payments, and we are going to strengthen our crop insurance. We are going to still make sure we maintain our nutrition programs—something for which the Acting President pro tempore fought so hard as a Senator from New York—and we also made sure there were incredibly strong conservation programs in the bill, but we still found a way to cut \$23 billion.

I am also opposed to playing red light-green light with agriculture policy which prevents our farmers and ranchers from making long-term capital investments that help them remain competitive in today's marketplace.

Ms. KLOBUCHAR. It might be easy to forget as we sit in this Chamber all that goes into growing the most abundant, safest food supply in the world. But when I travel across our State, I am impressed by the work and planning that goes into making each farm and ranch operate in the face of market failures, in the face of natural disasters, in the face of volatile weather. Well, guess what. This is the time when that planning goes on. It goes on right now.

Anyone who learned in kindergarten about how we plant crops and how we get things done knows that the fall and winter is the time when you plan ahead, and then you plant your crops, then you move ahead, and then pretty soon you are harvesting them. Well, they need to know what the rules of the game are to get this done.

Each year family farmers make tough decisions about which crops to plant, what equipment to purchase, and when to market their crops. Congress should be no less committed to completing work on the farm bill, which provides the safety net and certainty for farmers, for ranchers, for rural communities. The stakes are high for Minnesota. Agriculture is our State's leading export, accounting for \$75 billion in economic activity every year and supporting more than 300,000 jobs.

Minnesota is No. 3 in the country for hogs and soybeans. It is also home to pork processors and biodiesel plants. Minnesota is No. 4 in corn, and it is also home to 21 ethanol plants that produce over 1 billion gallons of ethanol every single year. We are No. 1 for sugar beets, we are No. 1 for sweet corn.

But as we all know, this is not just an issue in our State. Our Nation's farms and ranches are responsible for a \$42 billion trade surplus. This is one of the jewels of our economy and our country. We actually are making things, producing things, and exporting to the world. Why would we want to pull the rug from underneath one of our most promising and successful exporting industries in this country? And that is the business of farming.

This is so promising. We are already doing well. We can even do better. With the critical role farming plays in our country's economy, there is no excuse to further delay the consideration of the farm bill. Agriculture is a bright spot in our economy. We cannot jeopardize the economic future of rural America and of our entire country just to score political points over in the House.

I continue to believe that the carefully crafted bill we did in the Senate finds a good balance between a number of priorities. I urge the House of Representatives to complete work, to work with the Senate, so we can make sure as we come to the year end we have a major deal which we must have on the fiscal cliff, that we also include the farm bill, because with the farm bill we save \$23 billion over what we have been spending in the last few years. So let's get to work and get this done.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. REED. Madam President, we all recognize the country faces many challenges. Too many of our neighbors are

still looking for work, and too often those with a job have not seen a raise in quite some time. Indeed, for many years people in Rhode Island and across the country have a growing sense that there is too much focus on the powerful few and not on the average family playing by the rules.

A quality higher education seems more unaffordable each year. Working men and women do not often feel the government understands their struggles and the need to move the country forward. They also want us to begin to balance the books, just as we did under President Clinton, with a sensible balanced approach, one that led to increasing wages across the board, increasing productivity, increasing employment, and a budget surplus before George W. Bush's policies took over.

Last year we took a step in balancing the books. We cut \$1 trillion of Federal spending. We do not hear much about it, particularly from the other side of the aisle. But what it means is that every discretionary program will see less funding for the next decade, which will have a huge impact on my State and every State in the country.

If we are going to cut spending on education, research, and transportation to the tune of approximately \$1 trillion, I think most Americans recognize that the other side of the equation has to be considered. Revenue needs to be part of a balanced plan to reduce the debt. The simple fact of the matter is that virtually every expert panel and commentator has said clearly that in order to reduce the deficit to a sustainable level, revenues have to go up. It is a matter of arithmetic. So the question that presents itself to us is, where does the revenue come from? I believe at the end of the day, the President's plan to continue to provide tax breaks for 98 percent of all Americans and let tax rates for the wealthiest return to the Clinton-era levels is about as fair a proposal as is possible at the moment. First, it recognizes that the middle class should not be the one on the chopping block where there are other options. Second, it asks those making more than a quarter of a million dollars to return to the same top rates we had for most of the 1990s. Third, it cuts everyone's taxes on the first quarter of a million dollars that you make.

What is sometimes lost in this debate is because of our progressive tax system, there will be no changes to the tax rates on income up to \$250,000. The benefits of those tax cuts which were enacted in the early decades of the 2000s will still be there for 98 percent of Americans, and they will still be there for those paying additional revenue because of the reversal of the top two upper income tax rates. Yet our Republican colleagues in the House seem to have adopted a posture of obstruction and holding the middle class hostage in order to preserve nearly \$1 trillion in

tax cuts for the top 2 percent of Americans. If we do not extend these tax cuts for the middle class as the President has proposed, the typical Rhode Island family of four could see their taxes raised by an average of \$2,200 in the year 2013. This would be a setback for our very fragile economic recovery. It is simply not fair to have these middle-income Rhode Islanders who are trying to make ends meet in this economy be further subject to a tax increase.

I think I listen pretty well to my colleagues on the other side of the aisle. It seems they agree that, yes, these taxes should not go up on 98 percent of Americans. Indeed, in July they dropped their filibuster, enabling the Senate to pass the Middle Class Tax Cut Act. The bill prevents taxes from going up on 98 percent of Americans and 97 percent of small businesses, and would cut the deficit by nearly \$1 trillion.

As I mentioned, if the House does not pass this bill, middle-class families will see their taxes go up by an average of about \$2,200. All the House has to do—and they can do it very quickly under their procedures—is take up the Senate-passed bill and pass it. We will put a significant downpayment on deficit reduction. We will provide certainty to 98 percent of Americans that their taxes will remain the same, and we can get onto other sensible appropriate reductions and expenditures and move the Nation forward.

It is heartening to hear some Republicans in the House such as TOM COLE of Oklahoma and MIKE SIMPSON of Idaho talk about accepting this commonsense approach and locking in these tax rates for middle-income Americans. Indeed, if the House, as I suggested, had an up-or-down vote on the Senate bill, I would suspect there would be enough Republicans willing to join the House Democrats in passing a tax cut for 98 percent of Americans and giving the business community the certainty it needs. Unfortunately, we have yet to see an indication from Speaker BOEHNER that he will let the Senate approved middle-class tax cut legislation have an up-or-down vote—despite the fact that by passing this bill every American, including the wealthiest, will get a tax break on the first quarter of a million dollars of income, and the Tax Code would become a bit fairer.

I am worried that there are too many on the other side of the aisle who are willing to let taxes increase on the middle class in order to stop the top two marginal tax rates from returning to Clinton-era levels for the wealthiest 2 percent of Americans. That, to me, is unfair. Indeed, it is an uncalled-for imposition on the vast majority of Americans.

Republicans would jeopardize our economic recovery by creating uncertainty around letting these tax provisions lapse for all Americans. It could hamper demand, restrict commerce,

and impede recovery at a time when our economy is making fragile gains. Indeed, it would be similar to what we are seeing in other parts of the world, where austerity measures in Europe have already caused many of their economies to slip back into recession.

We can't do that. We have got to provide both confidence and the resources for consumers to go into the marketplace and continue to strengthen our recovery. And I would hope to accelerate this recovery because we need more demand, more jobs, more activity, not less.

Unfortunately, the record of some of our colleagues on the other side has suggested that when it comes to making difficult decisions on behalf of the majority of Americans they balk. I have seen in this Congress—the other side threaten a government shutdown and the other side seriously consider defaulting on the debts of the United States. I have seen threats to end unemployment insurance, which would harm our economy and tremendously disadvantage so many Americans who are looking for work. I am hopeful the House of Representatives can respond both thoughtfully and decisively by passing the legislation the Senate has already passed and continue the tax cuts for middle-income Americans while beginning to raise revenues from those who are the wealthiest amongst us.

In the spring of 2011, we were faced with the possibility of a government shutdown. In the summer of that same year, we were faced with the issue of the debt ceiling and government default. All of these attempts to disrupt and undercut the process of government had costs, real costs to our economy, real costs to our sense and the sense of the American people that we are effectively able to manage their affairs, for the welfare not of the very few but for all Americans.

Republicans have also blocked the American Jobs Act. A plan that analysts predicted would lead to the creation of nearly 2 million jobs—and at a time when those new jobs were and still urgently needed. Now with the accumulation of all these different threats to our economy, all these different dramatic moments, we are looking at automatic increases in taxes if the Middle Class Tax Cut Act is not adopted. Failure to pass the bill could severely impede or even reverse the economic recovery we have seen to date. And again, this economic recovery is not as strong as we want to see it, but it is heading at least in a positive direction.

We have to move forward decisively, with a balanced approach to ensure that the vast majority of Americans do not see their taxes go up. And that revenue is raised from those who are most able to afford it.

The President has been very clear that he will be strong in resisting over-

tures to extend the tax benefits for the wealthiest two percent of Americans. The American people agree. They reelected him and they consistently, in just about every type of public survey, support his proposal.

Unfortunately, the Republican leadership in the House of Representatives are out of step and out of tune with the American public.

Speaker BOEHNER has not proposed a sensible, balanced approach that mixes revenues and expenditure reductions. Instead, he once again raises the spectre of cuts to Medicare and Social Security benefits. That is not the approach we have to take.

What we can do, what we should do, what we must do is simply ask the House of Representatives to take up what we have already passed here in the Senate, the Middle Class Tax Cut Act, immediately. That would provide the breakthrough we need to go forward, to continue to build on our economic recovery, and continue to respond to the legitimate needs of men and women all across this country. I hope House Republicans do that. I know I will be here, along with my colleagues, urging them to do that as quickly as possible.

Madam President, I ask unanimous consent that the remaining time under Democratic control be allocated as follows: Senator BOXER for 15 minutes, Senator CASEY for 10 minutes, and Senator SCHUMER for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think we are trying to make the case here today that there is a very easy way for us to climb down from this fiscal cliff. The Senate already passed a bill that would extend tax cuts to 98 percent of the American people and the House will not take it up. This will mean, over 10 years, about \$1 trillion in savings, and it won't hurt the millionaires and billionaires. They have told us that over and over.

This is when the Senate passed the middle-class tax cuts, July 25, 2012. The Republicans over in the House have been sitting on it. They didn't do anything in July, August, September, October, November, and December. Here we are 6 months later and they refuse to allow a vote on this for reasons that go to their internal disputes.

It is time for them to put country over party. It is time for them to put country over their ideological battles. That was a mouthful. I am going to try it again. It is time for them to put country over their ideological battles. It is time for them to make a decision that favors the American people.

I served in the House for 10 proud years. It was wonderful, fascinating,

interesting. I served there when Tip O'Neill was the Speaker of the House. Tip O'Neill understood the magic of 218.

What do I mean by that? The magic of 218 was finding 218 votes to get something done. Tip didn't care if he got it from a liberal, from a conservative, from a moderate, from an independent, from a whacko. It didn't matter. He didn't care who you were, what you were, if you thought you were great or bright or not. He had to put together 218 for the good of the country, and he did it when Ronald Reagan was President. He did it when there was a President who had different views from his own, and they worked together for the good of the country.

I look over at the House, and I don't know what I see. There are a few brave voices there speaking out and saying let us do this, let us extend the middle-class tax cuts. But let me tell you, we have 27 days left to do this before people start facing higher taxes. On average, it is \$2,200 a family, and that is a lot of money for a middle-class family.

I want to be completely honest here and bring up an issue, which is that I never voted for the Bush-era tax cuts—I was one of the few in the minority—because I worried that it would destroy our fiscal responsibility. I hate to say it now: I was right. I was right.

There were surpluses that Bill Clinton left us. But because George W. Bush went in front of the microphone and said, I have political capital, I am going to cut everybody's taxes, he then put two wars on the credit card, and that was the end of surpluses. We went into deficits, deficits as far as the eye could see, deeper and deeper in debt. So you might ask then, Senator BOXER, why are you now supporting those tax cuts being renewed for 98 percent of the people? The answer is it is a different time and a different place. We are getting out of a recession. We can make up the monies we need to balance this budget by going just to the top rate, going to the people over \$250,000.

Remember, this plan that we passed in July gives a tax break on the first \$250,000 of income, in essence giving everybody a break on that first \$250,000. It is only after that that the taxes go back to the Clinton era. Because this is a different time and place, I support giving a tax break, continuing it, for 98 percent, but asking the wealthiest to pay their fair share for the greatest country on the face of this Earth.

My father was born into dire poverty. He was the only one of nine children born in America. He was the only one of nine children to go to college at night in your great State, City College, at night, while he supported a family by day. He became a CPA. After he got his bachelor's, he went at night to a place called Brooklyn Law School, where he got his law degree in 5 years. I was about 10. This is America. He was able to do that.

When he was a CPA, he would oversee everybody's taxes in the family. I was a kid and I got my first job working for a long time when I was a telephone operator for Hilton Hotels one summer. I will never forget it. I was not good at it. I kept putting those wires into the wrong places, but I managed to get through. When I got my first paycheck, I went to my dad, as I was earning minimum wage—I think it was 75 cents an hour, I don't know. I know I am dating myself here. It is okay. I said, "Dad, why is it I have to pay a whole bunch of money somewhere else, to the government?" He said, "Well, we all, when we earn money, pay taxes. If at the end of the year we pay too much, we get a refund."

But he said, "Honey, I want to tell you something. You are so fortunate and blessed to be a citizen of the United States of America. I know people will laugh at you when you say this, but people who live here, who work here and have the privilege of that freedom and the privilege to grab the dream, they should kiss the ground of this country every time they pay taxes."

I once said that on the campaign trail, and I got booed. They said, She is telling us to kiss the ground of America when we pay taxes? That was how my father felt.

Clearly, he also believed in a progressive tax system. He was a smart man, and he believed that those at the bottom end shouldn't pay anything at all and, as you go up, you pay a little more.

That is what President Obama ran on. We had a huge election for the Senate where the Democrats picked up seats. A race for the Presidency that was supposed to be Governor Romney's, according to his people, was President Obama's. This was mainly because President Obama stood up for the middle class and said, When it comes to taxes, we all have to pay our fair share, no more, no less.

When you tell your friends the President wants to give a tax cut, tell them also it is being held up by the Republicans in Congress who are sitting on a bill that passed the Senate on July 25, 2012, where 98 percent of the American people will get their tax break continued and only income over \$250,000 will be taxed at the same rate when Bill Clinton was President.

Let's take a look back at those days. Were they harsh for people? No. We had more millionaires created, I remember in those days, than we had in generations. You know why? Because the middle class is strong—and President Clinton invested in the middle class; he invested in our people—they get good jobs, they pay enough taxes, they go to the mall, they take a trip across the country to see all the great landmarks, and people across this country who have businesses do well also. That is

why we see so many businesspeople, including small businesspeople, standing at President Obama's side saying it is good for business to give the middle class their tax breaks.

What are these Republicans thinking over there? If we are having an argument, and I tell you I will give you 98 percent of what you want and you walk away from me, I say you are unreasonable. Who gets 98 percent of what they want? No one. In an argument, usually we meet each other halfway—50-50. We are giving the Republicans 98 percent of what they want on the tax cuts, but they are holding the 98 percent hostage for their friends, the Koch brothers, Sheldon Adelson—the billionaires. That is wrong, and we had an election about it.

This is a country of, by, and for the people, not of, by, and for the billionaires. I am going to say to my Republican friends—and they are my friends; I have served with them for a long time, I have worked with them—what are you thinking? What are you doing?

Let me talk about one of the things they offered in their package. This is outrageous. They want to raise the eligibility age of Medicare by 2 years. I cannot tell you how many people come up to me—and it shocks me when I hear it—and say: I am praying for my 65th birthday so I can get on Medicare because I have no insurance. There is a huge number of people uninsured between the ages of 55 and 65. So this is their Christmas present? This is the happy holiday gift from Speaker BOEHNER?

In the Speaker's tax package, not only is he giving the tax break to the wealthiest, he is even cutting their taxes further but paying for it by raising the Medicare age. What does that do? It is surprising just how bad it is. When we raise the age of Medicare from 65 to 67, ipso facto, 300,000 senior citizens go uninsured. Merry Christmas to all. It would increase the cost to businesses by \$4.5 billion because they have to keep people on their plans. Merry Christmas to you, too, businesspeople. It will increase the out-of-pocket costs for those between 65 and 66 by \$3.7 billion. It would increase costs to the States by \$700 million, and millions—millions—would pay an average of \$2,200 more for their health care.

I will use every tool at my disposal to prevent the destruction of Medicare. What kind of counterproposal is that? It takes my breath away the pain that would be felt if this went through. I can't help remembering—and I am sure the Chair remembers as well—the attack leveled by Representative PAUL RYAN, who was the Republican nominee for Vice President—he is chairman of the House Budget Committee—against President Obama for "cutting" \$700 billion out of Medicare, when, in fact, the President got savings from people who were cheaters—the providers who were ripping off Medicare—

and then put it back into Medicare and extended the life of the program by 8 years.

These are the same people who ran ads against Democrats—maybe they did it to the Chair as well, I don't know—all across the country saying Democrats voted to cut Medicare. These same people who were crying these bitter tears are now suggesting destroying Medicare as we know it. I can't believe it. I truly can't believe it. I wonder whom they fight for? That is the basic question. Why are they here? Whom do they fight for? Do they fight for the middle class? I believe we do on our side of the aisle. I believe President Obama does.

I believe, if we look at the tax package that came over from Speaker BOEHNER and all the cuts to Medicare—and by the way, the Presiding Officer is a leader in protecting children—we will see there are cuts to child nutrition in there, major cuts. I have to say: Why do they have to cut food to poor kids? Why do they have to kick people out of Medicare? Their answer is, if they were honest, to protect the billionaires and the millionaires. Because that is what it is about. We know it. It is a fact in evidence.

I believe we owe more to the American people. We need to find a way back to the fiscal responsibility and the economic growth we had when Bill Clinton was President. I have served with five Presidents already—it is amazing—in my time in this Congress, and I have seen people come together in moments of crisis, such as when Social Security needed to be strengthened, when Medicare needed to be strengthened, when we had deficits as far as the eye could see and we had to resolve that. I have seen all that happen. We have 27 days left to see something good happen about this fiscal cliff.

When people say, oh, it is very complicated, don't believe it. Don't believe it. It is not complicated. There are several parts to this fiscal cliff. The biggest one is the Bush-era tax cuts that are expiring on 100 percent of the people, and if they expire, it means people will have to pay more in taxes at a time when we don't want them to have to struggle. We want them to have disposable income because it is good for their families, it is good for the economy, it is good for business, and it is good for economic growth. The Bush-era tax cuts are expiring on December 31. Why don't we find the common ground, get rid of that issue, get those tax cuts to 98 percent of the middle class who need them and fight about the millionaires and the billionaires later? They are OK. They are fine.

We need to do that simple step. The House must pass the Senate's bill which we passed on July 25. We did it. It is done. We don't have to worry about it. We did our job over here. We got the votes. So the House needs to pick it up and pass it over there.

I understand that Democratic Leader PELOSI has done something very interesting. She has taken this bill, the same exact bill, and put it at the desk in the House and started what they call a discharge petition. What that means is, since Speaker BOEHNER will not bring up this bill, if 218 people sign the discharge petition, there will be an immediate vote on the floor. I wish to urge Republicans and Democrats and Independents over in the House to sign the discharge petition to have a vote. We have a few days left until the end of the year—27—to get this done.

Then we can talk about the automatic spending cuts, and there are ways to stop those. People are upset about those. Personally, I think we have to make spending cuts, but I think we can soften the blow of those spending cuts by bringing home the money from the wars in Iraq and Afghanistan to this country. That would soften the blow of those cuts. We also need to be making some more investments in infrastructure, which we desperately need after superstorm Sandy hit New York, New Jersey, Connecticut, Delaware, and Maryland. We now see our infrastructure has to be what we call hardened, made stronger. We can do that if we invest in our people.

The President has offered a very clear plan that is fair that takes us off the fiscal cliff. We have 27 days to do the right thing. The Senate already passed the tax cuts for 98 percent of the people. All we are asking is for the House to do that, to match us, and then we can get back to the table and figure out a way to soften the blow of the automatic spending cuts. We can look at tax reform.

Let me just say this about tax reform. When our colleagues complain about tax rates and say: We would rather close loopholes, watch out. In order to raise the kind of funds needed to lower this deficit, we would be looking at the two of the biggest "deductions." One is for your mortgage and one is for charitable contributions. I would ask rhetorically: What billionaire do you know who has a mortgage? I don't, frankly, know any. They own their own homes. They are not hurt by that. But who does get hurt? The middle class.

So let's do the right thing. We passed the right thing on July 25, 2012. We have 27 days left before taxes on the middle class go up. I know we have the wherewithal to do that.

I yield the floor.

THE PRESIDING OFFICER (Mr. FRANKEN). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to talk about where we are with regard to the end of the year and especially where we are with regard to the focus we should bring to bear on middle-income families. We have had a lot of dis-

cussion in the last couple weeks, using terms such as "fiscal cliff" and terms that involve tax policy. All that is important to debate, but sometimes what is lost in the midst of all that is what is happening to middle-income families.

The sense I have, in talking to a lot of those families in Pennsylvania, is they have been asking their representatives in Washington to do at least two things: No. 1 is to try to work together to get agreements, not just in the near term but over a long period of time; and No. 2—and not in second place, because they are as fervent about this as they are about No. 1—they ask me all the time to do something to create jobs at a faster pace, to put in place strategies that will lead to job creation that is more accelerated.

The good news is we have had some progress. If we look at the numbers for August, September, and October, it is right around 511,000 jobs created. That is good news and it is good progress. It is a lot better than where we were in the spring. If memory serves me, in the time period of April, May, and June, we had only created about 200,000. So this 3-month period with more than half a million jobs created is progress.

But we have a long way to go, and we need to move the job-creation pace or the pace has to be accelerated. We have in the midst of all that a good bit of uncertainty. Middle-income families look at Washington and don't see enough progress on jobs, they don't see folks coming together yet. I think we will, but until they see that, until they have a sense there is something substantial that is decided that affects their lives, they are going to be very uncertain. I hear this from taxpayers. I also hear a lot about uncertainty from small business owners.

At the same time, the House has something they can do about it right now. On July 24 we passed in the Senate a tax cut for middle-income families, meaning we would continue tax rates for those families. That kind of certainty is badly needed right now. So one of the best things that could happen right now is the House could vote and then the President would sign into law legislation that would provide certainty for middle-income families—98 percent of American families and some 97 percent of small businesses. So it is time for the House to act.

Secondly, we have to take steps to make sure we are creating jobs at a faster pace. As I mentioned before, I am introducing legislation today to help middle-class families and to boost hiring. The bill is called the Middle-Class and Small Business Tax Cut Act, and it would expand the payroll tax cut from last year for 1 year and give employers a tax credit for hiring.

The payroll tax cut we put into place last year had a number of benefits. I won't go through all those today, but



the Joint Economic Committee—the committee of which I am the chairman—put out a fact sheet in the last 24 hours that highlights some of the benefits of the payroll tax cut. I wish to highlight a few of those.

I ask unanimous consent to have printed in the RECORD the Joint Economic Committee fact sheet on the payroll tax cut dated December 4, 2012.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: PAYROLL TAX CUT, JOINT ECONOMIC COMMITTEE, UNITED STATES CONGRESS, SENATOR ROBERT P. CASEY, JR., CHAIRMAN, DECEMBER 4, 2012

THE PAYROLL TAX CUT SUPPORTED THE ECONOMIC RECOVERY, CREATED JOBS AND BOLSTERED THE SOCIAL SECURITY TRUST FUND IN 2012

Last winter, Congress took action to prevent a temporary two-percentage-point reduction in payroll taxes from lapsing at the end of 2011, extending the tax cut through the end of 2012. The payroll tax cut for 2012 increased take-home pay for over 120 million American households, providing tangible benefits as the economy continued to recover from the Great Recession. The additional money in individuals' pockets contributed to increased consumer spending in 2012, supporting economic recovery and job growth. Including October, the private sector has added jobs nationwide for 32 consecutive months. Finally, the boost in employment due to the payroll tax cut, coupled with transfers from the General Fund, helped to fortify the balance of the Social Security Trust Fund.

#### *Benefits of the Payroll Tax Cut in 2012*

122 million households received additional take-home pay. Cutting payroll taxes immediately increased the income of everyone who received a paycheck. By the end of 2012, the two-percentage-point payroll tax cut will give an additional \$1,000 to the average American family.

The payroll tax cut boosted consumer spending. Additional take-home pay allowed working families to make purchases that supported economic growth and job creation. In the third quarter of 2012, real consumer spending grew 2.0 percent at an annual rate, following gains of 2.4 percent and 1.5 percent in the first and second quarters.

Middle-class families are responsible for the bulk of consumer spending. The most current data show that families making under \$150,000 are responsible for the vast majority (81.9%) of consumer spending. Moreover, families earning less than \$70,000 per year are responsible for nearly half (44.8%) of all consumer spending.

The payroll tax cut targets those most likely to spend it. Compared with reducing the tax rates of the highest income earners, cutting payroll taxes puts more money in the hands of middle- and lower-income working families. Over half of the benefits of the payroll tax cut went to households earning less than \$100,000 annually, and 85 percent of the benefits went to those making less than \$200,000.

Economic growth and job gains were stronger in 2012 due to the payroll tax cut. The two-percentage-point payroll tax cut for 2012 boosted economic growth nationally by an estimated one-half of a percentage point in 2012. The payroll tax cut also saved or created an estimated 400,000 jobs.

The payroll tax cut bolstered the Social Security Trust Fund. The annual OASDI

Trustee's report for 2012 confirms that the payroll tax cut has no negative effect on the balance of the Social Security Trust Fund in the short or long term. All reduced revenues are recovered through transfers from the Treasury General Fund.

Furthermore, the additional jobs generated by the payroll tax cut added to the Social Security Trust Fund's balance. The JEC estimates that the boost in employment driven by the payroll tax cut contributed at least \$1 billion in additional Social Security tax withholding and payments. This assumes a majority of the jobs created or saved because of the payroll tax cut, as during the recovery more generally, were in occupations such as food services, retail and employment services. The additional Trust Fund revenue could be much larger—as much as \$3 billion—if those jobs were in higher-wage industries such as manufacturing or professional services, or if the number of additional jobs was greater than previously estimated.

#### ESTIMATED BENEFITS OF THE PAYROLL TAX CUT IN 2012 FOR AMERICAN FAMILIES, BY STATE

| State                      | Median Household Wage and Salary Income (2011 Inflation-Adjusted Dollars) | Additional Take-Home Pay from 2% Payroll Tax Cut in 2012 |
|----------------------------|---|--|
| United States .....        | \$51,726  | \$1,035  |
| Alabama .....              | \$45,821  | \$916  |
| Alaska .....               | \$66,185  | \$1,324  |
| Arizona .....              | \$47,348  | \$947  |
| Arkansas .....             | \$40,729  | \$815  |
| California .....           | \$58,243  | \$1,165  |
| Colorado .....             | \$54,985  | \$1,100  |
| Connecticut .....          | \$69,240  | \$1,385  |
| Delaware .....             | \$58,040  | \$1,161  |
| District of Columbia ..... | \$71,277  | \$1,426  |
| Florida .....              | \$45,821  | \$916  |
| Georgia .....              | \$48,061  | \$961  |
| Hawaii .....               | \$61,094  | \$1,222  |
| Idaho .....                | \$40,933  | \$819  |
| Illinois .....             | \$56,003  | \$1,120  |
| Indiana .....              | \$48,061  | \$961  |
| Iowa .....                 | \$49,894  | \$998  |
| Kansas .....               | \$48,875  | \$978  |
| Kentucky .....             | \$44,802  | \$896  |
| Louisiana .....            | \$45,821  | \$916  |
| Maine .....                | \$45,821  | \$916  |
| Maryland .....             | \$71,277  | \$1,426  |
| Massachusetts .....        | \$68,018  | \$1,360  |
| Michigan .....             | \$47,959  | \$959  |
| Minnesota .....            | \$57,021  | \$1,140  |
| Mississippi .....          | \$39,711  | \$794  |
| Missouri .....             | \$46,839  | \$937  |
| Montana .....              | \$42,257  | \$845  |
| Nebraska .....             | \$48,875  | \$978  |
| Nevada .....               | \$48,875  | \$978  |
| New Hampshire .....        | \$64,149  | \$1,283  |
| New Jersey .....           | \$71,277  | \$1,426  |
| New Mexico .....           | \$42,766  | \$855  |
| New York .....             | \$60,076  | \$1,202  |
| North Carolina .....       | \$43,886  | \$878  |
| North Dakota .....         | \$47,348  | \$947  |
| Ohio .....                 | \$48,875  | \$978  |
| Oklahoma .....             | \$43,784  | \$876  |
| Oregon .....               | \$46,635  | \$933  |
| Pennsylvania .....         | \$52,948  | \$1,059  |
| Rhode Island .....         | \$57,021  | \$1,140  |
| South Carolina .....       | \$42,766  | \$855  |
| South Dakota .....         | \$46,839  | \$937  |
| Tennessee .....            | \$42,766  | \$855  |
| Texas .....                | \$50,199  | \$1,004  |
| Utah .....                 | \$54,985  | \$1,100  |
| Vermont .....              | \$52,948  | \$1,059  |
| Virginia .....             | \$63,131  | \$1,263  |
| Washington .....           | \$58,040  | \$1,161  |
| West Virginia .....        | \$42,766  | \$855  |
| Wisconsin .....            | \$50,912  | \$1,018  |
| Wyoming .....              | \$54,985  | \$1,100  |

Source: Joint Economic Committee Chairman's staff calculations using data from the 2011 American Community Survey micro data files.

Mr. CASEY. Mr. President, just a couple of points when you look at the economic impact on families when they have dollars to spend. The payroll tax cut puts \$1,000 on average in the pockets of most families in America. Families making under \$150,000 are responsible for almost 82 percent of consumer spending. So the reason we are creating jobs with the payroll tax cut

or a tax credit—the idea I mentioned before—is because we are giving consumers, families, and small businesses the opportunity to create jobs because of economic activity.

I mentioned the job impact of the payroll tax cut. It created or saved 400,000 jobs in the last year, and it didn't in any way harm the Social Security trust fund. In fact, it enhanced our ability to have more payroll revenue over time because of that job creation.

So I think we should do both—continue the payroll tax cut as well as have a tax credit for businesses so that if they hire in year one versus a year after the year the credit is in place, that hiring can be given credit and they can be incentivized to hire more.

Tomorrow our Joint Economic Committee will be engaged in a hearing on fiscal cliff issues. We will discuss strategies to create jobs, and we will discuss the implications of the fiscal cliff and what will happen if we don't get some work done by the House to pass the middle-income tax cut that was passed here in a bipartisan fashion. So we have a lot of work to do, but I think one thing we have to make sure we do is to continue to focus on middle-income families, their lives, their struggles, and what we can do to make sure they have more dollars in their pockets to continue economic growth.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I would like to thank my great colleague from Pennsylvania. I enjoyed sharing a table last night with him and his beautiful, charming, intelligent wife, whom he would be the first to admit he is lucky to have married, and their four great girls. I also thank him for his excellent on-target remarks. We have a great chairman of the JEC, and every time he comes to the floor it shows.

Senator OLYMPIA SNOWE, Bill Kristol of the Weekly Standard, Congressman MIKE SIMPSON of Idaho, David Brooks, Congresswoman BONO MACK, Congressman WALTER JONES, and the National Review, we are here to say that passing the Senate's middle-class tax cut is the right thing to do, but you don't need to take our word for it. Two-thirds of the American public agrees with us, but you don't need to take their word for it either. Just listen to the voices within Speaker BOEHNER's own party.

It is clear that Speaker BOEHNER needed cover from his right flank before he could agree to any deal on taxes with the President. The Speaker didn't



have it before, but he sure has it now. When the Wall Street Journal editorial page says that decoupling would not go against conservatives' antitax principles, that gives a whole lot of cover to the Speaker. When Grover Norquist refuses to declare whether decoupling would violate his group's pledge, that, too, gives a whole lot of cover to the Speaker. And when more and more rank-and-file Republicans come out publicly every day in favor of passing the Senate bill, that, too, gives cover to the Speaker.

You really have to salute Congressman TOM COLE. He was the first one on the other side to dare speak the truth about what should be done on taxes, and he has been on TV almost every day making the case to his party in public. The day after Congressman COLE went public, he was dismissed as having a minority opinion. Well, that is not true anymore. His comments sparked a trend. In addition to those Republicans who have spoken out publicly, there are probably dozens of other TOM COLES in the House who just don't feel free to speak their mind but agree with him privately.

Just this morning, in an appearance on cable television, the junior Senator from Oklahoma, an unquestioned conservative, came out on higher tax rates on the wealthy. He said:

Personally, I know we have to raise revenue; I don't really care which way we do it. Actually, I would rather see the rates go up than do it the other way, because it gives us greater chance to reform the tax code and broaden the base in the future.

Well, if Senator COBURN does not provide conservative cover, I don't know who does.

The House Republican leadership is like generals hunkered away in a bunker who don't realize their army has already laid down their arms. The Republican leaders are in search of an exit strategy, while they have one in the form of a discharge petition that has been filed in the House. It is an out for the Speaker. With the discharge petition, the Speaker doesn't have to outright endorse the Senate bill; all he needs to do is tell his Members: Sign your conscience. If you believe in the discharge petition, sign it, and there will be no recrimination against you.

If Speaker BOEHNER does that, I am confident the discharge petition will get 218 signatures and then we will get 218 votes on the floor. We may not get a majority of the majority, but we will definitely get 218 votes. So we may never win over the PAUL RYANS in the other Chamber, but they aren't necessary—they can vote no or they can even vote present.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I ask unanimous consent that I be given 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Put the bill on the floor, let rank-and-file Republicans vote their conscience, and this bill can pass.

In the New York Times today, it was reported that senior aides on the Republican side are considering just such a strategy to give them a soft landing on this tax debate—agree to the President's offer on the tax, the thinking goes, and live to fight another day on spending cuts.

We agree that a tax hike on middle-class Americans should be taken off the table. Once Republicans agree to higher rates on the wealthy, an agreement on the other sticking points of a grand bargain can quickly fall into place. So let's stop with the offers and the counteroffers that are leaked only to manufacture headlines in the press. Let's get serious and cross the biggest item of our to-do list off and get the Senate tax cut bill passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent the next 45 minutes be devoted to a colloquy between myself and my colleagues on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STEM JOBS ACT

Mr. CORNYN. Mr. President, this last week the House of Representatives passed a bipartisan piece of legislation called the STEM Jobs Act. For those who are unfamiliar with the term STEM, it stands for science, technology, engineering, and math—the hard sciences programs that we have too few graduates from in our colleges and universities. This bill passed in the House of Representatives with 245 votes and was originally sponsored by my friend and colleague LAMAR SMITH of Texas. It is very similar to a piece of legislation I myself introduced earlier this year.

The goal of this legislation is one that I think enjoys broad bipartisan support, and that is to help the United States retain more of the highly skilled immigrants who come to study at our colleges and universities. In particular, this bill would make eligible for a green card those who graduate from the STEM fields who get a master's degree or a Ph.D. We would not add to the net number of green cards that would be eligible. There are 55,000 diversity lottery visa green cards that would be substituted for by these STEM green cards.

We all know America's immigration system is broken. Unfortunately, it causes self-inflicted wounds in many respects, but particularly by driving away highly skilled foreign workers who want to start businesses and create jobs right here in America. This is

not about hiring foreign workers to perform jobs where we have qualified Americans waiting in line for these jobs. The fact of the matter is, we do not produce enough American-born workers to fill the job vacancies in these fields.

Many of these potential job creators and entrepreneurs attend our colleges and universities. You might even say that the American taxpayer helps subsidize their education because many of them received world-class training at our public and private colleges and universities and then reluctantly return home to pursue their careers because they cannot get a visa or cannot get a green card here in America. We are cultivating human capital and then sending those individuals back home.

This is an area where there is broad support. My colleague Senator MORAN recently wrote a "Dear Colleague" letter which points out that roughly—he cites in the letter that more than three-quarters of voters support a STEM-type visa. He quotes in this letter, dated July 20, 2012, 87 percent of Democrats polled, 72 percent of Republicans polled, and 65 percent of Independents support the creation of a STEM visa. Of course if you think about it, it is common sense. Why in the world would we want to subsidize the education of these students from other countries, train them in these highly specialized and highly desirable fields, and then simply send them home?

I have introduced legislation over the past years that would increase the number of H1B visas, which are not green cards. They are actually temporary visas that would allow more of these foreign national students, trained in these STEM fields, to stay here in the United States and help create jobs here in the United States. This bill actually goes a step further. What it does is it provides them a green card, which is the first step toward a path to citizenship.

If you believe our current policy is a self-inflicted wound on our economy, you are exactly right. We are educating brilliant students and then compelling them to go to work in Shanghai or Singapore rather than San Antonio or the Silicon Valley. Meanwhile, we are handing out tens of thousands of diversity visas to immigrants chosen by random lottery, without regard to any qualifications they may have when it comes to job creation and entrepreneurship. It makes absolutely no sense.

I believe we need an immigration policy that serves our national interests. If there is one thing that we need more than anything else now, we need job creators and entrepreneurs in the United States. We know in the global economy it is people with special skills in science, technology, engineering, and mathematics who are the ones who are going to help us create jobs and

grow the economy—not just for these individuals but for the people who are hired by the startup businesses they will create.

The STEM Jobs Act would mitigate the problem with the diversity lottery visa, which again does not distinguish between immigrants based upon the qualifications they have or their ability to create jobs or be entrepreneurs. It would mitigate this problem by making our immigration system more economically sensible. It would establish new visa categories for 55,000 STEM graduates of American research institutions and would eliminate the random diversity lottery visa to offset these new green cards.

Our competitors abroad are observing this brain drain that America is experiencing and they are taking advantage of it. In a global economy they are more than happy to take the best and the brightest foreign students who come and train in the United States and to encourage them to come to their countries and create jobs and economic growth there. This relatively minor change to our immigration system could deliver a major boost to U.S. economic growth. I realize many of our colleagues have different priorities when it comes to fixing our broken immigration system, but the reforms contained in the STEM Jobs Act enjoy bipartisan support.

I urge my colleagues, let's show the world we can agree on this common-sense, bipartisan immigration reform. Let's do something for our economy and let's take this first step in solving our broken immigration system.

Before I turn the floor over to my colleague from Kentucky, who I know has some comments on this topic, let me address two issues quickly. I can anticipate hearing from some of our colleagues that this does not solve all of what is broken in our immigration system, and I concede that is correct. But what we need more than anything is to develop some confidence-building measures for the American people to demonstrate that we can come together, Republicans and Democrats alike, and do what needs to be done which almost everybody agrees is common sense and then we can follow on with other solutions on a targeted basis for our broken immigration system.

I once believed, back in 2005, when Senator JON KYL from Arizona and I introduced something we called the Comprehensive Border Security and Immigration Reform Act of 2005, we should address this issue comprehensively. We tried in 2007. That bill failed on the Senate floor when Senator REID pulled the bill from the floor.

I believe now, given the temper of the times and given the skepticism with which the American people view us here in Congress, the only way we are going to crack this nut is to start

small in targeted reforms such as the STEM Jobs Act. I believe this is the beginning and not the end of fixing what is broken about our immigration reform system. But if we cannot do this—if we cannot do this—I have next to no confidence we can do the rest that needs to be done as well.

A final point. I believe we should be family-friendly when it comes to our immigration system. This STEM Jobs Act takes a very important step in making sure families can be unified. Under the current law, someone who has a green card is not entitled to bring their immediate family into the United States to live with them while they are waiting for their eligibility for a green card. The STEM Jobs Act, though, addresses that by recreating the V visa, which would help us retain more of the potential job creators but it would also help unify the immediate families of U.S. permanent residents. Right now, the spouses and children of U.S. permanent residents have to wait outside, to wait in line for their green card, which causes families to be separated—something that none of us believes is an optimal situation. The STEM Jobs Act would let them wait inside the United States, unified with their loved ones until they are off the waiting list, which takes several years, and thus would promote family unification. That is yet another reason why this bill deserves our support.

I yield to my distinguished colleague from Kentucky, who I know supports this approach, for any comments he would care to make.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I compliment the Senator from Texas for being a leader in immigration reform. There are many of us in the Republican Party who wish to have immigration reform. I do wish it be noted for the RECORD today that we can take a small step forward toward immigration reform today. This bill that would allow Ph.D.s, master's, successful graduates to come into this country with a green card could be passed today. This bill is at the desk and we will ask consent from the majority party today to pass this bill.

I will also note the President and the Members of the majority party will object. The President has said he will not pass this unless he can get everything he wants. When I go home or when I talk to folks with the media, they say: Why can't you guys get along? Why can't you do anything in Washington? Why is this system so horribly broken?

This is precisely why. We agree on this bill. I think the other side will stand and say they like the concept, but they do not want to do it yet. They want to wait until we agree on everything. Guess what. We are never going to agree on everything so we are never going to get immigration reform if we cannot start agreeing to some things and moving the ball forward.

This is the same on tax reform. This is the same on entitlement reform. We lurch from deadline to deadline. There will be a deadline, the so-called fiscal cliff coming up, and the President has announced that we do not have enough time to do entitlement reform. We don't have enough time to do tax reform. We don't have enough time to do immigration reform.

When are we going to start? When is there going to be a committee hearing designated toward entitlement reform? I have been here 2 years. There is no such committee. When will there be hearings on immigration reform? There will not be time. Deadlines will pass.

But not break things up into smaller pieces? Why have to have some enormous fiscal cliff or whatever that everybody has to agree to a thousand moving parts? We are of different persuasions, of different parties, of different beliefs. We are never going to agree on a thousand things. Why don't we start passing some things we can agree to? This is a small step forward. We can pass this bill today.

Does the Senator have an explanation that can help me understand why we have to have empty partisanship, why we cannot move forward to pass some small things for immigration reform?

Mr. CORNYN. Mr. President, I would say in response to the Senator from Kentucky that I have been in the Senate for some time now. I have been engaged in the immigration debates for a long time. I think one of the biggest challenges is we have tried to deal with this in a comprehensive way that has so many moving parts it is almost impossible to find a majority in the Senate, much less the House, in order to support all the various components of it. That is one of the things I like about this bill. It is narrow, it deals with a consensus reform—common-sense reform—and it avoids a lot of the controversy associated with other parts of the immigration subject. I do believe we owe it to the American people not to stop here, but it is a good place to start. Once we pass this legislation and people see that we have acted responsibly and in America's best interests, then we can regain their confidence that we can deal with other broken parts of the immigration system.

Mr. PAUL. I think another important point to make about this is we truly have different philosophical differences with people on the other side. But what people at home ask me is when you agree with the other side, when the other side says we want this part of immigration reform, why can't we do it? That to me is empty partisanship. Are we afraid to give Republicans credit for introducing immigration reform in the Republican-controlled House? Are we afraid it might be perceived as a Republican idea? That to me is empty

partisanship. I routinely vote with the other side on some issues that some on this side object to because I believe in the issue. This is an issue where we all should be able to agree on immigration reform. Yet the other side will object to moving the ball forward on immigration reform. That I don't understand and that I see as empty partisanship, and that is the dysfunction of this body when we agree on something we still cannot pass it.

Mr. SCHUMER. Mr. President, will my colleague yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

UNANIMOUS CONSENT REQUEST—H.R. 6429

Mr. CORNYN. I ask the Senator to withhold for a moment because I do have a unanimous consent request. I understand the Senator likely will have an objection to that. We have other Senators who are going to speak. Given the limitation on our time, what I wish to do, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 559, H.R. 6429, that the bill be read a third time and passed, the motion to reconsider be made and laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Reserving the right to object, and I will object and explain my objection.

The PRESIDING OFFICER. OK.

Mr. SCHUMER. Very simply, I heard my colleague from Kentucky say if we agree on something, let's pass it. We do agree on increasing STEM visas. I am offering a proposal that does that and does it in a more fulsome way than the proposal of my friend from Texas. But what we do not do is take away other visas or add in other extraneous positions.

I would say the logic of my friend from Kentucky is impeccable, but because of constraints on the other side they could not pass a plain bill that just added STEM visas. They had to take away other visas that my colleague from Texas does not like—but many people do. They had to add in a few other provisions.

I would simply say that if my colleague from Kentucky says we should join together on something we agree with, I will bet he agrees with our proposal as well. And I will bet he agrees with it even more than the other proposal because we add two things that are not in the bill of the Senator from Texas. No. 1, we allow unused STEM visas to be used to reduce the backlog of employment green cards. There are 200,000 people waiting. It may well be that the 55,000 visas in the bill of the Senator from Texas are not going to be used up. That is what experts say. Second, we allow STEM green cards to be used by entrepreneurs, a bill that has

been introduced by I believe Senator COONS, Senator MORAN—bipartisan—Senator WARNER as well.

I am going to object to this bill, not because it increases STEM visas and not for some larger purpose—although I do understand that if we pick off all the pieces each of us wants, we are not going to get comprehensive reform, and that is why the Hispanic Caucus opposes the bill of the Senator from Texas but supports our bill. I understand that. But if we just want to do STEM and do it in the best way possible without other provisions, because that is what we agree on, I would urge my friend from Kentucky, and those Members on the other side, to support our bill.

So I object to the Cornyn bill, and I will be offering a bill on the same subject that is purer, cleaner, and more full on STEM visas than the proposal that was made by my good friend from Texas.

The PRESIDING OFFICER. Objection is heard. The Senator from Texas.

Mr. CORNYN. Mr. President, I understand that the Senator from New York has objected, and of course here we go again making the perfect the enemy of the good and not moving forward on commonsense immigration reform in an area where there is a consensus.

There are several problems with the Senator's proposal. One is that it has not passed the House and this one has. It also has a 2-year sunset provision, as I understand, and there is no family unification provision. Also, it doesn't eliminate the diversity lottery visa which allows people to get green cards without regard to the qualifications that they bring to this country to create jobs and start new businesses.

I know we have the distinguished Senator from North Dakota here.

Mr. SCHUMER. Mr. President, if I might be recognized to offer my proposal? I have let my friend from Texas respond, but I have the—

The PRESIDING OFFICER. Will the Senator from Texas yield?

Mr. CORNYN. Mr. President, we have four Senators who are prepared to speak, and I just want to make sure we have adequate time to speak. I ask that any time that is used by the distinguished Senator from New York not be added to or subtracted from our time. We have retained a total of 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Under those circumstances, I agree to yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—  
S. 3553

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of S. 3553, the BRAINS Act, and the Senate proceed to its consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

I will be brief because I don't want to take away from my colleagues' time. What this bill does is provide more STEM visas than the previous bill. It provides an entrepreneurship visa which the other bill does not. It does not take away existing visas, which the Senator from Texas doesn't like, but many other people find popular, good, and necessary. The unemployment rate for those on the diversity visas coming in is much lower than that of the national average.

If we want to pass a pure STEM bill without extraneous provisions added by people who are anti-immigration because they don't want to see any net increase in immigration, I urge the support of our bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, the problem with the Senator's proposal is that this piece of legislation he has referred to has not passed out of committee in the Senate. It has not passed the House. This bill, the STEM Act, has passed the House. Theirs has a 2-year sunset provision; this is permanent legislation. Also, it has no family unification provision that will allow the immediate family members of the green card holder to wait the time when they will become eligible for a green card in the United States as opposed to back in their country of origin, and it does nothing to promote merit-based immigration reform. We ought to be looking at immigration reform from the standpoint of not just how it can help the immigrant but how it can help America create jobs and entrepreneurship.

For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, at this time I yield to the distinguished Senator from North Dakota and then, following that, the distinguished Senator from Iowa for any comments he cares to make.

Mr. HOEVEN. Mr. President, I thank the esteemed Senator from Texas and the Senator from Kentucky. I see the Senator from Iowa has joined us as well.

I rise to speak in support of the STEM Act but also to respond to the Senator from New York. I see the Senator has left, but I also want to respond to some of the points in support of the Senator from Texas.

The STEM Act passed the House; it was H. Res. 6429, sponsored by Congressman LAMAR SMITH. I argue that it accomplishes both of the things we are talking about today. It provides us

with the opportunity to have a greater pool of employees with training in science, technology, engineering, and mathematics, which is what we need in this country. It also accomplishes the diversity that was referred to by the Senator from New York.

So what the Senators from Texas, Kentucky, Iowa, and myself are proposing is to accomplish both goals. We are saying we can have the students who have graduated with either a doctorate degree or a master's degree in science, technology, engineering, and mathematics, which is what we very much need to get our economy growing. A growing economy creates more employment. It also creates the revenue without raising taxes that we need to address our deficit and debt. So this legislation accomplishes both those goals and still provides an increase in diversity which is what the Senator from New York was talking about.

The additional point is the point that the Senator from Texas very clearly made. This legislation passed the House. The last time I checked, legislation has to pass the Senate and the House. That is a pretty important distinction.

Referring back to the comments of the Senator from Kentucky, who said if we cannot do it all at once because of disagreements, let's start getting done what we can get done, here is a bill that provides us with people in the science and technology fields who can help our economy grow. These are people we need very much. It will increase diversity, just as the Senator from New York said, and it has passed the House. Common sense says let's go. Let's pass the bill.

So we want to join with the Senator from New York, the Senator from Delaware, and the other sponsors to whom he referred, but let's join on something we can actually get done, meaning a bill that passes the House as well as the Senate. I think that logic is compelling.

I look at my own State of North Dakota. We are doing amazing things in energy. As a matter of fact, we are hot on the trail of the State of Texas when it comes to oil development. I am telling you, we are after you.

So what is that going to take? It is going to take continued development of the technologies that not only helps us produce more energy, but helps us do it with good environmental stewardship. What we are talking about is when we have the engineers, scientists, technicians, and mathematicians who graduate from our great universities with doctorate and master's degrees, they can stay and help us here rather than help someone else in some other country that would then get ahead of the United States. This will help us solve the fundamental challenges we face today, which is getting this econ-

omy growing so we get people back to work and creating the revenue the right way with economic growth to help us address our deficit and debt.

With that, I yield the floor to the esteemed Senator from Texas.

Mr. CORNYN. How much time remains?

The PRESIDING OFFICER. Twenty minutes.

Mr. CORNYN. Mr. President, I yield to the distinguished Senator from Iowa for any comments he cares to make.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, I'm proud to speak in support of the STEM Jobs Act of 2012, a bill passed by the House of Representatives last week. This bill would make available up to 55,000 green cards each year for foreign students who have received doctorates or master's degrees in science, technology, engineering, or math, also known as STEM, from a U.S. university. The bill would not increase overall immigration levels, but rather, would move our immigration system toward one in which we reward the best and brightest of the world with the chance to remain, live, and work in this country.

Without a doubt, our immigration system is flawed. I have long argued that we need to enhance and expand legal avenues for U.S. employers to hire foreign workers. While I am a champion for rooting out fraud and abuse from many of our visa programs, I'm also supportive of finding ways to allow people to enter this country through legal channels.

It makes sense to allow foreign students who have been trained and educated on U.S. soil to remain here. These students have advanced degrees in science, technology, engineering, and math, and this bill will ensure that we keep those highly skilled and sought-after students here for employers in need.

Our economy cannot wait. We need to enact solutions today that create economic growth.

We also have no reason to wait for next year's likely debate on immigration. Attracting and retaining high-skilled workers should not be a partisan issue. The senior Senator from New York has a similar proposal to grant green cards to STEM students. I can only assume that many people on the other side of the aisle would support this bill if the majority leader gave it a chance. Nearly 30 Democrats in the House crossed the aisle to help this bill pass last week.

Finally, as we look ahead to immigration reform, it will be important to consider ways our policies benefit future generations, not just solve the problems of the day. Our immigration system should be structured in a way to recruit people with skills in STEM fields. This bill is a good first step to

changing our system to a merit-based one. Enhancing our legal immigration channels should be a top priority, and I am committed to working on ways to do that for all sectors of the economy.

I hope the majority will reconsider, and allow the Senate to call up and pass the STEM Jobs Act and send it to the President. It would be a signal to the American people that we can work together to enact needed immigration reforms.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the remarks of the distinguished Senators from Iowa, North Dakota, and Kentucky.

I think what people find so maddening about Congress and Washington, DC, is even when we agree, we still cannot seem to get anything done. How is it that we can agree on the importance of additional STEM green cards and still not be able to get anything done? This is not about what is perfect, but this is about what is possible given what has happened in the House of Representatives.

We could do this today and send it to the President of the United States in the next couple of days so he can sign it. The question is, How many more years will pass while we have these highly qualified students who graduate from our own colleges and universities with master's degrees and Ph.D.s in science, technology, engineering, and math before we finally address the problem?

I realize there is other legislation people would like to have considered, but this has actually passed the House of Representatives.

I remember the hearing we had in the Senate Judiciary Subcommittee on Immigration of which I am the ranking member. The Senator from New York said at that time—and this would not be a surprise to him since these are his own words, and it is consistent with what he said on the Senate floor:

If we do not enact an immigration policy that continues to attract the world's best minds, we will cease to be the world's economic leader.

That is why I call this a self-inflicted wound. If we agree that American workers should get the right of first refusal, but there are not sufficient American workers with the qualifications in these important fields, why in the world would we not allow the creation of jobs and new enterprises that would come with the STEM Jobs Act that has passed the House?

I have a series of letters: one from the chancellor of the University of Texas System, Texas A&M University System, Texas Tech University System, the University of Houston System, the University of North Texas, and the Texas State University System in support of STEM legislation. I also

have a letter from Rice University president David Leebron supporting this same type of legislation.

I have a letter dated June 25, 2012, addressed to President Obama, Leader REID, Leader MCCONNELL, Speaker BOEHNER and then-Leader PELOSI from the Partnership for a New American Economy signed by the presidents or chancellors of 42 public and private universities. I have a letter to Congress from the Information Technology Industry Council, Partnership for a New American Economy, and the U.S. Chamber of Commerce supporting STEM immigration reform such as this bill.

I have another letter dated November 15, 2012, to Members of Congress from the American Council on International Personnel and the Society for Human Resource Management supporting this type of STEM legislation. I have another letter dated September 19, 2012, to Speaker BOEHNER, Leader CANTOR, Whip MCCARTHY, Minority Leader PELOSI, and Minority Whip HOYER from CONNECT, a U.S. San Diego tech transfer commercialization enterprise.

I also have a letter from the president of Baylor University in support of STEM legislation.

I ask unanimous consent that the letters I just referenced be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 4, 2012.

STATEMENT ON VISAS FOR STEM GRADUATES  
FROM TEXAS PUBLIC UNIVERSITY SYSTEM  
CHANCELLORS

As chancellors of the six Texas public university systems, we recognize the important role the fields of science, technology, engineering, and mathematics (STEM) play in American competitiveness.

We understand Senator John Cornyn plans to pursue legislation during the remaining days of the 112th Congress aimed at providing more visas for foreign graduates of American universities in the STEM fields. Industry and academia, particularly in Texas, face critical shortages in the availability of qualified job applicants in these fields. While we are actively engaged—through education outreach and engineering extension—in preparing Texas residents for success in the STEM fields, we recognize the need to address existing shortages in these critical fields through a pathway for international students already enrolled at our institutions in these disciplines.

The severity of this situation was highlighted in the recently published National Research Council report, *Ten Breakthrough Actions Vital to Our Nation's Prosperity and Security*. The report focuses on the role research universities play in protecting the future of America and recommends actions that should be taken separately and jointly by universities, states, and the federal government. The report specifically calls on the federal government to streamline the processes that impact the ability of international innovators to remain in our country and contribute to its prosperity.

We applaud Senator Cornyn for his leadership and focus on this issue. We urge Con-

gress to work toward a bipartisan solution to this important component of job growth and our nation's innovation agenda.

FRANCISCO G. CIGARROA,  
M.D.,  
Chancellor, The Uni-  
versity of Texas Sys-  
tem.

MR. JOHN SHARP,  
Chancellor, Texas  
A&M University  
System.

MR. LEE JACKSON,  
Chancellor, University  
of North Texas Sys-  
tem University Sys-  
tem.

MR. KENT HANCE,  
Chancellor, Texas  
Tech University.

DR. RENU KHATOR,  
Chancellor, University  
of Houston.

DR. BRIAN MCCALL,  
Chancellor, Texas  
State.

—  
RICE UNIVERSITY,  
Houston, TX, December 4, 2012.

Hon. JOHN CORNYN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR CORNYN, I write on behalf of Rice University to support the STAR Act and all efforts to make it easier for foreign students who receive advanced degrees in the STEM fields to remain in the United States and put their educations and skills to work on behalf of the country. These students are among the best and brightest in the world and, equipped with a Rice University or other U.S. education, will have much to contribute to business and job creation and economic growth.

Rice University is proud to be based in Houston, Texas, and to educate leaders and generate research and knowledge that contribute in major ways to the vigor of our state and country. We are equally proud to have more than 10 percent of our undergraduate students and about 40 percent of our graduate students from other countries. The fact that we can attract the best and the brightest from throughout the world is a significant strength, but to lose those students after graduation because of overly restrictive immigration policies is a distinct weakness for our state and country. We should not send that education and talent away.

There is a case to be made for comprehensive immigration reform, but the STAR Act makes significant progress towards that goal. We would be happy to contribute our faculty expertise if you would find that helpful. Thank you for your leadership on this issue.

Sincerely,

DAVID W. LEEBRON,  
President.

PARTNERSHIP FOR A NEW  
AMERICAN ECONOMY,  
June 25, 2012.

President BARACK OBAMA,  
The White House, 1600 Pennsylvania Ave.,  
Washington, DC.  
Sen. HARRY REID,  
Senate Majority Leader, Hart Senate Office  
Building, Washington, DC.

Hon. JOHN BOEHNER,  
Speaker of the House, U.S. Capitol,  
Washington, DC.

Sen. MITCH MCCONNELL,  
Senate Republican Leader, Russell Senate Of-  
fice Building, Washington, DC.

Hon. NANCY PELOSI,  
Democratic Leader, U.S. Capitol,  
Washington, DC.

DEAR MR. PRESIDENT, MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL, SPEAKER BOEHNER, AND DEMOCRATIC LEADER PELOSI: As leaders of universities educating the creators of tomorrow's scientific breakthroughs, we call on you to address a critical threat to America's preeminence as a global center of innovation and prosperity: our inability under current United States immigration policy to retain and benefit from many of the top minds educated at our universities.

From the industrial revolution to today's information age, the United States has led the world in creating the inventions and ideas that drive economic prosperity. America's universities are responsible for 36 percent of all research in the country, including 53 percent of all basic research, and they help keep America at the forefront of the 21st century economy. The Federal Government has recognized the importance of university research by providing roughly 60 percent of all academic R&D funding.

American academic research has benefited from the fact that the US remains a top magnet for the world's best and brightest students and graduates 16 percent of all PhDs worldwide in scientific and technical fields. In 2009, students on temporary visas were 45 percent of all graduate students in engineering, math, computer science and physical sciences—earning 43 percent of all master's degrees and 52 percent of all PhDs. New research shows that in 2011, foreign-born inventors were credited contributors on more than 75 percent of patents issued to the top 10 patent-producing universities in the United States—irrefutable proof of the important role immigrants play in American innovation. These inventions lead to new companies and new jobs for American workers, and are an enormous boon to our economy.

But after we have trained and educated these future job creators, our antiquated immigration laws turn them away to work for our competitors in other countries. Low limits on visas leave immigrants with no way to stay or facing untenable delays for a permanent visa. Top engineers from India and China face wait times of up to 9 years to get a permanent visa, and new applicants from these countries may face considerably longer waits. And while we turn away these American-educated, trained and funded scientists and engineers, there is a growing skill gap across America's industries. One quarter of US science and engineering firms already report difficulty hiring, and the problem will only worsen: the US is projected to face a shortfall of 230,000 qualified advanced-degree workers in scientific and technical fields by 2018.

The US cannot afford to wait to fix our immigration system. Even as we send away

highly skilled workers trained at American universities, competing economies are welcoming these scientists and engineers with streamlined visa applications and creating dedicated visas to ensure that the foreign students who graduate from their own universities can stay and contribute to the local economy. We ask you to work together to develop a bipartisan solution that ensures our top international graduates have a clear path to a green card, so they can stay and create new American jobs. Recent polls show that there is broad, bipartisan support for this reform, and that the American people want our leaders in Washington to act. Now is the time to do so and ensure that the US remains the world's leading home for innovators.

Sincerely,

(77 SIGNATURES).

DECEMBER 4, 2012.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The Information Technology Industry Council, the Partnership for a New American Economy, and the U.S. Chamber of Commerce recently joined together to prepare a new report, released last week, "Help Wanted: The Role of Foreign Workers in the Innovation Economy". According to the report, foreign-born professionals in the fields of Science, Technology, Engineering, and Mathematics (STEM) are complementing—not displacing—their U.S. counterparts and the U.S. economy is in need of more STEM talent.

As Congress deliberates initiatives to reform our immigration system—including expanding visas for those with advanced STEM degrees earned at U.S. universities—the report provides evidence of critical labor force needs in America's innovation economy.

There is universal agreement that reforming U.S. education and job training to encourage more U.S. students to enter STEM occupations is essential to a strong economy. Yet these fixes will take years to yield results, and many of the talented STEM workers who could fill the gaps in our labor force are already here training in American universities. Reforming American immigration laws to allow foreign-born STEM students who earn advanced degrees from U.S. universities to stay and work in jobs where there are no available qualified American workers will fill an immediate need and promote economic growth and job creation.

Our report analyzes data from the U.S. Census and the U.S. Department of Education Integrated Post-Secondary Education Data System (WEDS) to examine employment in the STEM fields. The report confirms that:

There is full employment for U.S. STEM workers with advanced degrees: While the current national unemployment rate hovers around 8 percent, the unemployment rate for United States citizens with PhDs in STEM fields is just 3.15 percent, and 3.4 percent for those with master's degrees in STEM fields. Given that the U.S. government has defined "full-employment" to be 4 percent, this suggests a skills shortage of STEM professionals with advanced degrees.

In many STEM occupations, unemployment is virtually non-existent: Unemployment is particularly low in STEM occupations such as Petroleum Engineers (0.1 percent), Computer Network Architects (0.4 percent), Nuclear Engineers (0.5 percent), Environmental Scientists and Geoscientists (1.2 percent), Database Administrators (1.3 percent), Statisticians (1.6 percent), Engineering Managers (1.6 percent), and Aerospace Engineers (1.9 percent).

STEM fields employ a far higher proportion of foreign workers than non-STEM fields: In STEM fields, 26.1 percent of workers with PhDs are foreign born, as are 17.7 percent of workers with master's degrees. In comparison, in non-STEM fields, just 6.4 percent of doctoral workers and 5.2 percent of master's workers are foreign born.

STEM fields with high percentages of foreign STEM workers have low unemployment rates for US workers: Although nearly 25 percent of medical scientists are foreign born, United States medical scientists enjoy an unemployment rate of just 3.4 percent, fully five percentage points lower than the non-STEM unemployment rate (8.4 percent). Similar stories exist for STEM occupations such as physical scientists and computer software designers, where immigrants make up more than 20 percent of the field and unemployment is just 4 percent. Unemployment across all STEM occupations is just 4.3 percent, and the unemployment rate is even lower in 10 of the 11 STEM occupations with the largest proportion of foreign workers.

Foreign-born STEM workers are paid on par with US STEM workers: There is no verifiable evidence that foreign-born STEM workers adversely affect the wages of American workers by providing a less expensive source of labor. The average STEM worker actually makes slightly more than his or her United States counterpart, earning on average \$61 more per week.

These findings reaffirm a December 2011 report, "Immigration and American Jobs," released by the American Enterprise Institute and the Partnership for a New American Economy, which found that every foreign graduate with an advanced degree from a U.S. university who stays and works in a STEM field, creates an average of 2.62 new jobs for American workers.

We are committed to reforming our immigration system in ways that advance U.S. competitiveness, innovation, and job creation, and look forward to working with you to achieve this important goal.

Sincerely,

INFORMATION TECHNOLOGY INDUSTRY  
COUNCIL,  
PARTNERSHIP FOR A NEW AMERICAN ECONOMY,  
U.S. CHAMBER OF COMMERCE.

AMERICAN COUNCIL ON INTERNATIONAL PERSONNEL AND SOCIETY  
FOR HUMAN RESOURCE MANAGEMENT

November 15, 2012.

DEAR MEMBER OF CONGRESS: As you consider measures in the lame-duck congressional session to restore America's fiscal health and put our economy back on track, the American Council on International Personnel (ACIP) and the Society for Human Resource Management (SHRM) urge you to act on a key high-skilled legal immigration reform that has bipartisan support and the backing of the U.S. business community, and that will help jumpstart U.S. growth and job creation: making green cards available for foreign-born holders of U.S. STEM advanced degrees who have a job offer.

Highly educated, foreign-born professionals have a long history of making great contributions to our economy, and this legislation will help U.S. employers to more easily recruit, hire and retain these job creators and innovators. The visas would be immediately available to these professionals, helping them avoid the decades-long green card backlog that currently plagues top talent trying to contribute to our country. This

legislation will help reenergize America's competitiveness at an extremely critical time.

Our organizations, now strategic affiliates, represent thousands of employers across the country working hard to grow America's economy. While there is much to be done in the next session, this small step now will pay big dividends in keeping our economy on the right track until more comprehensive reforms can be enacted.

We encourage Congress to start building the necessary consensus needed for future immigration legislation by sending this bipartisan reform to the president for enactment before year's end.

Sincerely,

LYNN SHOTWELL,  
Executive Director,  
ACIP.

MICHAEL P. AITKEN,  
Vice President, Government Affairs,  
SHRM.

CONNECT,  
September 19, 2012.

Speaker JOHN BOEHNER,  
Majority Leader ERIC CANTOR,  
Majority Whip KEVIN MCCARTHY,  
Minority Leader NANCY PELOSI,  
Minority Whip STENY HOYER,  
House of Representatives,  
Washington, DC.

DEAR LEADERS OF THE U.S. HOUSE OF REPRESENTATIVES, As a leading voice for tech start-up and emerging companies, CONNECT applauds you for your efforts to address a critical innovation policy issue by bringing to a vote the STEM Jobs Act of 2012, H.R. 6429. This important legislation will spark innovation across the U.S. and assist start-up company growth, which remains America's best job-creating engine.

CONNECT was birthed out of the University of California—San Diego over twenty-five years ago with the mission to propel creative ideas and emerging technologies to the marketplace by training entrepreneurs and connecting them to the comprehensive resources they need to sustain viability and business vibrancy. Since 1985, CONNECT has assisted in the formation and development of over 3,000 companies and is recognized as one of the world's most successful regional innovation development programs. In 2010, CONNECT won the Innovation in Economic Development Award in the Regional Innovation Clusters category presented by the U.S. Department of Commerce's Economic Development Administration.

Although much of the discussion regarding STEM visa reform centers around the benefits that will accrue to larger companies in the tech sector, it should not be overlooked that a STEM visa reform proposal like H.R. 6429 will facilitate new STEM grads to also be hired by startup and emerging companies. As both the Small Business Administration and the Kauffman Foundation have confirmed, the vast majority of America's net job growth in recent years has come from startup and emerging companies. Allowing foreign-born STEM graduates to stay in the U.S. to work in startup and emerging companies will help keep America at the edge of the frontier of global competitiveness. However, that edge is being aggressively trimmed by our foreign competitors. Thus, it is imperative we retain U.S.-educated, foreign-born STEM talent instead of forcing them to find jobs overseas with global competitors.

There is much talk in Washington about helping start-up businesses, but the STEM



Jobs Act takes tangible action toward achieving that goal. We commend you for advancing this solution that will have real-world benefits for America's entrepreneurs and innovators.

In CONNECT's "Innovation Agenda for the 112th Congress" and "Seven Innovation Policy Ideas to Spark an American Recovery," we endorsed STEM visa reform. Continuing that long-term commitment in support of the issue, we encourage the House to pass the bill and we stand ready to assist the Senate in its consideration of H.R. 6429.

Sincerely,

TIMOTHY TARDIBONO, M.A., J.D.,  
Vice President of Public Policy, CONNECT.

BAYLOR UNIVERSITY,  
Waco, TX, December 5, 2012.

Senator JOHN CORNYN,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR CORNYN: Since 1845, Baylor University has promoted academic excellence and Christian service, and its achievements have been recognized around the world. As a nationally ranked research institution, Baylor is also dedicated to scientific discovery and training the inventors and entrepreneurs who will create the jobs of the future. We now have more than 70 masters and doctoral degree programs, including eleven science, technology, engineering, and math (STEM) programs. Of the Masters and PhD students enrolled in our STEM programs, 13 percent are foreign nationals. Many of these students are listed as co-inventors in patent applications filed by Baylor research teams.

Unfortunately, our innovation efforts are being undermined by U.S. immigration laws. Many of our STEM Masters and PhD students may not be able to obtain an appropriate work visa in industry because of the low cap on the number of such new visas that can be issued. They would have to return to their home country after graduation or obtain a visa in an occupation that is unrelated to their education. The House-passed STEM Jobs Act would create 55,000 additional visas for foreign nationals with an advanced STEM degree from a U.S. research institution. It represents an important step in fixing America's broken immigration system.

I encourage the Senate to pass this legislation.

Sincerely,

KENNETH WINSTON STARR.

Mr. CORNYN. Mr. President, I think the record should be clear that our side of the aisle believes we should act today and not wait and not delay further this important STEM Jobs Act for the very reason I said earlier, which is that it will help job creators and entrepreneurs.

The reason STEM visas are particularly powerful is because these individuals with special expertise in math, technology, engineering, and the like are uniquely qualified to be able to start up new enterprises and to attract and create jobs for other people. In other words, there is a multiplier effect. For every 1 of the 55,000 green cards that would be created by this act, there are hundreds of thousands of people who would enjoy jobs as a result of the economic activity in this country.

I hope we don't sacrifice another crop of science, technology, and engineering

graduates in the hope that we can get the perfect immigration bill. In fact, we know this is a difficult area in which to legislate, and both sides of the aisle know we need to deal with all of the different facets of our broken immigration system. But this bill has passed the House. It is here and now. We could pass it today by unanimous consent but for the objection of our friends across the aisle and the objection, amazingly enough, of the President of the United States who himself has claimed for at least the last 4 years that he is in favor of immigration reform.

It is also an important confidence builder in terms of the acceptance of this legislation by the American people. The American people are justifiably skeptical of Congress passing another omnibus or comprehensive piece of legislation. We tried that before, and we found out that even if people have read bills going into the thousands of pages in length, many times there are unintended consequences.

So I believe it is very important that we start with this important STEM Jobs Act, that we demonstrate we are worthy of the confidence and trust of the American people when it comes to addressing our broken immigration system, in an area where we have consensus such as the STEM jobs field. I tell my colleagues they have my personal commitment that I will be there to work with them to deal with other parts of our broken immigration system as we go forward.

The best way to do that, in my opinion, is to start here. If we can't pass this legislation—and I am skeptical based upon the objection we have heard today—I wonder if we will ever be able to pass immigration reform. If we can't do this consensus bill, tell me one other piece of legislation we could pass in this field by agreement of the political parties and send it on to the President. Indeed, I think there is room to wonder whether some people in this Chamber would prefer to have this an issue they can wield in the next election rather than to join together on a bipartisan basis and to solve what is broken in our immigration system.

Let's start here. Let's build on this. We can do it today if we can just somehow avoid the objections and pass this legislation that has been passed by the House. It passes the STEM visa bill, it keeps families together, and it represents values I would think both sides of the aisle would applaud.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

#### MIDDLE-CLASS TAX CUTS

Mrs. MURRAY. Mr. President, middle-class families in our country today are paying very close attention to what we are doing here in Washington, DC. They really understand what is at stake. They know the impact our decisions will have on their lives, and they keep hoping their elected officials will finally come together around a budget deal that works for them.

Less than a month ago, we concluded an election season that engaged our Nation in a conversation about this very issue. Candidates for the Presidency and for the Senate on down all laid out their positions on some of the key questions we are now hoping to answer. Should the middle-class tax cuts be extended? Should the Bush tax cuts on the rich end? Should we end the Medicare guarantee for our seniors and the next generation?

Well, those big questions were discussed, argued, and clear positions were taken, and voters went to polling places on election day to render their verdict. The outcome was clear. Candidates who stood for the middle class won. Candidates who advocated for our seniors came out ahead. And in exit polls across the country, voters made very clear that they strongly supported the idea that the wealthy should pay higher tax rates and their fair share.

And everyone—Democrat, Republican, Independent; wealthy, low income, middle class; students, workers, retirees; older, younger, and in between—everyone supports extending the tax cuts for the middle class. Nobody thinks the taxes should go up for 98 percent of our workers and 97 percent of our small business owners.

This ought to be easy. The American people just weighed in supporting a continuation of the Bush tax cuts for the middle class. It is a policy Democrats and Republicans agree on, and it would cushion millions of middle-class families across the country from a significant portion of the upcoming so-called fiscal cliff.

So why isn't it already in law? Why aren't middle-class families already able to feel confident in their taxes not going up? Well, for one reason, and one reason alone. House Republicans continue to hold the middle class hostage in a desperate and deeply misguided attempt to buck the will of the people, ignore the results of this election, and protect the wealthiest Americans from paying their fair share. That is all there is to it.

If Republicans truly cared about keeping taxes low for the middle class, they can do it right now. The Senate passed a bill that would extend the tax cuts for 98 percent of families and 97



percent of workers. President Obama said he would sign it into law. He even showed us the pen. All the House has to do is let this bill come up for a vote and pass it and middle-class families can go into these holidays with the certainty they deserve.

I want to be very clear about something because some of my Republican colleagues seem intent on confusing the issue. Republicans do not have to support taxes going up on the rich in order to vote for our bill to keep taxes low on the middle class. Let me repeat that. Republicans can believe that the Bush tax cuts for the rich should be extended, they can remain committed to fighting for that misguided policy, in my opinion, and they can still vote on the portion of the tax cuts we all agree should be extended for the middle class. Then middle-class families would win, we would have worked together to extend tax cuts for 98 percent of workers and 97 percent of small business owners. Then when the middle class is taken care of, I would be happy to engage my Republican colleagues in a debate about extending the Bush tax cuts for the top 2 percent.

But the first step, the most obvious step, is for the Republican House to take the 98 percent both sides agree on, pass our Senate bill, and send it to the President for his signature.

Recently there have been some cracks in the Republican rhetorical armor that has held fast against compromise for years. More and more Republicans have begun to accept in their rhetoric what Democrats—and, frankly, every bipartisan group that has examined this issue—have known all along: A deficit deal is going to have to be balanced. It is going to have to include new revenue from the wealthiest Americans.

Grover Norquist calls these “impure thoughts,” but to most Americans it is common sense. Now the onus is on Republicans—and especially their leadership—to follow this encouraging rhetoric with some action. So far that has been lacking.

The lengths to which Republicans are now going in order to protect the rich from paying higher rates would be comical if it were not so detrimental. They say they have accepted that revenue needs to be on the table, but then the proposal that Speaker BOEHNER made to the President would actually cut rates for the rich. It lacks any details about where that claimed revenue would come from. And just as independent analysts confirmed about the Ryan plan, and just as we saw in the Romney plan, when you are talking about simply closing loopholes and ending deductions, either the math does not add up or the middle class ends up bearing the entire burden.

Republicans are tying themselves in knots to avoid the obvious: The easiest way to raise revenue from the wealthiest

Americans is simply to allow the Bush tax cuts for the top 2 percent to expire as scheduled. That is what the Democrats want, it is what the American people support, and it would move us a long way toward the balanced and bipartisan deal we are all working to get to.

My colleague in the House of Representatives, Minority Leader PELOSI, is circulating a discharge petition to bring the Senate bill to the House floor. I strongly support this move, and I urge House Republicans to sign on and allow this legislation to come to the floor for a vote.

Democrats have proven we are willing to make the tough compromises that a balanced and bipartisan deal will require. And we have been very clear we will not allow Republicans to push through a bad deal that forces seniors and the middle class to bear this burden all alone.

I am hopeful Speaker BOEHNER and House Republicans will decide to stop holding the middle class hostage, allow the Senate bill to come to the floor, put it up for a vote, and give our middle-class families the tax cuts on which we all agree.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MALI

Mr. COONS. Mr. President, I rise today to address a challenging situation in Mali. Mali is a west African country, a country of nearly ½ million square miles, a vast country that stretches from the Sahara Desert to the Niger River area and is home to roughly 15 million people. Yet it is not at the top of the list of concerns for many Americans.

This spring, back in March, a rogue element in Mali's security forces launched a coup and forcefully overthrew a longstanding, democratically elected government in the nation of Mali, our ally. This may seem inconsequential to the average American, but it could have big implications for our security, as well that of our regional and global allies, because in the power vacuum created in that spring coup, al-Qaida saw an opportunity, and they stepped in. Three different extremist groups, all linked to or controlled by al-Qaida in the Islamic Mahgreb, or AQIM, now control an area the size of Texas in the northern part of Mali. They succeeded in fracturing a formerly stable democracy and contributing to broad security, political,

and humanitarian crises that I believe have grave implications for the Sahel region and for America's interests. To put it simply, this matters.

Mali, a relatively strong democracy for more than two decades and an ally to the United States, is now embroiled in turmoil. The United States, in partnership with the international community, must show leadership in helping it rebuild its democracy and restore its territorial integrity by reclaiming northern Mali from terrorists and extremists. So this morning, as the chair of the African Affairs Subcommittee of the Foreign Relations Committee, I chaired a hearing to assess the developments and the path forward for U.S. policy in Mali.

What I heard from our experts, from the Department of Defense, from the State Department, from the USAID, as well as a range of outside experts and one witness who testified from Bamako, the capital of Mali, was of real concern to me.

Northern Mali today is the largest terrorist-controlled area in the world. In the north, extremists have imposed a harsh and strict version of Sharia or Islamic law and committed gross violations of human rights. Many folks have heard of Timbuktu but don't know that it is an ancient city in northern Mali, a site where these Islamic extremists have behaved much as the Taliban did in Afghanistan before 9/11. They destroyed sacred religious and historic artifacts in Timbuktu, imposing a harsh version of Sharia that has meant amputations, stonings, violations of women's rights of free speech, religious exercise of rights, fundamentally changing the tolerance and exclusive history of Mali.

This created a humanitarian crisis as more than 400,000 Malians have fled, either internally displaced within Mali or going into neighboring countries as refugees.

With growing ties between these terrorists and Nigeria, Libya, and throughout the region, AQIM, we believe, may now use its safe haven in northern Mali to plan for regional or transnational terrorist attacks. Just as we should not have ignored developments in Afghanistan, which seemed a remote and troubled country when the Taliban took it over more than a dozen years ago, so too we would ignore the chaos in northern Mali at our peril.

In fact, Secretary Clinton has said that Mali has now become a powder keg of potential instability in the region and beyond. The top American military commander in Africa, GEN Carter Ham, said publicly just this week that al-Qaida is operating terrorist camps in northern Mali and is providing arms, explosives, and financing to other terrorist groups in the region. So I believe it is critical that the United States has a strong and comprehensive policy to deal with this threat.

I am concerned that the current U.S. approach may not be forward leaning enough to address all three crises—security, political, and humanitarian—in a coordinated, comprehensive, and effective way at the same time. Given the compelling U.S. interest in stability, security, and good governance in Mali, we must ensure that we don't miss the bigger picture of what this situation means for the future of Mali, to our allies, and to our security.

The U.N. Security Council is now considering what they call a concept of operations for an African-led military operation. The United States can and should play a more active role in supporting this and preventing the country from becoming a permanent home for extremists and a safe haven for terrorists.

An active role does not mean putting American boots on the ground. Instead, we can provide operational support for a regionally led, multilateral, African-led force being organized by ECOWAS, the Economic Community of West African States, and the African Union. In the weeks ahead the U.N. Security Council will likely vote on a resolution authorizing this coalition to lead a military intervention to dislodge the terrorists in the north. We have seen models like this work in Cote d'Ivoire and Somalia, so there is reason to believe in the potential of a regional military solution to the security crisis in the north.

However, even if this intervention works, it will take time to train, equip, and assemble the regional force and to develop the appropriate plans for what happens during and after a military intervention. Frankly, Mr. President, security and stability can't be restored to Mali with military action alone. The current crisis is as much about governance as it is about security. A stronger Malian democracy is the best way to ensure security and societal gains in the short term and the long term, but democracy doesn't just begin or end with an election.

One of the reasons Mali's democracy crumbled so quickly was that Malians didn't feel connected to, represented, or well served by their government. Voter turnout in the last few elections was lower and lower, with the government viewed as corrupt, social services not benefiting the relatively sparsely populated north, and institutions nationwide that were weak.

The political and security challenges in Mali are two sides of the same coin; they are not separate issues. I will urge that we break down silos between departments and agencies in our government and take a comprehensive view.

If we focus on the political only and insist on Mali moving forward briskly with an election even when the security situation will prevent most northern Malians from meaningfully participating, I think we risk unintentionally

strengthening the hands of those who want to ensure that Mali's regional divide is permanent and hand a symbolic victory to al-Qaida.

On the other hand, if we rush forward with a security solution, with a regional military intervention before it is adequately planned, before they are responsibly trained and equipped, we risk defeat on that front as well.

I think we can and should do better. We can work closely with our allies, with regional partners in the international community to address all the security, political, and humanitarian crises unfolding in Mali. Effective, inclusive elections early next year should be one goal but not the only one. We also have to address the ongoing humanitarian crisis of the 400,000 displaced persons and refugees, the more than 4.5 million people in need of emergency food aid in the region, and the security crisis of terrorists controlling an area this large.

To bring long-term peace and stability to Mali and to ensure northern Mali doesn't slide into being the base of operations for the next al-Qaida attack on our allies, our interests abroad, or even the United States, we can't afford to ignore any of the pieces of this complex puzzle. The United States simply cannot afford, despite the many distractions and other priorities facing us, to ignore Mali.

I pledge to work in close partnership with my colleagues in the Senate and with my friends on the Senate Foreign Relations Committee to ensure an effective engagement by the United States in this important area.

I yield the floor.

#### EXTENSION OF MORNING HOUR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent morning business be extended until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, last week I came to the floor and spoke about our Nation's military and intelligence leaders acknowledging, along with our Nation's scientific leaders, the clear evidence that carbon pollution is changing our climate. Unfortunately, there continues to be some confusion among many Americans regarding the clear scientific consensus, but that is confusion caused by coordinated and deliberate attempts to mislead the American people.

For more than two decades now, the climate denial movement has been well-organized and funded by the fossil fuel industry and conservative

ideologues and foundations. The mission of these paid-for deniers is to "manufacture uncertainty," to manufacture doubt so the polluters can keep on polluting.

This isn't a new strategy. We have seen self-serving strategies such as this before. These strategies questioned the merits of requiring seat belts in cars. They questioned CFCs causing deterioration of the ozone layer. They questioned the toxic effects of lead exposure for children. They questioned whether tobacco was really bad for people—the same strategy to manufacture doubt, and often, actually, the same cast of characters was involved.

While the Congress of the United States has been distracted and deceived by these ploys, climate change marches on. The laws of chemistry and the laws of physics don't care about the nonsense we are up to in this building. They do what the laws of chemistry and physics say. Precious time is wasting. In the balance hangs lives and jobs. This nonsense has gone on long enough.

The public is being misled. Special-interest dollars pull the strings of sophisticated campaigns to give the public the impression that there is a real scientific debate regarding whether climate change is happening. Well, there isn't. There just isn't. The real scientific debate is about how bad the changes will be.

Here is one example out of my home State, the Warwick Beacon, in an article entitled, "Sandy: A wake up call to climate change." It describes the head of our Coastal Resources Council, saying—he is talking about the sea level rise:

I can tell you that it is real. I can't tell you how fast or how bad it is.

That is what I said. The real scientific debate is actually about how bad the changes are going to be.

To manufacture doubt to allow the polluters to keep polluting, skeptics with little training in climate science are promoted as experts. Front groups such as the Global Climate Coalition, Information Council for the Environment, Heartland Institute, Annapolis Center and Cooler Heads Coalition are created or enlisted to propagate this message of doubt. Deniers question the motives and engage in harassment of the real credentialed climate scientists.

Well, for the record, there has been scientific debate regarding climate change. Ideas have been tested, theories have been ventured, and the evidence keeps coming back to the same conclusion: Increased carbon dioxide in the atmosphere from human-related sources is strengthening the greenhouse effect, adding to recent warming and acidifying the oceans.

Actually, the evidence coming in tends to confirm the worst and most dangerous projections. Claims, for instance, that solar activity is causing

recent global warming, and even about whether the atmosphere is really warming, have been settled. But when the scientific research doesn't work out for the skeptics, they turn to straw man arguments. One straw man is that extreme weather events such as hurricanes and droughts aren't proof of climate change.

Well, let's be clear. No credible source is arguing that extreme events are proof of climate change. But extreme events are associated with what has been staring us in the face for years: The average global temperature is increasing, average sea level is rising, and average ocean acidity is increasing. When averages change, extremes usually change with them, and a warming climate, to use the best example, loads the dice—loads the dice for extreme weather.

So let's look at some of the games that the deniers display to try to manipulate public opinion. One gimmick they have reverted to is the observation that there has been no warming trend in the last 10 years—no warming trend, they say, in the last 10 years.

In 2010, a Republican Senator said: I don't think that anyone disagrees with the fact that we actually are in a cold period that started about 9 years ago.

Well, let's look at the facts. Let's start with the green line on this graph. The green line is the global surface temperature data. It is not a protection, it is not a hypothesis, it is a measurement. This is global surface temperature data. As you can see, it changes monthly.

The red line that goes through it is the trend line that is mathematically developed from that data. That trend line is the product of basic and undeniable mathematics.

The trend is extremely clear.

So let's look at what the deniers do with the very same data. Here they take the very same data, and the green line is unchanged. It is exactly the same data, and this is how they get to saying that we have had a cooling period for the past 10 years. They pick a high point, and they pick a low point out of this data, and they say that is their 10-year cooling period.

The problem is, if you go back, here is another one, here is another one, here is another one, and here is another one. It is interesting how all the cooling periods stack up to an increase.

It is a little bit like—who was the guy on the radio? He explained something to you, and it didn't seem quite right. Then he would say: "Paul Harvey, what's the rest of the story?"

So the rest of the story is that if someone picks one piece of data out of a line that is going like this and then they go forward and pick a lower one later, they can manufacture the hypothesis there has been no warming trend in the last 10 years. But if we do it legitimately, if we run an actual

trend line with mathematical precision through the data, it shows this theory is nothing but misleading bunk—misleading bunk—designed for the purpose of creating confusion.

This period, of course, is only a recent portion of the temperature record. When skeptics and deniers look deeper into the past, they find even more strawmen—that the Earth's climate always changes; that it has been warmer in the past. Yes, the Earth has seen different climates in the past, not all ones we would necessarily want to live in, by the way. The reason we know about these climates is because of the excellent work done by scientists—the same scientists who tell us that recent climate change can only be explained by increased carbon dioxide in the atmosphere. The final classic is that more carbon in the atmosphere is good because it provides more food for plants, the old plant food theory.

The fact is we have changed the composition of our atmosphere, pushing the concentration of carbon dioxide beyond the range it has been in for 8,000 centuries. For 8,000 centuries, it has been between 170 and 300 parts per million. For the first time this past year, it touched 400 parts per million in the Arctic. To give a time scale of what 8,000 centuries means, the practice of agriculture has been around for about 100 centuries. That is 8,000 centuries in this safe zone of carbon concentration of our atmosphere, with only 100 centuries of those with the human species, even farmers. Modern humans began to migrate out of Africa 600 centuries ago. Once again, 8,000 centuries of this safe climate belt of carbon concentration and 600 centuries of our species leaving Africa and migrating to populate the rest of our planet. *Homo sapiens*, our species, appeared around 2,000 centuries ago.

We are messing with planetary concentrations of atmospheric carbon that go back four times longer than our species has inhabited this planet. In all that time, in those 8,000 centuries, the Earth has never reached carbon dioxide concentrations as we have caused now through human activity.

Deniers also tend to just flat ignore the facts they can't explain away or gimmick the data for. For example, the increased acidification of the oceans, that is something that is simple to measure. It is undeniably chemically linked to carbon concentrations in the atmosphere. So we hear nothing about ocean acidification from the deniers. But ocean acidification is possibly the most disastrous consequence of our carbon pollution. The rate of change in acidity of our oceans is already thought to be faster than at any time in the past 50 million years.

I was talking a moment ago about being outside a boundary of carbon concentration or atmosphere that has persisted for 8,000 centuries. We are

talking now about a rate of change of acidity in the ocean that hasn't been seen on this planet in the past 50 million years. A paper published this March in "Science" concluded the current rate of carbon dioxide emissions could drive chemical changes in the ocean unparalleled in the last 300 million years.

We are effecting changes in our atmosphere and in our oceans that only compare to ancient periods of geologic time. When we consider the implications for food security, biodiversity, and ocean-based industries, we cannot ignore these changes in our oceans.

Coincidentally, just last Friday, the National Oceanic and Atmospheric Administration proposed listing 66 species of coral as endangered or threatened and cited climate change as driving three key threats: disease, warmer seas, and more acidic seas.

It might be worth reminding the deniers what NASA says. The National Aeronautics and Space Administration—NASA—says this about climate change and our global temperature rising.

All three global surface temperature reconstructions show that Earth has warmed since 1880. Most of this warming has occurred since the 1970s, with the 20 warmest years having occurred since 1981 and with all 10 of the warmest years occurring in the past 12 years. Even though the 2000s witnessed a solar output decline resulting in an unusually deep solar minimum in 2007–2009, surface temperatures continue to increase.

On ocean temperatures and sea level rise, NASA said:

The oceans have absorbed much of this increased heat, with the top 2,300 feet showing warming of 0.302 degrees Fahrenheit since 1969. Global sea level rose about 6.7 inches in the last century. The rate in the last decade, however, is nearly double that of the last century.

On ocean acidification, this quote from NASA:

Since the beginning of the Industrial Revolution, the acidity of surface ocean waters has increased by about 30 percent. This increase is the result of humans emitting more carbon dioxide into the atmosphere.

Let me say that again:

This increase is the result of humans emitting more carbon dioxide into the atmosphere. The amount of carbon dioxide absorbed by the upper layer of the oceans is increasing by about 2 billion tons per year.

NASA scientists put a man on the Moon. NASA scientists have a rover right now driving around on the surface of the planet Mars. They are not the quacks. Our Nation's best and brightest minds accept the evidence of climate change and they are urging us to act.

Yet still, for some in this body, the deniers carry the day. Why? In a week-end editorial entitled "Flight from Facts"—"Flight from Facts"—my home State Providence Journal said:

[The] GOP is winning the race to avoid evidence—some of this escapism based on a desire to hold on to what had been comforting,

if error-based, traditional beliefs, and some of it to avoid policies that might be economically and otherwise inconvenient.

Whatever the reason, the price of our folly will be very high for future generations.

One of the things I have noticed on this floor is that when it is a question of putting the cost of taking care of their grandparents on our children and grandchildren, oh, how the Republican crocodile tears flow about that unfair burden on children and grandchildren. In one of their attacks on Medicare and Social Security, which the Republicans like to call entitlements, we heard this:

We have got a serious spending problem here . . . and we need to have an impact on entitlements . . . if we're going to have entitlements for our children and grandchildren when they reach retirement age, we have got to change the trajectory.

The minority leader has also spoken about what appears in his remarks to be the health care bill—the ObamaCare bill—and he worried about it “creating a more precarious future for our children.”

The minority leader has said this about the stimulus effort to get our economy back on its feet: “This needs to stop for the future of our country and for our children and for our grandchildren.”

When it is the deficit, he has urged us “to make sure we have the same kind of country for our children and grandchildren that our parents left for us.” He has even talked about “the Europeanization of America,” and as a result of that Europeanization of America—whatever that is—he has said, “Our children and grandchildren could no longer expect to have the same opportunities that we’ve had.”

On virtually every traditional anti-Obama Republican tea party bugbear—Medicare, ObamaCare, the stimulus, the deficit, even this Europeanization of America—out come the children and grandchildren. Let’s assume they are sincere. Let’s assume they have a sincere concern for what we are leaving to our children and grandchildren.

So when it comes to big corporate polluters of today leaving our children and grandchildren a damaged and more dangerous planet, where then is the concern for those children and grandchildren? To have children and grandchildren pay for the care of their grandparents through Medicare and Social Security is some kind of sin or outrage, but to force on those same children and grandchildren the untold costs and consequences of the harms done by today’s corporate polluters, what do they have to say about that? For that, the future generations’ interests receive nothing from the Republican Party but stony silence or phony and calculated denial.

But the cost will be on them. The cost of our negligence and folly in not

addressing our carbon pollution will fall on our children and our grandchildren. The cost will be on them and the shame will be on us.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. WICKER. I ask unanimous consent to speak as if in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RUSSIA TRADE RELATIONS

Mr. WICKER. Mr. President, in a few moments the distinguished chair of the Finance Committee and the Senator from Utah will commence debate on H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. Because of scheduling concerns, I am speaking on this in morning business, and that will allow time for other Members to speak.

I come to the floor today to support this bill. It has a very important twofold purpose: It approves normal trade relations with Russia, and at the same time the legislation insists that the Russian Government adhere to the rule of law. It does so by putting consequences in place for those in Russia who abuse basic human rights.

Granting PNTR to Russia is a big win for Americans. If Congress does not act, American workers, including millions employed by small businesses, stand to lose out to foreign competitors as Russia opens its market as a new member of the WTO.

Many in my home State of Mississippi and around the country deserve to benefit from increased trade that this new relationship would bring. More jobs and greater economic growth are our potential rewards here in the United States. Last year Mississippi’s \$55 million in exports to Russia helped support an estimated 170 jobs. Certainly this number needs to grow, and I believe it will under this legislation.

Yet in realizing the immense trade potential at hand, we cannot ignore the urgent need to address serious concerns about Russia’s appalling human rights record. Most agree that the Jackson-Vanik amendment currently in place is an outdated restriction on trade which could hurt American competitiveness. But repeal alone will not suffice when dealing with a country that continues to protect corrupt officials, and that is what the Russian Government continues to do.

The Sergei Magnitsky Rule of Law Accountability Act is a necessary replacement for Jackson-Vanik. The legislation targets human rights violators by imposing restrictions on their financial activities and travel. It recognizes that the privilege of using America’s banking system and acquiring a U.S. visa should be denied to those who disgrace human dignity and justice.

Facts need to be retold today about the case of Sergei Magnitsky after whom this legislation is named. Sergei Magnitsky was a lawyer and partner with an American-owned law firm based in Moscow. He was married and had two children. In his investigative work on behalf of the Hermitage Fund, the largest foreign portfolio investor in Russia, Mr. Magnitsky uncovered the largest tax rebate fraud in Russian history. He found that Russian Interior Ministry officers, tax officials, and organized criminals had worked together to steal \$230 million in public funds.

In 2008 Mr. Magnitsky voluntarily gave sworn testimony against officials from the Interior Ministry, Russian tax departments, and the private criminals whom he discovered were complicit in the fraud. A month later, instead of being commended for doing the right thing, Mr. Magnitsky was arrested in front of his wife and children and placed in pretrial detention. He was held without a trial for 1 year. The Russian Federal Security Service deemed Mr. Magnitsky was a flight risk to prolong his detention, based on false claims that he had a U.K. visa application.

While in custody, Mr. Magnitsky was tortured by officials, hoping he would withdraw his testimony, and falsely incriminate himself and his client. Refusing to do so, his conditions and his health worsened. He stayed in an overcrowded cell with no heat, no sunlight, and no toilet. The lights were kept on throughout the night to deprive him of sleep. Mr. Magnitsky lost 40 pounds and suffered from severe pancreatitis and gallstones.

Months went by without any access to medical care. Despite hundreds of petitions, requests for medical examination and surgery were denied by Russian Government officials. So were family visits. After his arrest Mr. Magnitsky saw his wife once and never again saw his children.

On November 13, 2009, Sergei Magnitsky’s condition deteriorated dramatically. Doctors saw him on November 16. He was transferred to a Moscow detention center that had medical facilities and, instead of being treated there immediately, he was placed in an isolation cell, handcuffed, beaten, and subsequently Sergei Magnitsky died.

After his death, Russian officials repeatedly denied the facts surrounding his health condition. Requests by his family for an independent autopsy were

rejected. Detention center officials said Mr. Magnitsky's abdominal membrane had ruptured and that he died from toxic shock. The official cause of death would blame heart failure.

According to the Russian State Investigative Committee, Mr. Magnitsky was not pressured and tortured but died naturally of heart disease. The committee said his death was "nobody's fault."

For 3 years not a single person has been prosecuted for Mr. Magnitsky's false arrest, torture, murder, or for the massive fraud that he had the courage to expose. Like many of my colleagues, I continue to have real concerns about the current state of human rights and rule of law in Russia. I have come to the floor on numerous occasions demanding accountability for Russia's rampant extrajudicial offenses.

Tragically, Mr. Magnitsky is not the only victim of the country's criminal regime. The cases of Mikhail Khodorkovsky and Planton Lebedev, who remain in prison, are also poignant examples of the corruption that pervades the Russian Government. My friend, the junior Senator from Maryland, has shown tremendous leadership on this issue and I commend him for his steadfast dedication to the highest standard of democracy and justice. I have long supported Senator CARDIN's efforts to use the Magnitsky Act as a way to protect human rights globally.

The Magnitsky Act is a simple straightforward call for justice. It signals to the world that America will uphold its commitment to the protection of human rights and the rule of law. It is a tool that could be extremely powerful in penalizing human rights violators everywhere. Many of us had hoped to achieve a bicameral consensus in applying the Magnitsky Act globally. Although global language is not included in the House bill being considered today, sanctions against human rights violations in Russia and within the Russian Government are still an important victory. It moves us in the right direction.

I hope we can work in the next Congress to consider broadening the reach of the Magnitsky Act. Russia is not alone in its human rights abuses and the United States' unwavering stance against corruption should not stop there.

PNTR with Russia is an important vehicle for American trade and it should serve as a reminder of our country's role in promoting the advancement of human rights. At the same time, I remain committed to supporting this role as we move forward.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that morning business be extended until the majority leader comes to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized as in morning business.

#### RUSSIA-MOLDOVA PNTR

Mr. KERRY. Mr. President, the chairman of the Finance Committee, Senator BAUCUS, is tied up right now with a scheduling conflict, working on the fiscal cliff issue, so he asked me if I would kick off the debate with respect to the Russia PNTR, H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012.

I am very happy to do this on behalf of Senator BAUCUS. We share a great partnership together as chairman of our two committees focused on trade and on the relationship with Russia, both of which come together in the legislation today.

I would be remiss, however, if I didn't say a word about what consumed us yesterday with the vote on the disabilities treaty. It is certainly a moment that stands out in my memories of my time in the Senate. I can't think of any other time when a former majority leader has come to the floor—a veteran—who sought to have his colleagues join together in supporting something that would improve the lives of people with disabilities.

I am not going to go back and reargue it now. That would be fruitless and I think not helpful to where we want to move to. What we want to move to is a place where we can pass this. I can say—I believe this—I can say to Senator Robert Dole that we will pass the disabilities treaty and we will pass it, I believe, early next year. I base that on the fact that some Senators had difficulties with the fact that we are in a lameduck session and they had signed a letter which, regrettably, some of them didn't digest completely but nevertheless signed, saying they wouldn't take up a treaty in a lameduck session and I think some felt compelled by that and others felt compelled by other things.

But here is what I think we can do. Starting next year, I believe we can move to additional hearings that can make crystal clear to all colleagues the state, as it may not have been yesterday in some cases, with respect to both the law and the facts as it applies

to persons with disabilities. I pledge now to make certain that within the resolution of advice and consent, any concern that was not adequately addressed—I personally believe they were addressed—it is possible we can find the language that will address the concerns of any Senator who yesterday felt—whether it was the United Nations or homeschooling, I believe those things can be adequately addressed. I do know a number of Senators said they would be prepared to vote for it after we are out of the lameduck session, and I am confident we will pass the disabilities treaty in a different atmosphere and in a different time.

One of the things I learned from my senior colleague Ted Kennedy, who did this for so many years, is that perseverance pays off when the issue is worth fighting for and we always have another day and another vote in the Senate. That always affords us the opportunity to make things right. We are certainly going to try and do that.

This PNTR-Magnitsky bill is, in fact, one of those opportunities where we can start to put the Senate on the right track, and I think all of us look forward to the chance to be able to do that.

This bill passed the House of Representatives by a huge margin of 365 to 43. What it would do is establish permanent normal trade relations for Russia, and it would require the identification and imposition of sanctions on individuals who are responsible for the detention, abuse and death of Sergei Magnitsky and other gross violations of human rights.

Let me make my best argument, if I can, in favor of the bill, and then I wish to turn the discussion over to the ranking member, Senator HATCH, to present his case for passage. After that, the Presiding Officer of the Senate at this moment, the Senator from Maryland, Mr. CARDIN, will lead a discussion of the provisions of the act related to honoring the memory of Sergei Magnitsky and combating the types of human rights abuses that led to his premature and tragic death. I wish to congratulate the Presiding Officer and salute him for his significant efforts. He has been dogged, and that component of this legislation would not be here today if it weren't for the efforts of the Senator from Maryland. Chairman BAUCUS will then have been able to return to manage the rest of the consideration on the floor at that time.

As the Presiding Officer knows, Chairman BAUCUS and I lead the two Senate committees that are charged with overseeing the twin pillars of America's unique role in the world. Our commitment to open, transparent and free markets and our commitment to democracy and open discourse is a force for international peace. We believe our global economic interests and our foreign policy values are closely

tied together. They should be closely tied together. That is why we urge our colleagues to seize this opportunity that Russia's accession to the World Trade Organization presents for both job creation and our ability to bind Russia to a rule-based system of trade and dispute resolution.

Granting Russia permanent normal trade relations is as much in our interests as it is in theirs. Frankly, that is what ought to guide the choices we make in the Senate. The upside of this policy is clear on an international landscape. It is one that rarely offers this kind of what I would call, frankly, a kind of one-sided trade deal—one that promises billions of dollars in new U.S. exports and thousands of new jobs in America. That is certainly in our interests.

Today, Russia is the world's seventh largest economy. Having officially joined the WTO on August 22, Russia is now required by its membership in the WTO to lower tariffs and open to new imports. That sudden jump in market access is, frankly, important to any country that is the first country through the door, and if we don't pass this trade legislation, we will not be among those countries.

I can tell my colleagues Massachusetts, speaking for my State, welcomes access to the Russian market, and we want that access to be played out on a level playing field. The State of Massachusetts exported \$120 million worth of goods to Russia last year, and those exports obviously support hundreds of jobs. But if we don't pass this bill, those exports will face competition from other countries that will not pay the same high-level tariff we currently pay.

Let's take one specific example. Massachusetts exported \$18.5 million in medical equipment to Russia in 2011, but we face strong competition from China, which has increased its share of the Russian market in each of the last 10 years. We don't shy away from strong competition, but we want that competition to be able to be played out on an even playing field. As long as we don't have normal permanent trade relations with Russia, we are disadvantaging ourselves. It simply doesn't make sense. Since joining the WTO, Russia agreed to reduce average tariffs on medical equipment to 4.3 percent and to cut its top tariffs from 15 percent down to 7 percent. As it stands now, that is a benefit China will get and we will not. It simply doesn't make sense to anybody.

To grant Russia PNTR status requires us to repeal the 1974 Jackson-Vanik amendment. A lot of our staff members, I hasten to say, were not even born back when Jackson-Vanik was put in place. Many of our colleagues and a lot of our staff have studied the Soviet Union but have never experienced that period of time. What we

are living with is a complete and total relic of a bygone era.

Congress passed Jackson-Vanik during the Cold War to pressure the Soviet Union to allow Russian Jews to be able to emigrate freely. It was very successful. It worked, and as a result, the Kremlin worked with us and others to help Jews be able to emigrate. As a result, every single U.S. President has, regardless of political party, waived Jackson-Vanik's requirements for Russia since 1994. The American-Israel Public Affairs Committee, the National Conference on Soviet Jewry, and the Government of Israel now all support the repeal of Jackson-Vanik for Russia. With too many Americans still searching for jobs all across our country, our manufacturing sector needs every boost it can get. We cannot afford to retain Jackson-Vanik any longer. This is in America's interest. Despite progress, our trade deficit remains too wide, and I think that seizing this opportunity to increase exports to Russia is one very obvious way to be able to make concrete progress in reducing that trade deficit.

U.S. exports to Russia total more than \$9 billion a year. Establishing PNTR for Russia could double that number in just 5 years, according to one recent study. That could mean thousands of new jobs across every sector of our economy. With the Russian economy's impressive growth, it is actually—Russia is expected to outgrow Germany by about 2029, so it is steadily growing in the world marketplace. The long-run gains for everybody would be even greater.

None of us is going to suggest that every issue with respect to Russia has been resolved. We know there are still points of tension, and some of them in the foreign policy area are very relevant today, for instance, over Syria. We understand that. We hope recent events in Syria may be moving Russia and the United States closer in terms of our thinking. But it is only a good thing to bring Russia into a rules-based system with mechanisms for peaceful, transparent dispute resolution.

There is no debate—and I think the Presiding Officer knows this full well—that the very tragic and senseless death of anticorruption lawyer Sergei Magnitsky, who died while in Russian custody—is simply unacceptable. It is appalling, and it highlights a human rights problem that has grown in its scope, not diminished. It is one we hope to be able to resolve with good relationships and good discussions.

Senator CARDIN, the sponsor of that legislation in the House and in the Senate, is going to speak shortly about it, and I will leave him to describe in full the nature of that particular component of this bill. But suffice it to say that human rights, democracy, and transparency activists in Russia favor the passage of constructive human

rights legislation in our Congress, and they also see WTO membership and increased trade for the United States as an avenue toward progress. So there is no contradiction in what is happening. They understand, as we all should, that repealing Jackson-Vanik is not a blanket acceptance of any particular policy or approach in Russia. It is certainly not an acceptance of what happened with respect to Sergei Magnitsky and that is because of the Magnitsky legislation.

Repealing the bill—repealing Jackson-Vanik—is not an economic giveaway to Russia. To the contrary, it represents, as I have described, an enormous opportunity for the United States to compete on a fair playing field with other countries and to create more jobs in the United States. By establishing PNTR with Russia, U.S. businesses will win increased market access without giving up anything in return. There would be no tariff changes, no market concessions, nothing. It, frankly, diminishes the willingness of some hard-liners in Russia to distort the current dialog and to distort the possibilities of a better relationship, which we want with Russia. By taking this away, we will reduce the abuse of Jackson-Vanik as a rhetorical tool to rally anti-American sentiment in Russia. I believe we can do something very important here today and both our economy and our foreign policy will be better for the effort.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Utah.

Mr. HATCH. Mr. President, we will soon vote on H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. The trade elements of the bill are identical to legislation which passed the Senate Finance Committee by unanimous vote on July 18, 2012. The bill repeals the application of the Jackson-Vanik amendment to Russia and Moldova, which will enable U.S. workers and job creators to fully benefit from Russia and Moldova's accession to the World Trade Organization. The bill will also put into place new tools to help stop human rights abuse and battle systemic corruption within Russia.

After 18 years of hard fought negotiations under both Republican and Democratic administrations, President Obama finalized the terms of Russia's accession to the WTO on November 10, 2011. Russia was invited to join the organization on December 16, 2011, and officially joined in August of this year. Now that Russia is a member of the WTO, for our workers to benefit Congress has no choice but to extend permanent normal relations to Russia through repeal of the application of the Jackson-Vanik amendment.

Russia is now a member of the WTO, but they are under no obligation to extend the economic benefits of their

membership to the United States unless we have permanent normal trade relations. Simply put, if Congress does not act, our workers and exporters will be at a serious disadvantage in trying to export their goods and services to the Russian market, and that will cost us jobs at home. Given our weak economic recovery, if it is a recovery, it is critical that Congress does everything it can to help U.S. workers to compete.

There are many economic benefits to Russia's WTO accession. Under the terms of its accession, Russia must cut tariffs on manufactured products, reduce duties on farm products, open its service markets to U.S. firms, meet international intellectual property rights standards, and reduce customs clearance fees. If Russia fails to meet any of its commitments, Russia will be subject to WTO dispute settlement proceedings.

Russia is an attractive market for American exporters. It is the world's 11th largest economy with more than 140 million consumers and the last major economy to join the World Trade Organization. American companies and workers must compete on a level playing field with their foreign competitors in Russia to succeed.

When President Obama first asked Congress to remove Russia from longstanding human rights legislation and grant permanent normal trade relations for Russia, he suggested that we do it unconditionally. Even before Russia joined the WTO, President Obama and his team argued that Congress should quickly pass a clean bill. Given the myriad problems we have with Russia, it has always been very hard for me to understand this position. President Obama and his team appeared almost manic in their attempts to avoid offending President Putin and his government or doing anything at all to upset their failed reset policy.

Fortunately, just as Congress did in 1974 when they created Jackson-Vanik, we insisted on more. Working side by side with our Senate and House colleagues in both parties, we drafted a bill which serves our economy and replaces the application of the Jackson-Vanik amendment with policies more appropriate for the realities in Russia today. We should all be justly proud of our bipartisan effort. Basically, the bill we will vote on fills many of the gaps in President Obama's policy toward Russia.

For example, rather than ignore continuing human rights abuses and corruption in Russia, my friends and colleagues, Senators MCCAIN and CARDIN, joined together with many others to craft a bill to help combat deep-rooted and institutionalized corruption within Russia. This bill became the Sergei Magnitsky Rule of Law and Accountability Act. By the end of this debate, the American people will be intimately familiar with the name Sergei Magnitsky.

Briefly, Sergei was a Russian tax lawyer investigated by the Russian Government for alleged tax evasion and fraud. In reality, Sergei was targeted by government officials for his role in uncovering tax fraud and corruption within the Russian Government. Sergei was arrested and held for 11 months without trial. While in prison, Sergei was subject to mistreatment and torture and was eventually beaten to death. Unfortunately, such sad stories are all too common in Russia today.

Rather than tolerate such injustice, my friends, Senators MCCAIN and CARDIN, introduced legislation to impose sanctions on individuals responsible for, or who benefited financially from, the detention, abuse, and/or death of Sergei Magnitsky, as well as other human rights abusers. Their efforts resulted in the inclusion of provisions in this bill which impose visa restrictions and asset freezes on those involved in human rights abuses in Russia.

This will be a powerful new tool to battle corruption within Russia, as corrupt Russian officials will no longer be able to travel to the United States or hide their ill-gotten gains in many Western institutions.

The Magnitsky Act represents an admirable replacement of the Jackson-Vanik amendment, and it is designed to address the situation in Russia today. President Obama opposed efforts to include these provisions, concerned that holding Russian Government officials accountable for their crimes might offend President Putin and undermine the administration's ill-conceived reset policy.

I am proud that my House and Senate colleagues stood firm on the side of justice and demanded that these provisions be included. Jackson-Vanik served its purpose with respect to Russia and should be revoked, but in its place we should respond to Russia's continued corruption and human rights violations.

There were many other gaps in President Obama's Russia policy. To help fill these gaps, I worked with my Senate Finance Committee colleagues to add provisions to the permanent normal trade relations bill introduced by our chairman, Mr. BAUCUS, that address a number of these issues.

First, I worked with Senator KYL to develop language to further advance anti-corruption efforts in Russia by requiring the U.S. Trade Representative and the Secretary of State to report annually on their efforts to promote the rule of law and U.S. investment in Russia. We also included a provision to assist U.S. businesses, especially small businesses, to battle corruption in Russia by requiring the Secretary of Commerce to devote a phone hotline and secure Web site to allow U.S. citizens and businesses to report on corruption,

bribery, and attempted bribery in Russia and to request the assistance of the U.S. Government if needed.

I was also highly disappointed that the administration did not finalize an SPS equivalency agreement with Russia before agreeing to let them join the WTO. Under an SPS equivalency agreement, Russia would recognize our food safety standards as equivalent to its own, thereby reducing costs and burdensome paperwork on U.S. exporters. Today's bill requires the Trade Representative to continue efforts to negotiate a bilateral SPS equivalency agreement with Russia. In an effort to apply continued pressure on the administration to resolve these problems, we included language requiring the Trade Representative to report to Congress annually on Russia's implementation of its WTO sanitary and phyto-sanitary obligations.

Intellectual property rights protection in Russia remains poor. To make sure that Russia meets its commitments in this area, we included language requiring the Trade Representative to report annually on Russia's compliance with its WTO intellectual property rights obligations. As part of its accession package, Russia committed to joining the WTO Information Technology Agreement. Once they are a member, this agreement will allow a number of additional U.S. high-technology products to be exported to Russia duty free. Unfortunately, Russia has to date failed to fully live up to this commitment, even though Russia became a member of the WTO in August. To ensure that the administration holds Russia's feet to the fire, the Trade Representative must report annually on Russia's compliance with this commitment as well as its commitment to join the WTO Government Procurement Agreement.

When Ambassador Ron Kirk testified before the committee in June, he committed to continue efforts to develop an intellectual property rights action plan which implements Russia's obligations under a 2006 bilateral IPR agreement with the United States. That agreement goes beyond Russia's WTO commitments, requiring, among other things, that Russia take enforcement actions against Russia-based Web sites posting infringing content, implement the World Intellectual Property Organization copyright treaty and performances and phonograms treaty, and enact a system of data exclusivity for pharmaceuticals.

I understand the administration is working on completing that action plan quickly and that our workers will soon be able to benefit from the agreement reached in 2006. To ensure that this is the case, this bill requires the administration to continue efforts to finalize that agreement.

Russia's WTO commitments go far beyond intellectual property rights.



Given President Obama's past reluctance to hold Russia accountable for its actions, I wanted to make a tool available to Congress and the American people to put pressure on the administration to make sure that Russia lives up to its international commitments. So we included language which provides an opportunity for public comment and hearings on Russia's compliance with its obligations. If there are areas where Russia is not in compliance with its obligations, the administration is required to develop an action plan to address them and then provide an annual report on their enforcement efforts to bring Russia into compliance.

I believe this package of modifications vastly improves the bill. The Trade Representative's general counsel apparently agrees, stating during congressional testimony that "this bill provides the strongest package of enforcement measures for us at USTR to move forward and ensure full compliance once Russia joins the WTO."

It was over 30 years ago that Senator Henry Jackson and Congressman Charles Vanik stood up to their President and demanded that the administration address policies that denied individuals, especially Jews, the right to emigrate from Russia and other communist nations. Their work became known as the Jackson-Vanik amendment. The policies embodied in that amendment helped create the environment for literally hundreds of thousands of Jews to emigrate from the former Soviet Union, many of them to their homeland of Israel.

Jackson-Vanik served its purpose in Russia, but today we act to address the issues on the ground in Russia as we debate this bill. Today Congress will once again lead the way to help shape the future of U.S.-Russian relations. Approval of this bill will help establish a framework for addressing the myriad economic problems we face with Russia's Government. If the administration uses these tools effectively, we will see the fruits of our efforts, as we one day work side by side with a Russia free from corruption and in full compliance with its international obligations. I urge my colleagues to join me—and my colleagues on the other side of the floor and my colleagues here who are for this bill—in support of this bill.

I yield the floor.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I understand we are, in effect, debating Russian PNTR. Robert

Louis Stevenson once said, "The mark of a good action is that it appears inevitable in retrospect." When I traveled to Russia in February, many doubted that Congress would establish permanent normal trade relations, known as PNTR, with Russia this year. But in July the Senate Finance Committee unanimously approved legislation to do just that. And last month the House of Representatives passed very similar Russia PNTR legislation with 365 "yes" votes. Passing PNTR clearly is a good action for the United States. It is also an obvious one. Why obvious? Jobs. PNTR will mean more job opportunities for American farmers, ranchers, businesses, and workers.

Russia is a fast-growing market. For the United States to share in that growth, we must first pass PNTR. If we do, American exports to Russia are projected to double in 5 years. When Russia joined the World Trade Organization in August, it lowered its trade barriers to all WTO members who have PNTR with Russia. This is no small matter.

It includes lower tariffs on aircraft and auto exports, larger quotas for beef exports and greater access to Russian telecommunications and banking markets. It also includes strong commitments to protect intellectual property and to follow sound science on agricultural imports. It includes greater transparency on Russian laws and binding WTO dispute settlement. All very important.

One hundred fifty-five countries already receive these benefits in Russia. They receive those benefits right now. That is to say, every single member of the World Trade Organization—all 155 countries—except one, the United States of America, receives those benefits. So right now, companies and workers in China, Canada, and Europe can take full advantage of these export opportunities in Russia, the world's sixth largest economy. But U.S. companies and workers cannot.

We cannot let this stand. When Russia joined the World Trade Organization in August, we Americans gave up nothing. We will give up nothing if we pass PNTR legislation now. We change no U.S. tariffs, we change no U.S. trade laws. This is a one-sided deal in favor of American exporters.

In my home State of Montana, one out of five jobs today is tied to agriculture. Ranching is a major driver of our agricultural economy. When Montana ranchers can sell more beef in Russia, they can support more workers in Montana. It is that simple. It is a similar story in States all across our country.

I know that passing PNTR will not solve all of our trade problems with Russia, but it gives us new tools to tackle these problems, such as binding dispute settlements. Thanks to the efforts of Senators HATCH, STABENOW,

ROCKEFELLER, BROWN of Ohio, and others, this bill includes strong measures to ensure Russian compliance with its WTO obligations and that the administration enforces them.

This legislation also includes the Sergei Magnitsky Rule of Law Accountability Act to help fight criminal rights abuses in Russia. In 1974, Senator Jackson and Congressman Vanik teamed together to pass legislation called the Jackson-Vanik bill, which this legislation repeals. Jackson-Vanik addressed one of the biggest human rights abuses in Russia at that time. And it succeeded. For the last 20 years, Jews have been able to freely emigrate from Russia, what Jackson-Vanik was trying to address.

Jackson-Vanik is outdated. Jews can emigrate from Russia and this is no longer an issue. Senator CARDIN has courageously pushed the Magnitsky legislation for years. I commend him. The Magnitsky provisions in this legislation address one of the biggest human rights abuses in Russia today. The bill would punish those responsible for the death of anticorruption lawyer Sergei Magnitsky and others who commit human rights violations in Russia. It would do so by restricting their U.S. visas and freezing their U.S. assets.

Passing PNTR along with these provisions is the right thing to do. In closing, I urge my colleagues to follow the words of Robert Louis Stevenson and take good action. Every day we wait, U.S. farmers, ranchers, businesses, and workers fall farther behind their competitors. We owe it to them to pass this legislation. We owe it to them to make it inevitable.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I wonder if the Senator from Ohio is ready to speak?

Mr. BROWN of Ohio. Yes.

Mr. BAUCUS. How much time does the Senator wish to have?

Mr. BROWN of Ohio. Five minutes.

Mr. BAUCUS. I ask unanimous consent that the Senator from Ohio be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, the bill extending permanent normal trade relations to Russia is a positive step for American business and American workers. I have been critical of both Democratic and Republican administration approaches to trade negotiations and enforcement in the past. I think the improved enforcement reporting requirements in this legislation are a step in the right direction

toward monitoring and toward enforcement of Russia's commitments made as part of its new membership in the World Trade Organization.

For too long, both Democratic and Republican administrations have negotiated trade agreements that undermine rather than maximize American job creation. Too often these agreements have failed to demand that our partners follow the same rules we do. Too often our government has not held our trade partners accountable when they do not meet commitments to which they have already agreed. We have seen this in our trade relationship with China for more than a decade. From currency manipulation to intellectual property theft, to failing to offer reciprocal access to its government procurement market, to hoarding rare earth materials, the People's Republic of China has ignored its international commitments and obligations.

For more than a decade, American workers and manufacturers, especially in a State such as mine, Ohio, have paid the price. There were thousands of lost jobs, a trade deficit that grew from \$83 billion in 2001 to \$295 billion in 2011 and a deficit in auto parts alone that went from about \$1 billion a decade ago to about \$10 billion today.

More recently, though, President Obama stood up to China issues on steel, which led to a new steel mill in Youngstown, OH; more steel jobs in Cleveland and Lorain, OH; on tires, which have translated into more jobs in Findlay, OH; and on aluminum, which has meant more jobs in Heath and Sidney, OH. That is obviously good news in my State and around the country. But our experience in China proves we must more closely monitor our trade partners' commitments before workers and businesses are injured by them.

As part of its WTO accession, Russia committed to lower tariffs on manufactured goods to ensure predictability by capping quota levels and to meet international standards on intellectual property rights. I am pleased to see the legislation extending Russia PNTR includes enforcement measures much stronger than the China PNTR, several based on legislation I introduced earlier this year.

By requiring the U.S. Trade Representative to monitor Russia's compliance with its WTO obligations to publish an annual report and our actions to promote compliance and establish a formal and public process for workers to weigh in on Russia's progress in anticipation and before violations or failing to follow the rule of law might take place, we can ensure that our trade relations with Russia put our interests first to build confidence, that our government can enforce the rules. Again, prior to potential misbehavior—as we saw with China—we will likely not see this from

Russia because of this. Similar to any trade agreement, commitments must be adhered to; otherwise, they are not worth negotiating.

As an additional measure of commitment, I appreciate the administration's response to my request. Senior personnel at the Office of the U.S. Trade Representative, at USTR, who have served our government in Russia and are fluent in Russian are held accountable for monitoring Russia's compliance with its WTO commitments. Again, this is something we didn't do a decade-plus ago with the People's Republic of China.

Japan and Europe have already threatened to take Russia to the WTO over a number of unfair trade restrictions, including on autos. The United States will need to be vigilant on these issues as well. This work that Chairman BAUCUS did, that the House Ways and Means did, and the administration has done and will continue to do gives us that opportunity to be more vigilant and more effective.

Our workers, our farmers, our ranchers, and producers should have confidence that the trade deal signed will actually be enforced. For companies in my State, such as Proctor & Gamble, Goodyear or Alcoa, that stand to export more goods to Russia because of PNTR, enforcement of the rules matter. Whether economic opportunities for our businesses and our workers from Russia's PNTR, we can't ignore the Russian Government's consolidation of power and crackdown on political opponents, including the Russian media. Despite these challenges, though, we should not turn our backs as Russia continues breaking free from its totalitarian past. These are strong economic and democratic forces that are moving forward in Russia. These forces for change must be supported and must be allowed to grow. We must not forget how far Russia has come or how far it has to go.

About 40 years ago, Senator Jackson from Washington State and Congressman Vanik from my State of Ohio—the son of a Cleveland butcher—offered an amendment to a trade bill that used the leverage of the U.S. market to deny favorable trade status.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. This was to deny favorable trade status to countries that restrict immigration. Jackson-Vanik became antiquated more than a decade ago, but it proved that trade can be an instrument for improving human rights and the rule of law.

PNTR now includes the important Magnitsky legislation, which will impose travel and financial penalties on

officials responsible for human rights abuses abroad. I commend Senator CARDIN for his leadership on this issue, on this important amendment.

As the administration looks ahead to trade initiatives such as TPP and the United States-European Union Trade Agreement, Congress can take steps now, new steps, to assure the benefits of expanded trade reach workers, reach small manufacturers, not just large corporations. Several colleagues and I have proposed legislation updating our negotiating objectives on labor, on the environment, on import safety, and to restore congressional oversight to future trade negotiations to agreements and especially to their enforcement. It is time we practice trade so it achieves real results for middle-class families in promoting job creation.

While the Russia PNTR represents a positive step forward, we must build on this step to ensure that over the long term, promises made are promises kept.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, tomorrow this body will vote to advance legislation that will grant permanent normal trade relations with Russia and, in so doing, repeal the Cold War-era Jackson-Vanik sanctions that denied most-favored nation status to China.

As part of this comprehensive package, the Senate will also pass the so-called Magnitsky bill. This piece of legislation was inspired by a young Russian attorney, Sergei Magnitsky, who died in police custody in 2009 after he was jailed on trumped-up charges for exposing a vast web of corruption and tax fraud by some of Russia's most senior officials.

Sergei's story, extensively reported and documented by human rights activists, business leaders, journalists, and others, helped stir a bipartisan group of Senators led by our colleague Senator BEN CARDIN to draft legislation to hold accountable officials from all over the world who disregard basic human rights and fail to uphold the rule of law, including those responsible for the murder of Sergei Magnitsky.

Unfortunately, the legislation before us is deficient. While I do not intend to make perfection the enemy of the good, this bill falls short of the long-standing objective of this body to demonstrate a sustained commitment to the long tradition of U.S. leadership in the fight against corruption and human rights abuses around the world.

Regrettably, the House-passed bill deals only with Russian officials. Sergei Magnitsky's story could have been lost. It was kept alive by impassioned and inspired friends and supporters in Russia.

But from Pyongyang to Minsk, to Harare, and elsewhere, there are many who remain voiceless under despots and strongmen and lack the advocates

and resources to detail their abuses and seek justice, whether through documentary film or newspaper stories.

That is why the Senate bill went beyond the particular case of Sergei Magnitsky. Much like Jackson-Vanik forced Budapest, Warsaw, and Moscow to allow citizens to freely emigrate or travel, I believe a global approach would help to deter future abuses throughout the world. I am puzzled and, frankly, disappointed that our House colleagues did not recognize our government needs tools that will allow it to stand up for these individuals regardless of where they are in the world.

Because some have elevated the subject of commerce above human rights, there is a view that it is more important to pass PNTR than a global Magnitsky bill; thus, we should settle for a Russia-only bill. While the Jackson-Vanik sanctions we are about to repeal have obviously outlived their usefulness, there is an urgent need for additional tools to protect the invisible around the world.

I hope our collective failure to give voice to their struggles, except in Russia, will not discourage these brave men and women, whether in Beijing, Tehran or elsewhere, from their continued efforts to root out corruption or expose rule of law abuses.

For now, at least, we address the problem in Russia. While I will not be here next year, I hope my colleagues in both the House and Senate will seek to uphold U.S. values and to do justice to Sergei Magnitsky and his legacy by passing a global bill sometime in the future.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator KYL for his leadership on this issue. He knows I share his views on the global aspect of the legislation. I wish to thank him for his extraordinary leadership as we have been working this issue. We have worked it hard to try to get as far as we possibly could. He will be missed in the next Congress.

We will take up this cause again, but I wanted to thank Senator KYL for his commitment on this issue and finding a way that we could advance this bill to the floor. I do look forward to the day we will make this bill global.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. As provided under the previous order, at 5 p.m., the Senate will

proceed to executive session to consider Calendar No. 676.

For the information of all Senators, we expect a rollcall vote on the nomination of Michael Shea, a district court judge for the District of Connecticut, at approximately 5:30.

We will go into executive session at 5 and move toward that.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 6156

Mr. REID. Mr. President, I ask unanimous consent that no amendments be in order to H.R. 6156; that following the reporting of the bill, there be up to 5 hours of debate, equally divided by the two leaders or their designees during today's session; that on Thursday, December 6, at a time to be determined by the majority leader, after visiting with and consulting with the Republican leader, there be up to 10 minutes of debate, equally divided by the two leaders or their designees; and that upon the use or yielding back of time the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, last week, Secretary Geithner brought up for the President an offer that was so not serious it makes me wonder what the point of it was. In light of that offer, I would like to see if our Democratic friends are willing to support it. It includes a \$2 trillion tax increase over 10 years, which would be the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses and increases the taxes paid by family farmers and small businesses at death in the middle of a jobs crisis.

Most outrageous of all, it gives the President of the United States unilateral power—unilateral power—to raise the limit on the Federal credit card, the so-called debt ceiling, whenever he wants, for as much as he wants.

I don't think we should have to speculate how Democrats might feel about this. I think we should give them a chance to demonstrate for themselves how serious the President's plan was and how serious they are.

I would like to ask consent to offer an amendment to the Russia trade bill—this is Secretary Geithner's proposal right here—an amendment to the Russia trade bill that gives our friends on the other side of the aisle a chance to vote on this proposal Secretary Geithner brought up last Thursday. It gives the President's proposal to solve the fiscal cliff, as delivered by Secretary Geithner and outlined in the President's budget, an opportunity to be voted upon.

I should note I would be happy to have this vote right here or as an amendment to the next bill or as a

stand-alone. It will not slow down what I hope is swift passage of PNTR for Russia. If this proposal was made in good faith, our friends on the other side, I am sure, would be happy to vote for it.

Let me just say I expect my good friend, the majority leader, to decline this chance to support the President and this laughable proposal because they know it couldn't even pass if it was sent to their majority.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I reserve the right to object.

Just a minute ago, Mr. President, I moved to the Russia trade bill. The purpose of moving this bill is to protect American jobs. If we don't do this legislation, we will lose American jobs for sure and put American companies in even worse shape than they are with Chinese and European companies. So the question is really this: Are we going to get serious here and legislate or is this more of the obstructionism we have felt so much of during this last Congress? The answer to that is really obvious. The answer is yes. Are we going to continue the sort of political stunts the minority leader is trying to pull here and now?

On the substance, the Senate has passed a bill that will go a long way to address the fiscal cliff. It has already passed here. Last July the Senate passed a bill to continue tax cuts for 98 percent of all Americans and 90 percent of all American small businesses. If the Republican leader were serious about preventing us from going over the fiscal cliff, he would urge his colleague, the Speaker, to get the House to take up the Senate-passed bill now. There are Republicans who have already said that is the right thing to do. Conservatives, more moderate Republicans—we even had one Republican Senator today say she thinks that will happen and it should happen.

In the meantime, the Republican leader's request is just a stunt. But the election is over. It is time to get down to business. These pieces of paper he has—Secretary Geithner didn't bring that stack of stuff to me. It was a private meeting—a private meeting—trying to work something out with this very troublesome issue facing this country—the deficit, the debt. And this private meeting turned out to be a publicity stunt for the Republicans talking about what he had said in private.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

The Republican leader.

Mr. MCCONNELL. Mr. President, I would add one comment about the consent I just offered. I think it would not be inaccurate to assert that the proposal the Secretary of the Treasury

brought up last Thursday would not have passed the House when NANCY PELOSI was Speaker. This was an unserious proposal. And I can understand why my good friend the majority leader would rather not vote on it because I can't imagine that it would get many, if any, votes here in the Senate as well.

Having made that point, with regard to PNTR for Russia, when the two parties first sat down to discuss the so-called fiscal cliff, it was widely assumed among Republicans that President Obama and Democrats actually wanted to avoid it. That was the premise on which any possible agreement hinged. That was the common goal—or so we thought. Over the past couple of weeks, it has become increasingly clear to many of us that we were simply wrong about that. Incredibly, many top Democrats seem perfectly happy—perfectly happy—to go off the cliff. That is why the President has been more interested in campaign rallies than actually negotiating a deal, and it explains why the President is now stubbornly insisting on raising tax rates when he himself said just last year that you could raise more revenue from capping deductions and closing loopholes.

Look, this isn't about the deficit for them or balance. It is about an ideological campaign most Americans thought would have ended on November 6. And that is also why the President sent Secretary Geithner up here last week with a proposal so completely ridiculous it wouldn't have passed the House, as I indicated earlier, if NANCY PELOSI were still Speaker. It was more of a provocation than a proposal, to be perfectly frank about it. It was a message that the President really doesn't want to deal at all.

To date, not a single Democrat has come forward to support the Geithner proposal, and anybody who looks at the details would certainly understand why. As I just indicated, it includes a \$2 trillion tax increase over 10 years—the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses in the middle of a jobs crisis. According to Ernst & Young, this type of rate hike would cause more than 700,000 Americans to lose their jobs. It raises taxes on investment income, harming economic growth even more. It includes tens of billions of dollars in more Washington spending in a deal supposedly to cut the deficit. And most outrageous of all, it gives the President of the United States unilateral power to raise the limit on the Federal credit card—the so-called debt ceiling—whenver he wants, for as much as he wants.

While I am flattered that the administration has taken to calling this the “McConnell provision,” they seem to have forgotten how this provision worked in the Budget Control Act. Yes,

we gave the President the authority then to request a debt ceiling increase, but that was only after the White House agreed to \$2 trillion in cuts to Washington spending and agreed to be bound by the timing and amount set by Congress.

This time, the request is for the President to have the ability to raise the debt ceiling whenever he wants, for as much as he wants, with no fiscal responsibility or spending cuts attached. This is an idea opposed by Democrats and Republicans alike. It is a power grab that has no support here, and so it is not only completely dishonest, it is juvenile to compare it to last year's debt ceiling agreement. It would also be incredibly irresponsible since history shows that the only major deficit-cutting deals we ever do around here—ever—come after debates over the debt ceiling. It may be a good idea if you don't care about the debt, but it is a nonstarter for those of us who do. It also represents a dangerous attempt by the President to grab more power over spending—power Congress must not and will not cede.

Beyond these details, not only would the President's plan raise taxes on certain individuals, it would also cap their ability to deduct donations they make to charities, the interest they pay on mortgages, the contributions they make to retirement accounts, and the value of employer-based health insurance. Don't get me wrong, you have heard me say that if Democrats insist on getting more money to Washington, capping these deductions is a better way to raise revenue, but capping deductions and raising taxes is a recipe for economic disaster.

The President's proposal would also subject tens of thousands of small businesses and family farms to a massive tax hike to be paid by the family upon the deaths of the owners. It would impose a crushing tax increase on industries that employ millions of Americans, including manufacturers in my State, businesses that operate abroad, the insurance industry, and would raise the price at the pump by targeting the oil and gas industry for special tax treatment.

It is so ridiculous, as I have said repeatedly, it wouldn't have passed the House under Speaker PELOSI, and that is why even the most liberal Members of Congress, the President's most ardent supporters, haven't come forward to support it. So for the White House to demand a response shows they are just playing games at this point.

If you don't believe me, ask yourself this: How many Democrats would vote for this bill? Not many. But I didn't think we should have to speculate. I still think we should give Democrats a chance to demonstrate for themselves just how serious the President's plan was and how serious they are.

That is why I just asked consent to offer an amendment to the Russia

trade bill that gave them that opportunity. As I noted, I would be happy to have this vote here or as an amendment to the next bill or as a stand-alone. It will not slow down what I hope is swift passage of PNTR for Russia. If the President's proposal was made in good faith, our friends should be eager to vote for it. So I am surprised the majority leader just declined the chance for them to support it with their votes. I guess we are left to conclude that it couldn't even pass by a bare majority of votes and they would rather take the country off the cliff than actually work out a good-faith agreement that reflects tough choices on both sides.

To be fair to the Secretary and to the President, we didn't just put together a bill that included his \$2 trillion tax increase, we also added the almost \$400 billion in new tax stimulus measures he wanted as well. This bill contains a continuation of the payroll tax holiday, a 10-percent credit on new wages that will go to businesses large and small, and it included a fix to one of the many flawed provisions of ObamaCare, an expansion of the tax credit for businesses that no one uses. This proposal reflected exactly what was in the President's budget and his various submissions to Congress. I, for one, was eager to see this vote, to see if Senate Democrats were ready to support it. I think folks should know who actually wants to raise taxes on family farmers and manufacturers and who thinks we can solve our fiscal problems without doing anything serious to our real long-term liabilities.

Our Democratic friends are so focused on the politics of this debate that they seem to forget there is a cost. They are feeling so good about the election, they have forgotten they have a duty to govern. A lot of people are going to suffer—a lot—if we go off this cliff. That is why we assumed Democrats would have preferred to avoid it. We thought this was the perfect opportunity to do something. Apparently, we were wrong.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the original request?

Hearing none, it is so ordered.

The majority leader.

Mr. REID. Mr. President, there is no Geithner proposal. This is all made up.

Mr. President, I remember Dorothy in “The Wizard of Oz”—I think she was from Kansas and she wound up in Oz. We are here in Washington, DC, and yet suddenly we are in Oz—a real strange place.

The Republican leader is an expert in ways to kill legislation, and people who are watching can see he is trying to torpedo the fiscal cliff negotiations which are ongoing.

Republican Senators have spoken to people in the White House today. This is no serious way to negotiate, out here

on the Senate floor. At the end, the Republican leader is complaining because President Obama wants the rich to pay their fair share, and as usual Republicans are defending the rich, holding tax cuts for the middle class hostage.

At the first of the year, unless we work something out, taxes will go up for people making less than \$250,000 a year, an average of \$2,200 each—not per family but each person. The Senate has already passed the centerpiece of President Obama's offer, and his offer has always been the same.

We are not going to go through the same thing we have gone through here for years where we lay out different ways to cut spending and there is never any revenue. The President has made it very, very clear. They have already passed the President's proposal, which is to make sure people making less than \$250,000 a year are not burdened with an extra \$2,200 each after the first of the year. That passed in July. The House could take that up. Every Democrat in the House has agreed they will vote for that. We need only 25 or 26 Republicans in the House to make life something that is stable for people making less than \$250,000 a year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, may I ask my friend from Maryland if he has spoken on the Magnitsky portion of this bill?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. We have not yet gotten to the bill. I believe we are now prepared to go to H.R. 6156. I know the Senator from Connecticut would like to speak for 5 minutes, and I was hoping we could get some time where we could go back and forth and talk about the Magnitsky aspects of that legislation now.

Am I correct, Mr. President, that the bill has not yet been reported or it will be reported now and that perhaps we can enter into a consent agreement as to the next 30 or 40 minutes?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 6156, which the clerk will report by title.

The assistant bill clerk read as follows:

A bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and

to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also note several of our friends, including Senator LIEBERMAN, who are on the floor. Senator LIEBERMAN also has had a major role in this legislation, and I would ask unanimous consent that he be included in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask my friend, Senator CARDIN, I had a statement I wanted to make before the colloquy and I know the Senator has a statement. Since it is his legislation, I would be glad to wait with my remarks until the Senator from Maryland completes his. And how much time, could I ask, of my colleague?

Mr. CARDIN. I think my initial comments would be about 10 minutes.

Mr. MCCAIN. And I would have about 10 minutes, if that is agreeable to my friend from Connecticut—who, obviously, is jobless and homeless. So I ask unanimous consent that the Senator from Maryland make his remarks, followed by mine, and then the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator MCCAIN for not just working this out but for his leadership on this issue. He has provided the moral leadership we need on dealing with human rights issues. He is a co-sponsor of the Sergei Magnitsky Accountability Act, and I thank him for that.

Today we close a chapter in the U.S. history on the advancing of human rights with the repeal basically of Jackson-Vanik. It served its purpose. Today, we open a new chapter in U.S. leadership for human rights with the Sergei Magnitsky Rule of Law Accountability Act.

As the Presiding Officer has heard, this involves a lawyer named Sergei Magnitsky who had U.S. interests that he was representing in Russia. He discovered the largest tax fraud in Russia's history. He did what a lawyer should do: He brought it to the attention of the authorities.

As a result of his bringing this corruption in local government to the authorities, he was arrested. He was tortured because they wanted him to recant what he had said. They wanted him to basically not tell the truth. He refused to do that. He needed medical attention; he was denied medical attention; and on November 16, 2009, he lost his life in a Russian prison, being denied the opportunity to get needed health care. He was 37 years old, with a

wife and two children. Those who were responsible for his death and those who were responsible for the coverup have never been brought to justice. They have gone unpunished, and in some cases they have even been promoted.

The facts are well known. These are not hidden facts. The international community knows the people who were involved, knows about the coverup, and knows that they have not been held accountable, and this has gained international attention. That is why I filed legislation aimed at the individuals responsible for the Magnitsky tragedy. It says, quite clearly, that those involved would be held accountable by being denied certain international rights.

It also includes those involved in extrajudicial killings, torture, or violations of internationally recognized human rights. The legislation says, Look, we are not going to let you have the fruits of your corruption. We are going to deny you the opportunity to hold your illegal gains in our banking system—which is where they prefer; they don't want to hold rubles, they want to hold dollars—and that we will not let you have a visa, a privilege, to visit our country, to visit your property in our country or your family in this country. It targets the individuals who committed the gross human rights violation, and it recognizes the failure of the host country to deal with those violations.

I want to thank all those who have been involved in the development of this legislation. Senator MCCAIN has been one of the great leaders on these human rights issues. This is not a partisan division. We have strong bipartisan support. I have already acknowledged Senator KYL, who recently spoke. I know Senator WICKER took the floor a little earlier and I thank him, the ranking member on the Helsinki Commission. I want to thank Senator SHAHEEN, the chair of the European Subcommittee of the Senate Foreign Relations Committee for her work, and Senator BOB MENENDEZ on the Foreign Relations Committee. All those individuals were very instrumental in dealing with this. Senator DURBIN has been a real champion on human rights. I want to acknowledge Kyle Parker, staff person from the Helsinki Commission, who was very instrumental in the development of this legislation. I want to also acknowledge Senator LIEBERMAN's work. I know he will be speaking in a few minutes.

It was Senator LIEBERMAN, Senator MCCAIN, and myself who first suggested that we should pass the Magnitsky bill. It is the right thing to do, but we certainly shouldn't let PNTR go without attaching the Magnitsky bill. I thank Senator LIEBERMAN and Senator MCCAIN for raising that connection. It was the right thing to do. First, it allowed us to get this human rights tool enacted. Secondly, I think it gave us

the best chance to get the PNTR bill done in the right form. So I thank both of them for their leadership.

In 1974, we passed the Jackson-Vanik law that dealt with the failure of the Soviet Union to allow for the emigration of its citizens, affecting mainly Soviet Jews. It was controversial in its time. People said, Why are we connecting human rights to trade? Why is the United States doing that? After all, trade is so important.

Well, we did it. It made a huge difference, and we were able to get Soviet Jews out of the Soviet Union. We spoke for Western values in our trade legislation. We protected the rights of individuals who refused this.

When I first came to Congress 26 years ago, I joined the congressional caucus for Soviet Jewry. I wore the wrist bands of refuseniks, joined by many of our colleagues. Twenty-five years ago, I marched in Washington, a march for Soviet Jews. We stood for basic rights, and we changed the landscape on this issue. I had a chance to be with Natan Sharansky and celebrate what he meant to people who loved freedom around the world. We initiated that with Jackson-Vanik. It was a proud chapter in American history.

Today we end that chapter, because Jackson-Vanik is no longer relevant to the human rights challenges of our time. But with the passage of the Sergei Magnitsky Accountability Act, we meet the challenges of our time. We meet those individuals who are committing gross human rights violations. This act is a global standard for the advancement of human rights.

Unfortunately, the Magnitsky tragedy is not unique within Russia. We know of other circumstances within the country. We saw the results of last year's elections and the attitude of government toward journalists. We need the protection of the Magnitsky standards for human rights violations within Russia.

But it doesn't end with Russia. Human rights violations are global, and we should have these tools available globally. We need to prevent Russia and other countries from regressing on their commitments to human rights.

I must tell you, when you take a look at the legislation that came out of our two committees, S. 1039, coming out of the Senate Foreign Relations Committee and coming out of the Senate Finance Committee—I serve on both of those committees—it says very clearly that the law would apply to those responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedom of religion, expression, association, assembly, and the rights to a fair

trial and democratic elections anywhere in the world. That was the legislation we reported in two of our committees. And I might tell you, there was overwhelming support that we should make it global. Senator KYL talked about that, and I am sure others will also.

In H.R. 6156, you will see the exact language we have in our Magnitsky bill with one exception: "Anywhere in the world" is changed to "Russia." I am disappointed in that, and I join with Senator KYL in that disappointment. I think it would have been much better if we would have incorporated the international standards and global provisions.

I think it is very important Congress pass this bill. I strongly support it. I support the effort to get this to the President as quickly as possible. But there is a clear message here: This bill is our standard. We will be holding countries to this standard. We will look for other opportunities to attach these provisions to other trade bills. We will look for other opportunities to reinstitute the global application of the Magnitsky standards. It is the right thing. The world is on notice. Other countries are following our leadership. We expect other countries will be acting with similar standards.

I might point out, as I did over 2 years ago, there is existing authority within the State Department to deny visas to human rights violators. I think we should make that very clear and we should enact a law that makes it clear. We have to pass the Magnitsky law as relates to Russia. But there is authority, and we expect the administration will follow that authority.

I am hopeful people understand that although the language of the law is not as broad as we would like it to be, many of us consider this to be the international standard, and we will be asking to hold other countries accountable for violators of human rights that that country does not deal with in denying them the right to visit our country or to use our banking system.

One last point. There are some who say, Well, aren't we interfering with the internal affairs of a sovereign country? Nothing could be further from the truth. We have a right—I would say a responsibility—to challenge internationally recognized human rights violations in other countries. It is well established. Both Russia and the United States are members of the Organization for Security and Cooperation in Europe. I had the honor of a senate chair in the Helsinki Commission, our implementing arm. That organization gives us the right to raise human rights problems in other countries. We have used that to advance efforts to stop human trafficking, to deal with antisemitism, to deal with corruption issues in other countries. We have that right. We have that responsi-

bility. And our actions today are for the Russian people and for its government.

I have heard from so many human rights activists in Russia, from Russian business leaders to ordinary citizens, who tell me Russia can do better, and they urge us to move forward with the Magnitsky Accountability Act.

The United States, by the passage of this bill, will be on the right side of history. It will deepen our relationship with the Russian people. Yes, we are ending a chapter with the repeal of Jackson-Vanik, but we are starting a new chapter on human rights—one which we can be proud of where America once again is establishing a basic principle that we will not tolerate those who violate internationally recognized human rights standards. We will not let them go without being held accountable. And we certainly will not let them have the privileges of our country if they violate internationally recognized human rights standards.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, it is my pleasure to rise today to speak in favor of H.R. 6156—the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act. This day has been a long time in coming, and the fact that it has now come is thanks to the great work of many of my colleagues, and I want to take a minute to recognize a few of them personally.

First and foremost is the Senator from Maryland. It is not an exaggeration in the least to say that, were it not for Senator CARDIN's leadership on behalf of human rights in Russia and his tireless dedication to memorializing the courageous dissent of one remarkable man—Sergei Magnitsky—we would not be here today. Senator CARDIN is the original author of the Sergei Magnitsky Rule of Law Accountability Act. He passionately educated his colleagues about the need for this legislation, which is why it eventually won 25 bipartisan cosponsors in the Senate. The Senator from Maryland has my deepest respect and gratitude for his efforts on behalf of human rights in Russia. He has established himself as a leading voice in our country on these issues. I have been honored to be his partner in this endeavor from the very beginning as the original lead Republican co-sponsor of the Magnitsky Act. And when this legislation is passed, as I am confident that it will be, Senator CARDIN deserves all the credit in the world for this historic achievement.

I also want to recognize the efforts of the Senator from Montana. I appealed to Senator BAUCUS last year to join the Magnitsky Act together with the repeal of Jackson-Vanik for Russia and



Moldova and the extension of Permanent Normal Trade Relations status to both countries. He agreed, and in a letter to me, as well as a few of my colleagues, the Senator from Montana pledged to marry the 2 pieces of legislation together and to do everything in his power to see that the Senate could act on them together. He has been true to his word at every step of the way, and I am pleased to stand here today as an original co-sponsor of the repeal of Jackson-Vanik for Russia and Moldova, as well as the Magnitsky Act.

Finally, the person I want to acknowledge above all is Sergei Magnitsky—whose remarkable life and tragic death is the reason that brings us here today. Sergei Magnitsky was a tax attorney working for an international company, Hermitage Capital, that had invested in Russia. He did not spend his life as a human rights activist or an outspoken critic of the Russian government. He was an ordinary man, but he became an extraordinary champion of justice, fairness and the rule of law in a Russia where those principles have lost nearly all meaning.

What Mr. Magnitsky uncovered was that a collection of Russian government officials and criminals associated with them colluded to defraud the Russian state of \$230 million. The Russian government in turn blamed the crime on Hermitage Capital and threw Mr. Magnitsky in prison in 2008. Mr. Magnitsky was detained for 11 months without trial. Russian officials pressured him to deny what he had uncovered—to lie and recant. But he refused. He was sickened by what his government had done, and he refused to surrender principle to brute power.

As a result, Mr. Magnitsky was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and drink unsanitary water. He was denied basic medical care as his health worsened. In fact, he was placed in increasingly worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

What is even more tragic is that the case of Mr. Magnitsky is only one of the most extreme examples of the broad and dramatic deterioration of rule of law in Russia, and its replacement with arbitrary and nearly unchecked state power, which is increasingly concentrated in the hands of one man, President Vladimir Putin.

What is emerging in Russia today can only be described as a culture of impunity—a sense among those who control the levers of power that Russia is theirs for the taking, and the only question left to debate is how government officials and other elites will divide up the wealth, the power, and the spoils. This culture of impunity begins, first and foremost, with President

Putin. He sets the tone in the country. And right now, with his return to the presidency, and with many of the actions that the Russian government has taken recently, the signal is being sent across the country, especially to every petty tyrant and aspiring autocrat in the Russian state, that Putin is doing what he wishes. He is using the instruments of the state to crush his critics. He is getting away with it. And you can too.

This culture of impunity in Russia has been growing worse and worse over many years. It has been deepened by the increased surveillance and harassment of members of opposition and civil society groups . . . by the continued violent attacks on brave journalists who dare to publish the truth about official corruption and other state crimes in Russia today . . . and of course, by the continued detention of numerous political prisoners, not least Mikhail Khordokovsky and his associate Platon Lebedev, who remain locked away but not forgotten. I continue to fear for the health and safety of both men. And I pray for them.

The culture of impunity in Russia can also be seen in Russia's recent elections—the parliamentary election last December and the presidential election in March—which were criticized for their flaws and irregularities by impartial, objective international organizations. It can be seen in the recent NGO law passed by the Russian legislature, which requires any civil society group in Russia that receives international funding to register as a “foreign agent.” The vast majority of these civil society groups have nothing to do with politics. Clearly, the intent of this law is nothing less than to demonize, and marginalize, and stigmatize as treasonous whatever independent civil society organizations still remain in Russia.

The culture of impunity in Russia can also be seen in the government's new and growing interpretation of its law against extremism. A law that may once have been designed to address real concerns with terrorism and violent extremism is now being broadened to put pressure on civil society groups and religious minority groups, even including the Jehovah's Witnesses. A Russian court even went so far as to classify as an extremist organization the punk rock band of Russian girls that staged a protest performance this year in Moscow's Christ the Savior Cathedral. Any media outlet in Russia that would dare to broadcast this group's material could now be subject to having their outfit closed down by the Russian state.

This culture of impunity was extended even further last month in Russia's new law against treason. That term has now been defined so broadly that it allows the state to ban websites and impose fines, and likely worse pen-

alties, against Russians who participate in unregistered demonstrations, who fail to register as foreign agents where now required under Russian law, and even to those who are suspected of giving advice to foreigners. Many Russians rightly believe that this new treason law is so expansive that the government can use it to stifle the legitimate rights and freedoms of anyone they deem to be an enemy of the state.

This culture of impunity also extends to the recent decision by the Russian government to terminate the presence and all programming of USAID in Russia. Whatever the stated reason for this decision, there should be no doubt why it was done—to try to further isolate, and marginalize, and emasculate civil society groups in Russia by denying them an ability to work in partnership with the United States, as many of these groups have freely done and wish to continue doing.

Ultimately, this culture of impunity in Russia is why Sergei Magnitsky is dead. That is why, even now, no one has yet been held accountable for his murder. And I suspect no one ever will. What is worse, the Russian government has done the opposite: It has put Sergei Magnitsky, a dead man, on trial, perhaps in an effort to prove that he got what he deserved. They have even required Mr. Magnitsky's mother and family to appear at the trial, which sinks this case to a whole new low. This culture of impunity is why videos are surfacing even now that document the brutal conditions of Russia's prison system, and the systematic abuse and torture to which detainees are subjected there at the hands of midlevel tyrants who want to run their small part of the Russian state just as their president does.

This is why we need to pass the Magnitsky Act. If citizens and civil society groups in Russia do not have a path to justice in Russia, then the international community has a responsibility to show these people that there can still be accountability, that there can still be consequences, for what they are suffering.

The Magnitsky Act does that. And I want to be clear: What is so important about this legislation is that its provisions would not simply apply to those Russian officials responsible for the torture and murder of Sergei Magnitsky; it would also apply to other persons in Russia who commit human rights abuses. In short, this is not just about historical accountability; it is also about preventing future Magnitsky cases. It is about imposing consequences on all human rights violators in Russia.

The allegation that this legislation infringes on Russian sovereignty is nonsense. The Magnitsky Act does not require the Russian government or Russian citizens to do anything they do not wish to do. It cannot force



human rights abusers in Russia to stop what they are doing. But if they continue, what this legislation does do is tell those individuals that they cannot bank their money in the United States, that they are not welcome in this country, that they cannot visit this country, and that they will have no access to the U.S. financial system.

Now, I know we have had a debate about whether to make this bill globally applicable—a tool that could be used to apply these same kinds of penalties to human rights abusers anywhere in the world. This is a worthy goal, and I believe we should have such a debate in the next Congress. It is important now, however, that the Magnitsky Act remain focused squarely and exclusively on Russia. That is what Russian democrats and civil society groups tell me they want right now. They want Congress to send their government a message on human rights, and by keeping the Magnitsky Act focused for now on Russia, we can do just that.

Furthermore, the administration can use its own executive authority at this time to apply similar kinds of pressures contained in the Magnitsky Act to human rights abusers in other countries. I, for one, will be watching closely to see if they do, for many other cases are crying out for greater U.S. leadership on behalf of human rights. And if the administration does not take the initiative to apply the leverage at our disposal to these other cases beyond Russia, that is the surest way to ensure that the Congress will act to globalize the Magnitsky Act next year.

There are still many people who look at the Magnitsky Act as anti-Russia. I disagree. I believe it is pro-Russia. I believe it is pro-Russia because this legislation is about the rule of law, and human rights, and accountability, which are values that Russians hold dear. I believe it is pro-Russia because it does not make all Russians pay for the crimes of a small handful of corrupt officials, and in this way, the Magnitsky Act is an improvement on Jackson-Vanik and an ideal replacement for it. I believe the Magnitsky Act is pro-Russia in the same way that Permanent Normal Trade Relations is also pro-Russia—because both measures are ultimately about strengthening ordinary Russians who long for greater opportunity, greater freedom, and greater protections for their rights under the rule of law.

I am not under any illusion that the passage of either the Magnitsky Act or PNTR for Russia will ensure the success of rule of law in Russia. Not at all. But while both measures are very different and present very different kinds of benefits to the Russian people—one a material benefit, the other a moral benefit—both of these measures, I firmly believe, are nonetheless beneficial to Russia. Both create high standards to

which we and others can hold the Russian government, both on the trade front and on matters of human rights. Both provisions create levers for international accountability where few currently remain in Russia. In other words, the Magnitsky Act and PNTR for Russia can serve as tools that will help to empower ordinary Russians who do not want their lives or their livelihoods to be determined solely by the predatory elites in the Russian state.

Ultimately, passing this legislation will place the United States squarely on the side of the Russian people and the right side of Russian history, which appears to be approaching a crossroads. I remind my colleagues that today is the anniversary of the massive protests that rocked Russia one year ago. As I have said before, I do not believe that the demand for freedom and dignity that have so profoundly shaken the Arab world are unique to that part of the world. I think the effects of these upheavals will be global, because the values and aspirations at their heart are universal. I think this makes Mr. Putin and his cronies very nervous—and it should. The desire for peaceful change and democratic and legal reform can be delayed for a time. They can be delayed, but they cannot be denied. This legislation is a vote in favor of a brighter, better future for the Russian people—a future that they can determine, freely and independently, for themselves.

Finally, I would be remiss if I did not conclude with a word on Moldova, because this legislation would also take the long overdue step of repealing Jackson-Vanik for Moldova and granting it Permanent Normal Trade Relations as well. This should have been done years ago. I have been an advocate for this action for many years. I have continually insisted that the Congress should not be allowed to pass PNTR for Russia without doing the same for Moldova. That was a condition of my co-sponsorship of this legislation, and I am proud that the Senate is now on the verge of clearing the way for normal trade relations between the United States and Moldova. That small country has taken enormous strides toward democratic and economic reform, and toward deeper integration in the European community. Passing this legislation will be a critical vote of confidence in Moldova's political and economic reforms and in support of its democratic future.

For all of these reasons, and for the many more that I have listed with regards to Russia, I urge my colleagues to support this legislation.

Finally, I say to my three colleagues on the floor, there are times when we do a lot of things for the people we represent and a lot of things for the country. I think what we are doing here, which will be rapidly approved and has

already been approved by the House and will be made into law, is something we are doing for people in Russia who need our help now, our voice and our commitment. Many of the great and wonderful ideas, promises, and prospects after the fall of the Soviet Union that was the case of Russia have been dashed. Maybe we should take responsibility for not playing a more constructive role in the 1990s when Russia was going through a critical phase.

I promise today, not just to Sergei Magnitsky's widow, but to all people throughout Russia who will be encouraged by this message because, as they were years ago, the legislation we are now repealing, the Jackson-Vanik act, was a call to the people in Russia who were being held under terrible conditions that they would now be able to freely immigrate to a land with promise of a better future. I believe that today this legislation is one of the most important ones that in years to come we can be proud we were a small part of.

**THE PRESIDING OFFICER.** The Senator from Maryland.

**MR. CARDIN.** Madam President, I compliment the Senator from Arizona on the moral clarity of his statement. I think the Senator is absolutely right. The moral clarity here is clear: Those who commit gross violations of internationally recognized human rights are on notice. As the Senator pointed out, this legislation applies beyond the Magnitsky tragedy, it applies to Russia, and it is a standard that we intend to use for other opportunities whether it is trade bills or other legislation.

I hope we will make this statutorily global. We will have that debate at a later point. We will have other opportunities to make it clear that those who violate human rights are internationally recognized, that the clarity here is clear, and that there will be repercussions on the rights of our own country.

We cannot determine how Russia will treat its violators under their laws; they will have to handle that. But we have the moral certainty that we are not going to assist those violators and deny their opportunities to come to America and use our banking system.

**MR. MCCAIN.** Madam President, a quick response to my friend from Maryland, and that is we talk a lot about the globalization. Don't think that dictators, brutal rulers, and oligarchies all over the world are not paying attention to this legislation. Our message to them is: Keep it up; you are next.

**THE PRESIDING OFFICER.** The Senator from Montana is recognized.

**MR. BAUCUS.** Madam President, before the Senator leaves the floor, I thank him very much for his leadership. He is a stalwart leader in protecting human rights all over the world, but in this case Russia. I think

he is right in suggesting that it is a good follow-on to protecting human rights, and certainly in this case Russia.

I thank the Senator very much.

Madam President, I ask unanimous consent that under the time to be controlled on the Democratic side, the following Senators be given the time listed: Senator LEVIN, 15 minutes, and Senator CARDIN, 50 minutes. I understand that he has already used a certain amount of time, so the total will be 50 minutes. Senator DURBIN will be given 10 minutes and Senator LIEBERMAN 10 minutes; further, all time used for debate on the bill earlier today during morning business be counted toward the 5 hours allocated under the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend, the chair of the Finance Committee. I thank him for yielding me 10 minutes. While I am expressing gratitude, may I express gratitude to the Senator from Maryland. Talk about moral clarity, which is a term he just used for our friend from Arizona, he showed real moral clarity for this and so many other issues. I thank him for that.

As I begin my final month in the U.S. Senate, it gives me great confidence to know that people such as Senator CARDIN and Senator MCCAIN are going to be here to continue to hold America to the standard that our founding doctrines hold us to, which is to be a beacon of human rights and a protector of those who fight for human rights around the world. So my thanks and compliments to Senator CARDIN.

I rise to join those who are supporting this bill, which is two measures brought together in a mutually productive partnership. The case for granting PNTR to Russia is clear and straightforward.

Russia became a full member of the World Trade Organization over 3 months ago, and in doing so was bound to pledge to cut tariffs for manufactured imports and open its service sector to foreign competition. In order for American companies to realize these benefits, we must grant permanent normal trade relations, PNTR, to Russia. For this reason the only country that will be disadvantaged if we fail to pass this bill will be our own, and that particularly means our own businesses. Of course, that is why generally American businesses and leading business advocacy groups such as the chamber of commerce, in particular, have supported this legislation so strongly. It is also why the Governors of 14 of our

States, including Connecticut, and six former U.S. Trade Representatives have urged the Senate to follow the House and swiftly pass this bill.

I also note that this legislation will grant permanent normal trade relations to the country of Moldova, a country that has demonstrated tremendous democratic progress over the past two decades. Deepening our economic ties with Moldova is good for American business and will help keep Moldova on the path of democracy as well as development. So PNTR for Russia and Moldova is necessary and good for the United States.

For me, and I hope many others—eloquently expressed by Senator CARDIN and Senator MCCAIN—the case for this bill is sealed because of its incorporation of separate legislation, the Magnitsky Rule of Law and Accountability Act, of which I am privileged to be a cosponsor.

I must say that as I look back over the 24 years in the Senate, which I have been doing a lot lately, there are not too many pieces of legislation that I have been prouder to be associated with than the Magnitsky Act.

As many of you know, this legislation is named for a 37-year-old Russian tax lawyer named Sergei Magnitsky whose tragic murder 3 years ago is among the most horrible examples of corruption and thuggishness that continues to afflict Russia. Mr. Magnitsky is rightfully the namesake of this legislation. It will impose a visa ban and asset freeze not only against those officials whom we have good reason to believe are responsible for his murder, but also against Russian officials responsible for any and all human rights abuses that are too regularly taking place in that country.

Senator MCCAIN, Senator CARDIN, and I have had the privilege of meeting with Russian dissidents, political activists, and human rights leaders over the years. What they have told me and my colleagues over and over is that there is one thing above all others we can do here in the United States to help support the cause of human rights and the rule of law in Russia, and that is to pass the Magnitsky Act.

So today I join my colleagues who support this legislation and say to those in Russia who are striving courageously to secure their fundamental freedoms—the same rights to life, liberty, and the pursuit of happiness that our Founders said in our declaration were the endowment of our Creator to every human being—that we have not and will not forget them and their cause. We know and will remember their names. We will stand in solidarity with them and in support of them until they achieve their goal, which is a goal we share. That goal is the spread of democracy and a democratic Russia that respects the rule of law, protects human rights, and is free of corruption.

I want to echo what my friends said a moment ago. I was thinking about it. I am not sure anybody has mentioned the name of Natan Sharansky, a famous Russian dissident of an earlier time, a refusenik placed in a Russian gulag and who served so much time in solitary confinement. I have had the honor to get to know him. If you read his books, there is a very moving series of sections where he talks about the fact that when Jackson-Vanik passed and they learned about it, they would communicate with each other in the most primitive ways when news came in, and what an inspiration it was. In some sense it kept not just hope alive but kept them alive, that the U.S. Congress had adopted this law which would impose penalties on the Soviet Union unless it allowed people to freely emigrate. Disproportionately at that time it was dealing with Jews.

It was also stated that they wanted to leave because they were so oppressed in the Soviet Union. It was actually stated in global terms at that time. Maybe sometime we will come back and address that.

I remember what Sharansky said about the day while in solitary confinement somebody was able to convey to him by tapping pipes that President Reagan had called Russia—and the Soviet Union, really—the evil empire. And knowing that the leader of the free world—the most powerful person in the world—would call out this oppressive government that had locked him up for no reason other than he had advocated for human rights, he said this would sustain his hope.

In some small way I hope the passage of this Magnitsky Act will do the same for those who are fighting for the many people whose freedom of expression has already been compromised by the government in Russia and for the people whose businesses have been essentially taken by the government.

I think one of the great disappointments over the last quarter century is the hope that we had after the fall of the Berlin wall and the collapse of the Soviet Union, that this great country of Russia, this great people whose history and culture is so proud and so strong, would finally be able to be free of tyranny. Well, they are freer than they were during Soviet times. I guess that is some small consolation. But increasingly the central government and President Putin have compromised human rights.

Incidentally, going to the other part of this bill, the PNTR part for free trade, there are a lot of businesses in the United States and elsewhere in the world that will be hesitant to invest as much as they would otherwise invest in Russia so long as the Russian Government is as autocratic, irrational, suppressive, repressive, and corrupt as this Russian Government is. So in all these respects, I would say that the

Magnitsky Act is a worthy successor to Jackson-Vanik, which was such a crusading human rights measure in its own day and, may I add, bears the name of a truly great Senator, Henry M. "Scoop" Jackson, a personal role model to me and others. Today the Jackson-Vanik amendment no longer makes sense because there is free emigration from Russia; therefore, we are right to lift it. But it is equally right that we replace it with a law that will address the primary human rights facing Russia today. May I say in repealing Jackson-Vanik, we actually honor his proud legacy and keep it alive.

Just over a year ago, when the Russian people responded to a fraudulent parliamentary election by taking peacefully to the streets, the Kremlin responded with thuggish brutality. Instead of at least respecting the legitimate demands of his people or listening to them, President Putin falsely accused the United States of creating this opposition in Russia and began a campaign of stifling dissent that continues to escalate to this day. Independent media outlets have been targeted, including American broadcasting services. Journalists and opposition activists have been harassed and arrested and put in jail, and the Russian Duma has passed a law that grants sweeping power to authorities to close Web sites and limit freedom of expression, and another law passed by the Duma expands the definition of treason so broadly that human rights groups believe it could be used to punish anyone who questions the government.

Meanwhile, the nongovernmental organization community has come under increasing attack. Our own Agency for International Development has been evicted from Russia recently, and Russian NGOs are now required by law to register as foreign agents if they receive any money from abroad or engage in political activity.

This is a sorry state of affairs, and it is very important that we heed Senator CARDIN's call to act as best we can to speak out against it and to do something that the dissidents of Russia have told us will really affect the elite class, the leadership class in Russia, which is to seize their assets if they are human rights violators and to prohibit them from freedom of travel. When we pass this, as I am confident we will—this is one of the days when I am sure everybody in the Senate feels grateful we are here because what we do here matters. Sometimes we wonder, I think, in the gridlock and partisanship and complexity of politics in our country these days. But as I have traveled around the world over the last 24 years, I have been struck by how many places democracy has taken root where few predicted it was possible, and the voices of Members of Congress or Congress as a body have encouraged the dissidents to show the courage they

needed to achieve what they wanted. From Indonesia to Chile, from East Germany to South Korea, authoritarian regimes have been supplanted by flourishing free societies in just about every corner of the Earth. We in the United States and everybody in the world are a lot better off for it.

Unfortunately, that can't be said of Russia, and that is why this Magnitsky act is so important to adopt. Despite the democratic setbacks in Russia I have just described and the repressive acts by its government, I remain confident that the future of these great people does not belong to those who would impose upon them a system of tyranny, of corruption, of abuse with impunity. The future of Russia belongs to Russians who believe they have the right to decide their destiny for themselves, to the Russian people who are sick of corruption and who demand the rule of law—fairness, justice under law. In short, it belongs to people like the late Sergei Magnitsky, whose name will be immortalized when we pass this legislation.

In supporting this legislation, I say to my colleagues, we stand with them in their noble cause. That is why I hope and I am confident that we will all join together, Democrats and Republicans and an occasional Independent, and pass this legislation overwhelmingly.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I rise today in support of the legislation before us and in support of the comments my Independent colleague from Connecticut just made which had to do with the Magnitsky provision, which I also support. I heard my colleague from Arizona, Senator MCCAIN, talking about it passionately earlier. It is an important part of this legislation. But with regard to the trade part of the legislation, I would like to say that I think this is also a great opportunity for us. I see my colleague from Maryland here who, along with Senator MCCAIN, has taken the lead on the Magnitsky provision encouraging better human rights in Russia, and I think we will see over time that this will have an impact globally.

With regard to the trade side of this debate we are having today, I hope we all recognize that one of the great, untapped opportunities for our economy and for adding jobs is to expand exports. We have a great, untapped potential here because America still is not exporting at the level it should be. We do face stubbornly high unemployment. We do have stagnant growth rates. We are looking at some tough economic numbers even as we head toward the fiscal cliff which could make it even worse. So we need to do all we can to ensure that our workers and our farmers have access to the 95 percent of

consumers who live outside of our borders. That adds jobs. When companies consider whether they are going to get into the export business or not, which again creates opportunity here, they want to know if they are going to be treated with certainty, predictability, and fairness in the marketplace. Exporters need to know that if a country doesn't play by the rules, then that country will then face consequences. Those consequences really are what the World Trade Organization is all about. That is why this discussion is so important, because by today or tomorrow, voting to authorize permanent normal trade relations with Russia, we then can take advantage of the World Trade Organization rules as they relate to Russia and to our trade with them.

Russia joined the WTO on August 22, and the United States was a big part of that accession. We worked with Russia for 18 years to ensure that they were willing to go along with certain fairness provisions on trade to be able to enter the WTO, and we need to be sure now that we can take advantage of those provisions. Without passing this legislation, America and our farmers and our workers could get left behind. By joining it, Russia did agree to abide by a certain set of common rules, and when they break those rules, other countries can then take them to court—the World Trade Organization—and help hold their feet to the fire.

It means Russia will be required to better protect intellectual property rights, which is a major concern for U.S. companies. It means Russia must treat fairly the highly technical services sector where the United States has a great opportunity, including telecommunications, insurance, energy services, and retail services. There we have a lot of competitive advantages and we are looking for a level playing field. It means they have to give rules-based treatment to our agricultural exports so they are not trumped by internal Russian agricultural politics. It means Russia has to improve its transparency and the rulemaking process so regulations are not taking place without an adequate comment period and input from job creators, including American companies that want to do business in Russia. These were all concessions that were secured, again, over this 18-year period by the United States and other countries, but primarily the United States took a role here—Republican and Democratic administrations alike—in ensuring that as Russia entered the WTO, we had the opportunity to have a fair trading system with them.

By the way, I was part of that as U.S. Trade Representative negotiating with my Russian counterpart, Secretary JOHANNES—then Secretary, now colleague from Nebraska—was part of that as U.S. Agriculture Secretary. Others here in the Congress have been

part of that as members of the Finance Committee.

So currently we have these trade rules that apply to the rest of the world but not to us because Russia is part of the WTO but we haven't granted this important PNTR status. So of the more than 150 countries in the World Trade Organization, we are the only ones that are outside of this agreement at this point. American exporters will only receive those benefits with total certainty if we pass this bill to provide these normal trade relations with Russia. If we fail to do so, we really hold back American workers and businesses from growing in the Russian marketplace, which, by the way, has 140 million consumers. Our European and Asian competitors would have that reliability and certainty that we would lack. When Russia doesn't play by the rules, our competitors around the globe would be able to take them to the world trade court, but we wouldn't. If we think about it, in a way we are shooting ourselves in the foot if we don't move forward with permanent normal trade relations with Russia.

Russia is now the ninth largest economy. Unfortunately, we are underperforming in the Russian market. The United States, the world's greatest exporter, now only accounts for less than 5 percent of Russia's imports. Our competitors in Europe have a 40-percent share of the Russian market. China holds a 16-percent share of that market. So, again, it is a growth economy; it is an economy where we have tremendous opportunities.

I know Chairman BAUCUS talked about this earlier today. I watched him on C-SPAN where he talked about the opportunities in this market and about the need for us to help our exporters here in the United States by opening this potential market for our workers and our farmers. We can do much better if we pass this PNTR bill.

This is certainly true in my home State of Ohio. Ohio already exports about \$200 billion a year in goods to Russia, and we want to retain those sales and add even more. This bill impacts a number of businesses with a large Ohio footprint.

Caterpillar, the world's leading manufacturer of construction and mining equipment, is one of them. Caterpillar employs nearly 1,000 Ohioans, including in the Miami Valley in Clayton, and is a great example of the certainty the PNTR bill will bring. With Russia's entrance into the WTO, tariffs on American-made Caterpillar trucks exported to Russia will fall from 15 percent to 5 percent. That allows Caterpillar to be much more competitive in the Russian market. For Caterpillar's off-highway trucks, the tariff reductions exceed \$100,000 per truck. That is a real difference. It is a substantial margin. But if we don't pass this bill, we have no idea how Russia will treat our U.S. ex-

ports and we will have no way to hold them accountable.

Other Ohio businesses that will benefit include Procter & Gamble, which sells more than 50 brands in Russia, including detergents, shampoos, and diapers. They have the leading market share, by the way, in 75 percent of the categories in which they compete.

Eaton, which is a company in the Cleveland area and has thousands of employees in northeast Ohio, exports industrial clutches and brakes to Russia and looks forward, again, to the certainty this bill will bring when working with our customers in Russia. They need that certainty.

GE Aviation in Ohio employs about 9,000 people in Cincinnati and has a great opportunity to compete as Russia acquires over 1,000 new civilian aircraft over the next decade.

Ohio's cattlemen strongly support this legislation. Russia has made some important concessions in the negotiations that will help meet the growing demand for U.S. beef in Russia. Russia is currently the fifth largest export market for U.S. beef. According to the USDA, over 48,000 head of U.S. live cattle were sold to Russia just this year. In 2011 Ohio exported over 3,000 cattle to Russia, and we expect that number to rise dramatically.

The bill also contains some items the Russian Government opposes, including the human rights provisions which were discussed earlier here on the floor, inspired by the treatment of Russian lawyer Sergei Magnitsky. Senators CARDIN, MCCAIN, and others have put the spotlight on the corruption and the lack of transparency in Russia. These provisions will clamp down on human rights abusers, denying them visas and putting them on notice that their corruption won't be tolerated by freedom-loving countries such as the United States. The House passed this bill last month on the anniversary of Magnitsky's death, and it is time the Senate does the same.

We also have some provisions in this legislation that will ensure that our trade negotiators keep Russia's feet to the fire in implementing all the various commitments Russia has made, particularly with regard to agriculture. Russia has not always played by the rules. It has been a point of friction between our countries. We need to be sure they do the heavy lifting back home to bring their laws into compliance, including their pervasive use over time of non-science-based standards to discriminate against our U.S. agricultural exports.

I also wish to note my strong concern with Russia's involvement on another front; that is, their involvement in the continuing Syrian conflict. As a member of the Senate Armed Services Committee, I have watched the Syrian situation with alarm, particularly as we have seen it unfolding this week. Rus-

sia has been anything but an ally in this case with the support of the Asad regime. They vetoed three U.N. Security Council resolutions aimed at imposing tough sanctions on the Asad regime. When Russia isn't using their veto power to support their Syrian friends, they are arming the Asad dictatorship with over \$1 billion, we are told, in weaponry, including attack helicopters, that they are using to continue their terror against their own citizens in Syria.

Let me be clear. While I fully oppose Russia's actions in Syria, this bill is no gift to Russia. In fact, this bill has teeth. It brings Russia into a rules-based system. It is good for America and our economy and our jobs, and I think it strikes a critical balance by giving critical assistance to American companies that want to export their products to Russia's growing middle class, supporting good-paying jobs here at home, while forcing Russia to play by the rules and, again, providing binding penalties if they fail to live up to these international standards.

While I am pleased we are finally moving forward on this bill, I am also disappointed we haven't made more progress over the last 4 years on trade. We didn't make opening new export markets a high priority in the President's first term. I am hoping that will change over the next 4 years because helping U.S. job creators export shouldn't be a partisan issue. Over 100 bilateral trade agreements are being negotiated today as we speak here on the floor. The United States is a party to none of them. We are a party to one multilateral trade agreement which I support, but we need to get back and engage in these bilateral agreements and open markets for our products. We have been sitting on our hands on the side lines in an increasingly global and dynamic economy. This is the first administration actually since FDR not to ask for the ability to negotiate export agreements and bring them to Congress under expedited procedures, which is now called trade promotion authority. And this is something unique. This administration has yet to even ask for it over the last 4 years.

Last year, we finally passed the Korea, Colombia, and Panama export agreements. Hopefully, our bipartisan actions today to boost exports to Russia will signal a new chapter for us to engage as a Congress and with the administration in a much more ambitious and proactive trade policy.

I am pleased this bipartisan bill received such broad support from Republicans and Democrats in the House, getting 365 votes, and I urge my colleagues on both sides of the aisle to now support this legislation before us.

Mr. HATCH. Madam President, I rise to highlight an important provision in the PNTR legislation that requires the United States Trade Representative

and the State Department to provide an annual report to Congress on the steps they are taking to advocate for American investors in Yukos Oil, the Russian oil company that was effectively expropriated by the Russian Federation in 2007. The annual report would also include a report on the status of the petition filed by American investors in Yukos to request that the State Department formally "espouse" the debt—meaning to make compensation for American investors a matter of bilateral negotiations between the United States and Russia.

More than 40 bipartisan Members of the House and Senate have written letters to Secretary Clinton in favor of the State Department taking up the cause of American investors. The State Department has been closely watching international tribunals adjudicating the claims of non-American international investors in Yukos to help guide its own decision-making. On July 25, 2012, an international tribunal established pursuant to the Spain-Russia bilateral investment treaty ordered the Russian government to compensate a group of Spanish investors for the losses they suffered from the expropriation of Yukos. Likewise, an investor from the United Kingdom prevailed in a similar proceeding in September 2010. These rulings would appear to indicate that there is merit to the claims of the American investors.

When a government abuses its tax and regulatory authority to nationalize the property of foreign investors, it is required to provide compensation to those investors. To date, none of the American owners of Yukos has received any compensation.

I insisted that the Russia PNTR bill incorporate new trade tools and I hope that these will be used to assist in the satisfactory resolution of the claims of American investors in the Yukos case, as well as to assist other American businesses and investors who may struggle with Russian corruption and rule of law issues.

Ms. SNOWE. Madam President, I rise to both support the bill we are considering today but also to discuss the implications of Russia's accession to the World Trade Organization, WTO. I was proud to be part of a unanimous vote for this measure coming out of the Finance Committee and I expect tomorrow we will see a similarly strong showing of support for this significant trade measure. It is not often these days that we see such bipartisan agreement and I welcome it and encourage its expansion into other key areas.

Russia was formally invited to join the WTO on December 16, 2011, and its entry into the WTO became official and effective this past August. There are more than 150 countries in the WTO, and with Russia's entry, now each of those countries have gained an improvement in trade conditions with

Russia in the form of lower tariff barriers, easier access to markets and credit, and a variety of less tangible but certainly meaningful benefits including greater transparency and more enforceable mechanisms for securing property and other rights. We are promised that all WTO member countries will enjoy these privileges in their trading with Russia, but so far we are not among them: if the Congress does not take the opportunity to enact the bill before us, then we are only harming ourselves, as American businesses will be at a serious disadvantage relative to other nations' enterprises in terms of their ability to access the Russian markets. This is not merely theoretical, as my own home State of Maine exported \$13.9 million worth of goods to Russia in 2011 alone.

To recognize Russia's entry into the WTO and gain the advantages for American interests that such recognition brings, we must now consider the granting of Permanent Normal Trade Relations or PNTR with Russia. The United States provides PNTR to nearly all nations, but routinely has denied PNTR to communist or non-market countries. Specifically, this restriction has reflected our desire as a Nation that all peoples should be allowed to move freely in and out of their own countries—and the restriction is a reaction to the regimes that do not allow the free movement and emigration of their citizens. America memorialized this freedom-of-emigration concept in the Jackson-Vanik amendment, in large part as a response to the then-Soviet Union's consistent and often harsh limitations on the free movement of its people. The Soviet Union is no more, and now we must repeal Jackson-Vanik before PNTR can be granted. The bill before us accomplishes this significant objective.

But we cannot simply applaud this vote without also accounting for some very troubling issues that remain with Russia. This year and the recent past for Russia have been clouded by a disturbingly long list of concerns about just how modern and democratic Russia may truly be. There are very serious questions regarding the integrity of Russia's electoral process, its support for brutal regimes such as in Syria, its abuse of human rights within its own borders and with its neighbors, its new promise of a massive arms and nuclear warhead build-up, and its near-flagrant disregard for intellectual property rights. We are told that entry into the WTO establishes Russia's willingness to abide by a rules-based system, but reports of corruption throughout Russia seem to belie its ability or willingness to follow the rules it set for itself—so we must ask, how can we trust them to follow the rules when working with others? I am saddened at the thought that, by taking action to provide PNTR to Russia, we are poten-

tially condoning if not rewarding outright the manifold abuses that Russia continues to perpetrate under the guise of, but seemingly in defiance of, the concept of an open and lawful democracy.

It is with that firmly in mind that I applaud our colleague Senator CARDIN, along with Senator MCCAIN, for identifying one way to deal with at least some of our serious concerns about Russia. I am speaking of the Sergei Magnitsky Rule of Law Accountability Act of 2011, or S. 1039. This bill recognizes the tremendous courage that Mr. Magnitsky showed in seeking to expose corruption and fraud in Russia, for which he paid the ultimate price. He was imprisoned and allegedly tortured in an attempt to make him recant the charges he was making, charges that turned out to be accurate, and he died in the hands of his jailers. The legislation would impose visa and asset forfeiture restrictions on those responsible for these foul deeds, and it could set a new standard for addressing future human rights abuses in Russia. I am proud to see this measure included in the bill we are voting on today and its inclusion was critical to my support and, I am sure, that of many of my colleagues. I believe its inclusion helps make this bill a holistic approach that does not punish honest American interests while also not rewarding questionable actors within Russia.

Madam President, thank you and my colleagues for this vital vote. I look forward to today's debate.

Mrs. FEINSTEIN. Madam President, today I wish to express my support for legislation granting permanent normal trade relations, PNTR, to Russia.

We need to act now so that our exporters can take advantage of Russia's accession to the World Trade Organization, WTO, in August.

The House voted to approve PNTR for Russia on November 16th on a 365-43 vote. The Senate Finance Committee approved its version of the bill on a 24-0 vote in July.

The legislation enjoys widespread support among manufacturers, service providers, and farmers.

It has been endorsed by, among others, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Farm Bureau.

As a part of joining the WTO, Russia negotiated agreements with each member, including the United States, making commitments to eliminate non-tariff barriers, protect intellectual property, liberalize key sectors such as services, and improve its business climate.

For example, Russia agreed to: lower tariffs on industrial products from an average rate of 10 percent to 7 percent; not raise tariffs on 90 percent of agricultural products and keep them at 15 percent or lower; join the WTO Information Technology Agreement and

eliminate tariffs on major IT products within 3 years; abide by WTO rules on enforcement of intellectual property rights; and remove limitations on foreign equity in telecommunications companies, insurance companies, banks, and wholesale and retail enterprises.

These commitments will be subject to the WTO's dispute settlement process and help promote greater transparency and a more stable business environment for foreign investors.

Since the United States is a member of the WTO, this agreement includes only concessions by Russia. The United States will not lower a single tariff, provide any market access benefits, or make any changes to U.S. trade law.

Under WTO rules, however, in order for the United States to take advantage of Russia's commitments, it must enact permanent normal trade relations for Russia.

Currently, Russia enjoys normal trade relations, NTR, status—the status enjoyed by a trading partner that faces the most favorable U.S. tariffs in exchange for similar benefits for U.S. exports.

This status must be renewed on an annual basis due to a provision enacted in the Trade Act of 1974—the so-called “Jackson-Vanik” amendment—in response to concerns about Jewish emigration from the former Soviet Union.

That law conditions normal trade relations status on a country allowing its citizens to emigrate freely.

Russia has consistently met the requirements of Jackson-Vanik since the fall of the Soviet Union and its NTR status has been renewed annually without debate since 1994.

Yet, WTO rules mandate that its members provide each other with unconditional or “permanent” normal trade relations. That is, we have to treat each member equally, extending them the most favorable U.S. tariffs in exchange for similar benefits without restrictions.

Otherwise, they are under no obligation to extend the same favorable treatment to U.S. exports.

Since the United States only grants Russia conditional or annual normal trade relations status, the United States is not in compliance with these rules and Russia can refuse to extend the market access commitments it made to join the WTO to U.S. exports.

This is putting our exports at a competitive disadvantage because every other WTO member—155 in total—has permanent normal trade relations with Russia and has been receiving the benefits of Russian membership in the WTO since August.

So while we delay, our manufacturers, service providers, farmers, and workers are losing out on a fast-growing market.

Russia has a gross domestic product of \$2.2 trillion, the sixth largest in the

world. Its economy is expected to grow by 4 percent annually through 2015, according to the International Trade Administration.

U.S.-Russia trade grew by 37.9 percent in 2011 and total U.S.-Russia trade stood at \$42.9 billion.

This mutually beneficial relationship will continue to grow by enacting this legislation.

Let me repeat: for those who may be concerned about this legislation's effects on U.S. jobs, it is important to point out that the United States will not have to lower a single tariff or make any market concessions on Russian imports by approving permanent normal trade relations.

All concessions will be made by Russia as a part of its agreement to join the WTO.

What does this legislation mean for my home State of California?

Among U.S. States, California is currently the 4th largest exporter to Russia, according to the Coalition for U.S. Russia Trade. According to the Business Roundtable, California exported \$665 million worth of goods to Russia in 2011, supporting 2,000 California jobs.

In 2011 California's exported \$156 million of computers and electronics to Russia, our top export. Yet, U.S. companies only held 4.2 percent of the Russian import market compared to 36.5 percent for the European Union, EU.

As part of its WTO accession, Russia agreed to eliminate tariffs on IT products and take additional actions to protect IPR, including joining the WTO Information Technology Agreement.

In 2011, California exported \$47 million of pharmaceuticals to Russia, but the EU held 77 percent of the import market. As a part of its WTO accession, Russia agreed to lower its tariff to 4.4 percent.

In 2011, California exported \$90 million of cars to Russia, the world's 6th largest car market. U.S. cars, however, make up only 4 percent of Russian imports while Japan has 40 percent of the market and the EU has 35 percent.

As a part of its WTO accession, Russia agreed to reduce its tariff on cars from 20–35 percent to 15 percent.

In addition, for California agriculture, Russia has agreed to: lower tariffs on dairy from 19.8 percent to 14.9 percent; reduce its tariff on grapes from 10 percent to 5 percent within 3 years; lower tariffs on cereals from 15.1 percent to 10 percent; and establish lower in-quota tariff rates for pork, poultry, and beef.

Unless we pass permanent normal trade relations, our foreign competitors will be able to use the concessions Russia made when joining the WTO to protect their companies and workers and increase their market share, while the United States will not be able to do the same for our companies and workers.

As a result, failure to pass this legislation will only make it harder for

California and U.S. companies to compete in Russia.

The legislation would also impose sanctions on individuals linked to the incarceration and death of Russian lawyer Sergei Magnitsky.

Sergei Magnitsky was a Russian attorney who was arrested in 2008 after alleging wide-scale tax fraud by several law enforcement and government officials. He died in prison a year later due to health complications while awaiting trial.

Investigations later found that Mr. Magnitsky was beaten and did not receive proper medical attention. His case gained international attention and was used to highlight systematic violations of human rights in the Russian judicial system.

It is my hope that this provision will help bring those responsible for Mr. Magnitsky's death to justice and encourage Russia to do more to tackle corruption and promote a greater respect for human rights and the rule of law.

This is critical if Russia is to enjoy the full benefits of WTO membership and attract more foreign investment.

I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I understand now under the existing unanimous consent agreement we are going to be proceeding to debating a judge. I ask unanimous consent that immediately after the disposition of that nomination, I be the first Democratic Senator recognized when we return to the pending trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL P. SHEA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Calendar No. 676, which the clerk will report.

The legislative clerk read the nomination of Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, the Senate is finally being allowed to vote today on the nomination of Michael Shea to be a district judge on the U.S. District Court for the District of Connecticut. It has taken far too long for this day to come, but he will be confirmed and I congratulate him and his



family on his confirmation and I congratulate the two Senators from Connecticut on finally having this nomination come to a vote.

I mention this not to urge that we confirm him because we will—and I will very proudly vote for him—but Michael Shea is another nominee whose nomination was stalled for months for no good reason. The Judiciary Committee—and the distinguished Presiding Officer serves on that committee and will recall—we gave his nomination strong bipartisan support more than 7 months ago. He has the support of both home State Senators—both Senator LIEBERMAN and Senator BLUMENTHAL. He has significant litigation experience. He is a graduate of Yale Law School. He clerked for the conservative Judge James Buckley in the U.S. Court of Appeals for the DC Circuit following graduation.

We have to ask, why did it take 7 months for the Senate to finally consider his nomination—after waiting 7 months, we will talk about it for 20 minutes, and then we will vote on his nomination. Why the 7-month delay? Republican obstruction.

After this vote, the Senate remains backlogged with 17 judicial nominations that go back to before the August recess. Senate Republicans are establishing another harmful precedent by refusing to proceed on judicial nominees with bipartisan support before the end of the session. They held up judicial nominees 3 years ago, they did it 2 years ago, they did it last year, and now they are doing it again this year.

They have found a new way to employ their old trick of a pocket filibuster. They stall nominees into the next year, and then they force the Senate, in the new year, to work on nominees from the past year. They delay and delay and delay and push other confirmations back in time and then cut off Senate consideration of any nominees.

How else does anyone explain the Republican Senate opposition to William Kayatta of Maine, who is supported by the two Republican Senators from Maine? How else to explain the Republican filibuster and continuing opposition to Robert Bacharach of Oklahoma, who has the support of Senator INHOFE and Senator COBURN, the two Republican Senators from Oklahoma? How else to explain their adamant refusal to consider the nomination of Richard Taranto to the Federal Circuit, when the Judiciary Committee had seven of the eight Republican Senators voting for him? One, Senator LEE, cast a “no” vote but said it was a protest on another matter. But every single Democrat voted for him.

These delays may serve some petty political purpose, but the American people do not want petty political purposes. They want our Nation’s courts to be staffed. They want the American

people who seek justice to be able to get it. So we should take action on all pending nominees and reduce the damagingly high number of judicial vacancies. Federal judicial vacancies remain above 80. By this point in President Bush’s first term, we had reduced judicial vacancies to 28.

There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the majority leader was forced to take the extraordinary step of filing cloture motions on 17 district court nominations—something I had never seen in my 37 years here. There are going to be at least 80 vacancies after today. Before we adjourn, we ought to at least vote on the 17 pending nominations that could have been and should have been confirmed before the August recess.

From 1980 until this year, when a lame duck session followed a Presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is whether there was a Republican or Democratic President or a Republican-controlled or Democratic-controlled Senate.

According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. Somehow, this President is treated differently than all the other Presidents before him. I have been here with President Ford, President Carter, President Reagan, the first President Bush, President Clinton, the second President Bush, and now President Obama. None of those other Presidents were treated in the way this President is treated. It is something Senate Democrats have never done in any lame duck session, whether after a Presidential or midterm election.

In fact, Senate Democrats allowed votes on 20 of President George W. Bush’s judicial nominees, including 3 circuit court nominees, in the lame duck session after the election in 2002. I remember. I was the chairman of the Judiciary Committee. I moved forward with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006. Actually, in 2006, we confirmed another circuit court nominee.

We proceeded to confirm 19 judicial nominees in a lame duck session after the elections of 2010, including five circuit court nominees. The reason I am not listing confirmations for the lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September and long before the lame duck session.

That is our history. That is our recent precedent. Those across the aisle

who contend that judicial confirmation votes during lame duck sessions do not take place are wrong. The facts are facts. It is past time for votes on the 4 circuit court nominees and the other 13 district court nominees still pending on the Executive Calendar.

Let’s do our job. This is what the American people pay us to do. Let’s vote up or vote down, but let’s vote.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, the Senate turns to the confirmation of another U.S. district judge. According to the Congressional Research Service, the Senate rarely confirms judicial nominees during a lame duck session in a Presidential election year. It did so in a very limited fashion in 1944, 1980, and 2004.

The last time a President was re-elected—President Bush in 2004—only three judicial nominees were confirmed following the election. That year, following President Bush’s re-election, 23 judicial nominations that were pending either on the Senate Executive Calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December.

Today’s vote, the second post-election judicial confirmation, is somewhat of a milestone for this President. It is the 100th judicial confirmation during this Congress. That happens to be the same number of confirmations during President Bush’s first term when the Democrats controlled the Senate and chaired the Judiciary Committee. I have heard the chairman rightfully take pride in that accomplishment. Today we match that record. So I think that the continued complaints we hear about how unfairly this President has been treated are unfounded.

Despite our cooperation, we continue to hear the other side argue that since the President won re-election, we shouldn’t follow past practice, but rather we should confirm a large number of nominations during this lame duck session. Recently one of my colleagues on the other side stated: “From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed.”

I suppose this is meant to imply there is some long record of routine confirmations following a Presidential election. But again, that is simply not the case. The record is one circuit confirmation in 1980, and three district confirmations in 2004. That is it. From 1980 through 2008, those four nominations represent the entire list. With today’s vote we will add two more confirmations to that exclusive list.

This year we have already confirmed 32 district judges and 5 circuit judges.



Today's vote meets or exceeds the confirmations for Presidential election years in recent memory. In fact, going back to 1984, there has been only one Presidential election year in which more district judges were confirmed. Let me emphasize that point: In only one of the past eight Presidential elections have more district nominees been confirmed.

Today we vote on the nomination of Michael P. Shea, to be U.S. district judge for the District of Connecticut. With this confirmation, the Senate will have confirmed 160 of President Obama's nominees to the district and circuit courts. During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have exceeded those numbers. We have confirmed 5 circuit nominees, and Mr. Shea's confirmation will be the 33rd district judge confirmation. That is a total of 38 judges this year versus 28 in the last Presidential election year.

Finally, I would note that Mr. Shea was not reported out of committee by a unanimous vote. There were concerns about part of his record, and that resulted in a few "no" votes in committee. I supported the nomination in committee and will do so again today. But for those who argue that the Republicans have delayed this nomination just to obstruct, that is not the case.

Mr. Shea received his B.A. from Amherst College in 1989 and his J.D. from Yale Law School in 1993. Following graduation from law school, he clerked for James Buckley, U.S. circuit judge for the District of Columbia Circuit. Mr. Shea began his legal career in 1994 at Clearly, Gottlieb Steen & Hamilton in Washington, DC where he worked primarily on civil and criminal antitrust matters. In October 1995, he moved to Clearly Gottlieb's Brussels, Belgium, office, where he continued to work on antitrust matters, including European Union antitrust issues, as well as international business transactions in Eastern Europe and Africa. In the summer of 1998, he returned to the DC office where he assisted in defending a corporate client in a large money laundering prosecution.

In September 1998, Mr. Shea returned to Connecticut, accepting a position as an associate at Day, Berry & Howard, now known as Day Pitney. In 2003, he became a partner with the firm. His career there has spanned a broad range of civil and criminal litigation. His practice included trials and appeals in commercial, civil rights, personal injury, criminal, family, and other cases.

He has tried nine cases to verdict, judgment or final decision. In the past decade, he argued 20 appeals, including 6 at the U.S. Court of Appeals for the Second Circuit. The American Bar Association's Standing Committee on the

Federal Judiciary gave him a Unanimous Qualified rating.

Again, I support this nomination and congratulate Mr. Shea on his anticipated confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the nomination of Michael Shea to serve as the next Federal district court judge for the District of Connecticut. As the Presiding Officer heard—and I did as well—Chairman LEAHY and Senator GRASSLEY expressed very different analyses of the pace at which this Senate is confirming judicial nominations of President Obama, but I note, with gratitude, that both of them expressed support for this particular judge, Michael Shea, and it gives me confidence that he will receive the confirmation vote today that he deserves.

I suppose, because I am at the end of the privilege of serving as a Senator for 24 years, I am looking back at various opportunities and experiences I have had.

It strikes me at this moment that I should say what I am sure is felt by all of my colleagues; that is, while it is often said of Presidents of the United States that the most important decisions they make are the people they put on the Federal bench, particularly Justices of the Supreme Court because those Justices and judges serve long after a President has left office and continue to affect the course of our country of justice under law, the same really can be said with regard to Senators and the role we play in proposing nominees for the Federal district courts in our States.

I must say as I look back at the time I have been privileged to be in the Senate, working with Senator Dodd and now with Senator BLUMENTHAL, I am proud of the people we have helped onto the district courts for the District of Connecticut, obviously, with a lot of support from nominating Presidents of both parties and from people of both parties in the Senate Judiciary Committee and on the Senate floor.

The district court bench in Connecticut is an impressive group and quite a diverse one as well. Michael Shea, if confirmed, will add to its excellence and its legal heft. In November of last year, Judge Christopher Droney left the district court when the Senate confirmed his nomination to serve on the Federal Court of Appeals for the Second Circuit. Judge Droney's vacancy gave Senator BLUMENTHAL and me the opportunity to recommend his replacement.

We took this responsibility seriously. We brought together an advisory panel of nine Connecticut citizens who considered more than 20 candidates for this spot. The panel included a former chief justice of the Connecticut Su-

preme Court, a former U.S. attorney, several partners at major Connecticut and national law firms, and academic, business, and community leaders throughout the State. Their insights and hard work throughout the process were invaluable to my colleague from Connecticut and I. I express on this floor my gratitude to them for their service.

Based on the work of the advisory panel and our review of its recommendations, Senator BLUMENTHAL and I recommended Michael Shea to the President for nomination. I will say that Michael was ranked very high among the highly qualified applicants for this position by all members of the advisory panel. I should say right at the outset that we are grateful to President Obama for nominating him for this place on our court.

Michael Shea is a native of West Hartford, CT, a graduate of Amherst College and Yale Law School, served as a clerk to Judge James Buckley, though a resident of Connecticut, and sat on the U.S. Court of Appeals for the District of Columbia. Michael Shea clerked for Judge Buckley in 1993 and 1994. I will say that Judge Buckley sent our advisory committee and, I believe, the Judiciary Committee and Senator BLUMENTHAL and me a very thoughtful, positive, personal letter of recommendation on Mr. Shea's behalf.

After concluding his clerkship, Michael Shea joined the firm of Cleary, Gottlieb, Steen & Hamilton as an associate, where he stayed for 4 years working on both criminal and civil cases and for a period of time was dispatched to the Brussels, Belgium, office of the firm working on an antitrust investigation. But much more significant than his legal work, in Brussels he met his wife Frederique, and together they now have three wonderful children.

Since 1998, Michael Shea has been a partner at Day Pittney, LLP, where his practice has included trials and appeals in commercial, civil rights, personal injury, criminal, and other cases. He is currently the chair of the firm's Appellate Practice Group. But we found in talking to lawyers and judges around Connecticut on the State and Federal bench that Michael Shea is quite simply one of the most experienced and broadly respected litigators in our State.

If confirmed, he will bring to the district bench an enormous background of experience in our courts. I want to add that Michael Shea also serves his community in various charitable organizations, including the Nutmeg Big Brothers and Sisters, and the Supreme Court Historical Society.

In 2008, as a result of pro bono work Michael has consistently done representing indigent criminal defendants, he received the Connecticut Bar Association's Pro Bono Award for successfully protecting a young mother from

having to return her children to an abusive father who lived abroad.

First, I thank Michael Shea for his interest in serving on the Federal bench of Connecticut. I am honored to present him, along with Senator BLUMENTHAL, to our colleagues in the Senate. He is a first class nominee.

Again, I thank the President for nominating him. I am confident that the President's trust in Mr. Shea will be more than vindicated by the years of judicial service that he will give our State and country.

I am now glad to yield the floor to my colleague from Connecticut, Senator BLUMENTHAL, who I am sure, with my successor, CHRIS MURPHY, will continue to fill vacancies as they arise. There is one now with the same high level of nominee as we have been privileged to do together in this case.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, let me first thank my colleague, Senator LIEBERMAN, for the extraordinary work he and my predecessor, Senator Dodd, have done in filling our U.S. District Courts with some of the most eminent jurists in the United States.

As he has remarked so eloquently, part of the living legacy of the Senate and of individual Senators is, in fact, the men and women whom we recommend to serve in this critically important decision.

As someone who has been a trial lawyer, who has practiced for a few decades in the Federal district courts of our country, I know personally that these men and women for most Americans are the voice and face of justice in our Federal courts. The U.S. Supreme Court may be the highest Court in the land, but most litigants go no higher than the U.S. District Court, and for them fairness and justice is the voice and face of the U.S. district judge.

So I thank the Senator for the great work he has done. In decisions based on merit, without regard to personality or politics, he has participated in recommending some of the best of the best men and women to serve on our Federal bench.

Michael Shea epitomizes that quality of fairness, intellect, and dedication to public service. He is a native of Connecticut, but his experience is national and international in scope. I am not going to repeat all of the extraordinary credentials that Senator LIEBERMAN has described so well. I just want to say that on a level that is as important as any professional credentials in terms of temperament, he is the kind of person we want on our bench. He is unassuming, unassuming, self-effacing, understated, but powerfully attentive to individual facts and personal circumstances.

He has compassion and conviction, principle and impeccable honesty and integrity, and he has an empathy for

people who are in distress, who are in need of somebody to listen. That may be a quality that is preeminently important on the bench, the ability to listen and the attention to detail.

Mr. Shea has served as counsel for criminal defendants. He has argued 20 appeals, including 6 to the Second Circuit. He has tried 9 cases to verdict. He has served as counsel to the Bridgeport Roman Catholic Diocese in first amendment matters. I worked with him personally in a professional capacity when I was attorney general of the State of Connecticut. I know him as someone who will do justice and love mercy.

He is a man whom we can be proud to support. I am proud to support him. I thank President Obama for nominating him and the chairman of the Judiciary Committee, PATRICK LEAHY, for his leadership on our committee in making sure he had a hearing and a vote, and now this vote is here.

I thank also our ranking member, Senator GRASSLEY, for his graciousness in stating that he would support him. My hope is that the U.S. District Court of Connecticut, which faces a backlog now, will have the good fortune to have remaining vacancies filled at the earliest possible date by lawyers as eminently qualified as soon-to-be judge Michael Shea. I thank this body in advance for approving him.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield back all remaining time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael P. Shea, of Connecticut, to be U.S. District Judge for the District of Connecticut?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay," and

the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 222 Ex.]

#### YEAS—72

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Graham       | Merkley     |
| Ayotte     | Grassley     | Mikulski    |
| Baucus     | Hagan        | Moran       |
| Begich     | Harkin       | Murkowski   |
| Bennet     | Hatch        | Murray      |
| Bingaman   | Hoeben       | Nelson (NE) |
| Blumenthal | Inouye       | Nelson (FL) |
| Boxer      | Johanns      | Portman     |
| Brown (MA) | Johnson (SD) | Pryor       |
| Brown (OH) | Johnson (WI) | Reed        |
| Burr       | Kerry        | Reid        |
| Cantwell   | Klobuchar    | Sanders     |
| Cardin     | Kohl         | Schumer     |
| Carper     | Kyl          | Sessions    |
| Casey      | Landrieu     | Shaheen     |
| Coats      | Lautenberg   | Shelby      |
| Collins    | Leahy        | Snowe       |
| Conrad     | Levin        | Stabenow    |
| Coons      | Lieberman    | Tester      |
| Corker     | Lugar        | Udall (CO)  |
| Durbin     | Manchin      | Udall (NM)  |
| Feinstein  | McCain       | Warner      |
| Franken    | McCaskey     | Whitehouse  |
| Gillibrand | Menendez     | Wyden       |

#### NAYS—23

|           |           |         |
|-----------|-----------|---------|
| Barrasso  | Enzi      | Risch   |
| Blunt     | Heller    | Roberts |
| Boozman   | Hutchison | Rubio   |
| Chambliss | Inhofe    | Thune   |
| Coburn    | Isakson   | Toomey  |
| Cochran   | Lee       | Vitter  |
| Cornyn    | McConnell | Wicker  |
| Crapo     | Paul      |         |

#### NOT VOTING—5

|           |             |      |
|-----------|-------------|------|
| Alexander | Kirk        | Webb |
| DeMint    | Rockefeller |      |

The nomination was confirmed.

Mr. COBURN. Mr. President, I wish to explain my vote against Mr. Michael Shea, nominee to the District Court of Connecticut. My decision is based on Mr. Shea's assistance in drafting an anticus brief in the Supreme Court case of Kelo v. New London on behalf of the Connecticut Conference of Municipalities and other municipalities.

The Kelo decision delivered a serious blow to private property rights by upholding a municipality's use of eminent domain to seize private homes and transfer the property to a pharmaceutical company for purposes of "economic development." As Justice Sandra Day O'Connor stated in her dissent, the "Court abandoned its long-held, basis limitation on government power" in the Kelo case. The Fifth Amendment of the Constitution states: "No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The Kelo decision altered what was traditionally viewed as "public use." As Justice O'Connor noted, as a result of this decision, "Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. . . . Any property may now be taken for the benefit of another private party, but the fallout from this

decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms."

In contrast, Mr. Shea's amicus brief argued the eminent domain action taken by New London was constitutional and should be upheld. He asserted the "taking of some of the petitioners' homes" is "undeniably a genuine cost of realizing the City's goal of improving the economic well-being of its citizens." But, the Public Use Clause "sweeps as broadly as the [State's] police powers." He said siding with the Kelo plaintiffs in the case would "contort" the Public Use Clause. Justice Stevens, the author of the 5-4 majority opinion in Kelo, cited Mr. Shea's brief in his opinion.

Perhaps the saddest aspect of this case is the "economic development" that was key to the taking being a "public use" never happened because the developer could not get funding. Susette Kelo lost her property for nothing. The site of her former home is a garbage dump. This fact exposes another reason the takings clause was only intended for public use, because the government is more likely to have the funding ready to use the property. Normally, I would not hold a lawyer responsible for the legal views of his clients, but the Kelo decision dealt such a serious blow to private property rights, a crucial element of our founding principles, and so clearly departs from the original understanding of the Constitution, I feel I must vote no.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

The Senator from Michigan.

#### RUSSIA AND MOLDOVA PNTR

Mr. LEVIN. Mr. President, the Russia PNTR bill that is before us takes a long overdue action by ending the application of Jackson-Vanik sanctions to Russia. Jackson-Vanik is no longer relevant to Russia because Russia no longer restricts the free emigration of its people.

The Soviet Union began to relax its restrictions on Jewish emigration in 1987, during Gorbachev's perestroika. Following the collapse of the Soviet Union in 1991, millions of Soviet Jews were permitted to leave. Since then, Russia has allowed free emigration.

I have felt for a long time that we should have graduated Russia from Jackson-Vanik when Jackson-Vanik's

noble purpose was achieved, rather than waiting years, often in the effort to make other points relative to Russia on other issues. First some history.

In 2007, I met with Rabbi Lazar, chief rabbi of Russia, regarding Jackson-Vanik. He urged passage of legislation ending the application of Jackson-Vanik to Russia.

Also in 2007, I received a letter from the chairman of the Federation of Jewish Communities, which represents presidents and rabbis of over 200 Jewish communities in Russia, a letter which urged me to work to graduate Russia from the Jackson-Vanik amendment in view of the fact that its goals had already been met. Part of his letter reads as follows:

[We are thankful for all your efforts toward gaining freedom for our country's Jews. We will always appreciate the role of Jackson-Vanik in bringing about change. We also remain grateful to those who forced the U.S.S.R.'s Communist regime to permit Jews to emigrate, and to end discrimination. For us this was a huge morale boost—Jews behind the Iron Curtain were thrilled that Americans were willing to risk political and economic confrontation, in order to stand up for the freedom and rights of their fellow human beings.

He continued:

Nevertheless, in the last 15 years the situation has changed, radically. The freedom for Soviet Jews to live wherever they desire was fully obtained; nearly a million Jews from the F.S.U. now live in Israel, while hundreds of thousands live in other countries throughout the world. We are positive that these developments were in part thanks to the American lawmakers who supported the Jackson-Vanik amendment. Yet we now see a backward migration, when Jews from abroad move back to Russia. This proves that Jews in Russia feel as confident as those inhabiting other countries of the Free World.

The rabbi added: "The provisions of the Jackson-Vanik amendment have already achieved the goals of its initiators." That was in 2007. Mr. President, I ask unanimous consent that the letter from the Federation of Jewish Communities of Russia be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERATION OF  
JEWISH COMMUNITIES OF RUSSIA,  
APRIL 16, 2007.

Hon. Senator CARL LEVIN,  
Russell Bldg.,  
Washington, DC.

DEAR SENATOR LEVIN: I am writing this letter in my name and in the name of the Presidents and Rabbis of over 200 Jewish communities throughout our country which comprise the Federation of Jewish Communities. I am writing to you on behalf of our constituency, to ask you to work to graduate Russia from the Jackson-Vanik amendment in view of the fact that its goals have already been met.

We know that the fate of Soviet Jewry is important to you, and we are thankful for all your efforts towards gaining freedom for our country's Jews. We will always appreciate the role of Jackson-Vanik in bringing about

change. We also remain grateful to those who forced the USSR's Communist regime to permit Jews to emigrate, and to end discrimination. For us this was a huge morale boost—Jews behind the Iron Curtain were thrilled that Americans were willing to risk political and economic confrontation, in order to stand up for the freedom and rights of their fellow human beings.

Nevertheless, in the last 15 years the situation has changed, radically. The freedom for Soviet Jews to live wherever they desire was fully obtained; nearly a million Jews from the F.S.U. now live in Israel, while hundreds of thousands live in other countries throughout the world. We are positive that these developments were in part thanks to the American lawmakers who supported the Jackson-Vanik amendment. Yet we now see a backward migration, when Jews from abroad move back to Russia. This proves that Jews in Russia feel as confident as those inhabiting other countries of the Free World.

Today the Jewish people have equal rights with the general population. Jewish life in our country has experienced dynamic growth. While it is well known that during the years that Communism ruled we were forbidden to pray in synagogues, and to learn the Torah or Hebrew, now, most of the larger cities have built community centers, Jewish schools, day care centers, humanitarian facilities, and artistic collectives, in addition to synagogues. The country's leaders, including the President, regularly visit Jewish communities. Russia's Jews are treated as equal citizens and any outburst of anti-Semitism is met with harsh consequences.

The provisions of the Jackson-Vanik amendment have already achieved the goals of its initiators. At this point a public ceremony marking the official graduation of Russia from the provisions of the amendment would be a tremendous opportunity to remind the rest of the world that the U.S. has successfully completed a policy initiative, and will continue to look after the needs of the Jewish people and to defend them from discrimination. At the same time, the abolishment of this amendment in respect to Russia would reiterate to the rest of the world that America is ready to commit the resources necessary to the needs of the Jewish people. It would also demonstrate fairness, acknowledging that when a "carrot and stick" policy is pursued, the reward for compliance will, in fact, be paid as promised.

Thanking you in advance for your kind help, I remain,

ALEXANDER BORODA,  
Chairman, FJC Russia.

Mr. LEVIN. So I am glad, very glad, that finally, the Jackson-Vanik law is no longer going to apply to Russia.

Not only does the bill under consideration grant Russia PNTR, it also contains enforcement provisions that my brother, Congressman SANDER LEVIN, fought for to address concerns about Russia's compliance with its WTO obligations and other trade concerns such as Russia's persistent failure to stop intellectual property rights infringement, and to help promote the rule of law in Russia. These are important enforcement tools that will give us a chance to monitor Russia's progress in fulfilling its commitments. I have looked forward to getting these actions accomplished in PNTR legislation.

The bill before us also includes the Sergei Magnitsky Rule of Law Accountability Act of 2012 which was inspired by the Russian whistleblower Sergei Magnitsky, who was ruthlessly murdered. The legislation would require that human rights violators in Russia be identified and that we deny them U.S. visas as well as freeze their U.S. assets.

However, and here's the problem for me, the Magnitsky language before us is not the Magnitsky language adopted by our Finance and Foreign Relations committees. Their Magnitsky language applied the same sanctions to human rights violators wherever they might be—whether in Russia, or Syria, or Sudan, or North Korea, or China, or in any other country.

In other words, the Senate committee-approved bill wisely adopted a global Magnitsky standard. The reasoning for this is sound, because while the mechanism of U.S. visa denial for human rights violators was inspired by a single case in a single nation, the principles that it seeks to advance are universal. This bipartisan Senate committee bill, unlike the House-passed version of the Magnitsky Act that we will soon vote on, does not single out Russian human-rights violators for visa denial, but would apply the visa denial mechanism to people from any country who violate important human rights standards. The United States should be clear and firm in its commitment to protecting human rights, wherever the violations occur, and to holding those who violate those rights accountable to the best of our ability, including denying them visas to come to our country. Human rights do not end at the borders of Russia, and anyone who violates those standards, as so many did so blatantly in the case of Sergei Magnitsky, should be held accountable.

Applying the Magnitsky provisions globally, as the Senate bill approved by our committees did, follows in the spirit of Jackson-Vanik, which, while inspired by events in the Soviet Union, was not limited to the Soviet Union.

The Senate Foreign Relations Committee and the Senate Finance Committee both voted unanimously to report a version of the Magnitsky bill that applies its sanctions globally. Senators CARDIN and KYL have worked, on a bipartisan basis, to build support for that global standard, and I strongly support their effort. I commend them on their effort.

So why is that Senate committee-reported bill not before the Senate? Why would we deny visas only to Russian human rights violators? Why diminish the universality of the values the Magnitsky bill seeks to uphold?

Applying the sanctions contained in this bill solely to Russians, as the House version does, not only diminishes a universal value. Because it adds

a political twist, it will stoke a nationalistic response in Russia. If this bill does not apply the same rule to all human rights violators, if it singles out Russian human rights violators, President Putin will no doubt appeal to the nationalistic passions of many Russians by saying that our bill isn't aimed at protecting human rights, but is aimed at Russia. We should not hand President Putin that argument.

The Senate bill, as approved by our committees, very appropriately pays tribute to the man whose tragic death inspired the legislation, and applies its message universally. I deeply regret that the House bill before us does not take that approach.

I don't understand why we are not taking up the Senate version, the version approved by our two committees, and applying these standards universally. The only answer I get is that the House of Representatives might not accept the Senate version. Well, we should do what we believe in, as reflected in two unanimous votes in two committees, and not be derailed by a prediction that the House will not accept our version. There is time left in this session to test that prediction. The failure to do so is inexplicable to me. The House of Representatives did not have a vote focusing on the issue of applying these sanctions globally. We should give them a chance to do so.

In summary, it is important that we lift the Jackson-Vanik sanctions. It is important that we speak out on the tragic death of Sergei Magnitsky and hold those responsible to account. These are issues on which I believe so strongly and that I have worked long and hard, particularly on Jackson-Vanik, to achieve. Taking these steps should be a cause of celebration.

But the violations of human rights that the Magnitsky bill seeks to remedy are far too widespread for us to apply remedies only to Russians human rights violators. The United States has an opportunity here to make a strong, unmistakable statement about the sanctity of human rights. We should want that statement to ring out not just in Moscow, but around the world.

I know some of my colleagues have expressed hope that we can pass legislation to address this issue in the next Congress. I know of no reason to believe that we will have significantly greater chances of accomplishing this goal next year than we do today.

Mr. President, over the next few weeks, we have time to conference and pass a defense authorization bill. We have time to debate and avoid the fiscal cliff. We have time to address a farm bill and dozens of other important issues. And we have time to address the transcendent issue of the universal rights of mankind.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today in strong support of the legislation before us to enact permanent normal trade relations with respect to Russia and Moldova. This legislation will also put in place a new mechanism for combating human rights abuses and strengthening the ruling of law in Russia commonly known as the Magnitsky bill. The economic argument for the legislation before us is clear. Russia is the world's sixth largest economy; the world's fifth largest global importer of agricultural products, and home to 140 million potential customers, the largest consumer market in Europe.

Russia is already an important and growing market for U.S. businesses. Of the top 15 U.S. trading partners, Russia was the market where American companies enjoyed the fastest export growth last year, at 38 percent. If we enact PNTR, it is estimated that U.S. exports of goods and services to Russia could literally double over the next 5 years. That is why groups ranging from the American Farm Bureau to the National Association of Manufacturers to the National Corn Growers, just to name a few, strongly support PNTR.

Just last week I met with representatives from the South Dakota Soybean Association, and I was reminded of the importance of Russia as a growing export market to my State of South Dakota. While greater access to the Russian market will benefit a wide range of U.S. companies, such as manufacturers and service providers, I would be remiss not to point out the enormous opportunity for America's agricultural producers in Russia. Consider that Russia is the world's largest importer of beef on a quantity basis, with imports of nearly \$4 billion last year. Russia is the world's fifth largest importer of pork products as well as the world's largest importer of dairy products.

Despite the problems we have encountered recently with respect to our poultry exports, America remains the single largest supplier of poultry to the Russian market, accounting for 50 percent of Russian poultry imports last year.

Under the terms of Russia's WTO accession, which occurred last year, Russia is obligated to reduce tariffs across a wide range of agricultural products while also adhering to WTO rules regarding sanitary and phyto-sanitary measures. Once we have enacted PNTR the United States will have the ability to enforce visa commitments through the World Trade Organization dispute settlement process.

It is important to note that our vote on passage of this bill is different than voting on a trade agreement where both sides make concessions in order to reach a conclusion. In contrast, our vote on the House-passed Russia PNTR bill is entirely one-sided in favor of the United States. Russia joined the World Trade Organization in August and will

remain a member of the WTO regardless of what we do with respect to PNTR.

We are not giving Russia anything new because they have received PNTR on a recurring annual basis for the past 20 years. The only issue today is whether we will now allow U.S. businesses to take full advantage of the new trade commitments that Russia has made as part of joining the World Trade Organization. If we do not act, American manufacturers, farmers, ranchers, and service providers will remain at a competitive disadvantage relative to their foreign competitors doing business in Russia.

At a time when our economy is growing more slowly than any postrecession recovery since World War II, failure to enact PNTR makes no sense. American export growth has been one of the true bright spots since the great recession.

According to the Department of Commerce, jobs supported by exports increased by 1.2 million between 2009 and 2011.

If we are serious about encouraging job creation, we need to continue to open new job markets abroad for American exports. Normalizing our trade relationship with Russia is an important step in the right direction.

While this legislation is about supporting American jobs by promoting our exports, we should also recognize the importance of the Magnitsky provision included in this bill at the insistence of Senators CARDIN, KYL, MCCAIN, and WICKER, among others. By replacing the outdated Jackson-Vanik law with a new mechanism to support democratic reforms in Russia, this legislation will strengthen the rule of law while combating corruption and human rights abuses.

The only thing surprising about this vote is that it did not happen sooner. Nearly 6 months ago, on June 12, I joined Senators BAUCUS, MCCAIN, and KERRY in introducing legislation to enact PNTR. With the leadership of Senator HATCH and others, we approved the PNTR legislation in the Finance Committee by a unanimous vote on July 18.

Unfortunately, many of us believe the administration did not push forcefully enough for enactment of PNTR before Russia joined the World Trade Organization in August. As a result, we are just now finally considering this legislation more than 3 months after Russia's WTO accession.

Nevertheless, I look forward to enactment of this bill, especially considering the overwhelming bipartisan vote of approval for this legislation in the House of Representatives just a few weeks ago. While today's vote is specific to Russia and Moldova, I hope this vote will remind us of the importance of moving forward on trade in general. It is an unfortunate reality that when America stands still on trade, we are

actually falling behind relative to the rest of the world. There are more than 100 new free-trade agreements currently under negotiation around the world. Yet the United States is party to only one of those negotiations, the Trans-Pacific Partnership.

The United States has not successfully negotiated a single new trade agreement during the 4 years of the Obama administration, and this administration has not yet asked Congress for a renewal of trade promotion authority, despite the fact that TPA expired over 5 years ago. The cost of inaction on trade is high because we live in a global economy where American producers rely on access to foreign markets. More than 95 percent of global consumers live outside the United States.

Consider that in 1960 exports accounted for only 3.6 percent of GDP. Exports account for 12.5 percent of our GDP. Exports of U.S. goods and services supported over 10 million American jobs. If we do not aggressively pursue new market opening agreements on behalf of American workers, we will see new export opportunities go to foreign businesses and foreign workers.

So while I am pleased that we are considering PNTR today, I hope President Obama in his second term will recognize the potential for increased trade opportunities through a more aggressive trade agenda. I look forward to the President signing this legislation into law, and I urge all of my colleagues to vote for the legislation before us when that vote comes up tomorrow at noon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The bill before us, the permanent normal trade relations with Russia, is important legislation to expand trading opportunities. I was thinking, as the Senator from South Dakota spoke about this debate on the floor and what it was like around this Chamber several decades ago when this issue was raised and there was a strong feeling for the Jackson-Vanik provisions which prohibited certain trade between the United States and so-called communist countries of their day, there were those voices on the other side, many from the Heartland such as Senator THUNE and myself. Senator Humphrey used to say, sell anything that can't shoot back at us, and that meant a lot of wheat sometimes and other agricultural commodities.

I will speak to that trade relation aspect in a second, but before I do, I want to address an aspect of this bill that is very important to me and should be to every Member of the Senate.

I am honored to be the chair of the Judiciary Committee Subcommittee on the Constitution, Human Rights and Civil Rights. We have had a series of

hearings on the issues of human rights and laws in the United States that affect them. I have also been honored to join with Senator CARDIN of Maryland who chairs our Helsinki Commission Senate Delegation and has been on several trips overseas. He has made human rights a part of that commission and part of the United States.

One of the aspects of this bill is so important. Sadly today in the country of Russia we are seeing evidence of brutal and horrific treatment of individuals and abuse of human rights. Senator CARDIN—who I said earlier is a great voice of human rights in the Senate—introduced legislation in this Congress that would impose U.S. visa bans and asset freezes on those who commit gross human rights violations around the world. That is a Cardin amendment which I thought was a good one. The idea was simple: Those who commit such acts that are so contradictory to American values should not be allowed to visit or stash their wealth in our country, period.

The inspiration of this came from a terrible episode which occurred in Russia. A lawyer named Sergei Magnitsky died a tragic death while in custody in Russia after being arrested for uncovering official corruption. Magnitsky was working for Hermitage Capital, once the largest Russian-only fund in the world. Drawn into the feud between the fund and Russian law enforcement authorities, he testified that senior Russian Interior Ministry officers had used his employer's companies to embezzle \$230 million from the Russian treasury.

Later the same police officers he accused arrested him. They held him without bail on charges of evading taxes. After 11 months in custody, repeatedly being denied medical care, he died at age 37. Russia's top investigative commission said that he died of heart disease and hepatitis that he could have survived with basic medical care. A parallel Russian Presidential advisory report said that he may have died because of a beating while in prison.

Over time prison officials were dismissed but got jobs elsewhere. Russian authorities have also occasionally raised the prospect of a more thorough investigation, but they ignored extensive evidence linking police officials to Magnitsky's death. Incredibly, some of those involved have even received medals for meritorious service by the Russian Government.

Sergei Magnitsky's death is part of a deeply troubling retreat on basic political freedom and human rights in Russia. Activists and human rights leaders were harassed, often threatened with new sweeping treason laws for speaking up against fraud, corruption, or denial of basic rights. We saw what happened to Sergei Magnitsky when he tried to

speaking out against corruption. I am saddened that the leadership of a great nation such as Russia is resorting to these hideous tactics. They are a throwback of the worst of the Soviet era. Our friends the Russian people deserve a vision that looks forward to a new future that includes freedom and human rights, not the past which adds sad chapters of the denial of both of these.

I am pleased today to speak in support of this bill. Unfortunately, it doesn't include the original Cardin amendment. The original Cardin amendment had a global reach and said that we would treat virtually anyone guilty of these crimes the same way, denying visas and freezing their assets in the United States. Incidentally, that provision is said to be similar to an amendment that I just offered on the Defense authorization bill as it related to supporting the M23 rebels causing mayhem in the Congo.

Unfortunately, the new provision modification of Senator CARDIN's original limits the activities to those that occurred in Russia. He and I both wish it had gone farther, but often those imposing harsh and arbitrary violations of their own people like to travel and hide their money. They should not be allowed to do it in the United States. If they want to enjoy the benefits of the United States, respect our basic democracy and values.

Let me say a word about the overall bill. It is an important step forward and creates more opportunity for trade. I believe trade opens the doors for exchanges of ideas, people, culture, and opens the doors to democracy.

The United States exported nearly \$43 billion in goods to Russia in 2011. My State of Illinois exported \$287 million in heavy equipment alone, such as bulldozers and tractors. Extending permanent normal trade relations to Russia will ensure business not only in Illinois but across America to make sure we don't suffer a disadvantage of trade with Russia.

Russia has made a dramatic break with the Soviet past. The United States can help Russia on its path to an even better future, one that is more integrated socially and economically.

I again commend Senator CARDIN for ensuring that our Nation's intolerance for human rights violations is not part of this process. And to the many Russian people who are trying to push for a more open and transparent country, we applaud their noble and courageous efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise today in strong support of the legislation before us, the repeal for Jackson-Vanik for Russia and Moldova and the Sergei Magnitsky Rule of Law Accountability Act.

The two main components of this package represent a win-win for U.S. businesses and for human rights defenders in Russia. Chairman BAUCUS and Chairman KERRY deserve a lot of credit for working together to get us to this point.

I also want to join my colleague Senator DURBIN in singling out and commending Senator CARDIN of Maryland for his tremendous effort to bring this historic piece of human rights legislation to the floor tonight.

As one of the original cosponsors of the Magnitsky Act, I remember back in May of last year when Senator CARDIN first introduced the bill. Since that time, he has been the driving force that has pushed this measure forward. It has taken a lot of patience, a lot of perseverance, but his work on behalf of human rights in Russia has paid off, and he is a big reason why we are here debating this bill today.

This legislation comes at a complex time in the bilateral relationship between the United States and Russia. The truth is the history of this relationship has always been full of complexity and seeming contradictions, and today is no different.

Over the last 4 years the subtle change in tone brought on by the reset has allowed us to establish substantial progress on some limited areas of mutual interests including the New START Treaty, Afghanistan, and Iran.

In addition, Russia has finally joined the World Trade Organization, which is another mutually beneficial outcome. Russia will become a more fully engaged member of the global trade community, and in exchange it will be forced to abide by internationally recognized rules on trade and investment, including international property enforcement, the elimination of some key tariffs, and greater transparency in its laws and regulations.

Despite these obvious advantages for the United States, our businesses are currently stuck on the sidelines and unable to benefit from Russia's accession because of the outdated Jackson-Vanik legislation. Although it was successful in its time, Jackson-Vanik remains the last obstacle for U.S. businesses to gain critical access to Russian markets and create jobs here at home.

The legislation before us now retires Jackson-Vanik and lets American businesses compete with the rest of the world to sell exports to and attract investment from Russia. Each and every State stands to gain from this legislation. In my home State of New Hampshire, exports to Russia have been on the rise over the last 2 years, particularly with respect to transportation equipment, computers, electronics, and machinery. If given the opportunity, I am confident that New Hampshire businesses will be able to successfully compete in the growing Russian mar-

ket, and this legislation will help them to do that. So even as we seek areas of mutual interest with Russia, we should be honest and admit that areas of disagreement remain.

Perhaps the most pressing issue for today's relationship with Russia is the human rights situation there. Indeed, over the last 6 months we have seen perhaps the worst deterioration in Russia's human rights record since the breakup of the Soviet Union. The Putin government has enacted a series of laws that restrict protests and public expression and severely constrain civil society in the country.

As some may know, my home State of New Hampshire has a motto that is well known throughout this country. It is: "Live free or die." We are not ambiguous regarding how we feel about the principles on which this country was founded. The United States is not, should not, and will not be shy about our staunch support for democratic values around the world. When it comes to Russia, we should be no different.

The Magnitsky bill before us is an important tool to raise the profile of human rights in Russia. It is supported almost unanimously by opposition and civil society figures across Russia. The case of Mr. Magnitsky is a tragic one, as so many people have eloquently talked about today. We are here as part of this legislation to press for accountability in his death. However, this is really more than simply a question of one man's tragic case.

The State Department's human rights report annually describes countless human rights violations, including attacks on journalists, physical abuse of citizens, politically motivated imprisonments, and government harassment and violence. There are numerous cases like Magnitsky and, unfortunately, there are likely to be many more.

That is why this bill before us is so important. It seeks to ensure that no human rights abusers in Russia are granted the privilege of traveling to this country or using our financial system. A strong, successful, and transparent Russia that protects the rights of its citizens is squarely in the interest of the United States. The Magnitsky Act will demonstrate that we stand unambiguously for the rule of law, for democracy, and for respect for human rights in Russia.

As we look forward and think about our relationship with Russia, we have to be both pragmatic and principled. A successful policy with Russia will find a way to both protect our interests and defend our values. I think the legislation that is before us today is a perfect example of how we can do both, and I certainly hope my colleagues will strongly support its passage and send it directly to the President for his signature.



Thank you very much.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator SHAHEEN for her leadership on this issue. We have had many discussions about how to advance human rights and what is the best strategy to get the Magnitsky bill enacted into law. She has been a real champion with her leadership on the Senate Foreign Relations Committee on Europe and her leadership on the Helsinki Commission. I thank her for her good advice for allowing us to be able to get to this day.

I am convinced tomorrow the Senate will pass this legislation, the President is going to sign it, and we will achieve a great victory for human rights.

I thank the Senator for her observations as we were talking about how to move forward with this bill in connection with PNTR for Russia. I know Senator LIEBERMAN talked about it a little bit earlier. I am convinced, as important as this bill was, that the Magnitsky bill by itself would have been extremely difficult for us to get through to the President and for the President to sign into law and that in combining it with PNTR, we got it done. I also believe that PNTR without Magnitsky would not have gotten done. So I think the marriage of these two bills was the right choice. They allow us to move forward, as Senator LEVIN said, repealing a provision that is not relevant for Russia, while also allowing us to make a new standard for Russia that is relevant for our problems we are confronting not just in Russia but throughout the globe.

I wish to comment a little bit about Senator LEVIN's point. Senator LEVIN raised the issue of why couldn't we make this global. As Senator MCCAIN said, countries are on notice, particularly those countries that are known for their human rights violations. They now know what the standard is, and they know what action the United States will take if they don't meet that standard.

The standard is very clear. I will just read it into the RECORD one more time so every country knows and every individual knows we will be taking action against those who violate human rights. It says any individual who "is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individual seeking . . . to obtain, exercise, defend, or promote internationally recognized human rights. . . ."

That is the standard. That is what is in this bill. That is what we will be voting on tomorrow. That is what has been approved by the House of Representatives and I believe will be approved tomorrow by this body and will be signed into law by the President of the United States. We are establishing

the standard that will be used to deny human rights violators the right to visit our country, to obtain a visa, and to use our banking system.

Senator LEVIN is absolutely correct. The bill that came out of the Senate Foreign Relations Committee and the Finance Committee made it crystal clear by statute that it applied globally. I strongly supported that. I support that now. I would love to see that in our bill, but we need to get this bill done. I would have preferred to see us take up the amendment, hopefully pass the amendment, and work it out with the House. However, it was the collective wisdom that in order to get this bill done, particularly with the administration's position on it—they did not support the global legislative solution at this point—that it was unlikely we would reach the finish line and get that done.

That doesn't diminish the global impact of this bill. I need to underscore that. It does not diminish the global impact of this bill. Senator MCCAIN is right. Countries and individuals are on notice. I can tell my colleagues that as a Member of this body, I will be monitoring, and if there are individual people who have committed these gross violations and who are seeking to come to America and use our banking system, I am going to take action. It may be filing additional legislation. I hope we get it done. I hope we will find an opportunity to get the Senate language into law, that the legislative standard specifically applies globally.

Let me point out we already have authority. The Secretary of State already has authority to deny human rights violators the right to come to America. Before I filed the Magnitsky bill, I sent a letter to the Secretary of State saying we know who the perpetrators of the crimes against Mr. Magnitsky are; deny them the right. They want to come to America. They are planning to come to America. Don't let them. We went back and forth a little bit as to what they were going to do.

What is interesting is that I filed this legislation with Senator MCCAIN and many others. Secretary Clinton took action. She said we will deny them the opportunity of coming to America; we have that authority. The Secretary of the Treasury has certain authorities to deny the rights of our banking system. So we have—our agencies have the inherent authority to block human rights violators from coming to America or using our banking system. Should we legislate to make that clear? Absolutely. Should we pass legislation that is global? Absolutely. I hope we will do that.

Today we have the opportunity to make a major advancement to establish the standard in statute that we expect will be honored internationally, globally, to provide the tools to act against Russia because this is a PNTR

Russia bill. We will be able to do that. We also have the tools in place to be able to take further action.

So what I said earlier I think is absolutely true. This isn't an end of a chapter of U.S. leadership. I can tell my colleagues when Senator Jackson and Congressman Vanik suggested the use of trade as a leverage to block trade with countries if they didn't respect the basic human right of allowing their people to leave, there were many people who said: Why are you doing that? Can't we just talk it out? That bill produced incredible results not only on the individuals who were able to leave the Soviet Union, but it spoke to America's leadership.

I honestly believe it helped establish the principles where the United States used trade to open and eliminate the apartheid government of South Africa. We were the leaders on that. We have been very strong on protecting human rights and saying: We will use every tool at our disposal to protect people's basic rights. We did that in South Africa and we did that in the Soviet Union and we are doing it again today. That is where America's leadership shines. That is where America's leadership will be followed by other countries. We are already seeing other European capitals pass similar legislation as the Magnitsky bill to make this clear. We are ending a chapter with Jackson-Vanik and we should be very proud of what America stood for, what we stand for today, and our leadership in the lives of real people and how it has helped keep people safer.

Now we are starting a new chapter and that new chapter is not just Russia. That new chapter is global. We are putting the international community on notice that we will not tolerate individuals who violate basic human rights, and we will use every tool at our disposal, including trade, including the right to come to America, including the right to use our banking system, including putting as much pressure as we possibly can on countries to take action against those who violate rights.

We respect the rights of individual countries. We want to work with those countries, but America will not give up its values and on promoting these values internationally. That is what this legislation is.

I understand the disappointment that we don't have everything in this bill we would like. I am certainly disappointed. I fought hard. I spoke to so many Members in both the House and the Senate about trying to make this bill even better. I am proud of how far we were able to get, and I can tell my colleagues this: The activists who are risking their lives today in countries around the world to protect the rights of citizens, to question the actions of their government, to dare to say we should have competitive elections, we



should respect the religious freedoms of individuals, we should be able to speak out, these people are putting their lives at risk. They are looking at what the Senate is doing today, and they are looking at us and saying: Pass this bill. Pass this bill because it gives us hope. It lets our countries know America will stand for us, that America's leadership will be there to keep us safe.

I know we have had a spirited discussion this evening. We will have a chance tomorrow to vote on this bill. I do believe we will have the opportunity to show America's leadership will be continuing to advance human rights. This legislation will make a difference not just in the trade relationships between Russia and the United States—it will help that—but it will help advance international respect for human rights. I am proud to be part of that effort.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS DARREN LINDE  
SPECIALIST TYLER ORGAARD

Mr. BAUCUS. Mr. President, I wish to say a few words that deserve our attention. On Monday, an attack on U.S. troops in Afghanistan claimed the lives of SFC Darren Linde and SPC Tyler Orgaard of the North Dakota National Guard.

Sergeant Linde was a graduate of Sidney High School in Montana. He earned many honors throughout his career, including the Bronze Star, Purple Heart, Army Commendation, and Army Good Conduct medals. He was a hero and a family man who put service to others above all.

May all of us honor the sacrifice and service of Sergeant Linde and Specialist Orgaard by looking for ways we can circle around our troops and their families. There are no words to express how thankful we are for the ongoing commitment and dedication they show every day.

Please join my wife Melodee and me in praying for the servicemembers and families devastated by this attack.

#### REMEMBERING WARREN B. RUDMAN

Mr. LEVIN. Mr. President, I want to join my colleagues in extending condolences to the family of Senator Warren Rudman, and add my voice to those saluting a distinguished, effective and principled member of this body.

It has been hard in the last few months, for those of us who knew and served with him, not to think of Warren Rudman. More than 2 decades ago, our circumstances were strikingly similar to the situation in which we find ourselves today. Rising Federal budget deficits were the cause of alarm. Almost everyone agreed that we needed to bring them down. The difficulty was how. Meeting the widely differing priorities among members of Congress—and the American people we represented—seemed impossible.

Senator Rudman, along with Senator Ernest Hollings and Senator Phil Gramm, crafted a solution. It is fair to say no one liked it very much. None of us here at the time, including me, voted for it with great enthusiasm. That was its genius. By establishing a mechanism for automatic, across-the-board spending cuts that would take place in the absence of a more tailored program of deficit reduction, they sought to force all of us to make the difficult choices required to reduce the deficit.

The arrangement Senators Rudman, Gramm and Hollings concocted was disagreeable to everybody, and so we looked for ways to avoid it. I voted for the 1985 agreement in part because I believed it would help force elected officials to get serious about the fact that revenue was an important part of the deficit-reduction formula. It was true then, it was true now, and Warren Rudman helped clarify that important fact. We borrowed from Warren Rudman's playbook with the sequestration provisions which are now the subject of so much debate and concern here. I dislike the blind, Draconian cuts of sequestration today as much as I disliked them in the 1980s. Now, as then, I am hopeful that members of good will can reach across the aisle to reach compromise solutions—solutions that we may dislike in part, in order to avoid even worse outcomes. If we do so, it will be because of the Sword of Damocles called sequestration that hangs over our heads. I know that is what Senator Rudman would hope for, and be working hard for, if he were still serving here.

We should reflect on Senator Rudman's career today for another reason. When he decided not to stand for reelection in 1992, he did so, in the words of the New York Times, because "the Federal Government was not functioning and that it was impossible to get anything done in a Senate rife with posturing and partisanship."

Maybe the lesson is that the present always looks more partisan and polar-

ized than the past. I hope all of us can reflect on Senator Rudman's efforts to achieve practical solutions to difficult problems, his willingness to compromise, and his integrity, and keep those qualities in mind as we struggle with the many and complex problems we face today.

Barbara and I were terribly saddened to learn of Warren Rudman's passing. Our thoughts are with his family and the many close friends who mourn him.

#### COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

Mr. LUGAR. Mr. President, on behalf of myself as ranking member of the Senate Foreign Relations Committee and Senator JAMES INHOFE, the ranking member of the East Asia and Pacific Subcommittee, I rise today to commemorate the 85th birthday anniversary of His Majesty King Bhumibol Adulyadej who has reigned for 66 years as King of Thailand.

Over 50 years ago, the King, also known as Rama IX, a long-time and proven friend of the United States, addressed a Joint Session of Congress. He and the people of Thailand have partnered with the people of the United States in war and in peace. As noted in the recent Thailand-U.S. Joint Vision Statement preceding President Obama's recent trip to Thailand, "... the Thai-U.S. defense alliance has promoted regional stability by fostering cooperation in areas that enables both nations to address shared security concerns effectively".

The King has been internationally recognized for his consistent dedication to promote the well-being of the Thai people. Among the awards received is the U.N. Development Program First Human Development Lifetime Achievement Award. Over the last 60 years the King has initiated thousands of development projects throughout Thailand addressing a wide range of challenges including public health and education, agricultural development and reforestation.

Mr. President, in the Congress extensive time and effort are dedicated to the consideration of major challenges to the United States, domestically and overseas. Endless debate carries on to determine how to deal with leaders in those countries who do not share democratic values, and in fact are opposed to the United States actively engaging in global free trade and the promotion of our national security.

Consequently, it is a pleasure and an honor on behalf of Senator INHOFE and myself to highlight the life of His Majesty King Bhumibol Adulyadej, who has been steadfast in his friendship to the American people. He is the longest-reigning monarch in the history of Thailand and currently the world's longest-reigning monarch as well.

Mr. President I was pleased to recently visit Thailand and meet with government officials regarding Thailand's participation in the Nunn-Lugar Cooperative Threat Reduction, CTR, Program. Thailand is actively working to counter biological threats. Among other areas, the U.S. will also continue to work to help Thailand control infectious disease that could become the source of a pandemic or the target of terrorists seeking to create a biological weapon.

In conclusion, I am grateful for the overall relationship between our two countries, and look forward to developments in the future which will bring us closer together.

• Mr. WEBB. Mr. President, December 5 marks the 85th birthday of His Majesty King Bhumibol Adulyadej of Thailand. I would like to offer my sincerest congratulations to His Majesty and to the people of Thailand as they commemorate his 66-year reign of Thailand.

The United States and Thailand have had an extensive, close relationship for nearly 200 years, beginning with the Treaty of Amity and Cooperation in 1833. This treaty—the first U.S. treaty in Asia—cemented the friendship between the American and Thai people. King Bhumibol has nurtured this relationship in line with our shared values of democracy and rule of law. He has been a vital supporter of a free and open society in Thailand and a stabilizing force in the government's transitions of political power. As the world's longest serving monarch, he has placed his commitment to the Thai people above all.

I have visited Thailand many times over a span of more than 30 years. As chairman of the East Asia and Pacific Affairs Subcommittee, I was fortunate to continue this close relationship, visiting Thailand numerous times to meet Thai leaders, and reaffirm my support for a strong alliance with the United States. I would like to thank King Bhumibol and the Thai government for the courtesies extended to me over the past 6 years of my service in the U.S. Senate. Going forward, I am confident that the U.S.-Thai alliance will continue to be a critical partnership in guaranteeing stability in the Asia-Pacific region.

Mr. President, I am so pleased to join the people of Thailand in celebrating the birthday of His Majesty King Bhumibol Adulyadej, and extend my best wishes to His Majesty for his good health. •

#### GREEN BUILDING STANDARDS

Mr. PRYOR. Mr. President, I would like to thank Senator WICKER for bringing attention to the need for the Department of Defense, and all Federal agencies, to include American-made wood products in green building standards and rating systems.

I would also like to express my continued support for Federal Government measures designed to spur the design and construction of high-performance green buildings.

However, I am concerned that discouraging certain wood building products and materials from use in Federal buildings because they do not comply with the LEED standard but are otherwise acceptable for U.S. building projects, may undermine the Federal Government's energy efficiency goals.

Wood products are among the most "green" of all building materials.

With the green building market estimated to reach as high as \$140 billion by 2013, securing a strong place for wood is essential to the wood products industry's future growth.

Wood is an ideal green building material because it is renewable, stores carbon that reduces greenhouse gases, and is energy efficient.

There are several green building rating systems being used by Federal agencies and the private marketplace now, and the competition among these systems has resulted in improvements in all of the green building standards. Some of these rating systems recognize the benefits of American-made wood products in their scoring system.

It is important that the Department of Defense, General Services Administration and other Federal agencies ensure that multiple green building standards be considered for the design and construction of Federal buildings.

I believe the best approach is to permit the marketplace to decide which rating system is best suited for each project and Congress should encourage all of the rating systems to compete for government contracts.

#### REMEMBERING NORMA HOLMGREN

Mr. HATCH. Mr. President, I appreciate the opportunity today to pay tribute to a wonderful woman, devoted mother and grandmother, loyal friend, exceptional employee, and patriotic American Norma Holmgren. Norma was my Northern Utah Area Director for 26 years and was devoted to our state and nation.

Sadly, Norma passed away this past weekend, as a result of a tragic accident as she was taking her daily walk. Norma kept herself very active and physically fit and you could often find Norma walking the streets of her neighborhood enjoying her surroundings and neighbors.

Norma retired from public service almost 10 years ago, however her retirement did not stop her from participating in her community and continuing her interest in Republican politics. In fact, my staff contacted her last week to seek her advice on a constituent's request. She was always available and happy to share her knowledge. She spent many years

working for the ideas and philosophy of the Republican Party, and assumed numerous leadership positions to further the cause. Norma loved politics and even after leaving the government and political arena, she still loved a good political conversation and was keenly interested in what was happening in our state and nation.

Norma was a ferocious reader, and it was not unusual for Norma to visit her local Costco and buy up to 20 books at a time. She loved to learn and continue her education on so many issues, and would spend hours curled up with a good book.

She also loved antiques and was widely known for her collections that she beautifully displayed throughout her home. She would often invite friends to come and see her latest find or beautiful item and she was very proud of her life-long interest of antiques.

Norma accomplished many great things in her life, yet perhaps her greatest accomplishment was the loving care and nurture she always displayed to her son Randy and his wife, whom she dearly loved. She also adored being a grandmother, and took great pride in her family and the relationships they shared. I had the pleasure of hosting Norma's granddaughter Emily as a Senate page several years ago and I could see first-hand the great traits Norma had instilled in her granddaughter.

I am grateful I had the opportunity to work with Norma for many years, and consider her a true friend. She believed in public service and demonstrated her commitment to excellence on so many occasions. She was a fierce advocate for the military and spent years working as a liaison for me at Hill Air Force Base where she garnered the respect and admiration of the military leaders on the Base. Her influence in so many areas will never be forgotten.

Norma's life touched many and she will be forever remembered as someone who truly cared about her family, her friends, and in doing good for her community. Elaine and I would like to extend our deepest sympathies to Norma's family at the loss of their mother and grandmother; and pray that they will find some peace and comfort in the memories they have shared.

#### TRIBUTE TO MARREEN CASPER

Mr. HATCH. Mr. President, thank you for the opportunity today to pay tribute to a wonderful woman, dedicated public servant and loyal friend Marreen Casper. Marreen is retiring from my staff at the end of the year and she will be very missed.

Marreen joined my staff in 1999 and has been a shining star. She has tackled some of the most difficult assignments that have faced my Utah Senate

Offices. She started as a Federal grants coordinator and caseworker. However, when a need arose to fill a very important position in my organization, she willingly sold her house, and packed up and moved to St. George, UT to become my Southern Utah Field Director.

Marreen has filled this position with dogged determination, and a noteworthy attention to details. She quickly immersed herself into the community and became a true Southern Utahn. She was always available to meet with and listen to the citizens of this area of our State. She has attended literally hundreds of local government meetings, and discussed the issues affecting Southern Utah with many mayors, county commission and council members, and community leaders every day she served. She has such a warm demeanor and accepting personality that people from all walks of life and positions felt comfortable to discuss with Marreen the issues important to them, and know that she would try to do something to help. She has made friends in every nook and cranny of southern Utah and earned the respect of many.

One aspect of her job that many do not realize, is the travel she undertook to fulfill her duties to the best of her ability. Marreen's field area includes one of the most remote and unpopulated areas in the continental United States. Traveling in her area can get very harrowing at times, but Marreen never let it stop her from doing her job. She has traveled the icy roads in the dead of winter, attended outdoor meetings in the searing heat, and even crashed on an ATV she was riding on for an event that sent her to the Emergency Room.

And some of the issues Marreen has worked on might seem trivial to some, but have long-ranging impacts on rural Utah. These issues have ranged from prairie dogs, desert tortoises, and Mexican wolves; to fighting with the Army Corps of Engineers over whether a dry wash is a "navigable body of water." I am not sure that she will miss the tedious nature of some of these issues, but I am certain she will miss the people in the many communities she worked with to find solutions to the problems.

There has been no assignment ever given to Marreen that she did not fulfill willingly and with a great determination to see it through. In fact, Marreen has undertaken one of the most tedious, yet important projects every year the Hatch Family Christmas Card. This is a project I am certain she would like to have run from, yet year after year she planned, organized, and ensured that this card was sent to thousands of Utahns helping me stay in touch with so many constituents. For this seemingly thankless task, I want to sincerely convey my appreciation to her for her wonderful as-

sistance that has meant so much to me and to the many who received it.

Although Marreen has accomplished many great things in her professional life perhaps her greatest accomplishments have come because of her wonderful partnership with her husband Ron, and her loving and tender care of her 5 children and 22 grandchildren. She dearly loves her family and expresses it often. She sincerely strives to be at every important function in the lives of her family and is often traveling great distances so she can be there for the noteworthy milestones.

She has also made her belief in the Church of Jesus Christ of Latter-day Saints central to her life and has served countless neighbors and friends through the goodness of her heart. In fact, when other folks might think their days of working with the youth in church service are over, Marreen accepted a call from her local Bishop to lead the Young Women's organization in her Ward. She then spent several years mentoring and helping these young women in various ways and through her beautiful example.

I am truly grateful for the tremendous service Marreen Casper has given to me, to her community, and to our great State. I will miss Marreen greatly but know that life holds many exciting and wonderful new opportunities for her to enjoy. I want to wish Marreen the very best in retirement and want her to know that I will be forever grateful for her good work and loyal friendship. May Heavenly Father bless Marreen and her family for the honorable person she is and the service she has rendered to so many.

#### TRIBUTE TO TOBY HYMAN

Mr. KERRY. Mr. President, Toby Hyman has become something of an institution in the Senate over the course of her 17 odd years of service in the Office of the Senate Chief Counsel for Employment. I understand that she has consistently and tirelessly devoted herself to ensuring fairness for both Senate employees and their offices, helping them sort through anything from day-to-day concerns that arise to courtroom arguments to union disputes, even in the midst of an anthrax attack on her own office.

Those who know her best say that she displays compassion for employers and employees alike, a deep understanding of employment law and conflict, and great skill resolving disputes and achieving fair outcomes for all involved parties. By all accounts, the Senate body is better today for her efforts, which is why her retirement is received with bittersweet, much deserved well-wishes for the future by her colleagues.

Before her time here, Toby spent 20 years as a fine attorney at the prestigious Proskauer Rose firm in New

York City. Prior to that, she served as the first female law clerk for the Honorable District Court Judge John F. Dooling, Jr. And prior to that, she was a fine young citizen of the great State of Massachusetts.

Toby grew up in a family like so many in Boston. She is a proud product of Boston's public schools, including the Girls' Latin School in Roxbury, who excelled in her studies and earned admittance to the government program at Radcliffe College, from which she graduated magna cum laude. Toby then continued to impress her friends and peers at Harvard Law School, where she performed as an able editor of the Harvard Law Review and, once again, graduated with distinction.

To afford these years of schooling, Toby simultaneously pursued a degree in Jewish Education from Hebrew College in order to earn money teaching in Hebrew schools. She wanted to give back to her community, pass on an education that she so enjoyed to the coming generation, and work with children, all while making a little money to sustain her during college. And so she made it happen. Pleased parents affectionately labeled one of her classes the "Hebrew Sesame Street."

Service to others—standing up for fairness and justice—has been a common thread running through Toby's life. From her days back home in her native Massachusetts, to her career in New York City, to her visit to the Soviet Union in the late 1970s where she greeted oppressed Soviet Jews with encouragement and a helping hand, Toby has treated people with compassion and respect and has stood up for their rights and dignity. Most recently, during her time as an advocate for us all here in the Senate family, she worked with our offices to ensure a good and fair relationship between employers and employees.

So it is no surprise that Toby intends for the next chapter of her life to involve volunteer work teaching young children. She will continue in the example she has set throughout her life and career as an educator, mediator, and advocate for fairness. I thank Toby for dedicating so many years of her life to service in the Senate and look forward to all that she has yet to accomplish—and wish her congratulations on a well deserved retirement.

#### ADDITIONAL STATEMENTS

##### REMEMBERING WILLIAM MEEHAN

• Mr. KERRY. Mr. President I come to the floor today to remember William Meehan, an "icon" of Somerset, in the words of former fire chief Steven Rivard. He was a loving, and beloved, husband to JoAnne, brother to Robert and John, father to John and Steve, and grandfather to Jake, Owen, and

Liam. William is remembered by those who knew him best as an impassioned cheerleader and reliable presence on the sidelines of his grandchildren's sports games, as a thoughtful and compassionate voice on the Board of Selectmen, as an affable, warm family man armed with a lively Irish humor.

William was an anchor of his family and of his town. His care for his town shone through his work and was reflected in his daily life. The people of Somerset recall a dedicated public servant who embodied the most noble qualities of a community advocate while eschewing the divisive demagoguery that too often finds its way into politics. In his 15 years as one of three selectmen for his town, he proved time and again that he was more interested in understanding the concerns of others and finding a just solution to any problem than he was in political bickering. And his example inspired those around him, with his son Michael venturing into public service and actually serving in my office for many years with great distinction.

In his last year on the board of selectmen, William was a part of the opening of the Veterans Memorial Bridge, a decade's long project to connect Fall River with Somerset over the Taunton River. And he was intimately involved in the process that put into motion plans for the new Somerset Berkley Regional High School. His interest was always in community over conflict, in people rather than politics, and that is to what he devoted his life.

Friends remember William having lunch every day with peers or first responders or community leaders, and he would often be found chatting with neighbors and storekeepers around town or among the stands at local sporting events. He was a sportsman himself, with baseball second only to family and community. When he wasn't coaching Somerset Little League, as he did for many years, he could be found out on the golf course.

I understand that William would make time each day after lunch to venture to the park and watch the boats sailing the Taunton River. I imagine the gentle breeze off the water, the parade of ships coming and going with the sun high in the sky, and William sitting along the shore facing the water, breathing in the air and taking in the moment. We won't see him there any longer, but when we look out at the boats drifting by, we will think of William and remember the goodness he shared with the people of Somerset and beyond.

To JoAnne and William's family, I extend my deepest condolences. And to William, I wish him eternal rest watching over his family and all those he cared about so deeply. And I wish him the same peace he found along the river's edge.●

#### RECOGNIZING HOLY ROSARY CHURCH

● Ms. MIKULSKI. Mr. President, I rise to honor the Holy Rosary Church of Baltimore as it marks its 125th anniversary.

Holy Rosary Church was consecrated on December 8, 1887. From the beginning, the church provided a spiritual home for new Americans who emigrated from Poland. My own family were parishioners from the beginning. The church was the center of the community. It was the school. It is where new Americans came to practice their faith in their new home. While facing all the challenges of life in a new country, Holy Rosary provided a place of comfort and spiritual guidance. The Church provided a place to practice the beloved traditions of their Catholic faith. It became one of the largest Polish parishes in Baltimore. Its priests were beloved in the community. The church also had a parochial school staffed by the beloved Felician nuns. They not only taught the three R's—religion, reading, writing—they helped young people get on the path of citizenship. They were a bridge between the old world and the new.

My great-grandmother was one of those immigrants who worshiped at Holy Rosary. Like so many, she came with little money in her pocketbook, but big dreams in her heart for a new and better life. And that life was nurtured by the Polish American community at Holy Rosary parish. In the 1920s and 1930s, Holy Rosary parish was the largest of six Polish parishes in Baltimore and the largest in the Archdiocese. Over time, my family continued to attend Holy Rosary Church. My parents were married there.

Holy Rosary Church played a part in Baltimore's history. It is where we prayed through two World Wars and the Great Depression. It is where we prayed that the Iron Curtain would be lifted and Poland would be liberated. It is where we organized to help the Solidarity movement. It is where we welcomed Pope John Paul II to Holy Rosary when he was the Bishop of Krakow. That was the first time I met the Holy Father.

Holy Rosary was also where a stunning miracle occurred. It was where the Vatican recognized the healing of Fr. Ronald Pytel as a miracle through the intercession of Blessed Faustina Kowalska, one of the miracles that led to her canonization in 2000.

Today I honor the past, celebrate the present and have high hopes for the future of Holy Rosary parish. The members continue to live their faith of charity and hope. One hundred and twenty-five years ago the people of Holy Rosary came together to forge a parish community anchored on the beliefs of Roman Catholicism and the values of hard work, neighbor-helping-neighbor and patriotism.●

#### TRIBUTE TO TOM CASEY

● Mrs. MURRAY. Mr. President, I rise today to acknowledge the 30 years of service of Grays Harbor Public Utility District Commissioner Tom Casey and to congratulate him on his retirement. Commissioner Casey is the longest-serving Grays Harbor PUD Commissioner and is concluding his fifth term in office.

Commissioner Casey was elected to the Grays Harbor PUD Board of Commissioners in 1982. Prior to serving in public office, he was actively involved in energy and public utility issues from his home in Satsop, WA. Commissioner Casey also worked as a Policy Analyst in the Washington State House of Representatives.

Commissioner Casey's commitment to public power was not limited to only the Grays Harbor Public Utility District. Commissioner Casey served on the Board of Directors of Energy Northwest for 12 years, 8 of which were on the executive board. Commissioner Casey also served on the Executive Council of the Public Power Council for 16 years.

Commissioner Casey was also a key leader in the effort to create a Public Development Authority to transform the non-operational nuclear plant site in Grays Harbor County into an industrial park for economic development in a part of the state with high unemployment.

Commissioner Casey has been a fierce advocate for public power for decades. That spirit of advocacy for public power has been a keystone for Commissioner Casey for as long as I have known him. As he retires from public service, I join with others throughout the Northwest in thanking Commissioner Casey for his years of service and his steadfast belief in the unique value of public power.●

#### TRIBUTE TO WILMA JINKS

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor Wilma Jinks, of Piggott, AR, who is celebrating her 100th birthday.

Wilma grew up on a farm north of Piggott, AR. Her rural location required her to walk 2 miles for school daily, an incomprehensible feat in the modern age of transportation, but to Wilma, it was something you just had to do. As you will see, this approach to life would serve Wilma well in later years. Following her graduation from Piggott High School in 1930, Wilma went on to serve as deputy county clerk. In this capacity, Wilma and her colleague, Ruth Ballard, would make town history when they issued 101 marriage licenses in one day, leaving some to joke that Piggott should change its name to "Marrying Town". It was not long after that Wilma would join those 101 newlyweds. In 1935, she would meet her future husband, Harold, while

working as a secretary in his brother's office. They would remain devoted to each other until his death in 1995.

In 1962, President Kennedy appointed Harold as director of the Postmasters and Rural Appointments Division of the United States Post Office, and in April of the same year, Harold and Wilma moved to Washington, D.C. While in the District, the Jinks enjoyed the same social circles as the Nation's leaders, and routinely attended the same events as President Kennedy and President Johnson. Yet, Wilma and Harold still missed Arkansas. After four years of rubbing elbows on the national stage, they moved back to Piggott in April of 1966 and partnered with former Arkansas Governor Orvil Faubus in purchasing Piggott's newspaper, *The Piggott Banner* in 1967.

Even after Harold's retirement, there was no slowing down "Team Jinks". Wilma and Harold's can do attitude was infectious throughout the State, earning the friendship of every major officeholder in Arkansas, as well as two of our Nation's great leaders, President Carter and President Clinton. Senator Dale Bumpers said of Harold "if the term 'yellow-dog' were in the dictionary, Harold Jinks would be listed as the definition." Harold went on to form several grassroots organizations in Arkansas and served as chairman of the Arkansas Joint Legislative Committee of the National Retired Teachers Association and AARP. Wilma was proudly by his side for every step.

Mr. President, Wilma Jinks truly is one of Arkansas's gems and we are blessed to have her. I ask my colleagues to join me today in congratulating Wilma Jinks as she and her family celebrate her 100th birthday.●

#### RECOGNIZING THE BANKERY

● Ms. SNOWE. Mr. President, our Nation's entrepreneurs understand the rigors and fears of starting a new business from scratch. The creativity, adaptability, and courage it takes to open a business are immense. However, because of that risk and uncertainty, the rewards seem all the greater. The drive and determination required of a new business can be seen prevalently in the entrepreneurs of my home State of Maine. Many of today's businesses create a meeting ground where classic and traditional meets the new and innovative; refurbishing nostalgia and re-vamping tradition. I rise to recognize a business steeped in history which embraces the challenges of today with youthful vigor.

The Bankery located in downtown Skowhegan, ME seamlessly blends antique charm and history with an innovative repurposing of space. Opened in 2008 by owners Michael Hunt, graduate from the University of Maine, and Matthew DuBois, alumnus of the Connecticut Culinary Institute, The

Bankery is more than a classic bakery. The sweets and confections of this bakery are kept under lock and key, literally. The Bankery is housed in a renovated bank that was built in 1864. The owners preserved the history of the architecture by carefully restoring the original vaults and displaying many nostalgic mementos from the building's original purpose.

After expanding from a simple menu of classic baked goods to include meal items such as soups, sandwiches, and meat pies, The Bankery continues on an upward and outward trajectory. In 2010, Michael and Matthew acquired their next door neighbor, Skowhegan Fleuriste, a florist and formal wear shop. Now they offer a one-stop-shop for many events. It is their ambition and continued desire to pursue the next challenge and grow in new ways that gives them a competitive edge and is so characteristic of Maine's small business owners.

With an eye to the future and a nod to the past, The Bankery has met the challenges of growing a new business with excellence. I know that, through their hard work and delicious products, this Skowhegan staple will continue to flourish. I offer Matthew and Michael and everyone at The Bankery congratulations on their success and best wishes for a sweet future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 316. An act for the relief of Ester Karinge.

H.R. 357. An act for the relief of Corina de Chalup Turcinovic.

H.R. 794. An act for the relief of Allan Bolor Kelley.

H.R. 823. An act for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

H.R. 824. An act for the relief of Daniel Wachira.

H.R. 1857. An act for the relief of Bartosz Kumor.

H.R. 6582. An act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

At 12:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6634. An act to change the effective date for the Internet publication of certain financial disclosure forms.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 316. An act for the relief of Esther Karinge; to the Committee on the Judiciary.

H.R. 357. An act for the relief of Corina de Chalup Turcinovic; to the Committee on the Judiciary.

H.R. 794. An act for the relief of Allan Bolor Kelley; to the Committee on the Judiciary.

H.R. 823. An act for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; to the Committee on the Judiciary.

H.R. 824. An act for the relief of Daniel Wachira; to the Committee on the Judiciary.

H.R. 1857. An act for the relief of Bartosz Kumor; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8427. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl(C8-C18) dimethylamido-propylamines; Exemption from the Requirement of a Tolerance" (FRL No. 9369-2) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron-methyl; Pesticide Tolerances" (FRL No. 9370-6) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8429. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the report of several violations of the Antideficiency Act in a National Oceanic and Atmospheric Administration account; to the Committee on Appropriations.

EC-8430. A communication from the Deputy Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Annual Report of the Consumer Financial Protection Bureau on College Credit Cards; to the Committee on Banking, Housing, and Urban Affairs.

EC-8431. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9755-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-8432. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Control of NOx Emissions from Glass Melting Furnaces" (FRL No. 9755-4) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Environment and Public Works.

EC-8433. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, for Imperial County, Placer County and Ventura County Air Pollution Control Districts" (FRL No. 9710-3) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Environment and Public Works.

EC-8434. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-153, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8435. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0170 - 2012-0183); to the Committee on Foreign Relations.

EC-8436. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-130); to the Committee on Foreign Relations.

EC-8437. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-162); to the Committee on Foreign Relations.

EC-8438. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket No. FDA-1999-F-1267) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8439. A communication from the Director of Regulations and Policy Management

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket No. FDA-1999-F-4617) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8440. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8441. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the Administrator's Semiannual Management Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC-8442. A communication from the Deputy Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8443. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8444. A communication from the Chief Financial Officer, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

EC-8445. A communication from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-8446. A communication from the Deputy Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8447. A communication from the Chairman and Members of the Federal Labor Relations Authority, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 183, A bill to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon (Rept. No. 112-245).

Report to accompany S. 1759, A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition (Rept. No. 112-246).

Report to accompany S. 2279, A bill to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes (Rept. No. 112-247).

Report to accompany S. 3410, A bill to extend the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Borders Act of 2006, and for other purposes (Rept. No. 112-248).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3657. A bill to amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote; to the Committee on Rules and Administration.

By Mr. BURE:

S. 3658. A bill to designate the Federal building and United States courthouse located at 300 Fayetteville Street in Raleigh, North Carolina, as the "Jesse Helms Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself and Mr. WYDEN):

S. 3659. A bill to repeal certain changes to contracts with Medicare Quality Improvement Organizations, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 3660. A bill to extend the payroll tax holiday and to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employees; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mrs. HUTCHISON):

S. 3661. A bill to reaffirm and amend the National Aeronautics and Space Administration Authorization Act of 2010, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Massachusetts (for himself, Mr. KERRY, and Mr. MORAN):

S. 3662. A bill to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MORAN (for himself, Mr. CARDIN, Mr. LUGAR, Ms. MIKULSKI, Mr. RUBIO, Mr. MENENDEZ, Mr. DURBIN, Mr. BLUNT, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. HELLER, Mr. KOHL, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. KIRK, Mr. WYDEN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr.



BOOZMAN, Mr. BLUMENTHAL, Mr. CASEY, Mr. WARNER, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CORNYN, Mr. COBURN, Mr. LAUTENBERG, Mr. PORTMAN, Mr. COONS, Mr. TOOMEY, and Mr. REED):

S. Res. 609. A resolution calling for the immediate and unconditional release of United States citizen Alan Phillip Gross from detention in Cuba and urging the Government of Cuba to address his medical issues; considered and agreed to.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. Res. 610. A resolution commemorating the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1897

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1897, a bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes.

S. 2178

At the request of Mr. CARPER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2178, a bill to require the Federal Government to expedite the sale of underutilized Federal real property.

S. 2318

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2318, a bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3472

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3472, a bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S. 3575

At the request of Mr. BENNET, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 3575, a bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals.

S. 3616

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3616, a bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010, and for other purposes.

S. RES. 595

At the request of Ms. LANDRIEU, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 595, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 609—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF UNITED STATES CITIZEN ALAN PHILLIP GROSS FROM DETENTION IN CUBA AND URGING THE GOVERNMENT OF CUBA TO ADDRESS HIS MEDICAL ISSUES

Mr. MORAN (for himself, Mr. CARDIN, Mr. LUGAR, Ms. MIKULSKI, Mr. RUBIO, Mr. MENENDEZ, Mr. DURBIN, Mr. BLUNT, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. HELLER, Mr. KOHL, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. KIRK, Mr. WYDEN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. BOOZMAN, Mr. BLUMENTHAL, Mr. CASEY, Mr. WARNER, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CORNYN, Mr. COBURN, Mr. LAUTENBERG, Mr. PORTMAN, Mr. COONS, Mr. TOOMEY, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 609

Whereas, Alan Phillip Gross, a citizen of the United States, was born in New York on May 2, 1949, and is a resident of the State of Maryland;

Whereas Mr. Gross has devoted his professional life to helping others through his work in international development and has served in more than 50 countries and territories worldwide;

Whereas, in 2001, Mr. Gross founded JBDC, LLC to support Internet connectivity in locations with little or no access;

Whereas, on February 10, 2009, JBDC, LLC received a subcontract with the United

States Agency for International Development (USAID);

Whereas, working as a subcontractor for the United States Agency for International Development, Mr. Gross sought to establish wireless networks and improve Internet and Intranet access and connectivity for a small, peaceful, non-dissident, Cuban Jewish community;

Whereas Mr. Gross made 5 trips to Cuba in furtherance of the United States Agency for International Development project he was subcontracted to support;

Whereas the last time Mr. Gross was in the United States was on November 24, 2009;

Whereas Mr. Gross was arrested on December 3, 2009, in Havana, Cuba;

Whereas Mr. Gross was detained without charge for 14 months;

Whereas Mr. Gross was charged in February 2011 with "actions against the independence or the territorial integrity of the state";

Whereas Mr. Gross's trial lasted only 2 days, after which he was sentenced to 15 years in prison;

Whereas Mr. Gross and his wife Judy have 2 daughters, one of which was diagnosed with breast cancer in 2010;

Whereas Mr. Gross's 90-year old mother was diagnosed with inoperable cancer in February 2011;

Whereas, in 2011, Mr. Gross's wife Judy underwent surgery, causing her to miss considerable time from work and putting further financial strain on their family;

Whereas Mr. Gross is 63 years old and has lost more than 105 pounds since being detained in Cuba;

Whereas Mr. Gross has developed degenerative arthritis in his leg and a mass behind his shoulder;

Whereas the Government of Cuba has denied requests by Mr. Gross for an independent medical examination;

Whereas Mr. Gross's legal representative filed an appeal to the Working Group on Arbitrary Detention of the United Nations in August 2012; and

Whereas, since Mr. Gross was detained by the Government of Cuba on December 3, 2009, his health has severely deteriorated and his family members have suffered health and financial problems: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls for the immediate and unconditional release of United States citizen Alan Phillip Gross; and

(2) urges the Government of Cuba in the meantime to provide all appropriate diagnostic and medical treatment to address the full range of medical issues facing Mr. Gross and to allow him to choose a doctor to provide him with an independent medical assessment.

##### SENATE RESOLUTION 610—COMMEMORATING THE 60TH ANNIVERSARY OF THE GRADUATE RESEARCH FELLOWSHIP PROGRAM OF THE NATIONAL SCIENCE FOUNDATION

Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 610

Whereas the United States is a world leader in science, technology, engineering, and mathematics (STEM) fundamental research and related education;



Whereas an excellent STEM higher-education system is critical to the development of a robust and inclusive U.S. STEM workforce and to U.S. global science and engineering preeminence;

Whereas Congress and President Harry S. Truman created the National Science Foundation (NSF), an independent Federal agency, 62 years ago specifically to advance scientific discovery and innovation through the Nation's basic research and STEM education infrastructure;

Whereas fundamental research supported by NSF across all scientific disciplines have resulted in many significant contributions to Americans' health and security, as well as to technological innovation and U.S. economic prosperity;

Whereas advances in knowledge are made possible by researchers who focus on the fundamental properties of nature, and who mentor and educate the next generation of scientists and engineers;

Whereas 60 years ago, NSF purposefully created the Graduate Research Fellowship Program (GRFP) as an instrument to prepare the Nation's reservoir of science and engineering talent;

Whereas the GRFP, the country's oldest graduate fellowship program, supports outstanding graduate students pursuing masters and doctoral degrees in research at accredited U.S. institutions;

Whereas the GRFP has contributed to the development of outstanding U.S. scholars, entrepreneurs, teachers, mentors, and inventors who continue to support and promote the Nation's science and engineering enterprise and the next generation of scientists and engineers;

Whereas this flagship program helps maintain high-quality and highly skilled graduates who enter the Nation's STEM workforce prepared to innovate and collaborate in the global scientific arena;

Whereas NSF has funded more than 46,500 competitive graduate research fellows with selection criteria based on the intellectual merit of their research and its potential broader impacts for society;

Whereas of the more than 200 NSF-supported Nobel laureates, 40 were selected as graduate research fellows, and more than 440 graduate research fellows have become members of the National Academy of Sciences;

Whereas graduate research fellows have an exceptionally high rate of doctorate completion;

Whereas since 2001, graduate research fellows have filed more than 1,000 patents while working toward their graduate degrees, thus contributing directly to scientific advancement and discovery;

Whereas since 2007, 1145 graduate research fellows were selected from Experimental Program to Stimulate Competitive Research jurisdictions; and

Whereas NSF's GRFP continues to be an essential component of the Nation's discovery and innovation ecosystem, and is instrumental in STEM workforce development: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation; and

(2) continues to recognize U.S. STEM graduate education as central to U.S. workforce competitiveness and our country's international leadership and economic prosperity.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3310. Mr. CARDIN (for Mr. KERRY (for himself, Mr. LUGAR, Ms. LANDRIEU, Mr. INHOFE, and Mr. DEMINT)) proposed an amendment to the bill S. 3331, to provide for universal intercountry adoption accreditation standards, and for other purposes.

### TEXT OF AMENDMENTS

**SA 3310.** Mr. CARDIN (for Mr. KERRY (for himself, Mr. LUGAR, Ms. LANDRIEU, Mr. INHOFE, and Mr. DEMINT)) proposed an amendment to the bill S. 3331, to provide for universal intercountry adoption accreditation standards, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Inter-country Adoption Universal Accreditation Act of 2012".

#### SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) **IN GENERAL.**—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) **EFFECTIVE DATE.**—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) **TRANSITION RULE.**—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

#### SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) **REPORT REQUIREMENT.**—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

"(5) **REPORT ON USE OF FEDERAL FUNDING.**—Not later than 90 days after an accrediting entity receives Federal funding authorized

by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

"(A) the amount of such funding the entity received; and

"(B) how such funding was, or will be, used by the entity."

#### SEC. 4. DEFINITIONS.

In this Act, the terms "accrediting entity", "adoption service", "Convention adoption", and "person" have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 5, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON AFRICAN AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 5, 2012, at 9 a.m., to hold a African Affairs subcommittee hearing entitled, "Assessing Developments in Mali: Restoring Democracy and Reclaiming the North."

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRIVILEGES OF THE FLOOR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the following members of Senator BAUCUS's staff be granted floor privileges during the consideration of H.R. 6156: Lisa Pearlman, Rebecca Nolan, Heather Sykes, Owen Haacke, and Dan West.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that a detailee to the Committee on Banking, Housing, Urban Affairs, Catherine Topping, be granted the privileges of the floor for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. Mr. President, on behalf of the Senator from Maryland, Mr. CARDIN, I ask unanimous consent that floor privileges be granted to Kyle Parker, a staff member on the Commission on Security and Cooperation in Europe—also known as the Helsinki Commission, which Senator CARDIN co-chairs—during Senate consideration of H.R. 6156.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Steven Garrett, Christopher Hanna, Shawn Novak,

Lauren Felice, and Richard Chovanec of the Finance Committee be granted the privilege of the floor for the duration of Senate consideration of H.R. 6156 and for the remainder of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that an intern from Senator MERKLEY's office, Phillip Hah, be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

On Tuesday, December 4, 2012, the Senate passed S. 3254, as follows:

S. 3254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2013".

### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into seven divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Housing Assistance for Veterans.

(6) Division F—Stolen Valor Act.

(7) Division G—Miscellaneous.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Scoring of budgetary effects.

#### DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

##### TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

##### Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH-47F helicopters.

##### Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 122. Ford class aircraft carriers.

Sec. 123. Limitation on availability of amounts for second Ford class aircraft carrier.

Sec. 124. Multiyear procurement authority for Virginia class submarine program.

Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.

Sec. 126. Authority for relocation of certain AEGIS weapon system assets between and within the DDG-51 class destroyer and AEGIS Ashore programs in order to meet mission requirements.

Sec. 127. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.

Sec. 128. Transfer of certain fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds.

Sec. 129. Transfer of certain fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles.

Sec. 130. Sense of Congress on Marine Corps amphibious lift and presence requirements.

Sec. 131. Sense of Senate on Department of Navy fiscal year 2014 budget request for tactical aviation aircraft.

Sec. 132. SPIDERNet/Spectral Warrior Hardware.

##### Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.

Sec. 142. Treatment of certain programs for the F-22A Raptor aircraft as major defense acquisition programs.

Sec. 143. Avionics systems for C-130 aircraft.

Sec. 144. Procurement of space-based infrared system satellites.

Sec. 145. Transfer of certain fiscal year 2011 and 2012 funds for Aircraft Procurement for the Air Force.

##### Subtitle E—Joint and Multiservice Matters

Sec. 151. Multiyear procurement authority for V-22 joint aircraft program.

Sec. 152. Limitation on availability of funds for full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System program.

Sec. 153. Shallow Water Combat Submersible program.

Sec. 154. AC-130 aircraft electro-optical and infrared sensors.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

##### Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Next Generation Foundry for the Defense Microelectronics Activity.

Sec. 212. Advanced rotorcraft initiative.

Sec. 213. Transfer of certain fiscal year 2012 Navy research, development, test, and evaluation funds.

Sec. 214. Authority for Department of Defense laboratories to enter into education partnerships with educational institutions in United States territories and possessions.

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**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 4. SCORING OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

**Subtitle B—Army Programs**

**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH-47F HELICOPTERS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH-47F helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

**Subtitle C—Navy Programs**

**SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.**

(a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT.**—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion as specified in the funding table in section 4101, \$1,613,392,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN-72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) **CONTRACT AUTHORITY.**—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

**SEC. 122. FORD CLASS AIRCRAFT CARRIERS.**

(a) **CONTRACT AUTHORITY FOR CONSTRUCTION OF AIRCRAFT CARRIERS DESIGNATED CVN-78, CVN-79, AND CVN-80.**—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN-21 class aircraft carrier designated CVN-78, CVN-79 or CVN-80, the Secretary of the Navy may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding four fiscal years, in the case of the vessel designated CVN-78, and the succeeding five fiscal years, in the case of the vessels designated CVN-79 and CVN-80.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal

year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) **REPEAL OF SUPERSEDED PROVISION.**—Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is repealed.

**SEC. 123. LIMITATION ON AVAILABILITY OF AMOUNTS FOR SECOND FORD CLASS AIRCRAFT CARRIER.**

(a) **LIMITATION.**—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion for the second Ford class aircraft carrier as specified in the funding table in section 4101, not more than 50 percent of such amount may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford class aircraft carrier.

(b) **ELEMENTS.**—The report described in subsection (a) shall include a plan to do the following with respect to the Ford class aircraft carriers:

(1) To maximize planned work in shops and early stages of construction.

(2) To sequence construction of structural units to maximize the effects of lessons learned.

(3) To incorporate design changes to improve producibility for the Ford class aircraft carriers.

(4) To increase the size of erection units to eliminate disruptive unit breaks and improve unit alignment and fairness.

(5) To increase outfitting levels for assembled units before erection in the dry-dock.

(6) To increase overall ship completion levels at each key construction event.

(7) To improve facilities in a manner that will lead to improved productivity.

(8) To ensure the shipbuilder initiates plans that will improve productivity through capital improvements that would provide targeted return on investment, including—

(A) increasing the amount of temporary and permanent covered work areas;

(B) adding ramps and service towers for improved access to work sites and the dry-dock; and

(C) increasing lift capacity to enable construction of larger, more fully outfitted super-lifts.

**SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2014 program year, for procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) **LIMITATION ON TERMINATION LIABILITY.**—Contract for construction of vessels or equipment, entered into in accordance with subsection (a) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessels or equipment covered by the contract. Additionally, in the event of cancellation, the maximum liability of the Government shall include the amount of the unfunded cancellation ceiling in the contract.

(e) **AUTHORITY TO EXPAND MULTIYEAR PROCUREMENT.**—The Secretary may employ incremental funding for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary—

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

**SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

**SEC. 126. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG-51 CLASS DESTROYER AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.**

(a) **AUTHORITY.**—

(1) **TRANSFER TO AEGIS ASHORE SYSTEM.**—Notwithstanding any other provision of law, the Secretary of the Navy may transfer AEGIS Weapon System (AWS) equipment with ballistic missile defense (BMD) capability to the Missile Defense Agency for use in the AEGIS Ashore System of the Agency for installation in the country designated as Host Nation #1 (HN-1) by transferring to the Agency such equipment procured with amounts authorized to be appropriated to the SCN account for fiscal years 2010 and 2011 for the DDG-51 Class Destroyer Program.

(2) **ADJUSTMENTS IN EQUIPMENT DELIVERIES.**—

(A) **USE OF FY12 FUNDS FOR AWS SYSTEMS ON DESTROYERS PROCURED WITH FY11 FUNDS.**—Amounts authorized to be appropriated to the SCN account for fiscal year 2012, and any

AEGIS Weapon System assets procured with such amounts, may be used to deliver complete, mission-ready AEGIS Weapon Systems with ballistic missile defense capability to any DDG-51 class destroyer for which amounts were authorized to be appropriated for the SCN account for fiscal year 2011.

(B) **USE OF AWS SYSTEMS PROCURED WITH RDTE FUNDS ON DESTROYERS.**—The Secretary may install on any DDG-51 class destroyer AEGIS weapon systems with ballistic missile defense capability transferred pursuant to paragraph (3).

(3) **TRANSFER FROM AEGIS ASHORE SYSTEM.**—The Director of the Missile Defense Agency shall transfer AEGIS Weapon System equipment with ballistic missile defense capability procured for installation in the AEGIS Ashore System to the Department of the Navy for the DDG-51 Class Destroyer Program to replace any equipment transferred to Agency under paragraph (1).

(4) **TREATMENT OF TRANSFER IN FUNDING DESTROYER CONSTRUCTION.**—Notwithstanding the source of funds for any equipment transferred under paragraph (3), the Secretary shall fund all work necessary to complete construction and outfitting of any destroyer in which such equipment is installed in the same manner as if such equipment had been acquired using amounts in the SCN account.

(5) **SCN ACCOUNT DEFINED.**—In this subsection, the term “SCN account” means the Shipbuilding and Conversion, Navy account.

(b) **RELATIONSHIP TO OTHER LAW.**—Nothing in this section shall be construed to repeal or otherwise modify in any way the limitation on obligation or expenditure of funds for missile defense interceptors in Europe as specified in section 223 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 Public Law 111-383; 124 Stat. 4168).

**SEC. 127. DESIGNATION OF MISSION MODULES OF THE LITTORAL COMBAT SHIP AS A MAJOR DEFENSE ACQUISITION PROGRAM.**

(a) **DESIGNATION REQUIRED.**—The Secretary of Defense shall—

(1) designate the effort to develop and produce all variants of the mission modules in support of the Littoral Combat Ship program as a major defense acquisition program under section 2430 of title 10, United States Code; and

(2) with respect to the development and production of each variant, submit to the congressional defense committees a report setting forth such cost, schedule, and performance information as would be provided if such effort were a major defense acquisition program, including Selected Acquisition Reports, unit cost reports, and program baselines.

(b) **ADDITIONAL QUARTERLY REPORTS.**—The Secretary shall submit to the congressional defense committees on a quarterly basis a report on the development and production of each variant of the mission modules in support of the Littoral Combat Ship, including cost, schedule, and performance, and identifying actual and potential problems with such development or production and potential mitigation plans to address such problems.

**SEC. 128. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS FUNDS.**

(a) **IN GENERAL.**—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds, \$88,300,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) **COVERED FUNDS.**—For purposes of this section, the term “fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds” means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1317) and available for Procurement of Ammunition, Navy and Marine Corps as specified in the funding table in section 4101 of that Act.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 129. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT, MARINE CORPS FUNDS FOR PROCUREMENT OF WEAPONS AND COMBAT VEHICLES.**

(a) **IN GENERAL.**—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles, \$135,200,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) **COVERED FUNDS.**—For purposes of this section, the term “fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles” means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1317) and available for Procurement, Marine Corps for the procurement of weapons and combat vehicles as specified in the funding table in section 4101 of that Act.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 130. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States Marine Corps is a combat force which leverages maneuver from the sea as a force multiplier allowing for a variety of operational tasks ranging from major combat operations to humanitarian assistance.

(2) The United States Marine Corps is unique in that, while embarked upon Naval vessels, they bring all the logistic support necessary for the full range of military operations, operating “from the sea” they require no third party host nation permission to conduct military operations.

(3) The Department of the Navy has a requirement for 38 amphibious assault ships to meet this full range of military operations.

(4) Due to fiscal constraints only, that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations.

(5) The Department of the Navy has been unable to meet even the minimal requirement of 30 operationally available vessels and has submitted a shipbuilding and ship

retirement plan to Congress which will reduce the force to 28 vessels.

(6) Experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands;

(2) the Department of the Navy carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Department of the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships, as a component of the balanced battle force;

(4) the next generation amphibious assault ships should maintain survivability protection;

(5) operation and maintenance requirements analysis, as well as the potential to leverage a common hull form design, should be considered to reduce total ownership cost and acquisition cost; and

(6) maintaining a robust amphibious ship building industrial base is vital for the future of the national security of the United States.

**SEC. 131. SENSE OF SENATE ON DEPARTMENT OF NAVY FISCAL YEAR 2014 BUDGET REQUEST FOR TACTICAL AVIATION AIRCRAFT.**

It is the sense of Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F-18 aircraft includes a request for funds for more than 13 new F-18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F-35 aircraft should include a request for funds for not fewer than 6 F-35B aircraft and 4 F-35C aircraft, presuming that development, testing, and production of the F-35 aircraft are proceeding according to current plans.

**SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.**

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNET/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

**Subtitle D—Air Force Programs**

**SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.**

(a) REDUCTION IN INVENTORY REQUIREMENT.—Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “Effective October 1, 2011, the” and inserting “The”; and

(2) by striking “301 aircraft” and inserting “275 aircraft”.

(b) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 137(d)(3)(B) of the Na-

tional Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2221) is amended by striking “316 strategic airlift aircraft” and inserting “275 strategic airlift aircraft”.

(c) PRESERVATION OF CERTAIN RETIRED C-5 AIRCRAFT.—The Secretary of the Air Force shall preserve each C-5 aircraft retired by the Secretary after September 30, 2012, such that the aircraft—

(1) is stored in flyable condition;

(2) can be returned to service; and

(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

**SEC. 142. TREATMENT OF CERTAIN PROGRAMS FOR THE F-22A RAPTOR AIRCRAFT AS MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F-22A Raptor aircraft as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F-22A Raptor aircraft are the following:

(1) Any modernization program through Increment 3.2A.

(2) The Reliability and Maintainability Maturation Program (RAMMP) and the Structural Repair Program (SRP II).

(3) The modernization Increment 3.2B and any future F-22A Raptor aircraft modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

**SEC. 143. AVIONICS SYSTEMS FOR C-130 AIRCRAFT.**

(a) LIMITATIONS.—

(1) AVIONICS MODERNIZATION PROGRAM.—The Secretary of the Air Force shall take no action to cancel or modify the Avionics Modernization Program (AMP) for the C-130 aircraft until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(2) CNS/ATM PROGRAM.—

(A) IN GENERAL.—The Secretary shall take no action described in subparagraph (B) until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(B) COVERED ACTIONS.—An action described in this subparagraph is an action to begin an alternative communication, navigation, surveillance, and air traffic management (CNS/ATM) program for the C-130 aircraft that is designed or intended—

(i) to meet international communication, navigation, surveillance, and air traffic management standards for the fleet of C-130 aircraft; or

(ii) to replace the current Avionics Modernization Program for the C-130 aircraft.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees report on the results of a study to be conducted by the Office of Cost Assessment and Program Evaluation of the Department of Defense on the following:

(1) The costs and schedule to complete the current program of record for the Avionics Modernization Program for the C-130 aircraft, as anticipated at the time of the last certification on that program under section 2433a of title 10, United States Code.

(2) The total cost and schedule, from start to completion, of any proposed alternative communication, navigation, surveillance, and air traffic management program for the C-130 aircraft.

(3) The projected manpower savings to be derived from the current program of record for the Avionics Modernization Program for the C-130 aircraft in comparison with the projected manpower savings to be derived from any proposed alternative communication, navigation, surveillance, and air traffic management program for the C-130 aircraft.

**SEC. 144. PROCUREMENT OF SPACE-BASED INFRARED SYSTEM SATELLITES.**

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two space-based infrared system satellites by entering into a fixed-price contract for such procurement.

(2) COST REDUCTION.—The Secretary may include in a contract entered into under paragraph (1) the following:

(A) The procurement of material and equipment in economic order quantities if the procurement of such material and equipment in such quantities will result in cost savings.

(B) Cost reduction initiatives.

(3) USE OF INCREMENTAL FUNDING.—The Secretary may use incremental funding for a contract entered into under paragraph (1) for a period not to exceed six fiscal years.

(4) LIABILITY.—A contract entered into under paragraph (1) shall provide that—

(A) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

(B) the total liability of the Federal Government for the termination of the contract shall be limited to the total amount of funding obligated at the time of the termination of the contract.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two space-based infrared system satellites authorized by subsection (a) may not exceed \$3,900,000,000.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program-related support costs.

(D) Technical support for obsolescence studies.

(c) ADJUSTMENT TO LIMITATION AMOUNT.—

(1) IN GENERAL.—The Secretary may increase the limitation set forth in subsection (b)(1) by the amount of an increase described in paragraph (2) if the Secretary submits to the congressional defense committees written notification of the increase made to that limitation.

(2) INCREASE DESCRIBED.—An increase described in this paragraph is one of the following:

(A) An increase in costs that is attributable to economic inflation after September 30, 2012.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

(C) An increase in the cost of a space-based infrared system satellite that is attributable to the insertion of a new technology into the satellite that was not built into such satellites procured before fiscal year 2013, if the

Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology into the satellite is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to the national security of the United States.

(d) REPORTS.—

(1) REPORT ON CONTRACTS.—Not later than 30 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on the contract that includes the following:

(A) The total cost savings resulting from the authority provided by subsection (a).

(B) The type and duration of the contract.

(C) The total value of the contract.

(D) The funding profile under the contract by year.

(E) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(2) PLAN FOR USING COST SAVINGS.—Not later than 90 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a plan for using the cost savings described in paragraph (1)(A) to improve the capability of military infrared and early warning satellites that includes a description of the following:

(A) The available funds, by year, resulting from such cost savings.

(B) The specific activities or subprograms to be funded using such cost savings and the funds, by year, allocated to each such activity or subprogram.

(C) The objectives for each such activity or subprogram.

(D) The criteria used by the Secretary to determine which such activities or subprograms to fund.

(E) The method by which the Secretary will determine which such activities or subprograms to fund, including whether that determination will be on a competitive basis.

(F) The plan for encouraging participation in such activities and subprograms by small businesses.

(G) The process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2013 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system space vehicle number 6.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two space-based infrared system satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

**SEC. 145. TRANSFER OF CERTAIN FISCAL YEAR 2011 AND 2012 FUNDS FOR AIRCRAFT PROCUREMENT FOR THE AIR FORCE.**

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds, an aggregate of \$920,748,000 to other, higher priority programs of the Air Force.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds” means—

(1) amounts authorized to be appropriated for fiscal year 2011 by section 103(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4152) for aircraft procurement for the Air Force; and

(2) amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1317) and available for Aircraft Procurement, Air Force as specified in the funding table in section 4101 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**Subtitle E—Joint and Multiservice Matters**

**SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22 JOINT AIRCRAFT PROGRAM.**

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of V-22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

**SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR FULL-RATE PRODUCTION OF HANDHELD, MANPACK, AND SMALL FORM/FIT RADIOS UNDER THE JOINT TACTICAL RADIO SYSTEM PROGRAM.**

Amounts available for the Joint Tactical Radio System (JTRS) program may not be obligated or expended for full-rate production of the Handheld, Manpack, and Small Form/Fit (HMS) radios under that program until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the acquisition strategy for such radios provides, to the maximum extent practicable, for full and open competition in the acquisition of such radios.

**SEC. 153. SHALLOW WATER COMBAT SUBMERSIBLE PROGRAM.**

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the efforts of the contractor under the Shallow Water Combat Submersible (SWCS) program and the United States Special Operations Command to improve the accuracy of the tracking of the schedule and costs of the program.

(2) The revised timeline for the initial and full operational capability of the Shallow Water Combat Submersible.

(3) A current estimate of the cost to meet the basis of issue requirement under the program.

(b) SUBSEQUENT REPORTS.—

(1) QUARTERLY REPORTS REQUIRED.—The Commander of the United States Special Operations Command shall submit to the congressional defense committees on a quarterly basis updates on the metrics from the earned value management system with which the Command is tracking the schedule and cost performance of the contractor of the Shallow Water Combat Submersible program.

(2) SUNSET.—The requirement in paragraph (1) shall cease on the date the Shallow Water Combat Submersible has completed operational testing and has been found to be operationally effective and operationally suitable.

**SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.**

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

**SEC. 211. NEXT GENERATION FOUNDRY FOR THE DEFENSE MICROELECTRONICS ACTIVITY.**

Amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for the Next Generation Foundry for the Defense Microelectronics Activity (DMEA) (PE #603720S) as specified in the funding table in section 4201 may not be obligated or expended for that purpose until 60 days after the date on which the Assistant Secretary of Defense for Research and Engineering—

(1) develops a microelectronics strategy as described in the Senate report to accompany S. 1235 of the 112th Congress (S. Rept. 112-26) and an estimate of the full life-cycle costs for the upgrade of the Next Generation Foundry; and

(2) submits the strategy and cost estimate required by paragraph (1) to the congressional defense committees.

**SEC. 212. ADVANCED ROTORCRAFT INITIATIVE.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments, the Defense Advanced Research Projects Agency, and industry (including the Vertical Lift Consortium (VLC)), submit to the congressional defense committees a report setting forth a strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Mechanisms for establishing agile prototyping practices and programs, including rotorcraft X-planes, and an identification of the resources required for such purposes.

(2) A restructuring of the Joint Multi-role (JMR) development program of the Army to include more technology demonstration platforms with challenge goals of significant reductions in cost and time to flight.

(3) A restructuring of the X-Plane Rotorcraft program of the Defense Advanced Research Projects Agency to develop performance objectives beyond the Joint Multi-role development program, including at least two competing teams.

(4) Approaches, including competitive prize awards, to encourage the development of advanced rotorcraft capabilities to address challenge problems such as nap-of-earth automated flight, urban operation near buildings, slope landings, automated autorotation or power-off recovery, and automated selection of landing areas.

**SEC. 213. TRANSFER OF CERTAIN FISCAL YEAR 2012 NAVY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Navy research, development, test, and evaluation funds, \$8,832,000 to other, higher priority programs of the Navy.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Navy research, development, test, and evaluation funds” means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Navy as specified in the funding table in section 4201 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 214. AUTHORITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATION PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN UNITED STATES TERRITORIES AND POSSESSIONS.**

(a) AUTHORITY.—Subsection (a) of section 2194 of title 10, United States Code, is amended by inserting “, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any possession of the United States” after “institutions of the United States”.

(b) TECHNICAL AMENDMENT.—Subsection (f)(2) of such section is amended by inserting “(20 U.S.C. 7801)” before the period.

**SEC. 215. TRANSFER OF CERTAIN FISCAL YEAR 2012 AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from fiscal year 2012 Air Force research, development, test, and evaluation funds, \$78,426,000 to other, higher priority programs of the Air Force.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Air Force research, development, test, and evaluation funds” means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force as specified in the funding table in section 4201 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.**

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, \$3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C-Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

**SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.**

(a) ADDITIONAL AMOUNT FOR RDT&E, ARMY.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by \$38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot,

Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

**Subtitle C—Missile Defense Matters****SEC. 231. HOMELAND BALLISTIC MISSILE DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Ballistic Missile Defense Review of February 2010 stated as its first policy priority that “the United States will continue to defend the homeland against the threat of limited ballistic missile attack” and that “an essential element of the United States’ homeland ballistic missile defense strategy is to hedge against future uncertainties, including both the uncertainty of future threat capabilities and the technical risks inherent to our own development plans”.

(2) The United States currently has an operational Ground-based Midcourse Defense (GMD) system with 30 Ground-Based Interceptors (GBIs) deployed in Alaska and California, protecting the United States against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran.

(3) As Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley Roberts testified before the Committee on Armed Services of the Senate on April 25, 2012, “[w]ith 30 GBIs in place, the United States is in an advantageous position vis-à-vis the threats from North Korea and Iran,” and “neither has successfully tested an ICBM or demonstrated an ICBM-class warhead”.

(4) Deputy Assistant Secretary Roberts testified that maintaining this advantageous position “requires continued improvement to the GMD system, including enhanced performance by the GBIs and the deployment of new sensors. It also requires the development of the Precision Tracking Space System (PTSS) to handle larger raid sizes and the Standard Missile-3 (SM-3) Block IIB as the ICBM threat from states like Iran and North Korea matures. These efforts will help to ensure that the United States possesses the capability to counter the projected threat for the foreseeable future”.

(5) As its highest priority, the Missile Defense Agency is designing a correction to the problem that caused a December 2010 flight test failure of the Ground-based Midcourse Defense system using the Capability Enhancement II (CE-II) model of exo-atmospheric kill vehicle, and plans to demonstrate the correction in two flight tests before resuming production or assembly of additional Capability Enhancement II kill vehicles.

(6) The Department of Defense has a program to improve the performance and reliability of the Ground-based Midcourse Defense system, including a plan to test every component of the Ground-Based Interceptors for reliability. According to Department of Defense officials, the goal of the Ground-Based Interceptor reliability program is to double the number of threat Intercontinental Ballistic Missiles (ICBMs) that our current inventory of Ground-Based Interceptors could defeat, thereby effectively doubling the capability of our current Ground-based Midcourse Defense system.

(7) The Missile Defense Agency, working with the Director of Operational Test and Evaluation and with United States Strategic Command, has developed a comprehensive Integrated Master Test Plan (IMTP) for missile defense, with flight tests for the Ground-based Midcourse Defense system planned



through fiscal year 2022, including salvo testing, multiple simultaneous engagement testing, and operational testing.

(8) The Director of Operational Test and Evaluation, who must review, approve, and sign each semi-annual version of the Integrated Master Test Plan, testified that the Test Plan is “a robust and rigorous test plan”. He also testified that the current pace of Ground-based Midcourse Defense system testing of one flight test per year is the “best that we’ve been able to achieve over a decade”.

(9) The Director of the Missile Defense Agency testified before the Committee on Armed Services of the Senate on April 25, 2012, that flight testing the Ground-based Midcourse Defense system more often than once per year could cause “greater risk of further failure and setbacks to developing our homeland defense capability as rapidly as possible”.

(10) As part of its homeland defense hedging strategy, the Department of Defense has already decided upon or implemented a number of actions to improve the missile defense posture of the United States in case the threat of Intercontinental Ballistic Missiles from North Korea or Iran emerges sooner or in greater numbers than anticipated. These include the following actions:

(A) The Missile Defense Agency has completed construction of Missile Field-2 at Fort Greely, Alaska, with eight extra silos available to deploy additional operational Ground-Based Interceptors, if needed.

(B) With its request for 5 additional Ground-Based Interceptors in the budget of the President for fiscal year 2013, the Missile Defense Agency plans to have enough test and spare Ground-Based Interceptors to replace in the 8 extra silos from 2014 through 2025, and will keep the Ground-Based Interceptor production line active for 5 additional years, thus allowing additional Ground-Based Interceptor purchases in the future, if needed.

(C) The Department has decided not to decommission prototype Missile Field-1 at Fort Greely but, instead, to keep it in a storage status that would permit it to be refurbished and reactivated within a few years if future threat developments make that necessary.

(D) The Missile Defense Agency plans to build an in-flight interceptor communications terminal at Fort Drum, New York, to enhance the performance of Ground-Based Interceptors defending the eastern United States against possible future missile threats from Iran.

(E) The Missile Defense Agency is continuing the development and testing of the two-stage Ground-Based Interceptor for possible deployment in the future, if needed.

(F) The Missile Defense Agency is upgrading early warning radars in Clear, Alaska, and Cape Cod, Massachusetts, to enhance the ability to defend against potential multiple future Intercontinental Ballistic Missile threats from North Korea and Iran.

(G) The Missile Defense Agency is pursuing development of the Standard Missile-3 Block IIB interceptor for Phase 4 of the European Phased Adaptive Approach. It is intended to augment the Ground-based Midcourse Defense system as a cost-effective first layer of defense of the homeland against a possible future Intercontinental Ballistic Missile threat from Iran.

(H) The Missile Defense Agency is pursuing development of the Precision Tracking Space System, a satellite sensor system to provide persistent tracking of large numbers

of missiles in flight, and fire-control quality targeting data to various missile defense interceptor systems. According to the Director of the Missile Defense Agency, “the greatest future enhancement for both homeland and regional defense in the next ten years is the development of the Precision Tracking Space System satellites”.

(11) As part of its homeland defense hedging strategy review, the Department of Defense is considering other options to enhance the future United States posture to defend the homeland, including the feasibility, advisability and affordability of deploying additional Ground-Based Interceptors, either in Alaska or at a missile defense site on the East Coast of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national priority to defend the homeland against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran;

(2) the currently deployed Ground-based Midcourse Defense system, with 30 Ground-Based Interceptors deployed in Alaska and California, provides protection of the United States homeland against the potential future threat of limited ballistic missile attack from North Korea and Iran;

(3) it is essential for the Ground-based Midcourse Defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland against limited ballistic missile attack;

(4) the Missile Defense Agency should, as its highest priority, correct the problem that caused the December 2010 Ground-based Midcourse Defense system flight test failure and demonstrate the correction in flight tests before resuming production of the Capability Enhancement-II kill vehicle, in order to provide confidence that the system will work as intended;

(5) the Department of Defense should continue to enhance the performance and reliability of the Ground-based Midcourse Defense system, and enhance the capability of the Ballistic Missile Defense System, to provide improved capability to defend the homeland against possible increased future missile threats from North Korea and Iran;

(6) the Missile Defense Agency should continue its robust, rigorous, and realistic testing of the Ground-based Midcourse Defense system at a pace of one flight test per year, as described in the Integrated Master Test Plan, including salvo testing, multiple simultaneous engagement testing, and operational testing;

(7) if successfully developed, the Standard Missile-3 Block IIB interceptor would provide an essential first layer of defense of the homeland against an emerging Intercontinental Ballistic Missile threat from Iran, using a cost-effective forward-based early intercept system that could permit holding Ground-Based Interceptors in reserve, and if such interceptor could be deployed on ships, it would also provide a significant enhancement to defense against possible future threats from North Korea;

(8) the Precision Tracking Space System has the potential to improve dramatically the capability of homeland and regional missile defense systems against large numbers of missiles launched simultaneously, and should remain a high priority for development;

(9) the Department of Defense has taken a number of prudent, affordable, cost-effective, and operationally significant steps to hedge

against the possibility of future growth in the missile threat to the homeland from North Korea and Iran; and

(10) the Department of Defense should continue to evaluate the evolution of the long-range missile threat from North Korea and Iran and consider other possibilities for prudent, affordable, cost-effective, and operationally significant steps to improve the posture of the United States to defend the homeland against possible future growth in the threat.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the actions taken or planned to improve the reliability, availability, and capability of the Ground-based Midcourse Defense system.

(B) A description of any improvements achieved as a result of the actions described in subparagraph (A).

(C) A description of the results of the two planned flight tests of the Ground-based Midcourse Defense system (Control Test Vehicle flight test-1, and GMD Flight Test-06b) intended to demonstrate the success of the correction of the problem that caused the flight test failure of December 2010, and the status of any decision to resume production of the Capability Enhancement-II kill vehicle.

(D) A detailed description of actions taken or planned to improve the homeland defense posture of the United States to hedge against potential future Intercontinental Ballistic Missile threat growth from North Korea and Iran.

(E) Any other matters the Secretary considers appropriate.

(3) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 232. REGIONAL BALLISTIC MISSILE DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In the introduction to the Ballistic Missile Defense Review of February 2010, Secretary of Defense Robert Gates states that “I have made defending against near-term regional threats a top priority of our missile defense plans, programs and capabilities”.

(2) In describing the threat of regional ballistic missiles, the report of the Ballistic Missile Defense Review states that “there is no uncertainty about the existence of regional threats. They are clear and present. The threat from short-range, medium-range, and intermediate-range ballistic missiles (SRBMs, MRBMs, and IRBMs) in regions where the United States deploys forces and maintains security relationships is growing at a particularly rapid pace”.

(3) In testimony before the Committee on Armed Services of the Senate on April 25, 2012, Dr. Bradley Roberts, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy stated, with respect to regional missile defense, that “the need arises from the rapidly emerging threats to our armed forces in Europe, the Middle East, and East Asia from regional missile proliferators and the basic challenge such proliferation poses to the safety and security of our forces and allies and to our power projection strategy”.

(4) Iran has the largest inventory of regional ballistic missiles in the Middle East, with hundreds of missiles that can reach southeastern Europe and all of the Middle East, including Israel. Iran is improving its existing missiles and developing new and longer-range missiles.

(5) North Korea has a large and growing inventory of short-range and medium-range ballistic missiles that can reach United States forces and allies in South Korea and Japan. North Korea is improving its existing missiles and developing new and longer-range missiles.

(6) In September 2009, President Barack Obama announced that he had accepted the unanimous recommendation of the Secretary of Defense and the Joint Chiefs of Staff to establish a European Phased Adaptive Approach to missile defense, designed to protect deployed United States forces and allies and partners in Europe against the large and growing threat of ballistic missiles from Iran.

(7) In November 2010, at the Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to adopt the core mission of missile defense of its population, territory and forces. The North Atlantic Treaty Organization agreed to enhance its missile defense command and control system, the Active Layered Theater Ballistic Missile Defense, to provide a North Atlantic Treaty Organization command and control capability. This is in addition to contributions of missile defense capability from individual nations.

(8) During 2011, the United States successfully implemented Phase 1 of the European Phased Adaptive Approach, including deployment of an AN/TPY-2 radar in Turkey, deployment of an Aegis Ballistic Missile Defense ship in the eastern Mediterranean Sea with Standard Missile-3 Block IA interceptors, and establishment of a missile defense command and control system in Germany.

(9) During 2011, the United States successfully negotiated all the international agreements with North Atlantic Treaty Organization allies needed to permit future phases of the European Phased Adaptive Approach, including agreements with Romania and Poland to permit the deployment of Aegis Ashore missile defense systems on their territory, an agreement with Turkey to permit deployment of an AN/TPY-2 radar on its territory, and an agreement with Spain to permit the forward stationing of four Aegis Ballistic Missile Defense ships at Rota.

(10) Phase 2 of the European Phased Adaptive Approach is planned for deployment in 2015, and is planned to include the deployment of Standard Missile-3 Block IB interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Romania.

(11) Phase 3 of the European Phased Adaptive Approach is planned for deployment in 2018, and is planned to include the deployment of Standard Missile-3 Block IIA interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Poland.

(12) Phase 4 of the European Phased Adaptive Approach is planned for deployment in 2020, and is planned to include the deployment of Standard Missile-3 Block IIB interceptors at Aegis Ashore sites. This interceptor is intended to protect both Europe and the United States against potential future long-range ballistic missiles from Iran.

(13) At the North Atlantic Treaty Organization Summit in Chicago in 2012, the North Atlantic Treaty Organization plans to announce it has achieved an "interim capa-

bility" for the North Atlantic Treaty Organization missile defense system, including initial capability of its Active Layered Theater Ballistic Missile Defense system at a command and control facility in Germany.

(14) The United States has a robust program of missile defense cooperation with Israel, including joint development of the Arrow Weapon System and the new Arrow-3 upper tier interceptor, designed to defend Israel against ballistic missiles from Iran. These jointly developed missile defense systems are designed to be interoperable with United States ballistic missile defenses, and these interoperable systems are tested in large military exercises. The United States has deployed an AN/TPY-2 radar in Israel to enhance missile defense against missiles from Iran.

(15) The United States is working with the nations of the Gulf Cooperation Council on enhanced national and regional missile defense capabilities against growing missile threats from Iran. As part of this effort, the United Arab Emirates plans to purchase two batteries of the Terminal High Altitude Air Defense (THAAD) system, as well as other equipment.

(16) The United States has a strong program of missile defense cooperation with Japan, including the co-development of the Standard Missile-3 (SM-3) Block IIA interceptor for the Aegis Ballistic Missile Defense system, intended to be deployed by Japan and in Phase 3 of the European Phased Adaptive Approach, Japan's fleet of Aegis Ballistic Missile Defense ships using the SM-3 Block IA interceptors, and the United States deployment of an AN/TPY-2 radar in Japan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious and growing, and puts at risk forward-deployed United States forces and allies and partners in Europe, the Middle East, and the Asia-Pacific region;

(2) the Department of Defense has an obligation to provide force protection of forward-deployed United States forces, assets, and facilities from regional ballistic missile attack;

(3) the United States has an obligation to meet its security commitments to its allies, including ballistic missile defense commitments;

(4) the Department of Defense has a balanced program of investment and capabilities to provide for both homeland defense and regional defense against ballistic missiles, consistent with the Ballistic Missile Defense Review and with the prioritized and integrated needs of the commanders of the combatant commands;

(5) the European Phased Adaptive Approach to missile defense is an appropriate and necessary response to the existing and growing ballistic missile threat from Iran to forward deployed United States forces and allies and partners in Europe;

(6) the Department of Defense—

(A) should, as a high priority, continue to develop, test, and plan to deploy all four phases of the European Phased Adaptive Approach, including all variants of the Standard Missile-3 interceptor; and

(B) should also continue with its other phased and adaptive regional missile defense efforts tailored to the Middle East and the Asia-Pacific region;

(7) European members of the North Atlantic Treaty Organization are making valuable contributions to missile defense in Europe,

by hosting elements of United States missile defense systems on their territories, through individual national contributions to missile defense capability, and by collective funding and development of the Active Layered Theater Ballistic Missile Defense system; and

(8) the Department of Defense should continue with the development of the key enablers of enhanced regional missile defense, including the Precision Tracking Space System.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status and progress of regional missile defense programs and efforts.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An assessment of the adequacy of the existing and planned European Phased Adaptive Approach to provide force protection for forward deployed United States forces in Europe against ballistic missile threats from Iran, and an assessment whether adequate force protection would be available absent the European Phased Adaptive Approach.

(B) An assessment whether the European Phased Adaptive Approach and other planned regional missile defense approaches of the United States meet the integrated priorities of the commanders of the regional combatant commands in an affordable and balanced manner.

(C) A description of the progress made in the development and testing of elements of systems intended for deployment in Phases 2 through 4 of the European Phased Adaptive Approach, including the Standard Missile-3 Block IB interceptor and the Aegis Ashore system.

(D) A description of the manner in which elements of regional missile defense architectures, such as forward-based X-band radars in Turkey and Japan, contribute to the enhancement of homeland defense of the United States.

(E) A description of the current and planned contributions of North Atlantic Treaty Organization allies, both collectively and individually, to missile defense in Europe.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) FINDINGS.—Congress makes the following findings:

(1) For more than a decade, the United States and Russia have discussed a variety of options for cooperation on shared early warning and ballistic missile defense. For example, on May 1, 2001, President George W. Bush spoke of a "new cooperative relationship" with Russia and said "it should be premised on openness, mutual confidence and real opportunities for cooperation, including the area of missile defense. It should allow us to share information so that each nation can improve its early warning capability, and its capability to defend its people and territory. And perhaps one day, we can even cooperate in a joint defense".

(2) Section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 1654A-329) authorized the Department of Defense to establish in Russia a "joint center for the exchange of data from systems to provide early warning of launches

of ballistic missiles and for notification of launches of such missiles", also known as the Joint Data Exchange Center (JDEC).

(3) On March 31, 2008, Deputy Secretary of Defense Gordon England stated that "we have offered Russia a wide-ranging proposal to cooperate on missile defense—everything from modeling and simulation, to data sharing, to joint development of a regional missile defense architecture—all designed to defend the United States, Europe, and Russia from the growing threat of Iranian ballistic missiles. An extraordinary series of transparency measures have also been offered to reassure Russia. Despite some Russian reluctance to sign up to these cooperative missile defense activities, we continue to work toward this goal".

(4) On July 6, 2009, President Barack Obama and Russian President Dmitry Medvedev issued a joint statement on missile defense issues, which stated that "Russia and the United States plan to continue the discussion concerning the establishment of cooperation in responding to the challenge of ballistic missile proliferation. . . . We have instructed our experts to work together to analyze the ballistic missile challenges of the 21st century and to prepare appropriate recommendations".

(5) The February 2010 report of the Ballistic Missile Defense Review established as one of its central policy pillars that increased international missile defense cooperation is in the national security interest of the United States and, with regard to cooperation with Russia, the United States "is pursuing a broad agenda focused on shared early warning of missile launches, possible technical cooperation, and even operational cooperation".

(6) at the November 2010 Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to develop a missile defense system to "protect NATO European populations, territory and forces" and also to seek cooperation with Russia on missile defense. In its Lisbon Summit Declaration, the North Atlantic Treaty Organization reaffirmed its readiness to "invite Russia to explore jointly the potential for linking current and planned missile defence systems at an appropriate time in mutually beneficial ways". The new NATO Strategic Concept adopted at the Lisbon Summit states that "we will actively seek cooperation on missile defense with Russia", that "NATO-Russia cooperation is of strategic importance", and that "the security of the North Atlantic Treaty Organization and Russia is intertwined".

(7) In a December 18, 2010, letter to the leadership of the Senate, President Obama wrote that the North Atlantic Treaty Organization "invited Russia to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance's missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States' or NATO's missile defense capabilities. Effective cooperation with Russia could enhance the overall efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security".

(8) Section 221(a)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4167)

states that it is the sense of Congress "to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats".

(9) In a speech in Russia on March 21, 2011, Secretary of Defense Robert Gates cited "the NATO-Russian decision to cooperate on defense against ballistic missiles. We've disagreed before, and Russia still has uncertainties about the European Phased Adaptive Approach, a limited system that poses no challenges to the large Russian nuclear arsenal. However, we've mutually committed to resolving these difficulties in order to develop a roadmap toward truly effective anti-ballistic missile collaboration. This collaboration may include exchanging launch information, setting up a joint data fusion center, allowing greater transparency with respect to our missile defense plans and exercises, and conducting a joint analysis to determine areas of future cooperation".

(10) In testimony to the Committee on Armed Services of the Senate on April 13, 2011, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley H. Roberts stated that the United States has been pursuing a Defense Technology Cooperation Agreement with Russia since 2004, and that such an agreement is necessary "for the safeguarding of sensitive information in support of cooperation" on missile defense, and to "provide the legal framework for undertaking cooperative efforts". Further, Dr. Roberts stated that the United States would not provide any classified information to Russia without first conducting a National Disclosure Policy review. He also stated that the United States is not considering sharing "hit-to-kill" technology with Russia.

(11) In a March 2012 answer to a question from the Committee on Armed Services of the Senate on missile defense cooperation with Russia, Acting Under Secretary of Defense for Policy Jim Miller wrote that "I support U.S.-Russian cooperation on missile defenses first and foremost because it could improve the effectiveness of U.S. and NATO missile defenses, thereby improving the protection of the United States, our forces overseas, and our Allies. Missile defense cooperation with Russia is in the security interests of the United States, NATO, and Russia, first and foremost because it could strengthen capabilities across Europe to intercept Iranian missiles". He also wrote that "[t]he United States has pursued missile defense cooperation with Russia with the clear understanding that we would not accept constraints on missile defense, and that we would undertake necessary qualitative and quantitative improvements to meet U.S. security needs".

(12) In February 2012, an international group of independent experts known as the Euro-Atlantic Security Initiative issued a report proposing missile defense cooperation between the United States (with its North Atlantic Treaty Organization allies) and Russia. The group, whose leaders included Stephen Hadley, the National Security Advisor to President George W. Bush, proposed that the nations share satellite and radar early warning data at joint cooperation centers in order to improve their ability to detect, track, and defeat medium-range and intermediate-range ballistic missiles from the Middle East.

(13) In a letter dated April 13, 2012, Robert Nabors, Assistant to the President and Director of the Office of Legislative Affairs, wrote that "it is Administration policy that

we will only provide information to Russia that will enhance the effectiveness of our missile defenses. The Administration will not provide Russia with sensitive information that would in any way compromise our national security, including hit-to-kill technology and interceptor telemetry".

(14) The United States and Russia already engage in substantial cooperation on a number of international security efforts, including nuclear nonproliferation, anti-piracy, counter-narcotics, nuclear security, counterterrorism, and logistics resupply through Russia of coalition forces in Afghanistan. These areas of cooperation require each side to share and protect sensitive information, which they have both done successfully.

(15) The United States currently has shared early warning agreements and programs of cooperation with eight nations in addition to the North Atlantic Treaty Organization. The United States has developed procedures and mechanisms for sharing early warning information with partner nations while ensuring the protection of sensitive United States information.

(16) Russia and the United States each have missile launch early warning and detection and tracking sensors that could contribute to and enhance each others' ability to detect, track, and defend against ballistic missile threats from Iran.

(17) The Obama Administration has provided regular briefings to Congress on its discussions with Russia on possible missile defense cooperation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interest of the United States to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, particularly against missile threats from Iran;

(2) the United States should pursue ballistic missile defense cooperation with Russia on both a bilateral basis and a multilateral basis with its North Atlantic Treaty Organization allies, particularly through the NATO-Russia Council;

(3) missile defense cooperation with Russia should not "in any way limit United States' or NATO's missile defense capabilities", as acknowledged in the December 18, 2010, letter from President Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature;

(4) the United States should not provide Russia with sensitive missile defense information that would in any way compromise United States national security, including "hit-to-kill" technology and interceptor telemetry; and

(5) the United States should pursue missile defense cooperation with Russia in a manner that ensures that—

(A) United States classified information is appropriately safeguarded and protected from unauthorized disclosure;

(B) prior to sharing classified information with Russia, the United States conducts a National Disclosure Policy review and determines the types and levels of information that may be shared and whether any additional procedures are necessary to protect such information;

(C) prior to entering into missile defense technology cooperation projects, the United States enters into a Defense Technology Cooperation Agreement with Russia that establishes the legal framework for a broad spectrum of potential cooperative defense projects; and

(D) such cooperation does not limit the missile defense capabilities of the United States or its North Atlantic Treaty Organization allies.

**SEC. 234. NEXT GENERATION EXO-ATMOSPHERIC KILL VEHICLE.**

(a) **PLAN FOR NEXT GENERATION KILL VEHICLE.**—The Director of the Missile Defense Agency shall develop a long-term plan for the Exo-atmospheric Kill Vehicle (EKV) that addresses both modifications and enhancements to the current Exo-atmospheric Kill Vehicle and options for the competitive development of a next generation Exo-atmospheric Kill Vehicle for the Ground-Based Interceptor (GBI) of the Ground-based Midcourse Defense (GMD) system and any other interceptor that might be developed for the defense of the United States against long-range ballistic missiles.

(b) **DEFINITION OF PARAMETERS AND CAPABILITIES.**—

(1) **ASSESSMENT REQUIRED.**—The Director shall define the desired technical parameters and performance capabilities for a next generation Exo-atmospheric Kill Vehicle using an assessment conducted by the Director for that purpose that is designed to ensure that a next generation Exo-atmospheric Kill Vehicle design—

(A) enables ease of manufacturing, high tolerances to production processes and supply chain variability, and inherent reliability;

(B) will be optimized to take advantage of the Ballistic Missile Defense System architecture and sensor system capabilities;

(C) leverages all relevant kill vehicle development activities and technologies, including from the current Standard Missile-3 Block IIB (SM-3 IIB) program and the previous Multiple Kill Vehicle technology development program;

(D) seeks to maximize, to the greatest extent practicable, commonality between subsystems of a next generation Exo-atmospheric Kill Vehicle and other exo-atmospheric kill vehicle programs; and

(E) meets Department of Defense criteria, as established in the February 2010 Ballistic Missile Defense Review, for affordability, reliability, suitability, and operational effectiveness to defend against limited attacks from evolving and future threats from long-range missiles.

(2) **EVALUATION OF PAYLOADS.**—The assessment required by paragraph (1) shall include an evaluation of the potential benefits and drawbacks of options for both unitary and multiple Exo-atmospheric Kill Vehicle payloads.

(3) **STANDARD MISSILE-3 BLOCK IIB INTERCEPTOR.**—As part of the assessment required by paragraph (1), the Director shall evaluate whether there are potential options and opportunities arising from the Standard Missile-3 Block IIB interceptor development program for development of an exo-atmospheric kill vehicle, or kill vehicle technologies or components, that could be used for potential upgrades to the Ground-Based Interceptor or for a next generation Exo-atmospheric Kill Vehicle.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report setting forth the plan developed under subsection (a), including the results of the assessment under subsection (b), and an estimate of the cost and schedule of implementing the plan.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 235. MODERNIZATION OF THE PATRIOT AIR AND MISSILE DEFENSE SYSTEM.**

(a) **PLAN FOR MODERNIZATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a prioritized plan for support of the long-term requirements in connection with the modernization of the Patriot air and missile defense system.

(b) **ADDITIONAL ELEMENTS.**—The report required by subsection (a) shall also set forth the following:

(1) An assessment of the integrated air and missile defense capabilities required to meet the demands of evolving and emerging threats.

(2) A plan for the introduction of changes to the Patriot air and missile defense system program to achieve reductions in the life-cycle cost of the Patriot air and missile defense system.

**SEC. 236. MEDIUM EXTENDED AIR DEFENSE SYSTEM.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the Medium Extended Air Defense System (MEADS).

**SEC. 237. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.**

Of the amounts authorized to be appropriated for fiscal year 2013 by section 201 for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency, \$210,000,000 may be provided to the Government of Israel for the Iron Dome short-range rocket defense program as specified in the funding table in section 4201.

**SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

**SEC. 239. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that “I am confident in my ability to successfully defend the homeland from the current set of limited

long-range ballistic missile threats”, and that “[a]gainst current threats from the Middle East, I am confident we are well postured”.

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does “not know if Iran will eventually decide to build nuclear weapons”, it judges “that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon”. He also testified that “Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload”.

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, “Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads”, and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that “Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies”, and that “[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015”.

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

**Subtitle D—Reports**

**SEC. 251. MISSION PACKAGES FOR THE LITTORAL COMBAT SHIP.**

(a) **REPORT REQUIRED.**—Not later than March 1, 2013, the Secretary of the Navy shall, in consultation with the Director of Operational Test and Evaluation, submit to the congressional defense committees a report on the mine countermeasures warfare (MCM), antisubmarine warfare (ASW), and surface warfare (SUW) Mission Packages for the Littoral Combat Ship.

(b) **ELEMENTS.**—The report required by subsection (a) shall set forth the following:

(1) A plan for the Mission Packages demonstrating that Preliminary Design Review for every capability increment precedes Milestone B or equivalent approval for that increment.

(2) A plan for demonstrating that the capability increment for each Mission Package, combined with a Littoral Combat Ship, on the basis of a Preliminary Design Review and post-Preliminary Design Review assessment, will achieve the capability specified for that increment.

(3) A plan for demonstrating the survivability and lethality of the Littoral Combat Ship with its Mission Packages sufficiently early in the development phase of the system to minimize costs of concurrency.

**SEC. 252. COMPTROLLER GENERAL OF THE UNITED STATES ANNUAL REPORTS ON THE ACQUISITION PROGRAM FOR THE AMPHIBIOUS COMBAT VEHICLE.**

(a) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall conduct on an annual basis a review of the acquisition program for the Amphibious Combat Vehicle (ACV).

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2013, the Comptroller General shall submit to the congressional defense committees a report on the review of the acquisition program for the Amphibious Combat Vehicle conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the acquisition program for the Amphibious Combat Vehicle shall include, to the extent appropriate and feasible, the following:

(A) An assessment of the extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the Amphibious Combat Vehicle, an assessment of the progress and results of—

(i) developmental and operational testing of the vehicle; and

(ii) plans for correcting deficiencies in vehicle performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance in connection with the Amphibious Combat Vehicle.

(D) An assessment of the acquisition strategy for the Amphibious Combat Vehicle, including whether the strategy complies with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the Amphibious Combat Vehicle as it relates to—

(i) the probability of success;

(ii) the funding required for the vehicle in comparison with the funding programmed for the vehicle; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION IN FIRST REPORT.—In submitting to the congressional defense committees the first report under paragraph (1), the Comptroller General shall include, with respect to the Amphibious Combat Vehicle program, an assessment of the sufficiency and objectivity of the following documents:

(A) The analysis of alternatives.

(B) The initial capabilities document.

(C) The capability development document.

(4) INFORMATION IN SUBSEQUENT REPORTS.—

(A) CERTAIN INFORMATION REQUIRED ONLY FOLLOWING SIGNIFICANT CHANGES.—A report under this subsection after the first report under paragraph (1) shall address the matters identified in subparagraphs (C), (D), and (E) of paragraph (2) only to the extent that the Comptroller General determines that there have been significant changes to the applicable plans, strategies, or schedules since the last report under this subsection addressing such matters.

(B) ADDITIONAL INFORMATION AFTER APPROVAL OR CHANGE OF DOCUMENTS.—If any document specified in paragraph (3) is approved or changed after the first report under paragraph (1), the Comptroller General shall provide an assessment of the sufficiency and objectivity of that document in the report to the congressional defense committees under paragraph (1) submitted immediately following such approval or change.

(5) TERMINATION.—No report is required under this subsection after the first report following the award of a contract for full rate production of the Amphibious Combat Vehicle.

**SEC. 253. CONDITIONAL REQUIREMENT FOR REPORT ON AMPHIBIOUS ASSAULT VEHICLES FOR THE MARINE CORPS.**

(a) IN GENERAL.—If the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a separate Marine Personnel Carrier, the Secretary of the Navy and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report that includes the following:

(1) A detailed description of the capability gaps that Marine Personnel Carriers are intended to mitigate and the capabilities that the Marine Personnel Carrier will be required to have to mitigate such gaps, and an assessment whether, and to what extent, Amphibious Combat Vehicles could mitigate such gaps.

(2) A detailed explanation of the role of the Marine Personnel Carriers in fulfilling the forcible entry requirement for the two Marine Expeditionary Brigades (MEBs) that make up the assault echelons of the three Marine Expeditionary Brigade force required to meet applicable war plans of the combatant commands.

(3) A description of the fraction of the assault echelon of the brigades referred to in paragraph (2) that would be comprised of Marine Personnel Carriers.

(4) An assessment of the direct operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers to shore in an amphibious assault.

(5) An assessment of the indirect operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers rather than tanks and artillery and other tactical vehicles.

(6) A comparative estimate of the acquisition and life-cycle costs of a split fleet of Amphibious Combat Vehicles and Marine Personnel Carriers with the acquisition and life-cycle costs of a pure fleet of Amphibious Combat Vehicles.

(b) SUBMITTAL DATE.—If required, the report under subsection (a) shall be submitted not later than the later of—

(1) the date that is 60 days after the date of the completion of the study referred to in subsection (a); or

(2) February 1, 2013.

**Subtitle E—Other Matters**

**SEC. 271. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH AND RESOURCES ADVISORY PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) IN GENERAL.—Subsection (a) of section 7903 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—  
(A) by inserting “, through the Administrator of the National Oceanic and Atmospheric Administration,” after “The Council”;

(B) by inserting “and Resources” after “Ocean Research”;

(C) by striking “Panel consisting” and inserting “Panel. The Panel shall consist”;

(D) by striking “chairman” and inserting “Administrator, on behalf of the Council”;

(2) in paragraph (1), by striking “National Academy of Science” and inserting “National Academies of Science”;

(3) by striking paragraphs (2) and (3); and

(4) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(b) RESPONSIBILITIES OF PANEL.—Subsection (b) of such section is amended—

(1) by inserting “, through the Administrator of the National Oceanic and Atmospheric Administration,” after “The Council”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (1) the following new paragraphs (2) and (3):

“(2) To advise the Council on the determination of scientific priorities and needs.

“(3) To provide the Council strategic advice regarding national ocean program execution and collaboration.”

(c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—Subsection (c) of such section is amended by striking “Secretary of the Navy” and inserting “Secretary of Commerce”.

(d) CONFORMING AMENDMENT.—Section 7902(e)(1) of such title is amended by striking “Ocean Research Advisory Panel” and inserting “Ocean Research and Resources Advisory Panel”.

(e) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 7903 of such title is amended to read as follows:

**“§ 7903. Ocean Research and Resources Advisory Panel”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 665 of such title is amended by striking the item relating to section 7903 and inserting the following new item:

“7903. Ocean Research and Resources Advisory Panel.”

(f) REFERENCES.—Any reference to the Ocean Research Advisory Panel in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Ocean Research and Resources Advisory Panel.

**SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human

resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

##### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

#### Subtitle B—Energy and Environmental Provisions

##### SEC. 311. DEPARTMENT OF DEFENSE GUIDANCE ON ENVIRONMENTAL EXPOSURES AT MILITARY INSTALLATIONS.

(a) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the appropriate military departments and other defense agencies written guidance on environmental exposures at military installations. The guidance shall—

(1) set forth criteria for when and under what circumstances public health assessments by the Agency for Toxic Substances and Disease Registry shall be requested in connection with environmental contamination at military installations, including past incidents of environmental contamination;

(2) establish procedures for tracking and documenting the status and nature of responses to the findings and recommendations of the public health assessments of the Agency of Toxic Substances and Disease Registry that involve contamination at military installations; and

(3) prescribe appropriate actions with respect to the identification of military and civilian individuals who may have been exposed to contamination while living or working on military installations.

(b) REPORT.—Not later than 30 days after issuing the guidance required under subsection (a), the Secretary of Defense shall transmit a copy of the guidance to the congressional defense committees.

##### SEC. 312. FUNDING OF AGREEMENTS UNDER THE SIKES ACT.

Section 103a of the Sikes Act (16 U.S.C. 670c-1) is amended—

(1) in subsection (b)—

(A) by inserting “(1)” before “Funds”; and

(B) by adding at the end the following new paragraph:

“(2) In the case of a cooperative agreement under subsection (a)(2), such funds—

“(A) may be paid in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities provided for under the agreement; and

“(B) may be placed by the recipient in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.”; and

(2) by amending subsection (c) to read as follows:

“(c) AVAILABILITY OF FUNDS; AGREEMENT UNDER OTHER LAWS.—(1) Cooperative agreements and interagency agreements entered into under this section shall be subject to the availability of funds.

“(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the United States Government.”.

##### SEC. 313. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed.

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) MILITARY INSTALLATION DEFINED.—In this section, the term “military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

#### Subtitle C—Logistics and Sustainment

##### SEC. 321. REPEAL OF CERTAIN PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE.

(a) REPEAL.—

(1) Section 2460 of title 10, United States Code (as amended by section 321 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81)), is repealed.

(2) Section 2464 of title 10, United States Code (as amended by section 327 of the National Defense Authorization Act for Fiscal Year 2012), is repealed.

(b) REVIVAL OF SUPERSEDED PROVISIONS.—

(1) The provisions of section 2460 of title 10, United States Code, as in effect on December

30, 2011 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012), are hereby revived.

(2)(A) The provisions of section 2464 of 10, United States Code, as in effect on that date, are hereby revived.

(B) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2464 and inserting the following new item:

“2464. Core logistics capabilities.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 2366a of title 10, United States Code, is amended by striking “core depot-level maintenance and repair capabilities” each place it appears and inserting “core logistics capabilities”.

(2) Section 2366b(A)(3)(F) of title 10, United States Code, is amended by striking “core depot-level maintenance and repair capabilities” and inserting “core logistics capabilities”.

(3) Section 801(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1483; 10 U.S.C. 2366a note) is amended by striking “core depot-level maintenance and repair capabilities” and inserting “core logistics capabilities”.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 2011, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, immediately after the enactment of that Act.

##### SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base.”.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

##### SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense Instructions regarding assignment of program responsibility.

#### Subtitle D—Reports

##### SEC. 331. ANNUAL REPORT ON DEPARTMENT OF DEFENSE LONG-TERM CORROSION STRATEGY.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting “, including available validated data on return on investment for completed corrosion projects and activities” after “the strategy”;

(B) in subparagraph (E), by striking “For the fiscal year covered by the report and the preceding fiscal year” and inserting “For the preceding fiscal year covered by the report”; and

(C) by inserting at the end the following new subparagraph:

“(F) For the preceding fiscal year covered by the report, a breakdown of the amount of funds used for military corrosion projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

**SEC. 332. MODIFIED DEADLINE FOR COMPTROLLER GENERAL REVIEW OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.**

Section 2229a(b) of title 10, United States Code, is amended by striking “By not later than 120 days after the date on which a report is submitted under subsection (a), the Comptroller General shall review the report” and inserting “The Comptroller General shall review the report submitted under subsection (a)”.

**Subtitle E—Other Matters**

**SEC. 341. SAVINGS TO BE ACHIEVED IN CIVILIAN WORKFORCE AND CONTRACTOR EMPLOYEE WORKFORCE OF THE DEPARTMENT OF DEFENSE.**

(a) **REQUIRED SAVINGS.**—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall begin the implementation of an efficiencies plan for the civilian workforce and the service contractor workforce of the Department of Defense which shall achieve savings in the funding for each such workforce over the period from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for military personnel achieved by the planned reduction in military end strengths over the same period of time.

(b) **EXCLUSIONS.**—The funding reduction required by subsection (a) shall not include funding for the following:

(1) Civilian personnel expenses for personnel as follows:

(A) Personnel in Mission Critical Occupations, as defined by the Civilian Human Capital Strategic Plan of the Department of Defense and the Acquisition Workforce Plan of the Department of Defense.

(B) Personnel employed at facilities providing core logistics capabilities pursuant to section 2464 of title 10, United States Code.

(C) Personnel in the Offices of the Inspectors General of the Department of Defense.

(2) Service contractor expenses for personnel as follows:

(A) Personnel performing maintenance and repair of military equipment.

(B) Personnel providing medical services.

(C) Personnel performing financial audit services.

(3) Personnel expenses for personnel in the civilian personnel or service contractor workforce performing such other critical functions as may be identified by the Secretary as requiring exemption in the interest of the national defense.

(c) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report including a comprehensive description of the plan required by subsection (a).

(2) **STATUS REPORTS.**—Not later than 60 days after the end of each fiscal year from

fiscal year 2013 through fiscal year 2017, the Secretary shall submit to the congressional defense committees a report describing the implementation of the plan during the prior fiscal year. Each such report shall include a direct comparison of the savings achieved under the plan to the savings achieved in the same fiscal year through reductions in military end strengths. In any case in which savings fall short of the annual target, the report shall include an explanation of the reasons for such shortfall.

(3) **EXEMPTIONS.**—Each report under paragraphs (1) and (2) shall specifically identify any exemption granted by the Secretary under subsection (b)(3) in the period of time covered by the report.

(d) **LIMITATION ON TRANSFERS OF FUNCTIONS.**—The Secretary shall ensure that the savings required by this section are not achieved through unjustified transfers of functions between or among the military, civilian, and service contractor workforces of the Department of Defense.

(e) **SENSE OF CONGRESS.**—It is the sense of Congress that an amount equal to 30 percent of the amount of the reductions in appropriated funds attributable to reduced budgets for the civilian and service contractor workforces of the Department by reason of the plan required by subsection (a) should be made available for costs of assisting military personnel separated from the Armed Forces in the transition from military service.

(f) **SERVICE CONTRACTOR WORKFORCE DEFINED.**—In this section, the term “service contractor workforce” means contractor employees performing contract services, as defined in section 2330(c)(2) of title 10, United States Code, other than contract services that are funded out of amounts available for overseas contingency operations.

**SEC. 342. NATO SPECIAL OPERATIONS HEADQUARTERS.**

(a) **IN GENERAL.**—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2350n. NATO Special Operations Headquarters**

“(a) **AUTHORIZATION.**—Of the amounts authorized to be appropriated for fiscal year 2013 and for subsequent fiscal years for the Department of Defense for operation and maintenance, up to \$50,000,000 may be used for a fiscal year for the purposes set forth in subsection (b) for support of operations of the North Atlantic Treaty Organization (NATO) Special Operations Headquarters.

“(b) **PURPOSES.**—The Secretary of Defense may provide funds for the NATO Special Operations Headquarters—

“(1) to improve coordination and cooperation between the special operations forces of NATO member countries;

“(2) to facilitate joint operations by special operations forces of NATO member countries;

“(3) to support command, control, and communications capabilities peculiar to special operations forces of NATO member countries;

“(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and

“(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of multinational education and training programs.

“(c) **ANNUAL REPORT.**—Not later than April 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding Department of Defense support for the NATO Special Oper-

ations Headquarters. Each report shall include the following:

“(1) The total amount of funding provided to the NATO Special Operations Headquarters.

“(2) A summary of the activities funded with such support.

“(3) Other contributions, financial or in kind, provided in support of the NATO Special Operations Headquarters by other NATO member countries.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2350m the following new item:

“2350n. NATO Special Operations Headquarters.”.

**SEC. 343. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.**

Section 372 of title 10, United States Code, is amended—

(1) by striking “(a) **IN GENERAL.**—”; and

(2) by striking subsection (b).

**SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.**

It is the sense of Congress that—

(1) The Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain in the operational capability of and perform the necessary maintenance on each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional Defense Committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy’s 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 329,597.

**SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.**

(a) **ADDITIONAL PERSONNEL.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) **PURPOSE.**—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in



light of threats to United States personnel and property by terrorists.

(b) **CONSULTATION.**—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) **FUNDING.**—

(1) **BUDGET REQUESTS.**—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) **PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.**—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) **REPORTS.**—

(1) **REPORTS ON PROGRAM.**—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

- (i) any increased internal security provided at United States embassies and consulates throughout the world;
- (ii) any increased support for emergency action planning, training, and advising of host nation security forces; and
- (iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) **REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.**—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

#### Subtitle B—Reserve Forces

#### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2013, as follows:

- (1) The Army National Guard of the United States, 358,200.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 62,500.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,435.
- (6) The Air Force Reserve, 72,428.
- (7) The Coast Guard Reserve, 9,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

#### SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 32,060.
- (2) The Army Reserve, 16,277.

(3) The Navy Reserve, 10,114.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,871.

(6) The Air Force Reserve, 2,888.

#### SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,445.

(2) For the Army National Guard of the United States, 28,380.

(3) For the Air Force Reserve, 10,716.

(4) For the Air National Guard of the United States, 22,313.

#### SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

#### SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

#### Subtitle C—Authorization of Appropriations

#### SEC. 421. MILITARY PERSONNEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.

**TITLE V—MILITARY PERSONNEL POLICY**  
**Subtitle A—Officer Policy**

**SEC. 501. EXTENSION OF RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGES.**

Section 638a(d)(2) of title 10 United States Code, is amended in subparagraphs (A) and (B) by striking “except that during the period beginning on October 1, 2006, and ending on December 31, 2012,” and inserting “except that through December 31, 2018,”.

**SEC. 502. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W-5.**

(a) **EXCEPTION TO STATUTORY 30-YEAR RETIREMENT.**—Paragraph (1) of section 1305(a) of title 10, United States Code, is amended—

(1) by inserting “or a regular Navy warrant officer in the grade of chief warrant officer, W-5, exempted under paragraph (3)” after “Army warrant officer”; and

(2) by striking “he” and inserting “the officer”.

(b) **MODIFICATION OF STATUTORY RETIREMENT FROM 30 TO 33 YEARS.**—Such section is further amended by adding at the end the following new paragraph:

“(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W-5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.”.

**SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.**

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking “assignments for joint” and all that follows through “Phase II” and inserting “student assignments for joint training and education”.

**SEC. 504. SENSE OF SENATE ON INCLUSION OF ASSIGNMENTS AS ACADEMIC INSTRUCTOR AT THE MILITARY SERVICE ACADEMIES AS JOINT DUTY ASSIGNMENTS.**

It is the sense of the Senate that the Secretary of Defense should include assignments in which military officers are assigned as instructors responsible for preparing and presenting academic courses on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as joint duty assignments.

**Subtitle B—Reserve Component Management**

**SEC. 511. AUTHORITY FOR APPOINTMENT OF PERSONS WHO ARE LAWFUL PERMANENT RESIDENTS AS OFFICERS OF THE NATIONAL GUARD.**

Section 313(b)(1) of title 32, United States Code, is amended by inserting “or an alien lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C.1101(a)(20))” before the semicolon.

**SEC. 512. RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.**

(a) **CODIFICATION, TRANSFER OF RESPONSIBILITY, AND EXTENSION.**—

(1) **IN GENERAL.**—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 10219. Suicide prevention and resilience program**

“(a) **PROGRAM REQUIREMENT.**—The Secretary of Defense shall carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide.

“(b) **SUICIDE PREVENTION TRAINING.**—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

“(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(2) examining the influence of military culture on risk and protective factors for suicide; and

“(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(c) **COMMUNITY RESPONSE TRAINING.**—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

“(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

“(d) **COMMUNITY TRAINING ASSISTANCE.**—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

“(e) **COLLABORATION.**—In carrying out the program, the Secretary shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(f) **TERMINATION.**—The program under this section shall terminate on October 1, 2015.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1007 of such title is amended by adding at the end the following new item:

“10219. Suicide prevention and resilience program.”.

(b) **REPEAL OF SUPERSEDED PROVISION.**—Subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is repealed.

**SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) **ELEMENTS.**—

(1) **IN GENERAL.**—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active

duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) **PARTICULAR ELEMENTS.**—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

**Subtitle C—General Service Authorities**

**SEC. 521. DIVERSITY IN THE ARMED FORCES AND RELATED REPORTING REQUIREMENTS.**

(a) **PLAN TO ACHIEVE DIVERSITY IN THE ARMED FORCES.**—The Secretary of Defense shall develop and implement a plan to accurately measure the efforts of the Department of Defense to achieve the goal of having a dynamic and sustainable 20–30 year pipeline that yields a diverse officer and enlisted corps for the Armed Forces that reflects the population of the United States eligible to serve in the Armed Forces across all the Armed Forces, and all grades of each Armed Force, that is able to prevail in its wars, prevent and deter conflicts, defeat adversaries and succeed in a wide-range of contingencies, and preserve and enhance the all volunteer force. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense, including such processes for accession, retention, and promotion. Such metrics may not be combined

with the identification of specific quotas based upon diversity characteristics. The Secretary shall continue to account for diversified language and cultural skills among the total force of the military.

(b) **METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.**—In developing and implementing the plan under subsection (a), the Secretary of Defense shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

(1) to accurately capture the inclusion and capability aspects of the armed forces broader diversity plans, including race, ethnic, and gender specific groups, functional expertise, and diversified cultural and language skills so as to leverage and improve readiness; and

(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

(c) **DEFINITION OF DIVERSITY.**—In developing and implementing the plan under subsection (a), each Secretary of a military department shall, in consultation with the Secretary of Defense, develop a definition of diversity that is reflective of the culture, mission, and core values of each Armed Force under the jurisdiction of such Secretary.

(d) **CONSULTATION.**—Not less than annually, the Secretary of Defense shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, and senior enlisted members of the Armed Forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

(e) **REPORTS ON IMPLEMENTATION OF PLAN.**—Not later than July 1, 2013, and biennially thereafter through July 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The progress made in implementing the plan required by subsection (a) to accurately measure the efforts of the Department of Defense to achieve its diversity goals.

(2) The number of members of the Armed Forces, including reserve components, listed by sex and race or ethnicity for each grade under each military department.

(3) The number of members of the Armed Forces, including reserve components, who were promoted during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(4) The number of members of the Armed Forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(5) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.

(f) **APPLICABILITY TO COAST GUARD.**—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regard-

ing the Coast Guard when it is not operating as a service in the Navy.

**SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.**

(a) **EXTENSION OF PROGRAMS TO CERTAIN ACTIVE GUARD AND RESERVE PERSONNEL.**—Section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended—

(1) in subsection (a)(1), by inserting “and members on active Guard and Reserve duty” after “officers and enlisted members of the regular components”;;

(2) by redesignating subsection (1) as subsection (m); and

(3) by inserting after subsection (k) the following new subsection (l)

“(l) **DEFINITION.**—In this section, the term ‘active Guard and Reserve duty’ has the meaning given that term in section 101(d)(6) of title 10, United States Code.”.

(b) **AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.**—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) **LEAVE.**—A member who participates in a pilot program is entitled to carry forward the existing leave balance accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.”.

(c) **AUTHORITY FOR DISABILITY PROCESSING.**—Subsection (j) of such section is amended—

(1) by striking “for purposes of the entitlement” and inserting “for purposes of—

“(1) the entitlement”;;

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.”.

**SEC. 523. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMINATIONS FOR POST-TRAUMATIC STRESS DISORDER.**

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “or psychiatrist” and inserting “psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”; and

(2) in paragraph (3), by striking “or psychiatrist” and inserting “, psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”.

**SEC. 524. QUARTERLY REPORTS ON INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.**

(a) **QUARTERLY REPORTS REQUIRED.**—Not later than 30 days after the end of each calendar year quarter in 2013 and 2014, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the number of members of the regular components of the Armed Forces under the jurisdiction of such Secretary who were involuntarily separated from active duty in the Armed Forces during such calendar year quarter.

(b) **ELEMENTS.**—Each report on an Armed Force for a calendar year quarter under subsection (a) shall set forth the following:

(1) The total number members involuntarily separated.

(2) The number of members separated set forth by grade.

(3) The number of members separated set forth by total years of service in the Armed Forces at the time of separation.

(4) The number of members separated set forth by military occupational specialty or rating, or competitive category for officers.

(5) The number of members separated who received involuntary separation pay, or who are authorized to receive temporary retired pay, in connection with separation.

(6) The number of members who completed transition assistance programs relating to future employment.

(7) The average number of months deployed to overseas contingency operations set forth by grade.

**SEC. 525. REVIEW OF ELIGIBILITY OF VICTIMS OF DOMESTIC TERRORISM FOR AWARD OF THE PURPLE HEART AND THE DEFENSE MEDAL OF FREEDOM.**

(a) **REPORT.**—Not later than March 1, 2013, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the advisability of modifying the criteria for the award of the Purple Heart to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism; and

(2) the advisability of modifying the criteria for the award of the Defense Medal of Freedom to provide for the award of the Defense Medal of Freedom to civilian employees of the United States who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism.

(b) **DETERMINATION.**—As part of the review undertaken to prepare the report required by subsection (a), the Secretary of Defense shall conduct a review of each death or wounding of a member of the Armed Forces or civilian employee of the United States Government that occurred within the United States since September 11, 2001, that could meet the criteria as being the result of a terrorist attack within the United States in order to determine whether such death or wounding qualifies or potentially would qualify for the award of the Purple Heart or the Defense Medal of Freedom.

(c) **CONSIDERATIONS.**—In conducting the review to prepare the report required by subsection (a), the Secretary of Defense shall take into consideration the following:

(1) The views of veterans service organizations, including the Military Order of the Purple Heart.

(2) The importance that has been assigned to determining all available facts before a decision is made to award the Purple Heart.

(3) Potential effects of an award on the ability to prosecute perpetrators of terrorist acts in military or civilian courts.

(4) The views of the Chairman of the Joint Chiefs of Staff.

**SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

**SEC. 527. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.**

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

- (1) Rape.
- (2) Sexual abuse.
- (3) Sexual assault.
- (4) Incest.
- (5) Any other sexual offense.

#### SEC. 528. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.

##### (a) RESEARCH STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) PURPOSE.—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) ELEMENTS.—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) SCIENCE-BASED EVIDENCE AND TECHNIQUES.—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior.

(d) PERIOD.—The Secretary shall carry out the research study through September 30, 2014.

(e) REPORTS.—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

#### Subtitle D—Military Justice and Legal Matters Generally

#### SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking “detailed” and inserting “appointed by the President, by and with the advice and consent of the Senate,”; and

(2) in the second sentence—

(A) by striking “The” and inserting “If an officer appointed as the”; and

(B) by striking “, while so serving, has the grade” and inserting “holds a lower grade, the officer shall be appointed in the grade”.

(b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

“(1) perform duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

“(2) perform the functions and duties and exercise the powers prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 of this title (the Uniform Code of Military Justice) and chapter 53 of this title; and

“(3) perform such other duties as may be assigned to the Staff Judge Advocate.”.

(c) COMPOSITION OF HEADQUARTERS, MARINE CORPS.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

(d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

(1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking “The Judge Advocate General” and all that follows through “shall” and inserting “The Judge Advocates General, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs, shall”.

(2) DELIVERY OF LEGAL ASSISTANCE.—Section 1044(b) of such title is amended by inserting “and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps” after “title”.

#### SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON ANNUAL SURVEYS OF THE COMMITTEE ON THE UNIFORM CODE OF MILITARY JUSTICE.

Subsection (c)(2) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) Information from the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the following:

“(i) The appellate review process, including—

“(I) information on compliance with processing time goals;

“(II) discussions of the circumstances surrounding cases in which general court-martial or special court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review or otherwise remitted due to loss of records of trial or other administrative deficiencies; and

“(III) discussions of cases in which a provision of this chapter is held unconstitutional.

“(ii) Developments in appellate case law relating to courts-martial involving allegations of sexual misconduct under this chapter.

“(iii) Issues associated with implementing recent, legislatively directed changes to this chapter or the Manual for Courts-Martial.

“(iv) Measures implemented by each armed force to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(v) The independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources available within their respective armed forces, including manpower, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.”.

#### Subtitle E—Sexual Assault, Hazing, and Related Matters

#### SEC. 541. AUTHORITY TO RETAIN OR RECALL TO ACTIVE DUTY RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§12323. Active duty for response to sexual assault

“(a) CONTINUATION ON ACTIVE DUTY.—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination of whether the member was assaulted while in the line of duty, the Secretary concerned may, upon the request of the member, order the member to be retained on active duty until the line of duty determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

“(b) RETURN TO ACTIVE DUTY.—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the determination whether the member was in the line of duty is not completed, the Secretary concerned may, upon the request of the member, order the member to active duty for such time as necessary to complete the line of duty determination.

“(c) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

“(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

“(2) if the request is denied, the member may appeal to the first general officer or flag

officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1209 of such title is amended adding at the end the following new item:

“12323. Active duty for response to sexual assault.”.

**SEC. 542. ADDITIONAL ELEMENTS IN COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE.**

(a) **ADDITIONAL ELEMENTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program required by section 1602 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4430; 10 U.S.C. 1561 note) to include in the policy the following:

(1) A requirement to establish within each military department, under regulations prescribed by the Secretary of Defense, an enhanced capability for the investigation, prosecution, and defense of special victim offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) A requirement that each military department initiate and retain for a period prescribed by the Secretary of Defense a record on the disposition of allegations of sexual assault using forms and procedures prescribed by the Secretary.

(3) A requirement that all commanders and commanding officers receive training on sexual assault prevention, response, and policies before, or shortly after, assuming command.

(4) A requirement that all new members of the Armed Forces (whether in the regular or reserve components) receive training on the Department of Defense policy on sexual assault prevention and response program during initial entry training.

(5) A requirement for military commands and units specified by the Secretary of Defense for purposes of the policy to conduct periodic climate assessments of such commands and units for purposes of preventing and responding to sexual assaults.

(6) A requirement to post and widely disseminate information about resources available to report and respond to sexual assaults, including hotline phone numbers and Internet websites available to all members of the Armed Forces.

(7) A requirement to assign responsibility to receive and investigate complaints against members of the Armed Forces and civilian personnel of the Department of Defense for the violation or failure to provide the rights of a crime victim established by section 3771 of title 18, United States Code, as applicable to such members and personnel in accordance with Department of Defense Directive 1030.1, or a successor directive, and Department of Defense Instruction 1030.2, or a successor instruction.

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Sec-

retary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

**SEC. 543. HAZING IN THE ARMED FORCES.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on hazing in such Armed Force. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.

(b) **ELEMENTS.**—Each report on an Armed Force required by subsection (a) shall include the following:

(1) A discussion of the policies of the Armed Force for preventing and responding to incidents of hazing.

(2) A description of the methods implemented to track and report, including report anonymously, incidents of hazing in the Armed Force.

(3) An assessment by the Secretary submitting such report of the following:

(A) The scope of the problem of hazing in the Armed Force.

(B) The training on recognizing and preventing hazing provided members of the Armed Force.

(C) The actions taken to prevent and respond to hazing incidents in the Armed Force.

(4) A description of the additional actions, if any, the Secretary submitting such report and the Chief of Staff of the Armed Force propose to take to further address the incidence of hazing in the Armed Force.

**SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **PERIOD OF RETENTION.**—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) **PROTECTION OF CONFIDENTIALITY.**—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

**SEC. 545. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.**

(a) **COMPREHENSIVE POLICY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) **COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.**—

(1) **COLLECTION.**—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) **RETENTION.**—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(C) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—

(1) ANNUAL REPORT ON SEXUAL HARASSMENT.—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) CONTENTS.—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

**SEC. 546. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform

Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

**Subtitle F—Education and Training**

**SEC. 551. INCLUSION OF THE SCHOOL OF ADVANCED MILITARY STUDIES SENIOR LEVEL COURSE AS A SENIOR LEVEL SERVICE SCHOOL.**

Section 2151(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) The Senior Level Course of the School of Advanced Military Studies of the United States Army Command and General Staff College.”.

**SEC. 552. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR FORCE.**

Section 9315(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Enlisted members of the armed forces other than the Air Force who are partici-

pating in joint-service medical training and education or serving as instructors in joint-service medical training and education.”.

**SEC. 553. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.**

(a) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 6981. Support of athletic and physical fitness programs**

“(a) AUTHORITY.—

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Navy may enter into contracts and cooperative agreements with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

“(2) LEASES.—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

“(b) USE OF NAVY PERSONAL PROPERTY BY THE ASSOCIATION.—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

“(c) ACCEPTANCE OF SUPPORT.—

“(1) SUPPORT RECEIVED FROM THE ASSOCIATION.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy. For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

“(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

“(3) LIMITATION.—The Secretary shall ensure that contributions under this subsection do not reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(d) RETENTION AND USE OF FUNDS.—Notwithstanding section 2260(d) of this title, funds received under this section may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

“(e) TRADEMARKS AND SERVICE MARKS.—

“(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than subsection (d)) and 5022(b)(3) of this title, authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, subject to the approval of the Department of the Navy.



“(2) LIMITATIONS.—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(f) SERVICE ON ASSOCIATION BOARD OF CONTROL.—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

“(g) CONDITIONS.—The authority provided in this section with respect to the Association is available only so long as the Association continues to—

“(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

“(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

“(h) ASSOCIATION DEFINED.—In this section, the term ‘Association’ means the Naval Academy Athletic Association.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

“6981. Support of athletic and physical fitness programs.”.

**SEC. 554. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.**

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking “APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE” and inserting “SERVICE ON ACTIVE DUTY”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.”.

**SEC. 555. AUTHORITY FOR SERVICE COMMITMENT FOR RESERVISTS WHO ACCEPT FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS TO BE PERFORMED IN THE SELECTED RESERVE.**

(a) IN GENERAL.—Subsection (b) of section 2603 of title 10, United States Code, is amended by striking “on active duty” and all that follows and inserting the following: “as follows:

“(1) On active duty for a period at least three times the length of the period of the education or training.

“(2) In the case of a member of the Selected Reserve—

“(A) on active duty in accordance with paragraph (1); or

“(B) in the Selected Reserve for a period at least five times the length of the period of the education or training.”.

(b) TECHNICAL AMENDMENTS.—Such section is further amended by striking “Armed Forces” each place it appears and inserting “armed forces”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to agreements entered into under section 2603(b) of title 10, United States Code, after the date of the enactment of this Act.

**SEC. 556. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR IN-STATE TUITION OF AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM.**

Section 2107(c)(1) of title 10, United States Code, is amended by striking the third sentence.

**SEC. 557. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS.**

(a) NUMBER OF UNITS COVERED BY PLAN.—Subsection (a) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4466) is amended by striking “not less than 3,700 units” and inserting “not less than 3,000, and not more than 3,700, units”.

(b) ADDITIONAL EXCEPTION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) if the Secretaries of the military departments determine that the level of support of all kinds (including, but not limited to, appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.”.

(c) SUBMITTAL OF REPORTS.—Subsection (e) of such section is amended by striking “not later than” and all that follows and inserting “annually through 2012, and thereafter not later than March 31 of each of 2015, 2018, and 2020.”.

**SEC. 558. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF THE JUNIOR ROTC.**

(a) CONSOLIDATION OF AUTHORITY.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2552 the following new section:

**“§ 2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers’ Training Corps**

“The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers’ Training Corps is maintained if the educational institution—

“(1) offers a course in military instruction prescribed by that Secretary; and

“(2) has a student body of at least 50 students who are in a grade above the eighth grade.”.

(b) CONFORMING REPEALS.—Sections 4651, 7911, and 9651 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 152 of such title is amended by inserting after the item relating to section 2552 the following new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers’ Training Corps”.

(2) The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

**SEC. 559. MODIFICATION OF REQUIREMENT FOR REPORTS IN FEDERAL REGISTER ON INSTITUTIONS OF HIGHER EDUCATION INELIGIBLE FOR CONTRACTS AND GRANTS FOR DENIAL OF ROTC OR MILITARY RECRUITER ACCESS TO CAMPUS.**

Section 983 of title 10, United States Code, is amended by striking subsection (f).

**SEC. 560. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE RESERVE OFFICERS’ TRAINING CORPS.**

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General regarding the following:

(1) Whether the Reserve Officers’ Training Corps (ROTC) programs of the Departments of the Army, the Navy, and the Air Force are effectively meeting, and structured to meet, current and projected requirements for newly commissioned officers in the Armed Forces.

(2) The cost-effectiveness and unit productivity of the current Reserve Officers’ Training Corps programs.

(3) The adequacy of current oversight and criteria for unit closure for the Reserve Officers’ Training Corps programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A list of the units of the Reserve Officers’ Training Corps programs by Armed Force, and by college or university, and the number of cadets and midshipman currently enrolled by class or year group.

(2) The number of officers commissioned in 2012 from the Reserve Officers’ Training



Corps programs, and the number projected to be commissioned over the period of the current future-years defense program under section 221 of title 10, United States Code, from each unit listed under paragraph (1).

(3) An assessment of the requirements of each Armed Force for newly commissioned officers in 2012 and the strategic planning regarding such requirements over the period of the current future-years defense program.

(4) The number of military and civilian personnel of the Department of Defense assigned to lead and manage Reserve Officers' Training Corps program units, and the grades of the military personnel so assigned.

(5) An assessment of Department of Defense-wide and Armed-Force specific standards regarding the productivity of Reserve Officers' Training Corps program units, and an assessment of compliance with such standards.

(6) An assessment of the projected use by the Armed Forces of the procedures available to the Armed Forces to respond to overages in the number of cadets and midshipmen in the Reserve Officers' Training Corps programs.

(7) A description of the plans of the Armed Forces to retain or disestablish Reserve Officers' Training Corps program units that do not meet productivity standards.

**SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

**SEC. 562. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.**

(a) **REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.**—

(1) **REVIEW OF METHODOLOGY.**—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) **REPORT.**—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

**(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.**—

(1) **REPORT REQUIRED.**—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

- (i) The National Defense University.
- (ii) The Army War College.
- (iii) The Navy War College.
- (iv) The Air University.
- (v) The Air War College.
- (vi) The Marine Corp University.

**SEC. 563. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) **MEMORANDUM OF AGREEMENT.**—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(1) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(2) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(3) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(4) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(5) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(b) **DEFINITIONS.**—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) **CHARTER SCHOOL.**—The term ‘charter school’ has the meaning given that term in section 5210.

“(3) **ELIGIBLE SCHOOL.**—The term ‘eligible school’ means—

“(A) a public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

“(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

“(4) **HIGH-NEED SCHOOL.**—Except for purposes of section 2304(d), the term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b).”.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

“(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’) to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.”

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

“(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

“(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

“(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

## Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

### SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2013 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

### SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

### SEC. 573. AMENDMENTS TO THE IMPACT AID PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Impact Aid Improvement Act of 2012”.

(b) AMENDMENTS TO THE IMPACT AID PROGRAM.—Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002 (20 U.S.C. 7702)—

(A) in subsection (b)—

(i) in paragraph (2), by striking “aggregate assessed” and inserting “estimated taxable”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

“(A) IN GENERAL.—In determining the estimated taxable value of such acquired Federal property for fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

“(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

“(ii) then determine the total taxable value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

“(iii) multiply the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

“(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subpara-

graph (A) and apply the average of these per acre values to the acres of the Federal property in such agency.”;

(B) in subsection (h)—

(i) in paragraph (1)—

(I) in the paragraph heading, by striking “FOR PRE-1995 RECIPIENTS”;

(II) in subparagraph (A), by striking “is eligible” and all that follows through the period at the end and inserting “was eligible to receive a payment under this section for fiscal year 2010.”; and

(III) in subparagraph (B), by striking “38 percent” and all that follows through the period at the end and inserting “90 percent of the average payment the local educational agency received in 2006, 2007, 2008, and 2009.”; and

(ii) by striking paragraphs (2) through (4) and inserting the following:

“(2) FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE AFTER FISCAL YEAR 2010.—

“(A) FIRST YEAR.—From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2010, for the fiscal year for which such agency was determined eligible for such payment.

“(B) SECOND AND SUCCEEDING YEARS.—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency’s foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency’s foundation payment under this paragraph for the first fiscal year.

“(C) AMOUNTS.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

“(i) Calculate the local educational agency’s maximum payment under subsection (b).

“(ii) Calculate the percentage that the amount appropriated under section 8014(a) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency’s maximum payment by such percentage.

“(iii) Multiply the amount determined under clause (i) by 90 percent.

“(3) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency’s maximum amount under subsection (b), data from the most current fiscal year shall be used.”; and

(C) in subsection (i)(1), by striking “the Secretary shall use the remainder described

in subsection (h)(3) for the fiscal year involved" and inserting "the Secretary shall use amounts remaining after making payments under subsection (h)(1) for the fiscal year involved";

(2) in section 8003(a)(4) (20 U.S.C. 7703(a)(4))—

(A) in the paragraph heading, by striking "RENOVATION OR REBUILDING" and inserting "RENOVATION, REBUILDING, OR AUTHORIZED FOR DEMOLITION";

(B) in subparagraph (A), by striking "renovation or rebuilding" both places the term appears and inserting "renovation, rebuilding, or authorized for demolition";

(C) in subparagraph (B)—

(i) by striking "renovation or rebuilding" each place the term appears and inserting "renovation, rebuilding, or authorized for demolition"; and

(ii) in clause (i)(I), by striking "3 fiscal years" and inserting "4 fiscal years (which are not required to run consecutively)"; and

(iii) in clause (ii)(I), by striking "3 fiscal years" and inserting "4 fiscal years (which are not required to run consecutively)"; and

(D) by adding at the end the following:

"(C) ELIGIBLE HOUSING.—Renovation, rebuilding, or authorized for demolition shall be defined as projects considered as recapitalization, modernization, or restoration as defined by the Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include 'sustainment projects' such as painting, carpeting, or minor repairs."; and

(3) in section 8010 (20 U.S.C. 7710)—

(A) in subsection (c)—

(i) in paragraph (1), by striking "paragraph (3) of this subsection" both places the term appears and inserting "paragraph (2)"; and

(ii) in paragraph (2)(E), by striking "under section 8003(b)" and all that follows through the period at the end and inserting "under this title."; and

(B) by adding at the end the following:

"(d) TIMELY PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

"(2) PAYMENTS WITH RESPECT OF FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' both places the term appears."

(c) EFFECTIVE DATE.—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

#### SEC. 574. MILITARY SPOUSES.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

#### "§ 3330d. Appointment of certain military spouses

"(a) DEFINITIONS.—In this section—

"(1) the term 'active duty'—

"(A) has the meaning given that term in section 101(d)(1) of title 10;

"(B) includes full-time National Guard duty (as defined in section 101(d)(5) of title 10); and

"(C) for a member of a reserve component (as described in section 10101 of title 10), does not include training duties or attendance at a service school;

"(2) the term 'agency'—

"(A) has the meaning given the term 'Executive agency' in section 105; and

"(B) does not include the Government Accountability Office;

"(3) the term 'geographic area of the permanent duty station' means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member's permanent duty station;

"(4) the term 'permanent change of station' means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

"(A) specify the duty as temporary;

"(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or

"(C) direct return to the initial permanent duty station;

"(5) the term 'relocating spouse of a member of the Armed Forces' means an individual who—

"(A) is married to a member of the Armed Forces (without regard to whether the individual married the member before a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

"(B) relocates to the member's permanent duty station; and

"(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station; and

"(6) the term 'spouse of a disabled or deceased member of the Armed Forces' means an individual—

"(A) who is married to a member of the Armed Forces who—

"(i) is retired, released, or discharged from the Armed Forces; and

"(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) who—

"(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and

"(ii) has not remarried.

"(b) AUTHORITY.—The head of an agency may appoint noncompetitively a relocating spouse of a member of the Armed Forces or a spouse of a disabled or deceased member of the Armed Forces.

"(c) RELOCATING SPOUSES.—

"(1) IN GENERAL.—An appointment of a relocating spouse of a member of the Armed Forces under this section may only be to a position the duty station for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the permanent duty station of the member of the Armed Forces.

"(2) SINGLE APPOINTMENT PER DUTY STATION.—A relocating spouse of a member of the Armed Forces may not receive more than 1 appointment under this section for each time the spouse relocates as described in subparagraphs (B) and (C) of subsection (a)(5)."

(b) REGULATIONS.—Not later than 180 after the date of enactment of this Act, the Director of the Office of Personnel Management shall amend section 315.612 of title 5, Code of Federal Regulations (relating to non-competitive appointment of certain military spouses) in accordance with the amendment made by subsection (a) and promulgate or amend any other regulations necessary to carry out the amendment made by subsection (a).

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3330c the following:

"3330d. Appointment of certain military spouses."

#### SEC. 575. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(k) TUITION-FREE ENROLLMENT IN DOMESTIC DEPENDENT SCHOOLS FOR CERTAIN OVERSEAS DEPENDENTS.—Tuition-free enrollment in the domestic dependent elementary and secondary schools is authorized for dependents who are currently enrolled in the defense dependents' education school system pursuant to the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) if—

"(1) such dependents departed their overseas location due to an authorized departure or evacuation order;

"(2) the designated safe haven of such dependents is located within commuting distance of a school operated by the domestic dependent elementary and secondary schools; and

"(3) the school concerned already possesses the capacity and resources for such dependents to attend the school.

"(l) TUITION-PAYING ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM FOR CERTAIN DEPENDENTS TRANSITIONING FROM OVERSEAS.—Under regulations prescribed by the Secretary, tuition-paying enrollment in the virtual elementary and secondary education program of the Department for dependents of members of the armed forces on active duty is authorized when such dependents—

"(1) transition from an overseas defense dependents' education system school into a school operated by a local educational agency or another accredited educational program in the United States, and

"(2) are not otherwise eligible to enroll in a domestic dependent elementary or secondary school pursuant to subsection (a)."

#### SEC. 576. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the people of the United States for the safe return of members of the Armed Forces of the United States serving overseas are often demonstrated through the proud display of yellow ribbons.

(2) The designation of a "Yellow Ribbon Day" would serve as an additional reminder for all people of the United States of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the yellow ribbon as the symbol of support for members of the Armed Forces and other individuals of the United States who are serving in combat or crisis situations overseas.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces of the United States who are serving overseas apart from their families and loved ones.

**SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

**Subtitle H—Other Matters**

**SEC. 581. FAMILY BRIEFINGS CONCERNING ACCOUNTINGS FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.**

Section 1501(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) coordination of periodic briefing of families of missing persons about the efforts of the Department of Defense to account for those persons.”.

**SEC. 582. ENHANCEMENT OF AUTHORITY TO ACCEPT GIFTS AND SERVICES.**

(a) ACTIVITIES BENEFITTING EDUCATION AS SERVICES SUBJECT TO ACCEPTANCE.—Section 2601(i)(2) of title 10, United States Code, is amended by inserting “education,” before “morale.”.

(b) ACCEPTANCE OF VOLUNTARY SERVICES IN CONNECTION WITH ACCOUNTING FOR MISSING PERSONS.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

“(9) Voluntary services to facilitate accounting for missing persons.”.

(c) AUTHORITY FOR COOPERATIVE AGREEMENTS FOR ACCEPTANCE BY MILITARY MUSEUMS AND EDUCATION PROGRAMS OF NONPROFIT SUPPORT.—

(1) IN GENERAL.—Chapter 155 of such title is amended by adding at the end the following new section:

**“§ 2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities**

“The Secretary concerned may enter into a cooperative agreement (as described in section 6305 of title 31) with a nonprofit entity for purposes related to support of a military educational institution program or military museum program if a cooperative agreement is the appropriate mechanism to obtain such support under the provisions of section 6305 of title 31.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of such title is amended by adding at the end the following new item:

“2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities.”.

**SEC. 583. CLARIFICATION OF AUTHORIZED FISHER HOUSE RESIDENTS AT THE FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE.**

(a) TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION.—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “by patients” and all that follows through “such patients;” and inserting “by authorized Fisher House residents;”;

(B) by adding after subparagraph (C) the following new flush sentence:

“The term includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.”;

(2) by adding at the end the following new paragraph:

“(3) The term ‘authorized Fisher House residents’ means the following:

“(A) With respect to a facility described in the first sentence of paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

“(i) Patients of that health care facility.

“(ii) Members of the families of such patients.

“(iii) Others providing the equivalent of familial support for such patients.

“(B) With respect to the Fisher House for Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, the following persons:

“(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

“(ii) Other family members of the deceased member who are eligible for transportation under section 411f(e) of title 37.

“(iii) An escort of a family member described in clause (i) or (ii).”.

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), (f), and (g) of such section are amended by striking “health care” each place it appears.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1466) is repealed.

**SEC. 584. REPORT ON ACCURACY OF DATA IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS) in order to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and to ensure that those issued military identification cards and receiving benefits based on such data are actually eligible for such cards and benefits.

**SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.**

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

**SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.**

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States or the Air National Guard of the United States on full-time National Guard duty shall be based on the member’s duty location.

“(B)(i) The rate of basic allowance for housing to be paid a member described in subparagraph (A) may not be modified upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service, unless the transition results in a permanent change of station and shipment of household goods.

“(ii) For purposes of this subparagraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.”.

**SEC. 602. PAYMENT OF BENEFIT FOR NONPARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

**SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

**SEC. 616. INCREASE IN AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.**

Section 308j(d) of title 37, United States Code, is amended by striking “\$10,000” and inserting “\$20,000”.

**SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.**

Section 326(c)(1) of title 37, United States Code, is amended by striking “, in the case of” the first place it appears and all that follows through “reserve component of the armed forces”.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.**

(a) TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY.—Section 474 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if—

“(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.”;

(2) in subsection (f), by adding at the end the following new paragraph:

“(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

“(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.”; and

(3) in subsection (j), by striking “In this” and inserting “Other than in subsection (a)(6), in this”.

(b) **TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EFFECTS.**—Section 476 of such title is amended—

(1) by redesignating subsections (l), (m), and (n) as subsections (m), (n), and (o); and

(2) by inserting after subsection (k) the following new subsection (l)

“(l)(1) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

“(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the three years preceding filling the vacancy, the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

“(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.”.

**SEC. 632. AUTHORITY FOR COMPREHENSIVE PROGRAM FOR SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT.**

(a) **IN GENERAL.**—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

**“§2641c. Space-available travel on Department of Defense aircraft**

“(a) **AUTHORITY TO ESTABLISH PROGRAM.**—(1) The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis.

“(2) The program shall be conducted pursuant to regulations prescribed by the Secretary for purposes of this section. Such regulations shall be prescribed by not later than

January 1, 2014, and shall take effect on that date or such earlier date as the Secretary shall specify in such regulations.

“(3) The program shall be conducted in a budget neutral manner. No additional funds may be used, or flight hours performed, for the provision of transportation under the program.

“(b) **BENEFIT.**—If the Secretary establishes a program authorized by subsection (a), the Secretary shall, subject to section (c), provide the benefit under the program to the following categories of individuals:

“(1) Members of the armed forces on active duty.

“(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

“(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components, who, but for being under the eligibility age applicable under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

“(4) The unmarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unmarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

“(5) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Secretary shall specify in the regulations under subsection (a), under such conditions and circumstances as the Secretary shall specify in such regulations.

“(6) Such other categories of individuals as the Secretary, in the discretion of the Secretary, considers appropriate.

“(c) **ADMINISTRATION.**—In carrying out a program under this section, the Secretary shall—

“(1) in the sole discretion of the Secretary, establish an order of priority for transportation under the program for categories of individuals under subsection (b) that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

“(2) give priority in consideration of transportation under the program to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

“(3) implement policies aimed at ensuring cost control and the safety, security, and efficient processing of travelers, including limiting the benefit under the program to one or more categories of individuals set forth in subsection (b) if considered necessary by the Secretary.

“(d) **CONSTRUCTION.**—The authority to provide transportation under this section is in addition to any other authority under law to provide transportation on Department of Defense aircraft on a space-available basis.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft.”.

**Subtitle D—Disability, Retired Pay, and Survivor Benefits**

**SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATION OF PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY.**

(a) **DEPOSITS NOT REQUIRED.**—Section 1452(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AND FERS” after “CSRS”;

(2) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;

(3) by inserting “or 8416(a)” after “8339(j)”; and

(4) by inserting “or 8442(a)” after “8341(b)”.

(b) **CONFORMING AMENDMENTS.**—Section 1450(d) of such title is amended—

(1) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;

(2) by inserting “or 8146(a)” after “8339(j)”; and

(3) by inserting “or 8442(a)” after “8341(b)”.

(c) **APPLICABILITY.**—The amendments made by this section shall apply with respect to any participant electing a annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

**SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS’ GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.**

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”; and

(2) in subparagraph (C)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”.

**SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) **IN GENERAL.**—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

**Subtitle E—Military Lending Matters**

**SEC. 651. ENHANCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **CONSUMER CREDIT.**—Paragraph (6) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(6) **CONSUMER CREDIT.**—

“(A) **IN GENERAL.**—The term ‘consumer credit’ shall be defined by the Secretary of



Defense in regulations prescribed under this section, and shall include, in addition to any other meaning provided for in such regulations, the following:

“(i) A vehicle title loan for any duration, whether open end or closed end.

“(ii) A payday loan for any duration, whether open end or closed end.

“(iii) A tax refund anticipation loan.

“(B) EXCLUSIONS.—The term ‘consumer credit’ does not include the following:

“(i) A residential mortgage.

“(ii) A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.”.

(b) POLICY ON PREDATORY EXTENSION OF CREDIT THROUGH INSTALLMENT LOANS TARGETING MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—

(1) POLICY REQUIRED.—The Secretary of Defense shall, in consultation with the officials and entities specified in section 987(h)(3) of title 10, United States Code, prescribe a policy on the predatory extension of credit through installment loans targeting members of the Armed Forces and their dependents.

(2) OBJECTIVES.—The objectives of the policy required by paragraph (1) shall be as follows:

(A) To enhance protections afforded members of the Armed Forces and their dependents under section 987 of title 10, United States Code, by curbing continuing predatory lending practices targeting members of the Armed Forces and their dependents that are not currently regulated under that section.

(B) To improve the financial literacy of members of the Armed Forces and their dependents with respect to installment loans and other forms of credit not currently regulated under section 987 of title 10, United States Code.

(C) To make members of the Armed Forces and their dependents aware of other, more beneficial sources of financial aid and credit services (such as those available through military relief societies) than installment loans.

(D) If considered appropriate by the Secretary of Defense, to provide, by regulation, for the coverage under section 987 of title 10, United States Code, of installment loans extended to members of the Armed Forces and dependents protected by that section.

(c) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendment made by subsection (a).

(2) EFFECTIVE DATE OF MODIFICATION AND POLICY.—The amendment made by subsection (a), and the policy required by subsection (b), shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify.

(3) PUBLICATION OF EARLIER DATE.—If pursuant to paragraph (2)(B) the Secretary specifies an earlier effective date for the amendment made by subsection (a) and the policy required by subsection (b), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

#### SEC. 652. ADDITIONAL ENHANCEMENTS OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROTECTIONS AGAINST DIFFERENTIAL TREATMENT ON CONSUMER CREDIT UNDER STATE LAW.—Subsection (d)(2) of section 987 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting “any consumer credit or” before “loans”; and

(2) in subparagraph (B), by inserting “covering consumer credit” after “State consumer lending protections”.

(b) REGULAR CONSULTATIONS ON PROTECTIONS.—Subsection (h)(3) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting “and not less often than once every two years thereafter,” after “under this subsection,”; and

(B) by inserting “appropriate Federal agencies, including” before “the following”;;

(2) by striking subparagraph (E); and

(3) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(c) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendments made by subsection (a).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify in the modification of regulations required by paragraph (1).

(3) PUBLICATION OF EARLIER DATE.—If the Secretary specifies an earlier effective date for the amendments made by subsection (a) pursuant to paragraph (2)(B), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

#### SEC. 653. RELIEF IN CIVIL ACTIONS FOR VIOLATIONS OF PROTECTIONS ON CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) IN GENERAL.—Section 987(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) CIVIL LIABILITY.—

“(A) IN GENERAL.—A person who violates this section with respect to any person is civilly liable to such person for—

“(i) any actual damage sustained as a result, but not less than \$500 for each violation;

“(ii) appropriate punitive damages;

“(iii) appropriate equitable or declaratory relief;

“(iv) any other relief provided by law;

“(v) in any successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney fees as determined by the court; and

“(vi) in any successful action by a defendant under this section, if the court finds the action was brought in bad faith and for the purpose of harassment, attorney fees of the defendant as determined by the court to be reasonable in relation to the work expended and costs incurred.

“(B) DEFENSES.—A person may not be held liable for civil liability under this paragraph if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include

clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

“(C) JURISDICTION AND VENUE; LIMITATION.—An action for civil liability under this paragraph may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier or—

“(i) two years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

“(ii) five years after the date on which the violation that is the basis for such liability occurs.”.

(b) EFFECTIVE DATE.—The amendment made by this section and shall take effect on the date of the enactment of this Act, and shall apply with respect to consumer credit extended on or after that date.

#### SEC. 654. MODIFICATION OF DEFINITION OF DEPENDENT FOR PURPOSES OF LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(2) DEPENDENT.—The term ‘dependent’, with respect to a covered member, has the meaning given that term in section 401(a) of title 37.”.

#### SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

#### Subtitle F—Other Matters

#### SEC. 661. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO ARE CARRIED DURING PREGNANCY AT TIME OF DEPENDENT-ABUSE OFFENSE.

(a) IN GENERAL.—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

“(4) Payment to a child under this section shall not be paid for any period before the birth of the child.”; and

(2) in subsection (1), by striking “at the time of the dependent-abuse offense resulting in the separation of the former member” and inserting “or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse”.

(b) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.



**SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—TRICARE Program**

**SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.**

(a) **EXTENSION OF TRICARE STANDARD COVERAGE.**—Section 1076d(b) of title 10, United States Code, is amended—

(1) by striking “Eligibility” and inserting “(1) Except as provided in paragraph (2), eligibility”; and

(2) by adding at the end the following new paragraph:

“(2) Eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.”.

(b) **EXTENSION OF TRICARE DENTAL PROGRAM COVERAGE.**—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: “Such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate not earlier than 180 days after the date on which the member is separated.”.

**SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS IN TRICARE UNIFORM FORMULARY.**

(a) **INCLUSION.**—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(1) in subparagraph (D), by striking “No pharmaceutical agent may be excluded” and inserting “Except as provided in subparagraph (F), no pharmaceutical agent may be excluded”; and

(2) by adding at the end the following new subparagraph:

“(F)(i) The Secretary may implement procedures to place selected over-the-counter drugs on the uniform formulary and to make such drugs available to eligible covered beneficiaries. An over-the-counter drug may be included on the uniform formulary only if the Pharmacy and Therapeutics Committee established under subsection (b) finds that the over-the-counter drug is cost-effective and clinically effective. If the Pharmacy and Therapeutics Committee recommends an over-the-counter drug for inclusion on the uniform formulary, the drug shall be considered to be in the same therapeutic class of pharmaceutical agents, as determined by the Committee, as similar prescription drugs.

“(ii) Regulations prescribed by the Secretary to carry out clause (i) shall include the following with respect to over-the-counter drugs included on the uniform formulary:

“(I) A determination of the means and conditions under paragraphs (5) and (6) of this subsection through which over-the-counter drugs will be available to eligible covered beneficiaries and the amount of cost sharing that such beneficiaries will be required to pay for over-the-counter drugs, except that no such cost sharing may be required for a member of a uniformed service on active duty.

“(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.”.

(b) **DEFINITIONS.**—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

“(3) The term ‘over-the-counter drug’ means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

“(4) The term ‘prescription drug’ means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

(c) **TECHNICAL AMENDMENTS.**—

(1) **CROSS-REFERENCE AMENDMENTS.**—Subsections (a)(6)(A) and (b)(1) of such section are amended by striking “subsection (g)” and inserting “subsection (h)”.

(2) **REPEAL OF OBSOLETE PROVISIONS.**—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking “Not later than” and all the follows through “such 90-day period, the committee” and inserting “The committee”.

(C) Subsection (d)(2) of such section is amended—

(i) by striking “Effective not later than April 5, 2000, the Secretary” and inserting “The Secretary”; and

(ii) by striking “the current managed care support contracts” and inserting “the managed care support contracts current as of October 5, 1999.”.

**SEC. 703. EXPANSION OF EVALUATION OF THE EFFECTIVENESS OF THE TRICARE PROGRAM.**

Section 717(a)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Pub-

lic Law 106-104; 110 Stat. 376; 10 U.S.C. 1073 note) is amended by striking “military retirees” and inserting “members of the Armed Forces (whether in the regular or reserve components) and their dependents, military retirees and their dependents, dependent children under the age of 21, and dependents of members on active duty with severe disabilities and chronic health care needs”.

**SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

**SEC. 705. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING AUTISM, UNDER THE TRICARE PROGRAM.**

(a) **CERTAIN TREATMENT OF AUTISM.**—

(1) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

**“§ 1077a. Treatment of autism under the TRICARE program**

“(a) **IN GENERAL.**—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of developmental disabilities (42 U.S.C. 15002(8)), including autism spectrum disorders, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(b) **REQUIREMENTS IN PROVISION OF SERVICES.**—In carrying out subsection (a), the Secretary of Defense shall ensure that—

“(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements

as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(c) **EXCLUSIONS.**—Subsection (a) shall not apply to the following:

“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

“(d) **CONSTRUCTION WITH OTHER BENEFITS.**—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”

(b) **FUNDING.**—

(1) **INCREASE.**—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$45,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$45,000,000.

#### **SEC. 706. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

#### **Subtitle B—Other Health Care Benefits**

#### **SEC. 711. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.**

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “or in a case in which the pregnancy is the result of an act of rape or incest”.

#### **SEC. 712. AVAILABILITY OF CERTAIN FERTILITY PRESERVATION TREATMENTS FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.**

(a) **IN GENERAL.**—Subsection (a) of section 1074d of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Members of the armed forces entitled to medical care under section 1074(a) of this title who have been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility shall also be entitled to fertility preservation treatment as a part of such medical care.

“(B) If the fertility preservation treatment to which a member is entitled under this paragraph is not available through a facility of the uniformed services accessible to the member, such treatment shall be provided to the member through another appropriate mechanism under this chapter, including through the TRICARE program.”

(b) **DEFINITIONS RELATING TO FERTILITY PRESERVATION TREATMENT.**—Such section is further amended—

(1) in subsection (b), by striking the subsection heading and inserting “**DEFINITION RELATING TO PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN**”; and

(2) by adding at the end the following new subsection:

“(c) **DEFINITIONS RELATING TO FERTILITY PRESERVATION TREATMENT.**—In this section:

“(1) The term ‘fertility preservation treatment’ includes—

“(A) procedures consistent with established medical practices in the prevention or treatment of iatrogenic infertility by licensed physicians and surgeons or other appropriate medical practitioners, including diagnosis, diagnostic tests, medication, or surgery; and

“(B) any other procedure identified by the Secretary of Defense that is intended to promote the future fertility of an individual who has been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility.

“(2) The term ‘iatrogenic infertility’ means the current or future diminished ability, or the inability of an individual to conceive or contribute to conception as a consequence of medical treatment.”

#### **SEC. 713. MODIFICATION OF REQUIREMENTS ON MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) **TIMING OF MENTAL HEALTH ASSESSMENTS.**—Paragraph (1)(C)(i) of section 1074m(a) of title 10, United States Code, is amended by striking “one year” and inserting “18 months”.

(b) **EXCLUSION OF CERTAIN MEMBERS.**—Paragraph (2) of such section is amended—

(1) by striking “subparagraph (B) and (C) of”; and

(2) by striking “determines that—” and all that follows and inserting “determines—

“(A) in the case of an assessment otherwise required under subparagraph (A) of that paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

“(B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk fac-

tors during deployment in the contingency operation concerned; or

“(C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the otherwise applicable time period under such paragraph would remove the member from forward deployment or would put members or operational objectives at risk.”

#### **Subtitle C—Health Care Administration**

#### **SEC. 721. CLARIFICATION OF APPLICABILITY OF CERTAIN AUTHORITY AND REQUIREMENTS TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.**

(a) **APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS.**—Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking “if the physician, dentist, nurse, pharmacist, or paramedical” and inserting “to such a physician, dentist, nurse, pharmacist, or paramedical”; and

(2) by striking “involved is”; and

(3) by inserting before the period at the end the following: “or a subcontract at any tier under such a contract that is authorized in accordance with the requirements of such section 1091”.

(b) **APPLICABILITY OF PERSONAL SERVICES CONTRACTING AUTHORITY TO SUBCONTRACTORS.**—Section 1091(c) of such title is amended by adding at the end the following new paragraph:

“(3) The procedures established under paragraph (1) may provide for a contracting officer to authorize a contractor to enter into a subcontract for personal services on behalf of the agency upon a determination that the subcontract is—

“(A) consistent with the requirements of this section and the procedures established under paragraph (1); and

“(B) in the best interests of the agency.”

#### **SEC. 722. RESEARCH PROGRAM TO ENHANCE DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.**

(a) **RESEARCH PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a research program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers.

(b) **AGREEMENTS WITH COMMUNITY PARTNERS.**—In carrying out the research program authorized by subsection (a), the Secretary may enter into partnership agreements with community partners described in subsection (c) using a competitive and merit-based award process.

(c) **COMMUNITY PARTNERS DESCRIBED.**—A community partner described in this subsection is a private nonprofit organization or institution (or multiple organizations and institutions) that—

(1) engages in the research activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the research program.

(d) **ACTIVITIES.**—Partnerships entered into under the research program shall be used to engage in research on the causes, development, and innovative treatment of mental

health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(e) **REPORT.**—Not later than five years after the commencement of the research program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the research program, including a description of the research program, the community partners participating in the research program, the activities carried out, the number of members of the National Guard and Reserves, family members, and caregivers supported by community partners, and a description and assessment of the effectiveness and achievements of the research program.

#### Subtitle D—Reports and Other Matters

#### SEC. 731. REPORTS ON PERFORMANCE DATA ON WARRIORS IN TRANSITION PROGRAMS.

(a) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, each Secretary of a military department shall submit to Congress a report on data on the performance of the military department in addressing the care, management and transition needs of members of the Armed Forces under the jurisdiction of such Secretary who participate in a Warriors in Transition program under the jurisdiction of such Secretary with respect to the following:

- (1) Physical health.
- (2) Mental and behavioral health.
- (3) Educational and vocational aptitude and capabilities.
- (4) Such other matters as such Secretary considers appropriate.

(b) **COMMON METHODOLOGY.**—The Secretaries shall report not fewer than five outcome measures for each of the areas set forth in subsection (a) using a common methodology developed by the Secretaries and approved by the Secretary of Defense for purposes of this section.

(c) **LONGITUDINAL DATA.**—The occasions for collecting data on a member participating in a Warriors in Transition program for purposes of reports under subsection (a) shall be as follows:

- (1) When the member commences participation in the program.
- (2) At least once each year the member participates in the program.
- (3) When the member ceases participation in the program (whether for return to military duty or to civilian life).
- (4) With the consent of the member, one year after the member ceases participation in the program as described in paragraph (3).

(d) **ELEMENTS.**—Each report under subsection (a) shall include an assessment by the Secretary of the military department concerned of the following with respect to the Warriors in Transition programs covered by such report:

- (1) The progress of members participating in the Warriors in Transition programs in the areas specified in subsection (a).
- (2) The efficacy of the Warriors in Transition programs in facilitating the transition of members to military duty or civilian life, as applicable.
- (3) The differences in outcomes in the Warriors in Transition programs, by location, type, Armed Force, component, and types of wounds, injuries, or conditions of program participants.
- (4) The percentage of members participating in the Warriors in Transition programs who receive care under such programs from assigned providers, including medical

care case managers, non-medical service providers (including non-medical case managers, legal support personnel, and, as applicable, Physical Evaluation Board Liaison Officers), mental health care providers, and medical evaluation (MEB) physicians whose caseload exceeds the caseload ratio that has been designated as adequate by the Secretary of Defense.

(5) The percentage of members participating in the Warriors in Transition programs for whom the intervals between various phases in the transition process exceeds the average length of such intervals, including intervals relating to appointment times for specialists and for treatment for Post-Traumatic Stress Disorder (PTSD).

(6) Such other measurements of outcomes or progress of members through the Warriors in Transition programs as such Secretary considers appropriate.

(e) **PERSONALLY IDENTIFIABLE INFORMATION.**—Data collected under this section shall be treated in compliance with the provisions of section 552a of title 5, United States Code (commonly referred to as the “Privacy Act”).

(f) **SUNSET.**—No report is required under this section after September 30, 2017.

(g) **WARRIORS IN TRANSITION PROGRAM DEFINED.**—In this section, the term “Warriors in Transition program” means any major support program of the Armed Forces for members of the Armed Forces with severe wounds, illnesses, or injuries that is intended to provide such members with non-medical case management service and care coordination services, and includes the programs as follows:

- (1) Warrior Transition Units and the Wounded Warrior Program of the Army.
- (2) The Safe Harbor program of the Navy.
- (3) The Wounded Warrior Regiment of the Marine Corps.
- (4) The Recovery Care Program and the Wounded Warrior programs of the Air Force.
- (5) The Care Coalition of the United States Special Operations Command.

#### SEC. 732. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE TRAUMATIC INJURY AS A RESULT OF VACCINATIONS REQUIRED BY THE DEPARTMENT.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a comprehensive review (conducted for purposes of the report) of the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

- (1) The number and nature of traumatic injuries incurred by members of the Armed Forces as a result of a vaccination required by the Department of Defense each year since January 1, 2001, set forth by aggregate in each year and by military department in each year.

(2) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems (including tracking systems) of the Department to identify members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(3) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems of the Department to support members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

#### SEC. 733. PLAN TO ELIMINATE GAPS AND REDUNDANCIES IN PROGRAMS OF THE DEPARTMENT OF DEFENSE ON PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY AMONG MEMBERS OF THE ARMED FORCES.

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to streamline the programs of the Department of Defense that address psychological health and traumatic brain injury among members of the Armed Forces.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A complete list of the programs described in paragraph (1), including a detailed description of the intended function of each such program.

(B) An identification of any gaps in services and treatments in the programs listed under subparagraph (A).

(C) An identification of any redundancies in the programs listed under subparagraph (A).

(D) A plan for mitigating the gaps identified under subparagraph (B) and for eliminating the redundancies identified under subparagraph (C).

(E) An identification of the individual in the Department who will be responsible for leading implementation of the plan required by paragraph (1).

(F) A schedule for the implementation of the plan.

(b) **STATUS REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of the implementation of the plan required by subsection (a).

#### SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON PREVENTION OF HEARING LOSS AMONG MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled “Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes” that address prevention of hearing loss, abatement of hearing loss, data collection regarding hearing loss, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

#### SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.

It is the sense of the Senate that—

- (1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

**SEC. 736. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**Subtitle E—Mental Health Care Matters**

**SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) **SCOPE OF RESPONSIBILITIES.**—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

**SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.**

(a) **COMPREHENSIVE PROGRAM REQUIRED.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for

Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) **ELEMENTS.**—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) **CONSULTATION.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other pub-

lic and private entities with expertise in mental health and suicide prevention.

(d) **IMPLEMENTATION BY THE ARMED FORCES.**—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) **QUALITY ASSURANCE.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

**SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.**

(a) **IN GENERAL.**—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards (MEBs).

(2) Physical Evaluation Boards (PEBs).

(3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) **OBJECTIVES.**—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) **REPORTS.**—

(1) **REPORT ON IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) **ANNUAL REPORTS.**—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.**

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) **REPORT.**—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) **CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.**—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

**SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) **PARTICIPATION.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs

under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) **TRAINING.**—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) **COVERED MEMBERS.**—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

**SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.**

(a) **DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.**—The Secretary of Defense shall establish within the Department of Defense an organization to carry out the responsibilities specified in subsection (b).

(b) **RESPONSIBILITIES.**—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) **ANNUAL REPORTS.**—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant

Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

**SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.**

(a) **MEMBERS OF THE ARMED FORCES.**—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **VETERANS.**—

(1) **IN GENERAL.**—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) **VETERAN DEFINED.**—In this subsection, the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

**SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.**

(a) **MEASUREMENT OF MENTAL HEALTH CARE SERVICES.**—

(1) **IN GENERAL.**—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) **ELEMENTS.**—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) **GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.**—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) **STUDY COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) **FUNCTIONS.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care

by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) **PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.**—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) **PERIODIC REPORTS TO SECRETARY.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) **REPORTS TO CONGRESS.**—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report

shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) **PUBLICATION.**—

(1) **IN GENERAL.**—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) **QUARTERLY UPDATES.**—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) **SEMIANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Secretary's progress in developing and implementing the measures and guidelines required by this section.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) **IMPLEMENTATION REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary's planned implementation of such measures and guidelines.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

**SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.**

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting the following: “Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or

“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical

location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an individual described in paragraph (1)(C)”;

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

(B) by adding at the end the following new paragraph:

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—

“(i) a parent;

“(ii) a spouse;

“(iii) a child;

“(iv) a step-family member; and

“(v) an extended family member; or

“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary’s responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

“(2) operated by any organization named in or approved under section 5902 of this title.”.

**SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VET CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.—A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) SUNSET.—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) VET CENTER DEFINED.—In this section, the term “Vet Center” has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

**SEC. 762. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 7309. Readjustment Counseling Service**

“(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

“(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

“(ii) are holders of a master in social work degree; or

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

“(C) have at least three years of experience administering direct counseling services or outreach services in the Readjustment Counseling Service;

“(D) meet the quality standards and requirements of the Department; and

“(E) are veterans who served in combat as members of the Armed Forces.

“(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organiza-

tional element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary’s plan for meeting such unmet need.

“(f) VET CENTER DEFINED.—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(g) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”.

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”.

**SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.



(b) **PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.**—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) **MILITARY CULTURE TRAINING.**—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

#### **SEC. 764. PEER SUPPORT.**

(a) **PEER SUPPORT COUNSELING PROGRAM.**—

(1) **PROGRAM REQUIRED.**—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking “may” and inserting “shall”.

(2) **TRAINING.**—Paragraph (2) of such section is amended by inserting after “peer counselors” the following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163)”.

(3) **AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.**—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”.

(4) **DEADLINE FOR COMMENCEMENT OF PROGRAM.**—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) **PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.**—

(1) **IN GENERAL.**—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) **PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.**—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”.

(2) **DEADLINE.**—The Secretary of Veterans Affairs shall commence carrying out the

services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

### **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

#### **Subtitle A—Provisions Relating to Major Defense Acquisition Programs**

#### **SEC. 801. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

(a) **PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—The prohibition under subsection (a) shall not apply in the case of a particular cost-type contract if the Under Secretary of Defense for Acquisition, Technology, and Logistics, after consultation with the Director of Cost Assessment and Program Evaluation—

(A) certifies, in writing, with reasons, that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner; and

(B) provides the certification to the congressional defense committees not later than 30 business days before issuing a solicitation for the contract.

(2) **SCOPE OF EXCEPTION.**—In any case when the Under Secretary grants an exception under paragraph (1), the Under Secretary shall take affirmative steps to make sure that the use of cost-type pricing is limited to only those line items or portions of the contract where such pricing is needed to achieve the purposes of the exception. A written certification under paragraph (1) shall be accompanied by an explanation of the steps taken under this paragraph.

(c) **DEFINITIONS.**—In this section:

(1) **MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) **PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “production of a major defense acquisition program” means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

(3) **CONTRACT FOR THE PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “contract for the production of a major defense acquisition program” —

(A) means a prime contract for the production of a major defense acquisition program; and

(B) does not include individual line items for segregable efforts or contracts for the incremental improvement of systems that are already in production (other than contracts for major upgrades that are themselves major defense acquisition programs).

(d) **APPLICABILITY.**—The requirements of this section shall apply to contracts for the production of major defense acquisition pro-

grams entered into on or after October 1, 2014.

#### **SEC. 802. ACQUISITION STRATEGIES FOR MAJOR SUBSYSTEMS AND SUBASSEMBLIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program—

(1) provides, where appropriate, for breaking out a major subsystem or subassembly, conducting a separate competition or negotiating a separate price for the subsystem or subassembly, and providing the subsystem or subassembly to the prime contractor as government-furnished equipment; and

(2) in any case where it is not practical or appropriate to break out a major subsystem or subassembly and provide it to the prime contractor as government-furnished equipment, includes measures to prevent excessive pass-through charges by the prime contractor.

(b) **DEFINITIONS.**—In this section:

(1) The term “excessive pass-through charges” means pass-through charges that are not reasonable in relation to the cost of direct labor provided by employees of the contractor, any other costs directly attributable to the management of the subcontract by employees of the contractor, and the level of risk and responsibility, if any, assumed by the prime contractor for the performance of the subcontract.

(2) The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(3) The term “pass-through charges” means prime contractor charges for overhead (including general and administrative costs) or profit on a subsystem or subassembly that is produced by an entity or entities other than the prime contractor.

(c) **CONFORMING AMENDMENTS.**—Section 202(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1720; 10 U.S.C. 2430 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fair and objective ‘make-buy’ decisions by prime contractors” and inserting “competition or the option of competition at the subcontract level”; and

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (2) of this subsection, the following new paragraph (1):

“(1) where appropriate, breaking out a major subsystem, conducting a separate competition for the subsystem, and providing the subsystem to the prime contractor as government-furnished equipment;”.

#### **SEC. 803. MANAGEMENT STRUCTURE FOR DEVELOPMENTAL TEST AND EVALUATION.**

(a) **DUTIES OF DASD FOR DEVELOPMENTAL TEST AND EVALUATION.**—Subsection (a)(5) of section 139b of title 10, United States Code is amended—

(1) in subparagraph (A)(i), by striking “in the Department of Defense” and inserting “of the military departments and other elements of the Department of Defense”; and

(2) in subparagraph (C), by striking “programs” and inserting “programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))”.

(b) **DUTIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.**—Subsection (c) of such section is amended—

(1) in paragraph (2), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”;

(2) in paragraph (3), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”;

(3) by adding at the end the following new paragraph:

“(4) TRANSMITTAL OF RECORDS AND DATA.—The chief developmental tester and the lead developmental test and evaluation organization for a major defense acquisition program shall promptly transmit to the Deputy Assistant Secretary for Developmental Test and Evaluation any records or data relating to the program that are requested by the Deputy Assistant Secretary, as provided in subsection (a)(6).”

**SEC. 804. ASSESSMENTS OF POTENTIAL TERMINATION LIABILITY OF CONTRACTS FOR THE DEVELOPMENT OR PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) REPORT ON ASSESSMENT REQUIRED.—Not later than 30 days before entering into a covered contract, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the potential termination liability of the Department of Defense under the contract, including—

(1) an estimate of the maximum potential termination liability certification for the contract; and

(2) an assessment how such termination liability is likely to increase or decrease over the period of performance of the contract.

(b) COVERED CONTRACTS.—For purposes of this section, a covered contract is a contract for the development or production of a major defense acquisition program for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority if the contract has a potential termination liability of the Department of Defense that could reasonably be expected to exceed \$100,000,000.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

**SEC. 805. TECHNICAL CHANGE REGARDING PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.**

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (E)”.

**SEC. 806. REPEAL OF REQUIREMENT TO REVIEW ONGOING PROGRAMS INITIATED BEFORE ENACTMENT OF MILESTONE B CERTIFICATION AND APPROVAL PROCESS.**

Subsection (b) of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

**Subtitle B—Acquisition Policy and Management**

**SEC. 821. ONE-YEAR EXTENSION OF TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489) is amended—

(1) by striking “fiscal year 2012 or 2103” each place it appears and inserting “fiscal year 2012, 2013, or 2014”; and

(2) by striking “fiscal years 2012 and 2013” each place it appears and inserting “fiscal years 2012, 2103, and 2014”.

**SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph (1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the contractor to ensure that amounts paid to the contractor for overhead (including general and administrative costs) and profit are reasonable in relation to the cost of direct labor provided by employees of the contractor and any other costs directly attributable to the management of the subcontract by employees of the contractor;

(4) include such exceptions to the requirements in paragraphs (2) and (3) as the Federal Acquisition Regulatory Council considers appropriate in the interests of the United States, which exceptions shall be permissible only in exceptional circumstances and for instances demonstrated by the Council to be cost-effective; and

(5) include such exceptions to the requirements in paragraphs (2) and (3) as the Secretary of Defense considers appropriate in the interests of the national defense.

(b) COVERED CONTRACT OR TASK ORDER DEFINED.—In this section, the term “covered contract or task order” means a contract or task order for the performance of services (other than construction) with a value in excess of the simplified acquisition threshold that is entered into for or on behalf of an executive agency, except that such term does not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) EFFECTIVE DATE.—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and

(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

(d) OTHER DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

(e) CONFORMING REPEAL.—Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2340) is repealed.

**SEC. 823. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND FOR TEMPORARY MEMBERS OF WORKFORCE.**

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by adding at the end the following new sentence: “In the case of temporary members of the acquisition workforce designated pursuant to subsection (h)(2), such funds shall be available only for the limited purpose of providing training in the performance of acquisition-related functions and duties.”; and

(B) in paragraph (5), by inserting before the period at the end the following: “, and who has continued in the employment of the Department since such time without a break in such employment of more than a year”;

(2) by striking subsection (g);

(3) by redesignating subsection (h) as subsection (g); and

(4) by adding at the end the following new subsection (h):

“(h) ACQUISITION WORKFORCE DEFINED.—In this section, the term ‘acquisition workforce’ means the following:

“(1) Personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.

“(2) Other military personnel or civilian employees of the Department of Defense who—

“(A) contribute significantly to the acquisition process by virtue of their assigned duties; and

“(B) are designated as temporary members of the acquisition workforce by the Under Secretary of Defense for Acquisition, Technology, and Logistics, or by the senior acquisition executive of a military department, for the limited purpose of receiving training for the performance of acquisition-related functions and duties.”.

(b) EXTENSION OF EXPEDITED HIRING AUTHORITY.—Subsection (g) of such section, as redesignated by subsection (a)(3) of this section, is further amended in paragraph (2) by striking “September 30, 2015” and inserting “September 30, 2017”.

(c) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

**SEC. 824. DEPARTMENT OF DEFENSE POLICY ON CONTRACTOR PROFITS.**

(a) REVIEW OF GUIDELINES ON PROFITS.—The Secretary of Defense shall review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance.

(b) MATTERS TO BE CONSIDERED.—In conducting the review required by subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Appropriate levels of profit needed to sustain competition in the defense industry, taking into account contractor investment and cash flow.

(2) Appropriate adjustments to address contract and performance risk assumed by the contractor, taking into account the extent to which such risk is passed on to subcontractors.

(3) Appropriate incentives for superior performance in delivering quality products and services in a timely and cost-effective manner, taking into account such factors as prime contractor cost reduction, control of overhead costs, subcontractor cost reduction, subcontractor management, and effective competition (including the utilization of small business) at the subcontract level.

(c) MODIFICATION OF GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall modify the profit guidelines described in subsection (a) so as to achieve the link described that subsection.

(d) REPORT.—Upon the completion of the modification of the profit guidelines required by subsection (c), the Secretary shall submit to the congressional defense committees a report on the actions of the Secretary under this section. The report shall set forth the following:

(1) The results of the review conducted under subsection (a).

(2) A description of the modification carried out under subsection (c).

**SEC. 825. MODIFICATION OF AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.**

(a) DISCRETIONARY AUTHORITY.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in paragraph (1), by striking “shall, not later than the date specified in paragraph (2),” and inserting “may”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (3) of this section—

(A) by striking “required under this subsection” and inserting “to be performed under this subsection”; and

(B) by striking “shall” and inserting “may”; and

(5) in paragraph (4), as so redesignated, by striking “shall” and inserting “may”.

(b) CONFORMING AMENDMENTS.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking “required by subsection (a)(4)” and inserting “to be entered into under subsection (a)(3)”; and

(2) in clause (ii)—

(A) by striking “required by subsection (a)” and inserting “provided for under subsection (a)”; and

(B) by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

**SEC. 826. EXTENSION OF PILOT PROGRAM ON MANAGEMENT OF SUPPLY-CHAIN RISK.**

Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended by striking “the date that is three years after the date of the enactment of this Act” and inserting “January 1, 2016”.

**SEC. 827. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211-7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

**Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations**

**SEC. 841. APPLICABILITY OF TRUTH IN NEGOTIATIONS ACT TO MAJOR SYSTEMS AND RELATED SUBSYSTEMS, COMPONENTS, AND SUPPORT SERVICES.**

(a) AUTHORITY TO REQUIRE SUBMISSION OF COST OR PRICING DATA.—Subsection (c) of section 2306a of title 10, United States Code, is amended—

(1) in the subsection caption, by striking “BELOW-THRESHOLD” and inserting “CERTAIN”; and

(2) in paragraph (2), by inserting before the period at the end the following: “, except in the case of either of the following:

“(A) A major system or a subsystem or component thereof that is not a commercially available off-the-shelf item (as defined in section 104 of title 41) and was not developed exclusively at private expense as demonstrated in accordance with the requirements of section 2321(f)(2) of this title.

“(B) Services that are procured for support of a system, subsystem, or component described in subparagraph (A).”

(b) AUTHORITY TO REQUIRE SUBMISSION OF OTHER INFORMATION.—Subsection (d)(1) of such section is amended by striking “at a minimum” and all that follows and inserting “at a minimum—

“(A) appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement; and

“(B) in the case of a system, subsystem, component, or services described in subparagraph (A) or (B) of subsection (c)(2) for which price information described in subparagraph (A) of this paragraph is not adequate to evaluate price reasonableness, uncertified

cost data that is adequate for evaluating the reasonableness of the price for the procurement.”.

(c) TECHNICAL AMENDMENT.—Subsection (c)(3) of such section is amended by striking “paragraph” and inserting “subsection”.

**SEC. 842. MAXIMUM AMOUNT OF ALLOWABLE COSTS OF COMPENSATION OF CONTRACTOR EMPLOYEES.**

(a) MODIFICATION OF MAXIMUM AMOUNT.—Section 2324(e)(1)(P) of title 10, United States Code, is amended by striking “the benchmark” and all that follows through “section 1127 of title 41” and inserting “the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently \$230,700)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2013, and shall apply with respect to costs of compensation incurred on or after that date under contracts entered into before, on, or after that date.

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

**SEC. 843. DEPARTMENT OF DEFENSE ACCESS TO AND USE OF CONTRACTOR INTERNAL AUDIT REPORTS.**

(a) CLARIFICATION OF AUDIT ACCESS AUTHORITY.—Section 2313(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(E) the efficacy of contractor or subcontractor internal controls and the reliability of contractor or subcontractor business systems.”

**(b) GUIDANCE ON ACCESS.—**

(1) **GUIDANCE REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall issue revised guidance on Defense Contract Audit Agency auditor access to defense contractor internal audit reports and supporting materials.

(2) **PURPOSE.**—The purpose of the guidance issued pursuant to paragraph (1) shall be to ensure that the Defense Contract Audit Agency has sufficient access to contractor internal audit reports and supporting materials in order to—

(A) evaluate and test the efficacy of contractor internal controls and the reliability of associated contractor business systems; and

(B) assess the amount of risk and level of testing required in connection with specific audits to be conducted by the Agency.

(3) **MATTERS TO BE ADDRESSED.**—The guidance issued pursuant to paragraph (1) shall address, at a minimum, the following:

(A) The extent to which Defense Contract Audit Agency auditors should request access to defense contractor internal audit reports and supporting materials.

(B) The circumstances in which follow-up actions, including subpoenas, may be required to ensure Agency access to audit reports and supporting materials.

(C) The designation of Agency audit officials responsible for coordinating issues pertaining to Agency requests for audit reports and supporting materials.

(D) The purposes for which Agency auditors may use audit reports and supporting materials.

(E) Any protections that may be required to ensure that audit reports and supporting materials are not misused.

(F) Requirements for tracking Agency requests for audit reports and supporting materials.

(c) **FAILURE TO PROVIDE ACCESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the program required by section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note) in order to—

(1) ensure that any assessment of the adequacy of contractor business systems takes into account the efficacy of contractor internal controls, including contractor internal audit reports and supporting materials, that are relevant to such assessment; and

(2) provide that the refusal of a contractor to permit access to contractor internal audit reports and supporting materials that are relevant to such an assessment is a basis for disapproving the contractor business system or systems to which such materials are relevant and taking the remedial actions authorized under section 893.

**SEC. 844. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.**

(a) **IN GENERAL.**—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by inserting “(1)” before “An employee”;

(2) in paragraph (1), as so designated—

(A) by inserting “or subcontractor” after “employee of a contractor”;

(B) by striking “a Member of Congress” and all that follows through “the Department of Justice” and inserting “a person or body described in paragraph (2)”;

(C) by inserting “an abuse of authority relating to a Department of Defense contract or grant,” after “Department of Defense funds,”; and

(D) by inserting “, rule, or regulation” after “a violation of law”; and

(3) by adding at the end the following new paragraphs:

“(2) The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Department of Defense employee responsible for contract oversight or management.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

“(3) For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Department of Defense contract shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of a Department of Defense official, unless the request takes the form of a non-discretionary directive and is within the authority of the Department of Defense official making the request.”

(b) **INVESTIGATION OF COMPLAINTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant,” after “is frivolous,”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant” after “is frivolous”; and

(B) in subparagraph (B), by inserting “, up to 180 days,” after “such additional period of time”; and

(3) by adding at the end the following new paragraphs:

“(3) The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.”

(c) **REMEDY AND ENFORCEMENT AUTHORITY.**—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking “the compensation (including back pay)” and inserting “compensatory damages (including back pay)”;

(2) in paragraph (2), by adding at the end following new sentence: “An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.”;

(3) in paragraph (4), by striking “and compensatory and exemplary damages.” and inserting “, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.”;

(4) in paragraph (5), by adding at the end the following new sentence: “Filing such an appeal shall not act to stay the enforcement of the order of the head of an agency, unless a stay is specifically entered by the court.”; and

(5) by adding at the end the following new paragraphs:

“(6) The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.”

(d) **NOTIFICATION OF EMPLOYEES.**—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) **NOTIFICATION OF EMPLOYEES.**—The Secretary of Defense shall ensure that contractors and subcontractors of the Department of Defense inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.”

(e) **ABUSE OF AUTHORITY DEFINED.**—Subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is further amended by adding at the end the following new paragraph:

“(6) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the Department of Defense or the successful performance of a Department of Defense contract or grant.”

(f) **ALLOWABILITY OF LEGAL FEES.**—Section 2324(k) of such title is amended—

(1) in paragraph (1), by striking “commenced by the United States or a State” and inserting “commenced by the United States, by a State, or by a contractor employee submitting a complaint under section 2409 of this title”; and

(2) in paragraph (2)(C), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 2409 of this title”.

(g) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF DOD SUPPLEMENT TO THE FAR.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

#### SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

##### “SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

“(a) PROHIBITION OF REPRISALS.—

“(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

“(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

“(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discre-

tionary directive and is within the authority of the executive branch official making the request.

“(b) INVESTIGATION OF COMPLAINTS.—

“(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

“(c) REMEDY AND ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

“(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay the complainant an amount equal to the ag-

gregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

“(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

“(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

“(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration

provision in a collective bargaining agreement.

“(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

“(2) The term ‘Inspector General’ means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.”.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking “commenced by the Federal Government or a State” and inserting “commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title”; and

(2) in subsection (c)(3), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

#### SEC. 845. EXTENSION OF CONTRACTOR CONFLICT OF INTEREST LIMITATIONS.

(a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review the guidance on personal conflicts of interest for contractor employees issued pursuant to section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4537) in order to determine whether it would be in the best interest of the Department of Defense and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined in section 2383(b)(3) of title 10, United States Code).

(2) Personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1490)).

(b) EXTENSION OF LIMITATIONS.—If the Secretary determines pursuant to the review under subsection (a) that the guidance on personal conflicts of interest should be extended, the Secretary shall revise the Defense Supplement to the Federal Acquisition Regulation to the extent necessary to achieve such extension.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(1) A summary of the review conducted under subsection (a).

(2) A summary description of any revisions of regulations carried out under subsection (b).

#### SEC. 846. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Section 2304c(e) of title 10, United States Code, is amended by striking paragraph (3).

#### SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

#### SEC. 848. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking “who are economically disadvantaged”;

(2) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(c) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

#### Subtitle D—Provisions Relating to Wartime Contracting

##### SEC. 860. SHORT TITLE.

This subtitle may be cited as the “Wartime Contracting Reform Act of 2012”.

##### SEC. 861. RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) RESPONSIBILITY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations the chain of authority and responsibility within the Department of Defense for policy, planning, and execution of contract support for overseas contingency operations.

(2) ELEMENTS.—The regulations under paragraph (1) shall, at a minimum—

(A) specify the officials, offices, and components of the Department within the chain of authority and responsibility described in paragraph (1);

(B) identify for each official, office, and component specified under subparagraph (A)—

(i) requirements for policy, planning, and execution of contract support for overseas



contingency operations, including, at a minimum, requirements in connection with—

(I) coordination of functions, authorities, and responsibilities related to operational contract support for overseas contingency operations;

(II) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

(III) determinations of capability requirements for non-acquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements;

(IV) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for contract support (including an assessment whether or not such exercises will include contractors); and

(V) establishment of an inventory, and identification of areas of high risk and trade offs, for use of contract support in overseas contingency operations and for areas in which members of the Armed Forces will be used in such operations instead of contract support; and

(i) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under clause (i), including the position within the chain of authority and responsibility described in paragraph (1) with responsibility for reporting directly to the Secretary regarding policy, planning, and execution of contract support for overseas contingency operations; and

(C) ensure that the chain of authority and responsibility described in paragraph (1) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.

(b) SECRETARY OF DEFENSE REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the regulations prescribed under subsection (a). The report shall set forth the following:

(1) The regulations.

(2) A comprehensive description of the requirements identified under clause (i) of subsection (a)(2)(B), and a comprehensive description of the manner in which the roles, authorities, responsibilities, and lines of supervision under clause (ii) of that subsection will further the achievement of such requirements.

(3) A comprehensive description of the manner in which the regulations will meet the requirements in subsection (a)(2)(C).

(c) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the Department of Defense in implementing the regulations prescribed under subsection (a). The report may include such additional comments and information on the regulations and the implementation of the regulations as the Comptroller General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Gov-

ernmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

#### **SEC. 862. ANNUAL REPORTS ON CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS INVOLVING COMBAT OPERATIONS.**

(a) REPORTS REQUIRED.—

(1) DEPARTMENT OF DEFENSE.—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) DEPARTMENT OF STATE AND USAID.—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection (b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

(b) EXCEPTION.—If the total annual amount of obligations for contracts for support of a contingency operation otherwise described by subsection (a) do not exceed \$250,000,000 in an annual reporting period otherwise covered by that subsection, no report shall be required on the operation under that subsection for that annual reporting period.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report of an agency under subsection (a) regarding an operation shall set forth the following:

(A) A description and assessment of the policy, planning, management, and oversight of the agency with respect to contract support for the operation.

(B) With respect to contracts entered into in connection with the operation:

(i) The total number of contracts entered into as of the date of such report.

(ii) The total number of such contracts that are active as of such date.

(iii) The total value of contracts entered into as of such date.

(iv) The total value of such contracts that are active as of such date.

(v) An identification of the extent to which the contracts entered into as of such date were entered into using competitive procedures.

(vi) The total number of contractor personnel working under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(vii) The total number of contractor personnel performing security functions under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(viii) The total number of contractor personnel killed or wounded under any contracts entered into.

(C) The sources of information and data used to prepare the portion of such report required by subparagraph (B).

(D) A description of any known limitations of the information or data reported under

subparagraph (B), including known limitations in methodology or data sources.

(E) Any plans for strengthening collection, coordination, and sharing of information on contracts entered into in connection with the operation.

(2) ESTIMATES.—In determining the total number of contractor personnel working under contracts for purposes of paragraph (1)(B)(vi), the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be, determines it is not feasible to provide an actual count. Each report under subsection (a) shall fully disclose the extent to which such an estimate is used in lieu of an actual count.

(d) PROHIBITION ON PREPARATION BY CONTRACTOR PERSONNEL.—A report under subsection (a) may not be prepared by contractor personnel.

(e) USE OF EXISTING REPORTS FOR CERTAIN CONTINGENCY OPERATIONS.—The requirement to submit reports under subsection (a) on a contingency operation in Iraq or Afghanistan may be met by the submittal of the reports required by section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

#### **SEC. 863. INCLUSION OF CONTRACT SUPPORT IN CERTAIN REQUIREMENTS FOR DEPARTMENT OF DEFENSE PLANNING, JOINT PROFESSIONAL MILITARY EDUCATION, AND MANAGEMENT STRUCTURE.**

(a) READINESS REPORTING SYSTEM.—Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.”.

(b) CONTINGENCY PLANNING AND PREPAREDNESS FUNCTIONS OF CJCS.—Section 153(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(E) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, the heads of the Defense Agencies, and the commanders of the combatant commands, determining the operational contract support requirements of the armed forces and recommending the resources required to improve and enhance operational contract support for the armed forces and planning for such operational contract support.”.

(c) JOINT PROFESSIONAL MILITARY EDUCATION.—

(1) CONTINGENCY OPERATIONS AS MATTER WITHIN COURSE OF JPME.—Section 2151(a) of such title is amended by adding at the end the following new paragraph:

“(6) Contingency operations.”.

(2) CURRICULUM FOR THREE-PHASE APPROACH.—Section 2154 of such title is amended by adding at the end the following new subsection:

“(c) CURRICULUM RELATING TO CONTINGENCY OPERATIONS.—(1) The curriculum for each



phase of joint professional military education implemented under this section shall include content appropriate for such phase on the following:

- “(A) Requirements definition.
- “(B) Contingency program management.
- “(C) Contingency contracting.
- “(D) The strategic impact of contracting on military missions.

“(2) In this subsection, the terms ‘requirements definition’, ‘contingency program management’, and ‘contingency contracting’ have the meaning given those terms in section 2333(f) of this title.”.

(d) **MANAGEMENT STRUCTURE.**—Section 2330(c)(2) of such title is amended by striking “other than services” and all that follows and inserting “including services in support of contingency operations. The term does not include services relating to research and development or military construction.”.

**SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.**

(a) **COMPREHENSIVE RISK ASSESSMENT AND MITIGATION PLAN REQUIRED.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) **EXCEPTIONS.**—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, \$250,000,000 in any fiscal year.

(3) **TERMINATION OF EXCEPTIONS.**—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.

(B) The total amount of obligations by the United States Government for contracts for support of or in connection with the operation has exceeded \$250,000,000 in a fiscal year.

(b) **COMPREHENSIVE RISK ASSESSMENTS.**—A comprehensive risk assessment for an overseas contingency operation under subsection (a) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from behavior that injures innocent members of the local population or outrages their sensibilities).

(2) The continuity of the operation (such as risks from contractors walking off the job or being unable to perform when there is no timely back-up available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors with inadequate means for Government personnel to monitor their work).

(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) **RISK MITIGATION PLANS.**—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

(2) **FORM.**—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) **CRITICAL FUNCTIONS.**—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “covered agency” means the following:

(A) The Department of Defense.

(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 865. EXTENSION AND MODIFICATION OF REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.**

(a) **TWO-YEAR EXTENSION OF REQUIREMENT FOR JOINT REPORT.**—Subsection (a)(5) of section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) is amended by striking “February 1, 2013” and inserting “February 1, 2015”.

(b) **REPEAL OF COMPTROLLER GENERAL REVIEW.**—Such section is further amended by striking subsection (b).

(c) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) by striking “JOINT REPORT REQUIRED.” and all that follows through “paragraph (6)” and inserting “IN GENERAL.—Except as provided in subsection (f)”;

(B) by striking “this subsection” each place it appears and inserting “this section”;

(C) by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively, and indenting the left margins of such subsections, as so redesignated, two ems from the left margin;

(D) in subsection (b), as redesignated by subparagraph (C) of this paragraph, by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin;

(E) in subsection (c), as redesignated by subparagraph (C) of this paragraph—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin; and

(ii) by striking “paragraph (2)” each place it appears and inserting “subsection (b)”;

(F) in subsection (f), as redesignated by subparagraph (C) of this paragraph, by striking “this paragraph” and inserting “this subsection”; and

(G) in subsection (g), as so redesignated, by striking “paragraph (2)(F)” and inserting “subsection (b)(6)”.

(2) **HEADING AMENDMENT.**—The heading of such section is amended by striking “AND COMPTROLLER GENERAL REVIEW”.

**SEC. 866. EXTENSION OF TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.**

(a) **EXTENSION.**—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2399) is amended by striking “on or after the date occurring three years after the date of the enactment of this Act” and inserting “after December 31, 2014”.

(b) **REPEAL OF EXPIRED REPORTING REQUIREMENT.**—Subsection (g) of such section is repealed.

(c) **CLERICAL AMENDMENT.**—The heading of such section is amended by striking “; REPORT”.

**SEC. 867. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHANISTAN MILITARY OR AFGHANISTAN NATIONAL POLICE.**

(a) **REQUIREMENT.**—In the case of any textile components supplied by the Department of Defense to the Afghanistan National Army or the Afghanistan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) **EFFECTIVE DATE.**—This section shall apply to solicitations issued and contracts awarded for the procurement of textile components described in subsection (a) after the date of the enactment of this Act.

**SEC. 868. SENSE OF SENATE ON THE CONTRIBUTIONS OF LATVIA AND OTHER NORTH ATLANTIC TREATY ORGANIZATION MEMBER NATIONS TO THE SUCCESS OF THE NORTHERN DISTRIBUTION NETWORK.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The remote and austere environments in which United States troops are required to operate as part of the International Security Assistance Force (ISAF) mission in Afghanistan have increased the need for reliable lines of supply in southwest Asia.

(2) The country of Afghanistan presents unique logistics challenges, which have precipitated the development of several redundant lines of supply.

(3) United States Transportation Command and the Defense Logistics Agency (DLA), in consultation with United States Embassy officials and other parties, have successfully established memoranda of understanding and other agreements with nations in and around southwest Asia to ensure the reliability of lines of supply to Afghanistan.

(4) The lines of supply through Pakistan have been repeatedly threatened by instability in that country. Airlifting goods to Afghanistan, while safer, is expensive.

(5) The Northern Distribution Network (NDN) was established in late 2008 to ensure that a safe and cost-effective line of supply is available for United States troops in Afghanistan.

(6) The two prongs of supply provided by the Northern Distribution Network ship non-lethal goods from the Baltic ports in the north and the Caucasuses in the west to southwest Asia and Afghanistan.

(7) The Northern Distribution Network has been successful and now handles more than 50 percent of cargo shipped to Afghanistan.

(8) North Atlantic Treaty Organization (NATO) member nations along the Northern Distribution Network routes have contributed significantly to the success of the Northern Distribution Network.

(9) The United States has strong economic ties to Northern Distribution Network nations that are members of the North Atlantic Treaty Organization, and these nations may be able to provide quality goods and services for near and long-term use by the Department of Defense.

(10) Since 2009 the port of Riga, on the Baltic Sea, has been a critical overland entry point for goods being shipped using the Northern Distribution Network. Latvia is a member of the North Atlantic Treaty Organization and has been an ally of the United States in the region for many years.

(11) In September 2010, the Defense Logistics Agency, the General Services Administration, and other parties hosted a local procurement conference in Riga, Latvia.

(12) One hundred nine Latvian vendors attended the September 2010 conference in

Riga, and contracts with Latvian vendors have been entered into as a result.

(13) In May 2012, Latvia hosted an international workshop in Riga to examine ways of transforming the Northern Distribution Network from a route for the delivery of United States and other Allies' non-lethal goods to Afghanistan into a commercial route that would support the economic growth of Afghanistan and the southwest Asia region.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes are key economic and security partners of the United States and are to be commended for their contribution to ensuring United States and International Security Assistance Force troops have reliable lines of supply to achieve the mission in Afghanistan;

(2) when quality products at competitive prices are available, significant effort should be made to procure goods locally from Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes; and

(3) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes remain allies of the United States in the region, and a mutually beneficial relationship should continue to be cultivated between the United States and Latvia and such other nations in the future.

**SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8K the following new section 8L:

**“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.**

“(a) **IN GENERAL.**—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 90 days, the Inspectors General specified in subsection (b) shall have the responsibilities specified in this section.

“(b) **INSPECTORS GENERAL.**—The Inspectors General specified in this subsection are the Inspectors General as follows:

“(1) The Inspector General of the Department of Defense.

“(2) The Inspector General of the Department of State.

“(3) The Inspector General of the United States Agency for International Development.

“(c) **STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.**—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

“(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not underway.

“(B) The other Inspectors General specified in subsection (b).

“(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in

coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.

“(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

“(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

“(i) Audit and available inspection plans.

“(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

“(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.

“(B) Each plan under this paragraph, and any update of such plan, shall be made available on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.

“(d) **LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the ‘Lead Inspector General’ for the contingency operation concerned).

“(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

“(e) **RESPONSIBILITIES OF LEAD INSPECTOR GENERAL.**—(1) The Lead Inspector General for an overseas contingency operation shall have the following responsibilities:

“(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

“(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

“(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

“(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (b) under this Act.

“(f) REPORTS.—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semi-annual basis, and make available on an Internet website available to the public, a report summarizing, for the semi-annual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

“(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

“(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

“(C) the activities under programs and operations funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

“(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.

“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government

involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

“(A) To build or rebuild physical infrastructure.

“(B) To establish or reestablish a political or societal function or institution.

“(C) To provide products or services.

“(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(g) TEMPORARY EMPLOYMENT AUTHORITY.—(1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection (e) with respect to an overseas contingency operation.

“(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section as if the position to which employed was a position in the Department of Defense.

“(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

“(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

“(h) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

“(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$250,000,000 (in constant fiscal year 2012 dollars); or

“(2) the date that is 18 months after the date of the issuance by the Secretary of Defense of an order terminating the contingency operation.

“(i) CONSTRUCTION OF AUTHORITY.—Nothing in this Act shall be construed to limit the ability of the Inspectors General specified in

subsection (b) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘overseas contingency operation’ means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

“(2) The term ‘simplified acquisition threshold’ has the meaning provided that term in section 2302(7) of title 10, United States Code.”

(b) CONFORMING AMENDMENT RELATING TO TEMPORARY EMPLOYMENT AUTHORITY.—Section 3161 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(j) LEAD INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZATION.—In addition to the meaning given that term in subsection (a), the term ‘temporary organization’ for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.”

#### SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.

(a) AGENCY REPORTS.—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.

(b) INSPECTOR GENERAL AUDITS.—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) DEFINITIONS.—In this section:

(1) The term ‘appropriate committees of Congress’ means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.**

(a) IN GENERAL.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;”.

(b) DEFINITION.—Such section is further amended by adding at the following new subsection:

“(d) OVERSEAS CONTINGENCY OPERATIONS DEFINED.—In this section, the term ‘overseas contingency operations’ means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).”.

**SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) DOS AND USAID REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.**

(a) PROFESSIONAL EDUCATION REQUIRED.—The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) COVERED DEPARTMENT OF STATE PERSONNEL.—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.

(2) Personnel of the Department designated by the Chief Acquisition Officer, including contracting officers and other contracting personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) ELEMENTS.—

(1) CURRICULUM CONTENT.—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) PHASED APPROACH.—The course of professional education may be broken into two

or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different phases of professional advancement within the Department.

(d) DEFINITIONS.—In this section:

(1) The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term “contingency program management” means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.**

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

**“§ 3312. Database on price trends of items and services under Federal contracts**

“(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

“(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

“(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

“(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

“(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

“3312. Database on price trends of items and services under Federal contracts.”.

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

**SEC. 875. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.**

(a) **INCLUSION OF CORPORATIONS AMONG COVERED PERSONS.**—Subsection (b) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4555) is amended by inserting “(including a corporation)” after “Any person” both places it appears.

(b) **INFORMATION ON CORPORATIONS.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) **INFORMATION ON CORPORATIONS.**—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.”.

**SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.**

(a) **STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) **CONSULTATION WITH USDTL.**—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) **ELEMENTS.**—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) **CONTRACTOR COMMENTS.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information

submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) **CONSTRUCTION.**—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) **COMPTROLLER GENERAL REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

**SEC. 877. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.**

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) **PUBLIC AVAILABILITY OF INFORMATION.**—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

**Subtitle E—Other Matters**

**SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the

Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph (B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).

(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on referral or internally developed, shall be documented prior to closure by the suspension and debarment official.

(7) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency concerned, establish in writing policies for the consideration of the following:

(A) Referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not referred.

(b) **COVERED AGENCY DEFINED.**—In subsection (a), the term “covered agency” means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, including with respect to contracts in connection with contingency operations” before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs

“(D) a summary of suspensions, debarments, and administrative agreements during the previous year; and

“(E) a summary of referrals of suspension and debarment matters received during the previous year, including an identification of the agencies making such referrals and an assessment of the timeliness of such referrals.”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than 120 days after the end of the first fiscal year ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549.”.

#### SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DEBARMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide for the automatic referral of a person described in subsection (b) to the appropriate suspension and debarment official for a determination whether or not the person should be suspended or debarred.

(b) COVERED PERSONS.—A person described in this subsection is any person as follows:

(1) A person who has been charged with a Federal criminal offense relating to the award or performance of a contract of an executive agency.

(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “person” has the meaning given that term in section 1 of title 1, United States Code.

#### SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Com-

mittee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

#### SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) MATTERS TO BE REVIEWED.—The review of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

(1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to determine which organizations are commonly using the exception and the frequency of such use.

(2) The range of items or services being acquired through the use of the exception.

(3) The process for reviewing and approving justifications involving the exception.

(4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.

(5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.

(6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Comptroller General considers appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 884. AUTHORITY TO PROVIDE FEE-FOR-SERVICE INSPECTION AND TESTING BY DEFENSE CONTRACT MANAGEMENT AGENCY FOR CERTAIN CRITICAL EQUIPMENT IN THE ABSENCE OF A PROCUREMENT CONTRACT.**

(a) **AUTHORITY.**—Section 2539b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) make available to any person or entity, in advance of the award of a procurement contract, through contracts or other appropriate arrangements and subject to subsection (c), the services of the Defense Contract Management Agency for testing and inspection of items when such testing and inspection is determined by such Secretary to be critical to a specific program of the Department of Defense.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) **DCMA SERVICES.**—Services of the Defense Contract Management Agency may be made available under subsection (a)(5) only if the contract or other arrangement for those services—

“(1) holds the United States harmless if the items covered by the contract or other arrangement (whether or not tested and inspected under the contract or other arrangement) are not subsequently ordered by or delivered to the United States under a procurement contract entered into after the contract or other arrangement is entered into; and

“(2) holds the United States harmless against any claim arising out of the inspection and testing, or the use in any commercial application, of the equipment tested and inspected by the Defense Contract Management Agency under the contract or other arrangement.”.

(b) **FEEES.**—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the first sentence, by striking “and (a)(4)” and inserting “, (a)(4), and (a)(5)”;

(2) in the second sentence—

(A) by inserting “, travel, and other incidental overhead expenses” after “salaries”; and

(B) by inserting “or inspection” before the period at the end.

(c) **USE OF FEES.**—Subsection (e) of such section, as so redesignated, is amended by striking “and (a)(4)” and inserting “, (a)(4), and (a)(5)”.

**SEC. 885. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.**

(a) **DISESTABLISHMENT OF BOARD.**—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby disestablished.

(b) **TERMINATION OF STRATEGIC READINESS FUND.**—The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 117 note) is hereby closed.

(c) **REPEAL.**—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 117 note) is repealed.

**SEC. 886. MODIFICATION OF PERIOD OF WAIT FOLLOWING NOTICE TO CONGRESS OF INTENT TO CONTRACT FOR LEASES OF CERTAIN VESSELS AND VEHICLES.**

Section 2401(h)(2) of title 10, United States Code, is amended by striking “of continuous session of Congress”.

**SEC. 887. EXTENSION OF OTHER TRANSACTION AUTHORITY.**

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

**SEC. 888. SUBCONTRACTOR NOTIFICATIONS.**

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) **NOTIFICATION REQUIREMENT.**—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) **REPORTING BY SUBCONTRACTORS.**—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”.

**SEC. 889. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) **COVERED AGENCIES.**—The agencies specified in this subsection are the following:

- (1) The Department of the Army.
- (2) The Department of the Navy.
- (3) The Department of the Air Force.
- (4) The Defense Logistics Agency.

(c) **COVERED INFORMATION.**—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

**SEC. 889A. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) **FACTORS TO CONSIDER.**—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) **ACCESS TO INFORMATION.**—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) **CLASSIFIED ANNEX.**—The report shall be in unclassified form, but may contain a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) The term “small arms” means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term “small arms ammunition” means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

**SEC. 889B. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) **ANNUAL STUDY AND REPORT.**—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) **REPORT CONTENTS.**—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.



(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

**SEC. 889C. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.**

(a) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) **CONTENT.**—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

**SEC. 889D. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.**

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

**SEC. 889E. SMALL BUSINESS HUBZONES.**

(a) **DEFINITION.**—In this section, the term "covered base closure area" means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) **TREATMENT AS HUBZONE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

(2) **LIMITATION.**—The total period of time that a covered base closure area is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

**Subtitle F—Ending Trafficking in Government Contracting**

**SEC. 891. SHORT TITLE.**

This subtitle may be cited as the "End Trafficking in Government Contracting Act of 2012".

**SEC. 892. DEFINITIONS.**

In this subtitle:

(1) **COMMERCIAL SEX ACT.**—The term "commercial sex act" has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) **EXECUTIVE AGENCY.**—The term "executive agency" has the meaning given the term in section 133 of title 41, United States Code.

(3) **SUBCONTRACTOR.**—The term "subcontractor" means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) **SUBGRANTEE.**—The term "subgrantee" means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) **UNITED STATES.**—The term "United States" has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

**SEC. 893. CONTRACTING REQUIREMENTS.**

(a) **IN GENERAL.**—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking "if the grantee or any subgrantee," and all that follows through the period at the end and inserting the following: "or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

"(i) severe forms of trafficking in persons;

"(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

"(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

"(iv) acts that directly support or advance trafficking in persons, including the following acts:

"(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

"(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

"(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

"(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

"(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

"(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

"(V) Providing or arranging housing that fails to meet the host country housing and safety standards."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required

to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) **LIMITATION.**—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) **DISCLOSURE.**—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) **GUIDANCE.**—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) **REGULATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) **EFFECTIVE DATE.**—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

**SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **REFERRAL AND INVESTIGATION.**—

(1) **REFERRAL.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting

or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) **INVESTIGATION.**—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) **CRIMINAL INVESTIGATION.**—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) **REPORT AND DETERMINATION.**—

(1) **REPORT.**—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) **DETERMINATION.**—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) **REMEDIAL ACTIONS.**—

(1) **IN GENERAL.**—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall

consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) **SAVINGS CLAUSE.**—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) **MITIGATING FACTOR.**—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) **AGGRAVATING FACTOR.**—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) **INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.**—

(1) **IN GENERAL.**—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) **AMENDMENT TO TITLE 41, UNITED STATES CODE.**—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111-84); or

“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”

**SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

(a) **IN GENERAL.**—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a

subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting “(a) **WORK INSIDE THE UNITED STATES.**—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so.”; and

(2) by adding at the end the following new subsection:

“(b) **WORK OUTSIDE THE UNITED STATES.**—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”

(b) **SPECIAL RULE FOR ALIEN VICTIMS.**—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

**SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”

**SEC. 899. RULES OF CONSTRUCTION.**

(a) **LIABILITY.**—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee,

subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) **PROSPECTIVE EFFECT.**—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

**TITLE IX—DEPARTMENT OF DEFENSE  
ORGANIZATION AND MANAGEMENT  
Subtitle A—Department of Defense  
Management**

**SEC. 901. DEFINITION AND REPORT ON TERMS  
“PREPARATION OF THE ENVIRONMENT”  
AND “OPERATIONAL PREPARATION  
OF THE ENVIRONMENT”  
FOR JOINT DOCTRINE PURPOSES.**

(a) **DEFINITIONS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall define for purposes of joint doctrine the following terms:

(1) The term “preparation of the environment”.

(2) The term “operational preparation of the environment”.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the terms defined under subsection (a). The report shall include the following:

(1) The definition of the term “preparation of the environment” pursuant to subsection (a).

(2) Examples of activities meeting the definition of the term “preparation of the environment” by special operations forces and general purpose forces.

(3) The definition of the term “operational preparation of the environment” pursuant to subsection (a).

(4) Examples of activities meeting the definition of the term “operational preparation of the environment” by special operations forces and general purpose forces.

(5) An assessment of the appropriate roles of special operations forces and general purpose forces in conducting activities meeting the definition of the term “preparation of the environment” and the definition of the term “operational preparation of the environment”.

**SEC. 902. EXPANSION OF DUTIES AND RESPONSIBILITIES OF THE NUCLEAR WEAPONS COUNCIL.**

(a) **GUIDANCE ON NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.**—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) Providing programmatic guidance on nuclear command, control and communications systems.”.

(b) **BUDGET AND FUNDING MATTERS.**—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **BUDGET AND FUNDING MATTERS.**—(1) The Council shall submit to Congress each

year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member's non-concurrence.

“(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile stewardship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.”.

**SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.**

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) **REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.**—

(A) **POSITION OF CHIEF MANAGEMENT OFFICER.**—Section 132a of title 10, United States Code, is amended to read as follows:

**“§ 132a. Chief Management Officer**

“(a) **IN GENERAL.**—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) **POWERS AND DUTIES.**—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) **SERVICE AS CHIEF MANAGEMENT OFFICER.**—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) **PRECEDENCE.**—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) **CONFORMING AMENDMENTS.**—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) **EXECUTIVE SCHEDULE.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) **REFERENCE IN LAW.**—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) **JURISDICTION OF DFAS.**—

(A) **TRANSFER TO DEPARTMENT OF THE TREASURY.**—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) **ADMINISTRATION.**—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the

Financial Management Service of the Department of the Treasury.

(C) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) **CONSTRUCTION.**—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SEC. 904. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.”

**Subtitle B—Space Activities**

**SEC. 911. OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.**

(a) **IN GENERAL.**—Subsection (a) of section 2273a of title 10, United States Code, is amended to read as follows:

“(a) **IN GENERAL.**—There is within the Air Force Space and Missile Systems Center of the Department of Defense an office known as the Operationally Responsive Space Program Office (in this section referred to as the ‘Office’). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.”

(b) **HEAD OF OFFICE.**—Subsection (b) of such section is amended by striking “shall be—” and all that follows and inserting “the designee of the Department of Defense Executive Agent for Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.”

(c) **MISSION.**—Subsection (c)(1) of such section is amended by striking “spaceflight” and inserting “launch”.

(d) **SENIOR ACQUISITION EXECUTIVE.**—Paragraph (1) of subsection (e) of such section is amended to read as follows:

“(1) The Program Executive Officer (PEO) for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.”

(e) **EXECUTIVE COMMITTEE.**—Such section is further amended by adding at the end the following new subsection:

“(g) **EXECUTIVE COMMITTEE.**—(1) The Secretary of Defense shall establish for the Of-

fice an Executive Committee (to be known as the ‘Operationally Responsive Space Executive Committee’) to provide coordination, oversight, and approval of projects of the Office.

“(2) The Executive Committee shall consist of the officials (and their duties) as follows:

“(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

“(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

“(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

“(D) The Commander of the Air Force Space Command, who shall organize, train, and equip forces to support the acquisition programs of the Office.

“(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.”

(f) **TRANSFER OF FISCAL YEAR 2012 FUNDS.**—

(1) **IN GENERAL.**—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from the funds described in paragraph (2), \$60,000,000 to other, higher priority programs of the Air Force.

(2) **COVERED FUNDS.**—The funds described in this paragraph are amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force, for the Weather Satellite Follow On Program as specified in the funding table in section 4201 of that Act.

(3) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(4) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this subsection is in addition to any other transfer authority provided in this Act.

(5) **PROGRAM PLAN.**—Not later than December 31, 2012, the Secretary shall submit to the congressional defense committees a report setting forth a program plan for higher priority programs described in paragraph (1).

**SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.**

(a) **IN GENERAL.**—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2275. Commercial space launch cooperation**

“(a) **AUTHORITY.**—The Secretary of Defense may, to assist the Secretary of Transportation in carrying out responsibilities set forth in title 51 with respect to private sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure, take the following actions:

“(1) Maximize the use by the private sector in the United States of the capacity of the space transportation infrastructure of the Department of Defense.

“(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department.

“(3) Reduce the cost of services provided by the Department related to space transportation infrastructure at launch support facilities and space recovery support facilities.

“(4) Encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department.

“(5) Foster cooperation between the Department and covered entities.

“(b) **AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.**—The Secretary of Defense—

“(1) may enter into a contract or other agreement with a covered entity to provide to the covered entity support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of that covered entity, may include such support and services in the space launch and reentry range support requirements of the Department if—

“(A) the Secretary determines that the inclusion of such support and services in such requirements—

“(i) is in the best interest of the Federal Government;

“(ii) does not interfere with the requirements of the Department; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

“(B) any commercial requirement included in that contract or other agreement has full non-Federal funding before the execution of the contract or other agreement.

“(c) **CONTRIBUTIONS.**—(1) The Secretary of Defense may enter into contracts or other agreements with covered entities on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

“(2) Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the contract or other agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) A contract or other agreement entered into under this subsection with a covered entity—

“(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other contract or agreement with the United States.

“(d) **DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.**—(1) There is established on the books of the Treasury a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

“(3) Amounts in the Department Defense Cooperation Space Launch Account shall be available, to the extent provided in appropriation Acts, for costs incurred by the Department of Defense under subsection (c). Funds in the Account shall remain available until expended.

“(e) **ANNUAL REPORT.**—Not later than January 31 each year, the Secretary of Defense

shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the previous fiscal year.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED ENTITY.—The term ‘covered entity’ means a non-Federal entity that—

“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) LAUNCH SUPPORT FACILITIES.—The term ‘launch support facilities’ has the meaning given that term in section 50501(7) of title 51.

“(3) SPACE RECOVERY SUPPORT FACILITIES.—The term ‘space recovery support facilities’ has the meaning given that term in section 50501(11) of title 51.

“(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by adding at the end the following new item:

“2275. Commercial space launch cooperation.”

**SEC. 913. REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR COMPONENTS FOR MAJOR SATELLITE ACQUISITION PROGRAMS AND FUNDING FOR SUCH PROGRAMS.**

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 912 of this Act, is further amended by adding at the end the following new section:

**“§ 2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs**

“(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

“(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the components for the program; and

“(2) funding for the program.

“(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

“(1) The amount of funding approved for the program and for each related program that is necessary for the operational capability of the program.

“(2) The dates by which the program is anticipated to reach initial and full operational capability.

“(3) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the components for the program or any related program referred to in paragraph (1) are integrated.

“(4) If the Under Secretary determines pursuant to the assessment under paragraph (3) that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in paragraph (1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for

the program or related program more than one year apart, an identification of—

“(A) the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules; and

“(B) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

“(c) CONSIDERATION BY MILESTONE DECISION AUTHORITY.—The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition program as part of the documentation used to approve the acquisition of the program.

“(d) SUBMITTAL OF REPORTS.—(1) In the case of a major satellite acquisition program initiated before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.

“(2) In the case of a major satellite acquisition program initiated on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.

“(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in subsection (b)(1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for the program or related program more than one year apart, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—

“(1) notifying the committees of that determination; and

“(2) identifying the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules.

“(f) DEFINITIONS.—In this section:

“(1) COMPONENTS.—The term ‘components’, with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and user terminals necessary for the operation of those satellites.

“(2) MAJOR SATELLITE ACQUISITION PROGRAM.—The term ‘major satellite acquisition program’ means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.

“(3) MILESTONE B APPROVAL.—The term ‘Milestone B approval’ has the meaning given that term in section 2366(e)(7) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title, as so amended, is further amended by adding at the end the following new item:

“2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs.”

**SEC. 914. DEPARTMENT OF DEFENSE REPRESENTATION IN DISPUTE RESOLUTION REGARDING SURRENDER OF DEPARTMENT OF DEFENSE BANDS OF ELECTROMAGNETIC FREQUENCIES.**

Section 1062(b)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Pub-

lic Law 106-65; 113 Stat. 768; 47 U.S.C. 921 note) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) in the event of any dispute resolution process involving the surrender of use of such band, the Department of Defense has adequate representation to convey its views.”

**Subtitle C—Intelligence-Related and Cyber Matters**

**SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO SECURITY ALLIANCES AND INTERNATIONAL AND REGIONAL ORGANIZATIONS.**

(a) EXTENSION OF AUTHORITY TO SECURITY ALLIANCES AND INTERNATIONAL AND REGIONAL ORGANIZATIONS.—Section 443(a) of title 10, United States Code, is amended by inserting “, regional organizations with defense or security components, and international organizations and security alliances of which the United States is a member” after “foreign countries”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 443 of such title is amended to read as follows:

**“§ 443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 22 of such title is amended by striking the item relating to section 443 and inserting the following new item:

“443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations.”

**SEC. 922. ARMY DISTRIBUTED COMMON GROUND SYSTEM.**

(a) ASSIGNMENT OF RESPONSIBILITY FOR OVERSIGHT.—The Secretary of the Army shall assign responsibility for oversight of the development, acquisition, testing, and fielding of the Distributed Common Ground System (DCGS) cloud computing program of the Army to the Chief Information Officer of the Army ((CIO)/G-6).

(b) REVIEW OF PROGRAM.—

(1) IN GENERAL.—Not later than December 1, 2012, the Chief Information Officer shall submit to the Secretary a report on a review of the Distributed Common Ground System cloud computing program of the Army conducted by the Chief Information Officer for purposes of this section.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the program in comparison with commercial products, if applicable, with respect to each of the following:

(i) The effectiveness of analyst tools, user interfaces, and data visualization in supporting analyst missions and requirements.

(ii) Training requirements for analysts.

(iii) Ease of use for analysts.

(iv) Rates of progress in developing analyst tools and linking tools for standard workflows.

(B) An assessment of the soundness of the past decisions of the Army, and the future plans of the Army, for acquiring and integrating analyst tools, user interfaces, and

data visualization capabilities through government-sponsored custom development, leasing of commercial solutions, and government open source development.

(C) Such recommendations regarding the program as the Chief Information Officer considers appropriate in light of the review under this subsection.

**SEC. 923. RATIONALIZATION OF CYBER NETWORKS AND CYBER PERSONNEL OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to substantially reduce the number of sub-networks and network enclaves across the Department of Defense, and the associated security and access management controls, in order to achieve the following objectives for the Department:

(1) Visibility for the United States Cyber Command in the operational and security status of all networks, network equipment, and computers.

(2) Elimination of redundant network security infrastructure and personnel.

(3) Rationalization and consolidation of cyber attack detection, diagnosis, and response resources, and elimination of gaps in security coverage.

(4) Reduction of barriers to information sharing and enhancement of the capacity to rapidly create collaborative communities of interest.

(5) Enhancement of access to information through authentication-based and identity-based access controls.

(6) Enhancement of the capacity to deploy, and achieve access to, enterprise-level services.

(7) Separation of server and end-user device computing to facilitate server and data center consolidation and a more secure tiered and zoned network architecture.

**(b) PERSONNEL PLAN.—**

(1) IN GENERAL.—As part of the actions taken under subsection (a), the Secretary shall establish and carry out a plan to reassign personnel billets currently allocated to network operations and security that will become available pursuant to the reduction in network enclaves required by that subsection to tasks related to potential offensive cyber operations in order to achieve an appropriate balance between the offensive and defensive missions of the United States Cyber Command and its components. The plan shall include targets for the number of personnel to be reassigned to tasks related to offensive operations, and the rate at which such personnel shall be added to the workforce for such tasks.

(2) DISPOSITION OF PERSONNEL.—In developing the plan required by paragraph (1), the Secretary shall—

(A) determine whether the number of personnel required to be reassigned to tasks related to offensive operations in order to achieve the balance described in paragraph (1) will be met, in pace and numbers, through the reassignment of personnel billets pursuant to the plan; and

(B) if the Secretary determines that the number of personnel so required will not be so met (whether because of insufficient numbers of personnel in billets to be reassigned or because personnel available for reassignment cannot be trained or directed to tasks related to offensive operations), take appropriate actions to ensure the availability to the United States Cyber Command of appropriate numbers of personnel qualified to undertake tasks related to offensive operations.

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

(4) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan required by paragraph (1) to the congressional defense committees at the time of the submittal to Congress of the budget of the President for fiscal year 2014 pursuant to section 1105(a) of title 31, United States Code.

**SEC. 924. NEXT-GENERATION HOST-BASED CYBER SECURITY SYSTEM FOR THE DEPARTMENT OF DEFENSE.**

(a) STRATEGY FOR ACQUISITION OF SYSTEM REQUIRED.—The Chief Information Officer of the Department of Defense shall, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, develop a strategy to acquire next-generation host-based cybersecurity tools and capabilities (in this section referred to as a “next-generation system”) for the Department of Defense.

(b) ELEMENTS OF SYSTEM.—It is the sense of Congress that any next-generation system acquired under the strategy required by subsection (a) should meet the following requirements:

(1) To overcome problems and limitations in current capabilities, the system should not rely on anti-virus or signature-based threat detection techniques that—

(A) cannot address new or rapidly morphing threats;

(B) consume substantial amounts of communications capacity to remain current with known threats and to report current status; or

(C) consume substantial amounts of resources to store rapidly growing threat libraries.

(2) The system should provide an open architecture-based framework for so-called “plug-and-play” integration of a variety of types of deployable tools in addition to cyber intrusion detection tools, including tools for—

(A) insider threat detection;

(B) continuous monitoring and configuration management;

(C) remediation following infections; and

(D) protection techniques that do not rely on detection of the attack, such as virtualization, and diversification of attack surfaces.

(3) The system should be designed for ease of deployment to potentially millions of host devices of tailored security solutions depending on need and risk, and to be compatible with cloud-based, thin-client, and virtualized environments as well as battlefield devices and weapons systems.

(c) SUBMITTAL TO CONGRESS.—The Chief Information Office shall submit to Congress a report setting forth the strategy required by subsection (a) together with the budget justification materials of the Department of Defense submitted to Congress with the budget of the President for fiscal year 2015 pursuant to section 1105(a) of title 31, United States Code.

**SEC. 925. IMPROVEMENTS OF SECURITY, QUALITY, AND COMPETITION IN COMPUTER SOFTWARE PROCURED BY THE DEPARTMENT OF DEFENSE.**

(a) COMPREHENSIVE PROGRAM ON IMPROVEMENT OF PROCUREMENT OF COMPUTER SOFTWARE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer of the Department of Defense, develop a comprehensive program for improvements of the security, quality, and competition in the computer software procured by the Department of Defense for covered systems

(b) UPDATE OF DEVELOPMENT AND ACQUISITION MODELS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer, provide for the development of updates and improvements to one or more existing best-practice development and acquisition models (such as the Capability Maturity Model Integration) in order to provide explicit guidance under such model or models for improved assurance, security, quality, and resiliency in the computer software developed and procured by the Department.

(2) ELEMENTS.—Any update or improvement to a development and acquisition model under this subsection shall—

(A) include diagnostic methods that enable evaluations of conformance to the processes and best practices of the model for achieving quality, assurance, and security throughout the life cycle of software products concerned; and

(B) be compatible with the variety of current agile and incremental software development methodologies.

(c) REQUIREMENTS FOR SECURE CODE DEVELOPMENT PRACTICES.—The Under Secretary shall, in coordination with the Chief Information Officer—

(1) direct the Director of the Defense Information Systems Agency to modify the Application Security and Development Security Technical Implementation Guide (STIG) to require (rather than highly recommend) the use of automated static vulnerability analysis tools in the computer software code development phase, and in development and operational testing, to identify and remediate security vulnerabilities for covered systems;

(2) develop a list of qualified government and private-sector static analysis tools and third-party testing organizations to support the requirement under paragraph (1);

(3) direct the Director—

(A) to designate secure software coding standards; and

(B) to modify the Security Technical Implementation Guide to reference the approved standards; and

(4) develop guidance and direction for Department program managers to require government software development and maintenance organizations and contractors to identify and implement, through contract statements of work, a secure software coding plan that includes verifiable processes and practices.

(d) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—The Under Secretary shall, in coordination with the Chief Information Officer, develop guidance and direction for Department program managers for covered systems to do as follows:

(1) To require evidence that government software development and maintenance organizations and contractors are conforming in computer software coding to—

(A) approved secure coding standards of the Department during software development, upgrade and maintenance activities, including through the use of inspection and appraisals;

(B) an applicable best practice development and acquisition model; and

(C) the requirement established pursuant to subsection (b)(1).

(2) To make appropriate use of authorized software code assessment centers (whether a government center, Federally funded research and development center, or government contractor) to evaluate applications and software products for conformance to secure coding requirements.

(e) STUDY ON ADDITIONAL MEANS OF IMPROVING SOFTWARE SECURITY.—

(1) IN GENERAL.—The Under Secretary shall, in coordination with the Chief Information Officer, provide for a study of potential mechanisms for obtaining higher quality and secure development of computer software for the Department.

(2) MECHANISMS TO BE STUDIED.—The mechanisms studied under paragraph (1) may include the following:

(A) Liability for defects or vulnerabilities in software code.

(B) So-called “clawback” provisions on earned fees that enable the Department to recoup funds for security vulnerabilities discovered after software is delivered.

(C) Exemption from liability for rigorous conformance with secure development processes.

(D) Warranties against software defects and vulnerabilities.

(f) SOFTWARE REPOSITORIES AND COLLABORATIVE DEVELOPMENT ENVIRONMENTS.—The Under Secretary shall, in consultation with the Chief Information Officer—

(1) establish or require the use of one or more existing computer software repositories and collaborative computer software development environments (such as Forge.mil managed by the Defense Information Systems Agency) for covered systems for purposes of—

(A) storing software code owned by the government, or to which it has use rights, together with all associated documentation and quality and security test results;

(B) minimizing duplicative investment in software code development infrastructure while promoting common, high-quality development practices and facilitating sharing of best practices; and

(C) promoting software re-use and competition for software capability insertion, upgrades, and maintenance;

(2) establish rules and procedures for depositors in the repositories and environments provided for under paragraph (1) to keep the software code base current, if the depositors are not already using such a repository or environment for software development and life-cycle management; and

(3) ensure that the repositories and environments provided for under paragraph (1) provide automated tools for software reverse engineering, functionality analysis, and static and dynamic vulnerability analysis of source code and binary code in order to enable users to search for software relevant to their requirements, understand what the code does and how it functions, and assess its quality and security.

(g) COVERED SYSTEMS DEFINED.—In this section, the term “covered systems” means any Department of Defense critical information systems and weapons systems, including—

(1) major systems, as that term is defined in section 2302(5) of title 10, United States Code;

(2) national security systems, as that term is defined in section 3542(b)(2) of title 44, United States Code; and

(3) Department of Defense information systems categorized as Mission Assurance Category I in Department of Defense Directive 8500.01E that are funded by the Department of Defense.

#### SEC. 926. COMPETITION IN CONNECTION WITH DEPARTMENT OF DEFENSE DATA LINK SYSTEMS.

(a) COMPETITION IN CONNECTION WITH DATA LINK SYSTEMS.—

(1) IN GENERAL.—Not later than December 1, 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) develop an inventory of all data link systems in use and in development in the Department of Defense;

(B) conduct a business case analysis of each data link system contained in the inventory under subparagraph (A) to determine whether—

(i) the maintenance, upgrade, new deployment, or replacement of such system should be open to competition; or

(ii) the data link should be converted to an open architecture, or a different data link standard should be adopted to enable such competition;

(C) for each data link system for which competition is determined advisable under clause (i) or (ii) of subparagraph (B), develop a plan (with specific objectives, actions, and schedules) to achieve such competition, including a plan to address any policy, legal, programmatic, or technical barriers to such competition; and

(D) for each data link system for which competition is determined not advisable under subparagraph (B), prepare a justification for the determination that it is not practical to conduct such competition or to convert the data link standard to open architecture or adopt a different data link standard for which competition is feasible.

(2) ELEMENT OF BUSINESS CASE ANALYSES.—In conducting a business case analysis for purposes of paragraph (1)(B), the Under Secretary shall solicit the views of industry on the merits and feasibility of introducing competition for the maintenance, upgrade, new deployment, or replacement for the data link system in question.

(b) EARLIER ACTIONS.—If the Under Secretary completes any portion of the plan described in subsection (a)(1)(C) before December 1, 2013, the Secretary may commence action on such portion of the plan upon completion of such portion, including publication of such portion of the plan.

(c) REPORTS.—

(1) SUBMITTAL OF PLAN TO CONGRESS.—The Under Secretary shall submit to Congress the plan described in subsection (a)(1)(C) at the same time the budget of the President for fiscal year 2015 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code. The Under Secretary shall include with the plan—

(A) a list of the data link systems covered by subsection (a)(1)(C);

(B) a list of the data link systems covered by subsection (a)(1)(D); and

(C) for each data link system covered by subsection (a)(1)(D), the justification prepared under that subsection with respect to the data link system.

(2) COMPTROLLER OF THE UNITED STATES ASSESSMENT.—Not later than 90 days after the

submission to Congress under paragraph (1) of the plan described in subsection (a)(1)(C), the Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the plan, including an assessment of the adequacy and objectives of the plan.

#### SEC. 927. INTEGRATION OF CRITICAL SIGNALS INTELLIGENCE CAPABILITIES.

(a) PLAN FOR INTEGRATION REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2013, the Director of the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force shall develop a plan to rapidly achieve an operationally integrated signals intelligence collection and dissemination capability to meet requirements for detecting, tracking, and precisely geolocating high-band communications devices in order to trigger the immediate observation and tracking of high-value targets by imagery sensor by combining or integrating capabilities that exist or are in development in ongoing programs, including the following:

(A) The Guardrail program and the ARGUS A160 program of the Army.

(B) The Blue Moon quick reaction capability program of the Air Force.

(C) The Wide Area Network Detection program of the Defense Advanced Research Projects Agency (DARPA).

(2) CONSULTATION.—The Director shall consult with the National Security Agency, the combatant commands (including the United States Special Operations Command), and the formal wireless working groups of the intelligence community in developing the plan.

(3) SUPPORT.—The Secretary of the Army, the Secretary of the Air Force, and the Director of the Defense Advanced Research Projects Agency shall each provide the Director such information and support as the Director shall require for the development of the plan.

(b) DEVELOPMENT AND DEPLOYMENT.—In addition to the responsibility under subsection (a), the Director of the Intelligence, Surveillance, and Reconnaissance Task Force shall also coordinate funding, provide acquisition oversight, coordinate system deployment, and synchronize operational integration in support of combat operations for purposes of the development and deployment of the capability described in that subsection.

#### SEC. 928. COLLECTION AND ANALYSIS OF NETWORK FLOW DATA.

(a) DEVELOPMENT OF TECHNOLOGIES.—The Chief Information Officer of the Department of Defense may, in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Intelligence and acting through the Director of the Defense Information Systems Agency (DISA), use the available funding and research activities and capabilities of the Community Data Center of the Defense Information Systems Agency to develop and demonstrate collection, processing, and storage technologies for network flow data that—

(1) are potentially scalable to the volume used by Tier 1 Internet Service Providers (ISPs) to collect and analyze the flow data across their networks;

(2) will substantially reduce the cost and complexity of capturing and analyzing high volumes of flow data; and

(3) support the capability—

(A) to detect and identify cybersecurity threats, networks of compromised computers, and command and control sites used for managing illicit cyber operations and receiving information from compromised computers;



(B) track illicit cyber operations for attribution of the source; and

(C) provide early warning and attack assessment of offensive cyber operations.

(b) **COORDINATION.**—Any research and development required in the development of the technologies described in subsection (a) shall be conducted in cooperation with the heads of other appropriate departments and agencies of the Federal Government and, whenever feasible, Tier 1 Internet Service Providers.

**SEC. 929. DEPARTMENT OF DEFENSE USE OF NATIONAL SECURITY AGENCY CLOUD COMPUTING DATABASE AND INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.**

(a) **LIMITATION ON USE OF NSA DATABASE.**—

(1) **LIMITATION.**—No component of the Department of Defense may utilize the cloud computing database developed by the National Security Agency (NSA) called Accumulo after September 30, 2013, unless the Chief Information Officer of the Department of Defense certifies one of the following:

(A) That there are no viable commercial open source databases with extensive industry support (such as the Apache Foundation HBase and Cassandra databases) that have security features comparable to the Accumulo database that are considered essential by the Chief Information Officer for purposes of the certification under this paragraph.

(B) That the Accumulo database has become a successful Apache Foundation open source database with adequate industry support and diversification, based on criteria to be established by the Chief Information Officer for purposes of the certification under this paragraph and submitted to the appropriate committees of Congress not later than January 1, 2013.

(2) **CONSTRUCTION.**—The limitation in paragraph (1) shall not apply to the National Security Agency.

(b) **ADAPTATION OF ACCUMULO SECURITY FEATURES TO HBASE DATABASE.**—The Director of the National Security Agency shall take appropriate actions to ensure that companies and organizations developing and supporting open source and commercial open source versions of the Apache Foundation HBase and Cassandra databases, or similar systems, receive technical assistance from government and contractor developers of software code for the Accumulo database to enable adaptation and integration of the security features of the Accumulo database.

(c) **COORDINATION REGARDING DoD USE OF INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics, the Chief Information Officer of the Department of Defense, and the Chief Information Officer of each of the military departments shall coordinate with the Director of National Intelligence and the Under Secretary of Defense for Intelligence regarding the use of cloud computing infrastructure and software services offered by the intelligence community by components of the Department of Defense for purposes other than intelligence analysis.

(2) **PURPOSE.**—The purpose of the coordination required by paragraph (1) is to ensure that Department use of cloud computing infrastructure and software services described in that paragraph is cost-effective and consistent with the Information Technology Efficiencies initiative, data center and server consolidation plans, and cybersecurity requirements and policies of the Department.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 930. ELECTRO-OPTICAL IMAGERY.**

(a) **SUSTAINMENT OF COLLECTION CAPACITY.**—The Secretary of Defense and the Director of National Intelligence shall jointly take appropriate actions to sustain through fiscal year 2013 the commercial electro-optical imaging collection capacity that was planned under the Enhanced View program approved in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to be available to the Department of Defense through the Service Level Agreements with commercial data providers.

(b) **IDENTIFICATION OF DEPARTMENT OF DEFENSE ELECTRO-OPTICAL IMAGERY REQUIREMENTS.**—

(1) **REPORT.**—Not later than April 1, 2013, the Vice Chairman of the Joint Chiefs of Staff shall submit to the Director of the Congressional Budget Office a report setting forth a comprehensive description of Department of Defense peacetime and wartime requirements for electro-optical imagery under current circumstances and under anticipated revisions of strategy and budgetary constraints.

(2) **SCOPE OF REQUIREMENTS.**—The requirements under paragraph (1) shall—

(A) be expressed in such terms as daily regional and global area coverage and number of point targets, resolution, revisit rates, mean-time to access, latency, redundancy, survivability, and diversity; and

(B) take into consideration all types of imagery and collection means available.

(c) **ASSESSMENT OF IDENTIFIED REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than September 15, 2013, the Director of the Congressional Budget Office shall submit to the appropriate committees of Congress a report setting forth an assessment by the Director of the report required by subsection (b).

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The extent to which the requirements of the Department for electro-optical imagery from space can be satisfied by commercial companies using either—

(i) current designs; or

(ii) enhanced designs that could be developed at low risk.

(B) Whether a reduction by half in the amounts requested for the Enhanced View program for fiscal year 2013 from amounts requested for that program for fiscal year 2012 is consistent with Presidential Space Policy of June 2010, Presidential Policy Directive 4, applicable provisions of the Federal Acquisition Regulation (10.001(a)(3)(ii) and 12.101(a)–(b)), and section 2377 of title 10, United States Code, regarding preferences for procuring commercial capabilities and modifying as necessary and feasible commercial capabilities to meet government requirements, and for modifying government requirements to a reasonable extent to enable commercial or non-developmental products to meet government needs.

(3) **CONSULTATION AND OTHER RESOURCES.**—In preparing the assessment required by paragraph (1), the Director shall—

(A) consult widely with appropriate individuals and entities, including Members and

committees of Congress, the Office of Management and Budget and other agencies and officials of the Government, private industry, and academia; and

(B) make maximum use of existing studies and modeling and simulations conducted by or on behalf of Members and committees of Congress, the Joint Staff, the Director of National Intelligence, the National Reconnaissance Office, the National Geospatial-Intelligence Agency, private industry, and academia.

(4) **ACCESS TO INFORMATION.**—The Director of National Intelligence and the Secretary of Defense shall each provide the staff of the Director of the Congressional Budget Office with such access to information and programs applicable to the assessment required by paragraph (1) as the Director of the Congressional Budget Office shall require for the preparation of the assessment.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) **FUNDING.**—In addition to any other amounts authorized to be appropriated by this Act and available for Service Level Agreements described in subsection (a), of the amounts authorized to be appropriated for fiscal year 2013 by section 301 for operation and maintenance and available as specified in the funding table in section 4301, \$125,000,000 is available for such Service Level Agreements.

**SEC. 931. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE.**

(a) **AUDITS.**—Not later than 180 days after the date of the enactment of this Act, and every two years thereafter, the Chief Information Officer of the Department of the Defense shall, in consultation with chief information officers of the military departments and the Defense Agencies—

(1) conduct an inventory of all existing software licenses in favor of the Department of Defense, including licenses in use and licenses not in use, on an application-by-application basis;

(2) compare the number of software licenses in use, and the manner of their use by Department employees, with the number of software licenses available to the Department and the product use rights contained in such licenses;

(3) assess the needs of the Department and the components of the Department for software licenses during the two fiscal years next following the date of the completion of the inventory; and

(4) determine means by which the Department can achieve the greatest possible economies of scale and cost-savings in the procurement, use, and optimization of software licenses.

(b) **PERFORMANCE PLAN.**—

(1) **IN GENERAL.**—If the Chief Information Officer determines through an inventory conducted under subsection (a) that the number of existing software licenses, on an application-by-application basis, of the Department and the components of the Department exceeds the needs of the Department for such software licenses, the Secretary of Defense shall, not later than 90 days after the date of the completion of such inventory, implement a plan to bring the number of

software licenses, on an application-by-application basis, into balance with the needs of the Department.

(2) **EXCEPTIONS.**—The Chief Information Officer may exempt from coverage under a plan under paragraph (1) such applications or categories of applications as the Chief Information Officer considers appropriate. Immediately upon finalizing the applications or categories of applications to be exempt from coverage under a plan, the Chief Information Officer shall submit to the congressional defense committees a report (in classified form, if required) setting forth the applications or categories of applications to be exempt from coverage under the plan.

**SEC. 932. DEFENSE CLANDESTINE SERVICE.**

(a) **PROHIBITION ON USE OF FUNDS FOR ADDITIONAL PERSONNEL.**—Amounts authorized to be appropriated by this Act for the Military Intelligence Program (MIP) may not be obligated or expended to provide for a number of personnel conducting or supporting human intelligence within the Department of Defense in excess of the number of such personnel as of April 20, 2012.

(b) **CAPE REPORT ON COSTS.**—Not later than 120 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense shall submit to the appropriate committees of Congress an independent estimate of the costs of the Defense Clandestine Service, whether funded through the Military Intelligence Program or the National Intelligence Program, including an estimate of the costs over the period of the current future-years defense program and an estimate of the out year costs.

(c) **USDI REPORT ON DCS.**—

(1) **REPORT REQUIRED.**—Not later than February 1, 2013, the Under Secretary of Defense for Intelligence shall submit to the appropriate committees of Congress a report on the Defense Clandestine Service.

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A detailed description of the location and schedule for current and anticipated deployments of case officers trained under the Field Tradecraft Course, whether overseas or domestically, and a certification whether or not such deployments can be accommodated and supported.

(B) A statement of the objectives for the effective management of case officers trained under the Field Tradecraft Course for each of the Armed Forces, the Defense Intelligence Agency, and the United States Special Operations Command, including objectives on numbers of tours requiring training in the Field Tradecraft Course and objectives for management of career tracks and case officer covers.

(C) A statement of the manner in which each Armed Force, the Defense Intelligence Agency, and the United States Special Operations Command will each achieve the objectives applicable thereto under subparagraph (B).

(D) A copy of any memoranda of understanding or memoranda of agreement between the Department of Defense and other departments and agencies of the United States Government, or between components or elements of the Department of Defense, that are required to implement objectives for the Defense Clandestine Service.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “future-years defense program” means the future-years defense program under section 221 of title 10, United States Code.

**SEC. 933. AUTHORITY FOR SHORT-TERM EXTENSION OF LEASE FOR AIRCRAFT SUPPORTING THE BLUE DEVIL INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROGRAM.**

(a) **IN GENERAL.**—Notwithstanding section 2401 of title 10, United States Code, the Secretary of the Air Force may extend or renew the lease of aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program after the date of the expiration of the current lease of such aircraft for a term that is the shorter of—

(1) the period beginning on the date of the expiration of the current lease and ending on the date on which the Commander of the United States Central Command notifies the Secretary that a substitute is available for the capabilities provided by the lease, or that the capabilities provided by such aircraft are no longer required; or

(2) six months.

(b) **FUNDING.**—Amounts authorized to be appropriated for fiscal year 2013 by title XV and available for Overseas Contingency Operations for operation and maintenance as specified in the funding tables in section 4302 may be available for the extension or renewal of the lease authorized by subsection (a).

**SEC. 934. SENSE OF SENATE ON POTENTIAL SECURITY RISKS TO DEPARTMENT OF DEFENSE NETWORKS.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Cybersecurity threats are pervasive and serious, including through the supply chain of information technology equipment and software.

(2) Semiconductor manufacturing is already dominated by foreign producers, presenting supply chain risk management challenges.

(3) In a number of instances, foreign manufacturers of telecommunications equipment, including advanced wireless technology, are gaining global market share due to high quality and low prices. Competitive market forces ensure that commercial providers of consumer, business, and government systems and services will choose equipment and associated software from these manufacturers. In some cases, like Huawei Industries, this competitive position stems in part from inappropriate government subsidies and other forms of assistance.

(4) Some of these companies also present clear cybersecurity supply chain risks that the Government must address.

(5) The Committee on Foreign Investment in the United States has blocked the attempt by Huawei to acquire United States technology firms on two occasions and the National Security Agency and the Secretary of Commerce have advised two major United States telecommunications carriers against selecting Huawei as a supplier.

(6) The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) provided authority and mechanisms for the Secretary of Defense to control these supply chain risks, but only for National Security Systems, leaving many information technology systems and missions exposed to supply chain risks.

(7) Blocking sales from providers of information technology systems and services due

to concerns about cybersecurity risks, while maintaining our commitment to free trade and fair and transparent competition, poses difficult policy challenges.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that the Department of Defense—

(1) must ensure it maintains full visibility and adequate control of its supply chain, including subcontractors, in order to mitigate supply chain exploitation; and

(2) needs the authority and capability to mitigate supply chain risks to its information technology systems that fall outside the scope of National Security Systems.

**SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that’s the process that we’re going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department’s plans and activities.”.

(b) **SENSE OF CONGRESS.**—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation’s networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

**SEC. 936. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any

Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term "cleared defense contractor" means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**Subtitle D—Other Matters**

**SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

(a) **AUTHORITY TO ESTABLISH.**—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

**"SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

**"(a) ESTABLISHMENT.**—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

**"(2)** The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

**"(b) NATIONAL SECURITY EDUCATION BOARD.**—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

**"(c) MEMBERSHIP.**—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

**"(d) TRAINING.**—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

**"(e) SERVICE.**—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

**"(f) FUNDING.**—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended."

**(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.**—

(1) **COMPOSITION.**—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) The Secretary of Homeland Security.

"(6) The Secretary of Energy.

"(7) The Director of National Intelligence."

(2) **FUNCTIONS.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

"(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

"(B) establishing plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

"(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal government that use those skills;

"(D) coordinating activities with Executive agencies and State and Local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills; and

"(E) proposing to the Secretary regulations to carry out section 813."

**SEC. 942. REPORT ON EDUCATION AND TRAINING AND PROMOTION RATES FOR PILOTS OF REMOTELY PILOTED AIRCRAFT.**

(a) **REPORT REQUIRED.**—Not later than January 31, 2013, the Secretary of the Air Force and the Chief of Staff of the Air Force shall jointly submit to the congressional defense committees a report on education and training and promotion rates for Air Force pilots of remotely piloted aircraft (RPA).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the reasons for persistently lower average education and training and promotion rates for Air Force pilots of remotely piloted aircraft.

(2) An assessment of the long-term impact on the Air Force of the sustainment of such lower rates

(3) A plan to raise such rates, including—

(A) a description of the near-term and longer-term actions the Air Force intends to undertake to implement the plan; and

(B) an analysis of the potential direct and indirect impacts of the plan on the achievement and sustainment of the combat air patrol objectives of the Air Force for remotely piloted aircraft.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

**SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the

same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$5,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION.**

(a) **TRANSFER AUTHORIZED.**—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2013 in section 3101 is less than \$7,900,000,000 (the amount projected to be required for such activities in fiscal year 2013 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)), the Secretary of Defense may transfer, from amounts authorized to be appropriated for the Department of Defense for fiscal year 2013 pursuant to this Act, to the Secretary of Energy an amount, not to exceed \$150,000,000, to be available only for weapons activities of the National Nuclear Security Administration.

(b) **NOTICE TO CONGRESS.**—In the event of a transfer under subsection (a), the Secretary of Defense shall promptly notify Congress of the transfer, and shall include in such notice the Department of Defense account or accounts from which funds are transferred.

(c) **TRANSFER MECHANISM.**—Any funds transferred under this section shall be transferred in accordance with established procedures for reprogramming under section 1001 or successor provisions of law.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority provided under subsection (a) is in addition to any other transfer authority provided under this Act.

**SEC. 1003. AUDIT READINESS OF DEPARTMENT OF DEFENSE STATEMENTS OF BUDGETARY RESOURCES.**

(a) **OBJECTIVE.**—Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended by inserting “, and the statement of budgetary resources of the Department of Defense is validated as ready for audit by not later than September 30, 2014” after “September 30, 2017”.

(b) **AFFORDABLE AND SUSTAINABLE APPROACH.**—

(1) **IN GENERAL.**—The Chief Management Officer of the Department of Defense and the

Chief Management Officers of each of the military departments shall ensure that plans to achieve an auditable statement of budgetary resources of the Department of Defense by September 30, 2014, include appropriate steps to minimize one-time fixes and manual work-arounds, are sustainable and affordable, and will not delay full auditability of financial statements.

(2) **ADDITIONAL ELEMENTS IN FIAR PLAN REPORT.**—Each semi-annual report on the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted by the Under Secretary of Defense (Comptroller) under section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, shall include the following:

(A) A description of the actions taken by the military departments pursuant to paragraph (1).

(B) A determination by the Chief Management Officer of each military department whether or not such military department is able to achieve an auditable statement of budgetary resources by September 30, 2014, without an unaffordable or unsustainable level of one-time fixes and manual work-arounds and without delaying the full auditability of the financial statements of such military department.

(C) If the Chief Management Officer of a military department determines under subparagraph (B) that the military department is not able to achieve an auditable statement of budgetary resources by September 30, 2014, as described in that subparagraph—

(i) an explanation why the military department is unable to meet the deadline;

(ii) an alternative deadline by which the military department will achieve an auditable statement of budgetary resources;

(iii) a description of the plan of the military department for meeting the alternative deadline.

**SEC. 1004. REPORT ON EFFECTS OF BUDGET SEQUESTRATION ON THE DEPARTMENT OF DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to the Department of Defense of \$492,000,000,000 between 2013 and 2021 under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 USC 901a).

(2) These reductions are in addition to reductions of \$487,000,000,000 already being implemented by the Department of Defense, and would decrease the readiness and capabilities of the Armed Forces while increasing risks to the effective implementation of the National Security Strategy of the United States.

(3) The leaders of the Department of Defense have consistently testified that threats to the national security of the United States have increased, not decreased. Secretary of Defense Leon Panetta said that these reductions would “inflict severe damage to our national defense for generations”, comments that have been echoed by the Secretaries of the Army, Navy, and Air Force.

(4) While reductions in funds available for the Department of Defense will automatically commence January 2, 2013, uncertainty regarding the reductions has already exacerbated Department of Defense efforts to plan future defense budget.

(5) Sequestration will have a detrimental effect on the industrial base that supports the Department of Defense.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the impact on the Department of Defense of the sequestration of funds authorized and appropriated for fiscal year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C–1 through C–5).

(B) An assessment of the potential impact of sequestration on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code arising from sequestration.

(C) A list of the programs, projects, and activities across the Department of Defense, the military departments, and the elements and components of the Department of Defense that would be reduced or terminated as a result of sequestration.

(D) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(3) **ASSUMPTIONS.**—The report required by paragraph (1) shall assume the following:

(A) Except as provided in subparagraph (B), the funds subject to sequester are the funds in all 050 accounts, including all unobligated balances.

(B) The funds exempt from the sequester are the following:

(i) Funds in accounts for military personnel.

(ii) Funds in accounts for overseas contingency operations.

(4) **PRESENTATION OF CERTAIN INFORMATION.**—In listing programs, projects, and activities under paragraph (2)(C), the report required by paragraph (1) shall set forth for each the following:

(A) The most specific level of budget item identified in applicable appropriations Acts.

(B) Related classified annexes and explanatory statements.

(C) Department of Defense budget justification documents DOD P–1 and R–1 as subsequently modified by congressional action, and as submitted by the Department of Defense together with the budget materials for the budget of the President for fiscal year 2013 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code).

(D) Department of Defense document O–1 for operation and maintenance accounts for fiscal year 2013, for which purpose the term “program, project, or activity” means the budget activity account and sub account for the program, project, or activity as submitted in such document O–1.

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

**SEC. 1006. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.**

(a) **TRANSFER AUTHORIZED.**—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of \$46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) **COVERED FUNDS.**—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN-133, \$12.5 million; Army C-RAM, BLIN-90, \$15.8 million; Army non-system training devices, BLIN-182, \$9.8 million; Defense wide 12/14 USSOCOM C-ISO modifications, \$4.0 million; Defense wide 12/14 Combat mission requirements, \$4.2 million.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**Subtitle B—Counter-Drug Activities**

**SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking “2012” and inserting “2013”.

**SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION ON PROVISION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN FOREIGN GOVERNMENTS.**

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1557), is further amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking “the written certification described in subsection (g)

for that fiscal year.” and inserting “a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications with respect to any such government may apply to a period of not to exceed two fiscal years.”; and

(B) in paragraph (4)(B), by striking “The Committee on National Security and the Committee on International Relations of the House of Representatives” and inserting “The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives”; and

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking “The written” and inserting “A written”; and

(B) by striking “for a fiscal year” and all that follows through the colon and inserting “with respect to a government to receive support under this section for any period of time is a certification of each of the following with respect to that government.”.

**SEC. 1013. AUTHORITY TO SUPPORT THE UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated by section 1404 for the Department of Defense for drug interdiction and counter-drug activities, Defense-wide for fiscal year 2013, not more than \$50,000,000 may be used by the Secretary of Defense to provide in support of a unified campaign by the Government of Colombia against narcotics trafficking and against terrorist organizations (as designated by the Secretary of State) in Colombia the following:

(A) Logistics support, services, and supplies.

(B) The types of support authorized under section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

(C) The types of support authorized under section 1033(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).

(2) **SCOPE OF AUTHORITY.**—The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) **LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.**—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen, including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States.

(d) **RELATION TO OTHER AUTHORITIES.**—The authority provided by subsection (a) is in addition to any other authority in law to provide assistance to the Government of Colombia.

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than November 1 following any fiscal year in which the Secretary of Defense provides support under subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A description of the support provided, including—

(i) a description of the support;

(ii) the cost of the support;

(iii) a list of the Colombia units to which support was provided; and

(iv) a list of the Colombia operations supported.

(B) Guidance for future Department of Defense support for a unified campaign by the Government of Colombia against narcotics trafficking and terrorism.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1014. QUARTERLY REPORTS ON USE OF FUNDS IN THE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE ACCOUNT.**

(a) **QUARTERLY REPORTS ON EXPENDITURES OF FUNDS.**—Not later than 60 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the expenditure of funds, by project code, from the Drug Interdiction and Counter-Drug Activities, Defense-wide account during such fiscal year quarter, including expenditures of funds in direct or indirect support of the counter-drug activities of foreign governments.

(b) **INFORMATION ON SUPPORT OF COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.**—The information in a report under subsection (a) on direct or indirect support of the counter-drug activities of foreign governments shall include, for each foreign government so supported, the following:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

(c) **CESSATION OF REQUIREMENT.**—No report shall be required under subsection (a) for any fiscal year quarter beginning on or after October 1, 2017.

(d) **REPEAL OF OBSOLETE AUTHORITY.**—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is repealed.

**Subtitle C—Naval Vessels and Shipyards**

**SEC. 1021. RETIREMENT OF NAVAL VESSELS.**

(a) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report that sets forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines.

(b) **ADDITIONAL REPORT ELEMENT IF LESS THAN 313 VESSELS REQUIRED.**—If the number of combatant vessels for the Navy (including submarines) specified as being required in the report under subsection (a) is less than 313 combatant vessels, the report shall include a justification for the number of vessels specified as being so required and the rationale by which the number of vessels is considered consistent with applicable strategic guidance issued by the President and the Secretary of Defense in 2012.

**SEC. 1022. TERMINATION OF A MARITIME PREPOSITIONING SHIP SQUADRON.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Chief of Naval Operations and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report setting forth an assessment of the Marine Corps Prepositioning Program—Norway and the capability of that program to address any readiness gaps that will be created by the termination of Maritime Prepositioning Ship Squadron One in the Mediterranean.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the time required to transfer stockpiles onto Navy vessels for use in contingency operations.

(B) A comparison of the response time of the Marine Corps Prepositioning Program—Norway with the current response time of Maritime Prepositioning Ship Squadron One.

(C) A description of the equipment stored in the stockpiles of the Marine Corps Prepositioning Program—Norway, and an assessment of the differences, if any, between that equipment and the equipment of a Maritime Prepositioning Ship squadron.

(D) A description and assessment of the current age and state of maintenance of the equipment of the Marine Corps Maritime Prepositioning Program—Norway.

(E) A plan to address the equipment shortages and modernization needs of the Marine Corps Maritime Prepositioning Program—Norway.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated by this Act may not be obligated or expended to terminate a Maritime Prepositioning Ship squadron until the date of the submittal to the congressional defense committees of the report required by subsection (a).

**SEC. 1023. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.**

(a) FINDINGS.—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an oceans.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required

to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce;

(3) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and

(4) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

**SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

**Subtitle D—Counterterrorism****SEC. 1031. EXTENSION OF CERTAIN PROHIBITIONS AND REQUIREMENTS RELATING TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN US FOR TRANSFER OF DETAINEES.—Section 1026(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1566) is amended by inserting “or 2013” after “fiscal year 2012”.

(b) REQUIREMENTS FOR CERTIFICATIONS ON TRANSFERS OF DETAINEES TO FOREIGN COUNTRIES OR ENTITIES.—Section 1028(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note) is amended by inserting “or 2013” after “fiscal year 2012”.

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SEC. 1033. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.**

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

**Subtitle E—Miscellaneous Authorities and Limitations****SEC. 1041. ENHANCEMENT OF RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF REGARDING THE NATIONAL MILITARY STRATEGY.**

(a) IN GENERAL.—Subsection (b) of section 153 of title 10, United States Code, is amended to read as follows:

“(b) NATIONAL MILITARY STRATEGY.—

“(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this subsection. The Chairman shall complete preparation of the National Military Strategy or update in time for transmittal to Congress pursuant to paragraph (3), including in



time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands.

“(C) Each National Military Strategy (or update) submitted under this paragraph shall refer to and support each of the following:

“(i) The most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

“(ii) The most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title.

“(iii) The most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title.

“(iv) Any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) Each National Military Strategy (or update) submitted under this paragraph shall do the following:

“(i) Describe the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.

“(ii) Describe the threats, such as international, regional, transnational, hybrid, terrorism, cyber-attack, weapons of mass destruction, asymmetric challenges, and any other categories of threats identified by the Chairman, to the United States national security.

“(iii) Identify the United States national military objectives and the relationship of those objectives to the strategic environment and to the threats described under clause (ii).

“(iv) Identify the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (iii).

“(v) Identify the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, impact the strategy.

“(vi) Identify the implications of current force planning and sizing constructs for the strategy.

“(vii) Identify and assess the capacity, capabilities, and availability of United States forces (including both the regular and reserve components) to support the execution of missions required by the strategy.

“(viii) Identify areas in which the armed forces intends to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy.

“(ix) Identify and assess potential areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization (NATO)), international allies, or other friendly nations in the execution of missions required by the strategy.

“(x) Identify and assess the requirements for contractor support to the armed forces for conducting training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy.

“(xi) Identify the assumptions made with respect to each of clauses (i) through (x).

“(E) Each update to a National Military Strategy under this paragraph shall address

only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of a comprehensive review conducted in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, that a modification is needed.

“(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the ‘Risk Assessment of the Chairman of the Joint Chiefs of Staff’. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) The Risk Assessment shall do the following:

“(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions in the National Military Strategy.

“(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

“(iii) Identify and define levels of risk distinguishing between the concepts of probability and consequences, including an identification of what constitutes ‘significant’ risk in the judgment of the Chairman.

“(iv) Identify and assess risk in the National Military Strategy by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time, and, for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

“(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy about the contributions or support of—

“(I) other departments and agencies of the United States Government (including their capabilities and availability);

“(II) alliances, allies, and other friendly nations, (including their capabilities, availability, and interoperability); and

“(III) contractors.

“(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.

“(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

“(B) Not later than February 15 each year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House

of Representatives the Risk Assessment prepared under paragraph (2) in such year.

“(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—(A) In transmitting a National Military Strategy (or update) or Risk Assessment to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

“(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

“(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

“(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.”

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

#### SEC. 1042. MODIFICATION OF AUTHORITY ON TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) AUTHORITY TO PAY FOR MINOR MILITARY CONSTRUCTION IN CONNECTION WITH TRAINING.—Subsection (a) of section 2011 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Expenses of minor military construction directly related to that training with such expenses payable from amounts available to the commander for unspecified minor military construction, except that—

“(A) the amount of any project for which such expenses are so payable may not exceed \$250,000; and

“(B) the total amount of such expenses so paid in any fiscal year may not exceed \$2,000,000.”

(b) PURPOSES OF TRAINING.—Subsection (b) of such section is amended to read as follows:

“(b) PURPOSES OF TRAINING.—The purposes of the training for which payment may be made under subsection (a) shall be as follows:

“(1) To train the special operations forces of the combatant command.

“(2) In the case of a commander of a combatant command having a geographic area of responsibility, to train the military forces and other security forces of a friendly foreign country in a manner consistent with the Theater Campaign Plan of the commander for that geographic area.”

(c) PRIOR APPROVAL.—Subsection (c) of such section is amended by inserting before the period at the end of the second sentence the following: “, or, in the case of training activities carried out after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the approval of the Secretary of Defense, in coordination with the Secretary of State”.

(d) REPORTS.—Subsection (e) of such section is amended—

(1) in paragraph (3)—

(A) by inserting “or other security” after “foreign” the first place it appears; and



(B) by striking “foreign military personnel” and inserting “such foreign personnel”;

(2) in paragraph (4)—

(A) by striking “and military training activities” and inserting “military training activities”; and

(B) by inserting before the period at the end the following: “, and training programs sponsored by the Department of State”;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following new paragraph (6):

“(6) A description of any minor military construction projects for which expenses were paid, including a justification of the benefits of each such project to training under this section.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the day of the enactment of this Act. The amendments made by subsection (d) shall apply with respect to any reports submitted under subsection (e) of section 2011 of title 10, United States Code (as so amended), after that date.

**SEC. 1043. EXTENSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.**

(a) **EXTENSION.**—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2020”.

(b) **APPLICATION TO ALL SEGMENTS OF CRAFT.**—Such section is further amended—

(1) in subsection (a)(3), by striking “passenger”; and

(2) in subsection (j), by striking “, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel”.

**SEC. 1044. PARTICIPATION OF VETERANS IN THE TRANSITION ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—Each veteran, during the one-year period beginning on the date on which the veteran is discharged or separated from service in the Armed Forces, shall be authorized to participate in the Transition Assistance Program (TAP) of the Department of Defense.

(b) **SCOPE OF AUTHORIZED PARTICIPATION.**—As part of their participation in the Transition Assistance Program pursuant to this section, veterans shall be authorized to receive the following:

(1) Transition assistance counseling under the program at any military installation at which transition assistance counseling is being provided to members of the Armed Forces under the program.

(2) Ongoing access to the electronic materials and information provided as part of the Transition Assistance Program, including access after the end of the one-year period of participation under subsection (a).

(c) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding regarding the participation of veterans in the Transition Assistance Program pursuant to this section. The memorandum of understanding shall provide for the access of veterans to military installations for purposes of participation in the Transition Assistance Program and such other matters as such Secretaries jointly consider appropriate for purposes of this section.

(d) **DEFINITIONS.**—In this section:

(1) The term “Transition Assistance Program” means the program carried out by the

Department of Defense under sections 1142 and 1144 of title 10, United States Code.

(2) The term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

**SEC. 1045. MODIFICATION OF THE MINISTRY OF DEFENSE ADVISOR PROGRAM.**

(a) **IN GENERAL.**—Subsection (a) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1599; 10 U.S.C. 168 note) is amended by inserting—

(1) in the matter preceding paragraph (1), by inserting “, regional organizations with defense or security components, and international organizations of which the United States is a member” after “foreign countries”; and

(2) by inserting “or organization” after “ministry” both places it appears.

(b) **REPORTS.**—Subsection (c) of such section is amended—

(1) by inserting “or organizations” after “defense ministries” both places it appears; and

(2) by striking paragraph (7).

(c) **CONFORMING AMENDMENT.**—The heading of such section is amended to read as follows:

**“SEC. 1081. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND CERTAIN REGIONAL AND INTERNATIONAL ORGANIZATIONS.”**

**SEC. 1046. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.**

(a) **FINDINGS ON JOINT DEPARTMENT OF DEFENSE FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.**—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

“(9) Collaboration of scientific and technical personnel and sharing of technical information, test results, and resources where available from the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense, the National Aeronautics and Space Administration and other public agencies to the National Airspace System.”

(b) **INTERAGENCY COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 126 Stat. 72).

(2) **ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.**—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

(3) **NONDUPLICATIVE EFFORTS.**—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research

radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

(4) **REPORTS.**—

(A) **REQUIREMENT.**—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration and

(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace.

(B) **TERMINATION.**—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(c) **UAS EXECUTIVE COMMITTEE DEFINED.**—In this section, the term “UAS Executive Committee” means the National Aeronautics and Space Administration and the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 1047. SENSE OF SENATE ON NOTICE TO CONGRESS ON UNFUNDED PRIORITIES.**

It is the sense of the Senate that—

(1) not later than 45 days after the submission to Congress of the budget for a fiscal year under section 1105(a) of title 31, United States Code, each officer specified in paragraph (2) should, through the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, submit to the congressional defense committees a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability;

(2) the officers specified in this paragraph are—

(A) the Chief of Staff of the Army;

(B) the Chief of Naval Operations;

(C) the Chief of Staff of the Air Force;

(D) the Commandant of the Marine Corps; and

(E) the Commander of the United States Special Operations Command; and

(3) each list, if any, under paragraph (1) should set forth for each military program or activity on such list—

(A) a description of such program or activity;

(B) a summary description of the justification for or objectives of additional funds, if available for such program or activity; and

(C) the additional amount of funds recommended in connection with the justification or objectives described for such program or activity under subparagraph (B).

**SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.**

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”;

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”;

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”;

(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

**SEC. 1049. MILITARY WORKING DOG MATTERS.**

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 993. Military working dogs: veterinary care for retired military working dogs**

“(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

“(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

“(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“993. Military working dogs: veterinary care for retired military working dogs.”.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

**SEC. 1050. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

**SEC. 1051. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.**

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

**SEC. 1052. TRANSITION ASSISTANCE ADVISOR PROGRAM.**

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

**“§ 1144a. Transition Assistance Advisors**

“(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

“(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

“(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(2) At any time not covered by paragraph (1)—

“(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 5,000 or more members of the Army National Guard

of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

“(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

“(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

“(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

“(B) A description of the transition services that the member and the member’s family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

“(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

“(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

“(e) FUNDING.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from amounts authorized to be appropriated for operations and maintenance for the National Guard for that fiscal year.

“(f) STATE DEFINED.—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United States.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

“1144a. Transition Assistance Advisors.”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

**Subtitle F—Reports****SEC. 1061. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the following:

(1) An assessment of the feasibility and advisability of obtaining a Federal Aviation Administration certification for commercial use of each of the following:

(A) A commercial variant of the C-17 aircraft.

(B) A retired C-17A aircraft.

(C) A retired C-5A aircraft.

(2) An assessment of the current limitations of the aircraft of the Civil Reserve Air Fleet.

(3) An assessment of the potential for using the aircraft referred to in paragraph (1) in the Civil Reserve Air Fleet.

(4) An assessment of the advantages of adding the aircraft referred to in paragraph (1) to the Civil Reserve Air Fleet.

(5) An update on the status of any cooperation between the Federal Aviation Administration and the Department of Defense on the certification of the aircraft referred to in paragraph (1).

(6) A description of all actions required, including any impediments to such actions, to offering retired C-5A aircraft or retired C-17A aircraft as excess defense articles to United States allies or for sale to Civil Reserve Air Fleet carriers.

(7) A description of the actions required for interested allies or Civil Reserve Air Fleet carriers to take delivery of excess C-5A aircraft or excess C-17A aircraft, including the actions, modifications, or demilitarization necessary for such recipients to take delivery of such aircraft, and provisions for permitting such recipients to undertake responsibility for such actions, to the maximum extent practicable.

**SEC. 1062. REPEAL OF BIENNIAL REPORT ON THE GLOBAL POSITIONING SYSTEM.**

Section 2281 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

**SEC. 1063. REPEAL OF ANNUAL REPORT ON THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.**

Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1664; 50 U.S.C. 2367) is repealed.

**SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous by-products to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

**SEC. 1065. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

**SEC. 1066. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) **CONTENT.**—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle,

including the loss of a specialized workforce and supplier base.

**SEC. 1067. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.**

(a) **REVIEW REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) **ELEMENTS.**—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) **CJCS REVIEW.**—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

**SEC. 1068. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

**SEC. 1069. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.**

(a) STUDY REQUIRED.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

**SEC. 1069A. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.**

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as “G readiness” and “G tolerance”).

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight

training in a sustained gravity environment in light of the report.

**SEC. 1069B. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1069C. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

**Subtitle G—Nuclear Matters**

**SEC. 1071. STRATEGIC DELIVERY SYSTEMS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Nuclear Posture Review of 2010 said, with respect to modernizing the triad, “for planned reductions under New START, the United States should retain a smaller Triad of SLBMs, ICBMs, and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The Senate stated in Declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty that “In accordance with paragraph 1 of Article V

of the New START Treaty, which states that, 'Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,' it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems."

(3) The Senate required the President, prior to the entry into force of the New START Treaty, to certify to the Senate that the President intended to modernize or replace the triad of strategic nuclear delivery systems.

(4) The President made this certification in a message to the Senate on February 2, 2011, in which the President stated, "I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base".

(b) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 491. Strategic delivery systems**

"(a) ANNUAL CERTIFICATION.—Beginning in fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully funded at levels equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549), including plans regarding—

"(1) a heavy bomber and air-launched cruise missile;

"(2) an intercontinental ballistic missile;

"(3) a submarine-launched ballistic missile;

"(4) a ballistic missile submarine; and

"(5) maintaining the nuclear command and control system (as first reported in section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576)).

"(b) ADDITIONAL REPORT MATTERS FOLLOWING CERTAIN CERTIFICATIONS.—If the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully funded, the President shall include in the next annual report submitted to Congress under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 the following:

"(1) A determination whether or not the lack of full funding will result in a loss of military capability when compared with the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010.

"(2) If the determination under paragraph (1) is that the lack of full funding will result in a loss of military capability—

"(A) a plan to preserve or retain the military capability that would otherwise be lost; or

"(B) a report setting forth—

"(i) an assessment of the impact of the lack of full funding on the strategic delivery systems specified in subsection (a); and

"(ii) a description of the funding required to restore or maintain the capability.

"(3) A certification by the President whether or not the President is committed

to accomplishing the modernization and replacement of strategic delivery systems and will meet the obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty.

"(c) TREATMENT OF CERTAIN REDUCTIONS.—Any certification under subsection (a) shall not take into account the following:

"(1) Reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems.

"(2) Strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

"(d) DEFINITIONS.—In this section:

"(1) The term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

"(2) The term 'strategic delivery system' means a delivery system for nuclear weapons."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

"491. Strategic delivery systems."

**SEC. 1072. REQUIREMENTS DEFINITION FOR COMBINED WARHEAD FOR CERTAIN MISSILE SYSTEMS.**

Not later than 60 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit Congress a report setting forth a definition of the requirements for a combined warhead for the W-78 Minuteman III missile system and the W-88 Trident D-5 missile system. The definition shall serve as the basis for a 6.1 conception definition and 6.2 feasibility study for the combined systems.

**SEC. 1073. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF NUCLEAR WEAPONS AND DELIVERY SYSTEMS.**

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States.

(2) An estimate of the costs over the 10-year period beginning on the date of the report of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of the report.

**SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.**

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

**Subtitle H—Other Matters**

**SEC. 1081. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

(a) REDESIGNATION.—

(1) IN GENERAL.—The Center for Hemispheric Defense Studies is hereby redesignated as the "William J. Perry Center for Hemispheric Defense Studies".

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the center referred to in paragraph (1) shall be considered to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

(b) CONFORMING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) In section 184—

(A) in subsection (b)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) The William J. Perry Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C."; and

(B) in subsection (f)(5), by striking "Center for Hemispheric Defense Studies" and inserting "William J. Perry Center for Hemispheric Defense Studies".

(2) In section 2611(a)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) The William J. Perry Center for Hemispheric Defense Studies".

**SEC. 1082. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.**

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 2859(d) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 10503(13)(B) is amended—

(A) by striking clause (iii); and

(B) redesignating clause (iv) as clause (iii).

**SEC. 1083. SENSE OF CONGRESS ON NON-UNITED STATES CITIZENS WHO ARE GRADUATES OF UNITED STATES EDUCATIONAL INSTITUTIONS WITH ADVANCED DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.**

(a) FINDINGS.—Congress makes the following findings:

(1) It is a national security concern that more than half of all graduates with advanced scientific and technical degrees from United States institutions of higher education are non-United States citizens who have very limited opportunities upon graduation to contribute to the science and technology activities of the Department of Defense and the United States defense industrial base.

(2) The capabilities of the Armed Forces are highly reliant upon advanced technologies that provide our forces with a technological edge on the battlefield.

(3) In order to maintain and advance our military technological superiority, the United States requires the best and brightest scientists, mathematicians, and engineers to discover, develop, and field the next generation of weapon systems and defense technologies.

(4) The Department of Defense and the defense industrial base compete with other sectors for a limited number of United States citizens who have appropriate advanced degrees and skills.

(5) While an overarching national priority is to increase the numbers of United States citizens who have appropriate advanced degrees in science, technology, engineering, and mathematics (STEM), it would be beneficial if the Department of Defense and the defense industrial base were able to access the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, many of whom are otherwise returning to their home countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Department of Defense should make every reasonable and practical effort to increase the number of United States citizens who pursue advanced degrees in science, technology, engineering, and mathematics; and

(2) to strongly urge the Department of Defense to investigate innovative mechanisms (subject to all appropriate security requirements) to access to the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, especially in those scientific and technical areas that are most vital to the national defense (such as those identified by the Assistant Secretary of Defense for Research and Engineering and the Armed Forces).

**SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM” and to

“maintain the United States rocket motor industrial base”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

**SEC. 1085. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department’s data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the “Texas State Strike Force Team” and the “Fully Developed Claims Team Initiative”, is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans’ Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA’s transformation to better serve Veterans.”.

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008-2009 Development Assistant Pilot Project and the 2009-2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary’s overall claims processing transformation plan.

**SEC. 1086. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.**

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

**SEC. 1087. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

Section 2023(d) of title 38, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2013”.



**SEC. 1088. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military Remembrance.

**SEC. 1089. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.**

(a) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) **SECRETARY OF STATE REPORT.**—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

**SEC. 1090. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) **CORPORATION.**—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **SMALL BUSINESS ACT.**—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking "section 34(d)" and inserting "section 33(d)";

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking "section 35" each place it appears and inserting "section 34";

(ii) in subsection (a)—

(I) in paragraph (2), by striking "section 35(c)(2)(B)" and inserting "section 34(c)(2)(B)";

(II) in paragraph (4), by striking "section 35(c)(2)" and inserting "section 34(c)(2)"; and

(III) in paragraph (5), by striking "section 35(c)" and inserting "section 34(c)"; and

(iii) in subsection (h)(2), by striking "section 35(d)" and inserting "section 34(d)";

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking "section 34" each place it appears and inserting "section 33"; and

(ii) in subsection (c)(1), by striking section "34(c)(1)(E)(ii)" and inserting section "33(c)(1)(E)(ii)";

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking "section 43" and inserting "section 42";

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking "section 43" and inserting "section 42"; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking "section 43" and inserting "section 42".

(2) **TITLE 10.**—Section 1142(b)(13) of title 10, United States Code, is amended by striking "and the National Veterans Business Development Corporation".

(3) **TITLE 38.**—Section 3452(h) of title 38, United States Code, is amended by striking "any of the" and all that follows and inserting "any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).".

(4) **FOOD, CONSERVATION, AND ENERGY ACT OF 2008.**—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking "section 43 of the Small Business Act, as added by this Act" and inserting "section 42 of the Small Business Act (15 U.S.C. 657o)".

(5) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking "In cooperation with the National Veterans Business Development Corporation, develop" and inserting "Develop".

**SEC. 1091. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

(a) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **DESCRIPTION OF FEDERAL LAND.**—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as "Parcel 1" on the map entitled "White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal" and dated April 3, 2012 (referred to in this section as the "map");

(B) the approximately 37,600 acres of land depicted as "Parcel 2", "Parcel 3", and "Parcel 4" on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) **LIMITATION.**—Notwithstanding paragraph (1), the land depicted as "Parcel 4" on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) **RESERVATION.**—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—Effective on the date of enactment of

this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as "Parcel 2" on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) **LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) **FORCE OF LAW.**—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) **REIMBURSEMENT OF COSTS.**—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

**SEC. 1092. TRANSPORT FOR FEMALE GENITAL MUTILATION.**

Section 116 of title 18, United States Code, is amended by adding at the end the following:

"(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both."

**SEC. 1093. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) **CODIFICATION OF PROHIBITION.**—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

"(2) In this subsection:

"(A) The term 'entity controlled by a foreign government' has the meaning given that term in section 2536(c)(1) of this title.

"(B) The term 'veterans memorial object' means any object, including a physical structure or portion thereof, that—

"(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

"(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

"(iii) was brought to the United States from abroad as a memorial of combat abroad.

"(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

"(A) the transfer of that veterans memorial object is specifically authorized by law; or



“(B) the transfer is made after September 30, 2017.”.

(b) **REPEAL OF OBSOLETE SOURCE LAW.**—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**SEC. 1094. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.**

(a) **TRANSFER.**—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) **AIRCRAFT.**—

(1) **IN GENERAL.**—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense;

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture; and

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) **LIMITATION ON NUMBER.**—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) **LIMITATIONS ON DETERMINATION AS EXCESS.**—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII of this Act, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) **PRIORITY IN TRANSFER.**—The Secretary of Agriculture and the Secretary of Homeland Security shall be afforded equal priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) **CONDITIONS OF TRANSFER.**—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) **EXPIRATION OF AUTHORITY.**—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1095. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) **PERIODS FOR EXERCISE OF AUTHORITY.**—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

**SEC. 1096. PROTECTION OF VETERANS' MEMORIALS.**

(a) **TRANSPORTATION OF STOLEN MEMORIALS.**—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”.

(b) **SALE OR RECEIPT OF STOLEN MEMORIALS.**—Section 2315 of such title is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”.

**SEC. 1097. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) **IN GENERAL.**—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

**“§ 111A. Transportation of individuals to and from Department facilities**

“(a) **TRANSPORTATION BY SECRETARY.**—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.”.

(b) **CONFORMING AMENDMENT.**—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.” before “The Secretary”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

**SEC. 1098. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.**

(a) **IN GENERAL.**—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) **COORDINATION AND COOPERATION.**—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) **VETERANS SERVICE ORGANIZATION DEFINED.**—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 1099. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

**SEC. 1099A. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) **IN GENERAL.**—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

**SEC. 1099B. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver's license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SECTION 1099C. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.**

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”; and

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

**SEC. 1099D. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

**SEC. 1099E. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.**

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

**SEC. 1101. AUTHORITY FOR TRANSPORTATION OF FAMILY HOUSEHOLD PETS OF CIVILIAN PERSONNEL DURING EVACUATION OF NON-ESSENTIAL PERSONNEL.**

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting “and family household pets,” after “personal effects”; and

(2) by adding at the end the following new subsection:

“(c)(1) Authority under subsection (a) to transport family household pets of an employee includes authority for shipment and the payment of quarantine costs, if any.

“(2) An employee for whom transportation of family household pets is authorized under subsection (a) may be paid reimbursement or a monetary allowance if other commercial transportation means have been used.

“(3) The provision of transportation of family household pets for an employee of the Department of Defense under subsection (a) and the payment of reimbursement under paragraph (2) shall be subject to the same terms and conditions as apply under subsection 406(b)(1)(H)(iii) of title 37 with respect to family household pets of members of the uniformed services, including limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.”

**SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL AT THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.**

(a) EXPANSION.—Section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking “40” and inserting “60”.

(b) CONSTRUCTION.—The amendment made by subsection (a) shall not be construed as affecting any applicable authorization or delimitation of the numbers of personnel that

may be employed at the Defense Advanced Research Projects Agency.

**SEC. 1103. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and amended by section 1112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1616), is further amended by striking “2013” and inserting “2014”.

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”;

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.

“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

### Subtitle A—Assistance and Training

#### SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND MODIFICATION OF NOTICE IN CONNECTION WITH INITIATION OF ACTIVITIES.

(a) EXTENSION.—Subsection (g) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as most recent amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1622), is further amended—

(1) by striking “September 30, 2013” and inserting “September 30, 2014”; and

(2) by striking “fiscal years 2006 through 2013” and inserting “fiscal years 2006 through 2014”.

(b) MODIFICATION OF NOTICE.—

(1) IN GENERAL.—Subsection (e)(2) of such section 1206, as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2418), is further amended by adding at the end the following new subparagraph:

“(D) Detailed information (including the amount and purpose) on the assistance provided the country during the three preceding fiscal years under each of the following programs or accounts:

“(i) A program under this section.

“(ii) The Foreign Military Financing program under the Foreign Assistance Act of 1961.

“(iii) Peacekeeping Operations.

“(iv) The International Narcotics Control and Law Enforcement (INCLE) program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

“(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any country in which activities are initiated under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 on or after that date.

#### SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking “September 30, 2012” and inserting “September 30, 2017”.

#### SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES IN YEMEN AND EAST AFRICA.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance as follows:

(1) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(2) To enhance the capacity of the national military forces, security agencies serving a similar defense function, other counterterrorism forces, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(3) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide

any type of assistance described in this subsection that is otherwise prohibited by any other provision of law.

(4) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—The total amount that may be obligated and expended on minor military construction under subsection (a) in any fiscal year may not exceed amounts as follows:

(A) In the case of minor military construction under paragraph (1) of subsection (a), \$10,000,000.

(B) In the case of minor military construction under paragraphs (2) and (3) of subsection (a), \$10,000,000.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance—

(A) not more than \$75,000,000 may be used to provide assistance under paragraph (1) of subsection (a); and

(B) not more than \$75,000,000 may be used to provide assistance under paragraphs (2) and (3) of subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(e) EXPIRATION.—Except as provided in subsection (c)(2), the authority provided under subsection (a) may not be exercised after the earlier of—

(1) the date on which the Global Security Contingency Fund achieves full operational capability; or

(2) September 30, 2014.

#### SEC. 1204. LIMITATION ON AVAILABILITY OF FUNDS FOR STATE PARTNERSHIP PROGRAM.

(a) LIMITATION.—Of the amounts authorized to be appropriated by this Act and available for the State Partnership Program, not more than 50 percent may be obligated or expended for that Program until the latter of the following:

(1) The date on which the Secretary of Defense submits to the appropriate congressional committees the final regulations required by subsection (a) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2517; 32 U.S.C. 107 note).

(2) The date on which the Secretary of Defense certifies to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341

of title 31, United States Code (commonly referred to as the “Anti-Deficiency Act”), in the future.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” has the meaning given that term in subsection (d) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010.

**Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

**SEC. 1211. COMMANDERS’ EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.**

(a) ONE-YEAR EXTENSION.—

(1) IN GENERAL.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended by striking “fiscal year 2012” each place it appears and inserting “fiscal year 2013”.

(2) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking “FISCAL YEAR 2012” and inserting “FISCAL YEAR 2013”.

(b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL YEAR 2013.—Subsection (a) of such section is further amended by striking “\$400,000,000” and inserting “\$200,000,000”.

**SEC. 1212. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY CO-OPERATION IN IRAQ.**

(a) LIMITATION ON AMOUNT OF FUNDS FOR FISCAL YEAR 2013.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note) is amended by striking “in fiscal year 2012” and all that follows and inserting “may not exceed amounts as follows:

“(1) In fiscal year 2012, \$524,000,000.

“(2) In fiscal year 2013, \$508,000,000.”.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by inserting “or 2013” after “fiscal year 2012”.

**SEC. 1213. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011–12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) EXTENSION OF AUTHORITY.—Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392), as amended by section 1216 of the National Defense Authorization

Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) in subsection (a)—

(A) by striking “\$50,000,000” and inserting “\$35,000,000”; and

(B) by striking “in each of fiscal years 2011 and 2012” and inserting “for fiscal year 2013”; and

(2) in subsection (e)—

(A) by striking “utilize funds” and inserting “obligate funds”; and

(B) by striking “December 31, 2012” and inserting “December 31, 2013”.

**SEC. 1214. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393), as amended by section 1217(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—Subject to paragraph (2), to carry out the program authorized under subsection (a), the Secretary of Defense may use amounts as follows:

“(A) Up to \$400,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2012.

“(B) Up to \$350,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2013.”;

(2) in paragraph (2)—

(A) by striking “85 percent” and inserting “50 percent”; and

(B) by inserting “for a fiscal year after fiscal year 2011” after “in paragraph (1)”; and

(C) by striking “fiscal year 2012.” and inserting “such fiscal year, including for each project to be initiated during such fiscal year the following:

“(A) An estimate of the financial and other requirements necessary to sustain such project on an annual basis after the completion of such project.

“(B) An assessment whether the Government of Afghanistan is committed to and has the capacity to maintain and use such project after its completion.

“(C) A description of any arrangements for the sustainment of such project following its completion if the Government of Afghanistan lacks the capacity (in either financial or human resources) to maintain such project.”; and

(3) in paragraph (3), by adding at the end the following new subparagraph:

“(C) In the case of funds for fiscal year 2013, until September 30, 2014.”.

**SEC. 1215. EXTENSION OF PAKISTAN COUNTER-INSURGENCY FUND.**

(a) EXTENSION.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking “September 30, 2012” each place it appears and inserting “September 30, 2013”.

(b) EXTENSION OF LIMITATION ON FUNDS PENDING REPORT.—Section 1220(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1633) is amended by striking “fiscal year 2013” and inserting “fiscal year 2013”.

**SEC. 1216. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended—

(1) by striking “for fiscal year 2012” and

(2) by inserting “, during the period ending on September 30, 2013,” after “Secretary of Defense may”.

(b) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d) of such section, as so amended, is further amended—

(1) by striking “during fiscal year 2012 may not exceed \$1,690,000,000” and inserting “may not exceed \$1,750,000,000 during fiscal year 2013, except that reimbursements made during fiscal year 2013 for support provided by Pakistan before May 1, 2011, using funds available for that purpose before fiscal year 2013 shall not count against this limitation”; and

(2) by adding at the end the following new paragraph:

“(3) PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSHIPMENT.—Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, funds (including funds from a prior fiscal year that remain available for obligation) may not be used for reimbursements under the authority in subsection (a) for Pakistan for claims of support provided during any period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.”.

(c) SUPPORTED OPERATIONS.—Such section is further amended in subsections (a)(1) and (b) by striking “Operation Iraqi Freedom or”.

(d) LIMITATION ON REIMBURSEMENT OF PAKISTAN IN FISCAL YEAR 2013 PENDING CERTIFICATION ON PAKISTAN.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, no amounts authorized to be appropriated by this Act, and no amounts authorized to be appropriated for fiscal years before fiscal year 2013 that remain available for obligation, may be used for reimbursements of Pakistan under the authority in subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended, until the Secretary of Defense certifies to the congressional defense committees each of the following:

(A) That Pakistan has opened and is maintaining security along the ground lines of supply through Pakistan to Afghanistan for the transshipment of equipment and supplies in support of United States military operations in Afghanistan.

(B) That Pakistan is not providing support to militant extremists groups (including the Haqqani Network and the Afghan Taliban Quetta Shura) located in Pakistan and conducting cross-border attacks against United States, coalition, or Afghanistan security forces, and is taking actions to prevent such groups from basing and operating in Pakistan.

(C) That Pakistan is demonstrating a continuing commitment, and is making significant efforts toward the implementation of a

strategy, to counter improvised explosive devices, including efforts to attack improvised explosive device networks, monitor known precursors used in improvised explosive devices, and develop and implement a strict protocol for the manufacture of explosive materials (including calcium ammonium nitrate) and accessories and for their supply to legitimate end users.

(D) That Pakistan is demonstrably cooperating with United States counterterrorism efforts, including by not detaining, prosecuting, or imprisoning citizens of Pakistan as a result of their cooperation with such efforts, including Dr. Shakil Afridi.

(2) **WAIVER AUTHORITY.**—The Secretary may waive the limitation in paragraph (1) if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

**SEC. 1217. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.**

(a) **EXTENSION.**—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 111-181; 122 Stat. 394), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1629), is further amended by striking “fiscal year 2012” each place it appears and inserting “fiscal year 2013”.

(b) **REPEAL OF AUTHORITY FOR USE OF FUNDS IN CONNECTION WITH IRAQ.**—

(1) **IN GENERAL.**—Subsection (a) of such section 1234, as so amended, is further amended by striking “Iraq and”.

(2) **CONFORMING AMENDMENT.**—The heading of such section 1234 is amended by striking “IRAQ AND”.

**SEC. 1218. STRATEGY FOR SUPPORTING THE ACHIEVEMENT OF A SECURE PRESIDENTIAL ELECTION IN AFGHANISTAN IN 2014.**

(a) **STRATEGY REQUIRED.**—The Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy to support the Government of Afghanistan in its efforts to achieve a secure presidential election in Afghanistan in 2014.

(b) **ELEMENTS.**—The strategy shall include support to the Government of Afghanistan for the following:

(1) The identification and training of an adequate number of personnel within the current existing end strength of the Afghanistan National Security Forces (ANSF) for security of polling stations, election materials, and protection of election workers and officials.

(2) The recruitment and training of an adequate number of female personnel in the Afghanistan National Security Forces to afford equitable access to polls for women, secure polling stations, and secure locations for counting and storing election materials.

(3) The securing of freedom of movement and communications for candidates before and during the election.

(c) **FUNDING RESOURCES.**—In developing the strategy, the Secretary shall identify, from among funds currently available to the Department of Defense for activities in Afghanistan, the funds required to execute the strategy.

**SEC. 1219. INDEPENDENT ASSESSMENT OF THE AFGHAN NATIONAL SECURITY FORCES.**

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—The Secretary of Defense shall provide for the conduct of an independent assessment of

the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces (ANSF) capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(b) **CONDUCT OF ASSESSMENT.**—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) **ELEMENTS.**—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of the likely internal and regional security environment for Afghanistan over the next decade, including challenges and threats to the security and sovereignty of Afghanistan from state and non-state actors.

(2) An assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(3) An assessment of any capability gaps in the Afghan National Security Forces that are likely to persist after 2014 and that will require continued support from the United States and its allies.

(4) An assessment whether current proposals for the resourcing of the Afghan National Security Forces after 2014 are adequate to establish and maintain long-term security for the Afghanistan people, and implications of the under-resourcing of the Afghan National Security Forces for United States national security interests.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary and the congressional defense committees a report containing its findings as a result of the assessment. The report shall be submitted in unclassified form, but may include a classified annex.

(e) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to \$1,000,000 shall be made available for the assessment required by subsection (a).

(f) **AFGHAN NATIONAL SECURITY FORCES.**—For purposes of this section, the Afghan National Security Forces shall include all forces under the authority of the Afghan Ministry of Defense and Afghan Ministry of Interior, including the Afghan National Army, the Afghan National Police, the Afghan Border Police, the Afghan National Civil Order Police, and the Afghan Local Police.

**SEC. 1220. REPORT ON AFGHANISTAN PEACE AND REINTEGRATION PROGRAM.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the Afghanistan Peace and Reintegration Program (APRP).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the goals and objectives of the Afghanistan Peace and Reintegration Program.

(2) A description of the structure of the Program at the national and sub-national levels in Afghanistan, including the number and types of vocational training and other education programs.

(3) A description of the activities of the Program as of the date of the report.

(4) A description and assessment of the procedures for vetting individuals seeking to participate in the Program, including an assessment of the extent to which biometric identification systems are used and the role of provincial peace councils in such procedures.

(5) The amount of funding provided by the United States, and by the international community, to support the Program, and the amount of funds so provided that have been distributed as of the date of the report.

(6) An assessment of the individuals who have been reintegrated into the Program, set forth in terms as follows:

(A) By geographic distribution by province.

(B) By number of each of low-level insurgent fighters, mid-level commanders, and senior commanders.

(C) By number confirmed to have been part of the insurgency.

(D) By number who are currently members of the Afghan Local Police.

(E) By number who are participating in or have completed vocational training or other educational programs as part of the Program.

(7) A description and assessment of the procedures for monitoring the individuals participating in the Program.

(8) A description and assessment of the role of women and minority populations in the implementation of the Program.

(9) An assessment of the effectiveness of the activities of the Program described under paragraph (3) in achieving the goals and objectives of the Program.

(10) Such recommendations as the Secretary of Defense considers appropriate for improving the implementation, oversight, and effectiveness of the Program.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President’s stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

**SEC. 1222. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional loya jirga in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.”

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world”.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan’s international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship

with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

**SEC. 1223. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107–40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the “Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan”, which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) **NOTIFICATION REQUIREMENT.**—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement,



50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1224. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.**

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

**(b) LIMITATIONS.—**

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Depart-

ment of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

**(e) NOTICE ON EXERCISE OF AUTHORITY.—**

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

**(f) QUARTERLY REPORTS.—**

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at

the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410) or any follow-on report to such other report.

**(g) DEFINITIONS.—In this section:**

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

**(i) EXCESS DEFENSE ARTICLES.—**

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.



**Subtitle C—Reports****SEC. 1231. REVIEW AND REPORTS ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF AND PARTNER WITH FOREIGN SECURITY FORCES.****(a) REVIEW.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall conduct a review of the efforts of the Department of Defense to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(2) **ELEMENTS.**—The review required by this subsection shall include the following:

(A) An examination of the ways in which the efforts of the Department to build the capacity of, or partner with, foreign security forces directly support implementation of current national defense and security strategies.

(B) An assessment of the range of effects that efforts of the Department to build the capacity of, or partner with, foreign security forces are designed to achieve in support of current national defense and security strategies.

(C) An assessment of the criteria used for prioritizing such efforts in support of national defense and security strategies.

(D) An identification of the authorities the Department currently uses to implement such efforts, together with an assessment of the adequacy of such authorities.

(E) An assessment of the capabilities required by the Department to implement such efforts.

(F) An assessment of the most effective distribution of the roles and responsibilities for such efforts within the Department, together with an assessment whether the Department military and civilian workforce is appropriately sized and shaped to meet the requirements of such efforts.

(G) An evaluation of current measures of the Department for assessing activities of the Department designed to build the capacity of, or partner with, foreign security forces, including an assessment whether such measures address the extent to which such activities directly support the priorities of national defense and security strategies.

(H) An identification of recommendations for clarifying or improving the guidance and assessment measures of the Department relating to its efforts to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(3) **REPORT.**—Not later than 90 days after the completion of the review required by this subsection, the Secretary of Defense shall submit to the congressional defense committees a report containing the result of the review.

(b) **STRATEGIC GUIDANCE ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD PARTNER CAPACITY AND OTHER PARTNERSHIP INITIATIVES.**—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the following:

(1) An assessment, taking into account the recommendations of the Defense Policy Board in the review required by subsection (a), of the efforts of the Department of Defense to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies.

(2) Strategic guidance for the Department for its efforts to build the capacity of, and

partner with, foreign military forces in support of national defense and security strategies, which guidance shall address—

(A) the ways such efforts directly support the goals and objectives of national defense and security strategies;

(B) the criteria to be used for prioritizing activities to implement such efforts in support of national defense and security strategies;

(C) the measures to be used to assess the effects achieved by such efforts and the extent to which such effects support the objectives of national defense and security strategies;

(D) the appropriate roles and responsibilities of the Armed Forces, the Defense Agencies, and other components of the Department in conducting such efforts; and

(E) the relationship of Department workforce planning with the requirements for such efforts.

**SEC. 1232. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended—

(1) in subsection (b)—

(A) by amending paragraph (9) to read as follows:

“(9) Developments in China’s asymmetric capabilities, including efforts to develop and deploy cyberwarfare and electronic warfare capabilities, and associated activities originating or suspected of originating from China. This discussion of these developments shall include—

“(A) the nature of China’s cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof, and the potential harms;

“(B) a description of China’s strategy for use and potential targets of offensive cyberwarfare and electronic warfare capabilities;

“(C) details on the number of malicious cyber incidents emanating from Internet Protocol addresses in China, including a comparison of the number of incidents during the reporting period to previous years; and

“(D) details regarding the specific People’s Liberation Army; state security; research and academic; state-owned, associated, or other commercial enterprises; and other relevant actors involved in supporting or conducting cyberwarfare and electronic warfare activities and capabilities.”;

(B) by redesignating paragraphs (10), (11), and (12) as paragraphs (15), (16), and (17) respectively;

(C) by inserting after paragraph (9) the following new paragraphs:

“(10) The strategy and capabilities of Chinese space programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

“(11) Developments in China’s nuclear capabilities, which shall include the following:

“(A) The size and state of China’s nuclear stockpile.

“(B) A description of China’s nuclear strategy and associated doctrines.

“(C) A description of the quantity, range, payload features, and location of China’s nuclear missiles and the quantity and oper-

ational status of their associated launchers or platforms.

“(D) An analysis of China’s efforts to use electromagnetic pulse.

“(E) Projections of possible future Chinese nuclear arsenals, their capabilities, and associated doctrines.

“(F) A description of China’s fissile material stockpile and civil and military production capabilities and capacities.

“(G) A discussion of any significant uncertainties or knowledge gaps surrounding China’s nuclear weapons program and the potential implications of any such knowledge gaps for the security of the United States and its allies.

“(12) A description of China’s anti-access and area denial capabilities.

“(13) A description of China’s command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China’s precision guided weapons.

“(14) A description of China’s maritime activities, including—

“(A) China’s response to Freedom of Navigation activities conducted by the Department of Defense;

“(B) an account of each time People’s Liberation Army Navy vessels have transited outside the First Island Chain, including the type of vessels that were involved; and

“(C) the role of China’s maritime law enforcement vessels in maritime incidents, including details regarding any collaboration between China’s law enforcement vessels and the People’s Liberation Army Navy.”; and

(D) by adding after paragraph (17), as redesignated by subparagraph (B), the following new paragraphs:

“(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attaché offices around the world and military education programs conducted in China for other countries or in other countries for the Chinese.

“(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People’s Republic of China, including a forecast of possible future sales and transfers, and a description of the implications of those sales and transfers for the security of the United States and its friends and allies in Asia. The information under this paragraph shall include—

“(A) the extent of the People’s Republic of China’s knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to receiving states;

“(B) the extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People’s Republic of China;

“(C) an itemization of significant sales and transfers of military hardware, expertise, or technology that have taken place during the reporting period;

“(D) significant assistance by any selling state to key research and development programs in China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

“(E) significant assistance by the People’s Republic of China to the research and development programs of purchasing or receiving states, including programs for development of weapons of mass destruction and delivery

vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

“(F) the extent to which arms sales to or from the People’s Republic of China are a source of funds for military research and development or procurement programs in China or the selling state;

“(G) a discussion of the ability of the People’s Liberation Army to assimilate such sales or transfers, mass produce new equipment, and develop doctrine for use; and

“(H) a discussion of the potential threat of developments related to such sales on the security interests of the United States and its friends and allies in Asia.”; and

(2) by amending subsection (d) to read as follows:

“(d) **COMBATANT COMMANDER ASSESSMENT.**—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an assessment of the Commander of the United States Pacific Command on the following matters:

“(1) Any gaps in intelligence that limit the ability of the Commander to address challenges posed by the People’s Republic of China.

“(2) Any gaps in the capabilities, capacity, and authorities of the Commander to address challenges posed by the People’s Republic of China to the United States Armed Forces and United States interests in the region.

“(3) Any other matters the Commander considers to be relevant.”.

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

**SEC. 1234. REPORTS ON SYRIA.**

(a) **REPORT ON OPPOSITION GROUPS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to es-

tablish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) **REPORT ON WEAPONS STOCKPILES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of Defense shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) **REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA’S POLITICAL OPPOSITION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria’s political opposition.

(d) **FORM.**—The reports required by this section may be submitted in a classified form.

**SEC. 1235. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) **NATURE OF MILITARY ACTIVITIES.**—

(1) **PRINCIPAL PURPOSE.**—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **ADDITIONAL GOALS.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) **ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.**—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) **NO AUTHORIZATION FOR USE OF MILITARY FORCE.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

**Subtitle D—Other Matters**

**SEC. 1241. IMPROVED ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES’ PROGRAM.**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries**

“(a) **AUTHORITY.**—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies’ Program (in this section referred to as the ‘Program’), the Secretary of Defense may, with the concurrence of the Secretary of State, enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.

“(b) **PARTICIPATING COUNTRIES.**—In addition to the United States, the countries participating in the Program are the following:

“(1) Australia.

“(2) Canada.

“(3) New Zealand.

“(4) The United Kingdom.

“(c) **CONTRIBUTIONS BY PARTICIPANTS.**—(1) An agreement under subsection (a) shall provide that each participating country shall contribute to the Program—

“(A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program; and

“(B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

“(2) Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

“(3) Any contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

“(4) Any contribution received by the United States from another participating country to meet that country’s share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

“(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

“(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

“(C) Payments for any monetary claim against a participating country as a result of the participation of that country in the Program.

“(D) Payments or reimbursements of other Program expenses, including overhead and administrative costs for any administrative office for the Program.

“(E) Refunds to other participating countries.

“(5) Costs for the operation of any office established to carry out the Program shall be borne jointly by the participating coun-

tries as provided for in an agreement referred to in subsection (a).

“(d) **AUTHORITY TO CONTRACT FOR PROGRAM ACTIVITIES.**—As part of the participation by the United States in the Program, the Secretary of Defense may enter into contracts or incur other obligations on behalf of the other participating countries for activities under the Program. Any payment for such a contract or other obligation under this subsection may be paid only from contributions credited to an appropriation under subsection (c)(4).

“(e) **DISPOSAL OF PROPERTY.**—As part of the participation by the United States in the Program, the Secretary of Defense may, with respect to any property that is jointly acquired by the countries participating in the Program, agree to the disposal of the property without regard to any law of the United States that is otherwise applicable to the disposal of property owned by the United States. Such disposal may include the transfer of the interest of the United States in the property to one or more of the other participating countries or the sale of the property. Reimbursement for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).

“(f) **SUNSET.**—Any agreement entered into by the United States with another country under subsection (a), and United States participation in the joint agreement described in that subsection, shall expire not later than five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 6 of such title is amended by adding at the end the following new item:

“168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries.”.

(b) **REPORT.**—Not later than 60 days before the expiration date for agreements under subsection (a) of section 168a of title 10, United States Code (as added by subsection (a) of this section), pursuant to subsection (f) of such section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities, costs, and accomplishments of the American, British, Canadian, and Australian Armies’ Program during the five-year period ending on the date of such report.

**SEC. 1242. UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS.**

(a) **PARTICIPATION AUTHORIZED.**—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

(b) **MEMORANDUM OF UNDERSTANDING.**—

(1) **REQUIREMENT.**—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

(2) **COST-SHARING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding

under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) **LIMITATION ON NUMBER OF MEMBERS PARTICIPATING AS STAFF.**—Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

(d) **AVAILABILITY OF APPROPRIATED FUNDS.**—

(1) **AVAILABILITY.**—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States’ share of the operating expenses of Headquarters Eurocorps.

(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

(2) **LIMITATION.**—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

(e) **HEADQUARTERS EUROCORPS DEFINED.**—In this section, the term “Headquarters Eurocorps” refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.

**SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.**

(a) **PARTICIPATION AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Air Transport, Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the “ATARES program”) of the Movement Coordination Centre Europe.

(2) **SCOPE OF PARTICIPATION.**—Participation in the ATARES program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) **LIMITATIONS.**—The United States’ balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours. The United States’ balance of executed flight hours for air refueling in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) **WRITTEN ARRANGEMENT OR AGREEMENT.**—

(1) **ARRANGEMENT OR AGREEMENT REQUIRED.**—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) **FUNDING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) **OTHER ELEMENTS.**—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the ATARES program.

(c) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under that arrangement or agreement.

(d) **CREDITING OF RECEIPTS.**—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) **ANNUAL SECRETARY OF DEFENSE REPORTS.**—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to Congress a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the written arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) **COMPTROLLER GENERAL OF UNITED STATES REPORT.**—Not later than one year

after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the ATARES program. The report shall set forth the assessment of the Comptroller General of the program, including the types of services available under the program, whether the program is achieving its intended purposes, and, on the basis of actual cost data from the performance of the program, the cost-effectiveness of the program.

(g) **EXPIRATION.**—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

**SEC. 1244. AUTHORITY TO ESTABLISH PROGRAM TO PROVIDE ASSISTANCE TO FOREIGN CIVILIANS FOR HARM INCIDENT TO COMBAT OPERATIONS OF THE ARMED FORCES IN FOREIGN COUNTRIES.**

(a) **AUTHORITY TO ESTABLISH PROGRAM.**—The Secretary of Defense may establish a program, under such regulations as the Secretary may prescribe, to enable military commanders at their discretion to provide assistance to foreign civilians for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) **ELEMENTS.**—

(1) **NATURE OF ASSISTANCE.**—Any assistance provided under a program under subsection (a) may be provided only ex gratia, and shall not be considered an admission or acknowledgment of any legal obligation to compensate for any damage, personal injury, or death.

(2) **TREATMENT WITH OTHER COMPENSATION.**—In the event compensation for damage, personal injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount should be considered by the commander or legal advisor determining appropriate assistance under a program under subsection (a).

(3) **AMOUNT OF ASSISTANCE.**—If the Secretary of Defense determines a program under subsection (a) to be fitting in a particular setting, the amount of assistance, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment of cultural appropriateness and prevailing economic conditions.

(c) **RECORDS.**—

(1) **IN GENERAL.**—The regulations prescribed by the Secretary of Defense for purposes of any program under subsection (a) shall include requirements as follows:

(A) That local military commanders maintain a written record of any assistance offered or denied under such program.

(B) That local military commanders submit on a timely basis a report summarizing such written records to the appropriate office in the Department of Defense as specified by the Secretary in such regulations.

**SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.**

(a) **LIMITATION.**—

(1) **IN GENERAL.**—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) **ELEMENTS.**—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned

(b) **COVERED CAPITAL PROJECTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of \$10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of \$5,000,000; or

(C) in the case of any other project, has an estimated value in excess of \$2,000,000.

(2) **EXCLUSION.**—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family

housing project under section 2821 of such title.

(c) **WAIVER.**—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) **SEMI-ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by such Secretary or the Administrator, as the case may be, during such fiscal-year half-year, including the elements of each capital project assessed specified in subsection (a)(2).

(2) **ADDITIONAL ELEMENTS.**—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

- (i) The stated goals of the project.
- (ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.
- (iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

- (i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.
- (ii) The current and anticipated levels of corruption or fraud in the country or region in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.

(3) **FORM.**—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 308 of the

Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD'S RESISTANCE ARMY.**

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetrated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for “Additional ISR Support to Operation Observant Compass”, the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

**SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SEC. 1248. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.**

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) **FUND FOR SUPPORT OF PROGRAM AUTHORIZED.**—The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) **CREDITS TO FUND.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed \$48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) **LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.**—

(A) **CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed

the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the

date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) FUNDING FOR FISCAL YEAR 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, \$48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ-18A unmanned aerial vehicle, which has been cancelled.

#### SEC. 1249. PLAN FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) “U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan’s security by the end of 2014.”

(B) “Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.”

(C) “The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.”

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint

Afghan-NATO Integral Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), “the suspension of or restriction on women’s enjoyment of their human rights” can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women’s mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy’s success. Indicators by which to measure women’s security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women’s access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women’s full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: “As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system.”

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent

female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense "lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force".

(B) The Afghan Ministry of Interior "faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels".

(C) In the Afghan National Police, "Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females."

(D) "While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress."

(E) "Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments."

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, "integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability," which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that "the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies." This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: "We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs."

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, "Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights."

(b) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a plan to promote the security of Afghan women during the security transition process.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A plan to monitor and respond to changes in women's security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women's rights and security are included in each area's transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women's security, such as—

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women's access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women's security into current procedures used to determine an area's readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women's rights and security in cases of deterioration in women's security conditions during the transition period.

(B) A plan to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A plan to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force's overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) REPORT.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) a section describing actions taken to implement the plan required under this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

#### SEC. 1250. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.



(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

#### SEC. 1251. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation

and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

#### SEC. 1252. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

#### Subtitle E—Iran Sanctions

#### SEC. 1261. SHORT TITLE.

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

#### SEC. 1262. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) COAL.—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) IRANIAN FINANCIAL INSTITUTION.—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) IRANIAN PERSON.—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) MEDICAL DEVICE.—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) MEDICINE.—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) SHIPPING.—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(12) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) VESSEL.—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

#### SEC. 1263. DECLARATION OF POLICY ON HUMAN RIGHTS.

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

**SEC. 1264. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the "IAEA") has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the "potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities".

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come

within the possession or control of a United States person.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) EXPORTATION.—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) FINANCIAL TRANSACTIONS.—

(i) IN GENERAL.—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1265. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.**

(a) **SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.**—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) **FACILITATION OF CERTAIN TRANSACTIONS.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) **MATERIALS DESCRIBED.**—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) **DETERMINATION WITH RESPECT TO USE OF MATERIALS.**—Not later than 90 days after

the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) **EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) **NATIONAL BALANCE SHEET OF IRAN DEFINED.**—For purposes of this section, the term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1266. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Non-proliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to

the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

**SEC. 1267. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) IN GENERAL.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1268. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

**SEC. 1269. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is

amended by inserting after section 105B the following:

**"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

"(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

"(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

"(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

"(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

"(B) the misappropriation of proceeds from the sale or resale of such goods.

"(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

"(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

"(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State."

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking "or 105B(a)" and inserting "105B(a), or 105C(a)"; and

(2) by striking "or 105B(b)" and inserting "105B(b), or 105C(b)".

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

"Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran."

**SEC. 1270. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.**

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking "and" and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

"(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and"

**SEC. 1271. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "4 years" and inserting "10 years"; and

(2) in subsection (b), by striking "4-year period" and inserting "10-year period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

**SEC. 1272. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) **PERIOD SPECIFIED.**—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) **FORM OF REPORT.**—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1273. IMPLEMENTATION; PENALTIES.**

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

**SEC. 1274. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

**SEC. 1275. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of sec-

tion 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note).

(b) **FISCAL YEAR 2013 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2013 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2013, 2014, and 2015.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$519,100,000 authorized to be appropriated to the Department of Defense for fiscal year 2013 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$68,300,000.

(2) For chemical weapons destruction, \$14,600,000.

(3) For global nuclear security, \$99,800,000.

(4) For cooperative biological engagement, \$276,400,000.

(5) For proliferation prevention, \$32,400,000.

(6) For threat reduction engagement, \$2,400,000.

(7) For other assessments/administrative support, \$25,200,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2013 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

**TITLE XIV—OTHER AUTHORIZATIONS**

**Subtitle A—Military Programs**

**SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

**SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

**SEC. 1403. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4501.

**SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

**SEC. 1406. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

**Subtitle B—National Defense Stockpile**

**SEC. 1411. RELEASE OF MATERIALS NEEDED FOR NATIONAL DEFENSE PURPOSES FROM THE STRATEGIC AND CRITICAL MATERIALS STOCKPILE.**

(a) **AUTHORITY FOR PRESIDENT TO DELEGATE SPECIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE FOR NATIONAL DEFENSE PURPOSES.**—Section 7(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) on the order of the Under Secretary of Defense for Acquisition, Technology, and Logistics, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release of such materials is required for use, manufacture, or production for purposes of national defense.”.

(b) **EXCLUSION FROM DELEGATION LIMITATION.**—Section 16 of such Act (50 U.S.C. 98h—

7) is amended by striking “sections 7 and 13” each place it appears and inserting “sections 7(a)(1) and 13”.

**Subtitle C—Chemical Demilitarization Matters**

**SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES AT PUEBLO CHEMICAL DEPOT, COLORADO, AND BLUE GRASS ARMY DEPOT, KENTUCKY.**

(a) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection (o):

“(o) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

“(1) Explosive Destruction Technologies.

“(2) Any technologies developed for treatment and disposal of agent or energetic hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.”.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1645A-30) is repealed.

**Subtitle D—Other Matters**

**SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of \$67,590,000 for the operation of the Armed Forces Retirement Home.

**SEC. 1432. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) IN GENERAL.—Section 1403 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections (b) and (c):

“(b) ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support teams, beyond the 55 teams required in subsection (a), if—

“(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

“(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(c) LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

“(1) the Secretary submits to Congress a request for authority to establish such team, including a detailed justification for their establishment; and

“(2) the establishment of such team is specifically authorized by a law enacted after

the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.”.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Weapons of Mass Destruction Civil Support Teams. The report shall include the following:

(1) A detailed description of risk management criteria and considerations to be used in determining the optimal number and location of Weapons of Mass Destruction Civil Support Teams.

(2) A description of the operational and training activities conducted by the Weapons of Mass Destruction Civil Support Teams during each of fiscal years 2010, 2011, and 2012.

(3) An assessment of the optimal number and location of Weapons of Mass Destruction Civil Support Teams in light of the information under paragraphs (1) and (2).

(4) A comparative analysis of the cost of establishing Weapons of Mass Destruction Civil Support Teams in the reserve components of the Armed Forces (other than the National Guard) with the cost of establishing Weapons of Mass Destruction Civil Support Teams in the National Guard.

(5) A description of the portion of the costs of Weapons of Mass Destruction Civil Support Teams that is currently borne by the States.

**SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

**TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—Authorization of Appropriations**

**SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

**SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

**SEC. 1504. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

**SEC. 1505. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

**SEC. 1506. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

**SEC. 1507. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

**SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

**SEC. 1509. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

**Subtitle B—Financial Matters**

**SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**Subtitle C—Limitations and Other Matters**

**SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

(a) CONTINUATION OF EXISTING LIMITATIONS.—Funds available to the Department



of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

(b) **AVAILABILITY FOR SUPPORT OF TRAINING OF AFGHAN PUBLIC PROTECTION FORCE.**—Assistance provided during fiscal year 2013 utilizing funds in the Afghanistan Security Forces Fund may be used to increase the capacity of the Government of Afghanistan to recruit, vet, train, and manage the Afghan Public Protection Force within the Afghanistan Ministry of Interior, including activities in connection with the following:

(1) Expanding the capacity of the Force to train and qualify recruits for static security, convoy security, and personal detail security.

(2) Improving the infrastructure of the Afghan Public Protection Force Training Center or other facilities for training Force personnel.

(3) Increasing the capacity of the Afghanistan Ministry of Interior to manage the Force.

(4) Improving procedures for recruiting and vetting Force personnel.

(5) Establishing or implementing requirements for qualifications, training, and accountability consistent with the purposes of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note), to the extent feasible.

(c) **PLAN FOR USE OF AFGHANISTAN SECURITY FORCES FUND THROUGH 2017.**—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for using funds available to the Department of Defense to provide assistance to the security forces of Afghanistan through the Afghanistan Security Forces Fund through September 30, 2017.

**SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013.

(b) **AVAILABILITY OF CERTAIN FISCAL YEAR 2013 FUNDS.**—

(1) **IN GENERAL.**—Of the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013, \$15,000,000 may be available to the Secretary of Defense to provide training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(2) **PROVISION THROUGH OTHER US AGENCIES.**—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provi-

sion of training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan as described in that paragraph by such department or agency.

(3) **NOTICE TO CONGRESS.**—Funds may not be used under the authority in paragraph (1) until 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a notice on the training, equipment, supplies, and services to be provided using such funds.

(c) **EXPIRATION.**—This section shall cease to be effective on December 31, 2013.

**SEC. 1533. PLAN FOR TRANSITION IN FUNDING OF UNITED STATES SPECIAL OPERATIONS COMMAND FROM SUPPLEMENTAL FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS TO RECURRING FUNDING UNDER THE FUTURE-YEARS DEFENSE PROGRAM.**

The Secretary of Defense shall submit to the congressional defense committees, at the same time as the budget of the President for fiscal year 2014 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a plan for the transition of funding of the United States Special Operations Command from funds authorized to be appropriated for overseas contingency operations (commonly referred to as the “overseas contingency operations budget”) to funds authorized to be appropriated for recurring operations of the Department of Defense in accordance with applicable future-years defense programs under section 221 of title 10, United States Code (commonly referred to as the “base budget”).

**SEC. 1534. EXTENSION OF AUTHORITY ON TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.**

Section 1535(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4426), as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1658), is further amended—

(1) in the second sentence of paragraph (4)—

(A) by striking “The amount of funds used” and inserting “The amount of fund obligated”;

(B) by inserting “and \$93,000,000 for fiscal year 2013” after “fiscal year 2012”; and

(C) by inserting “for fiscal year 2012” after “except that”;

(2) in paragraph (6), by striking “October 31, 2011, and October 31, 2012” and inserting “October 31 of each of 2011, 2012, and 2013”; and

(3) in paragraph (7)—

(A) by striking “provided in” and inserting “to obligate funds for projects under”; and

(B) by striking “September 30, 2012” and inserting “September 30, 2013”.

**SEC. 1535. ASSESSMENTS OF TRAINING ACTIVITIES AND INTELLIGENCE ACTIVITIES OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION.**

(a) **TRAINING ACTIVITIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of Joint Chiefs of Staff and the other chiefs of staff of the Armed Forces, submit to the congressional defense committees a report setting forth an assessment of the training-related activities of the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall—

(A) include all training programs and functions executed by the Joint Improvised Explosive Device Defeat Organization in support of the United States Armed Forces or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense; and

(C) assess the value of maintaining such duplication.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) **LIMITATION.**—No training-related program may be initiated by the Joint Improvised Explosive Device Defeat Organization between the date of the enactment of this Act and the date of the submittal of the report required by paragraph (1).

(b) **INTELLIGENCE ACTIVITIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to the congressional defense committees a report setting forth an assessment of the activities of the Counter-Improvised-Explosive-Device Operations Integration Center of the Joint Improvised Explosive Device Defeat Organization.

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall—

(A) include all intelligence analysis programs and functions executed by the Counter-Improvised-Explosive-Device Operations Integration Center in support of the United States Government or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense, including the intelligence components of the Department, or the intelligence community of the United States; and

(C) assess the value of maintaining such duplication.

(3) **FORM.**—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) **SUBMITTAL REQUIRED.**—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) **ELEMENTS.**—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to



conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

**SEC. 1537. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (a), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including pro-

posed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) **UNCLASSIFIED EXECUTIVE SUMMARY.**—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

**TITLE XVI—MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Military Compensation and Retirement Modernization Commission Act of 2012”.

**SEC. 1602. PURPOSE.**

The purpose of this title is to establish a Commission to review and make recommendations to modernize the military compensation and retirement systems in order to—

(1) ensure the long-term viability of the All-Volunteer Force;

(2) enable the quality of life for members of the Armed Forces and the other uniformed services and their families in a manner that fosters successful recruitment, retention, and careers for members of the Armed Forces and the other uniformed services; and

(3) modernize and achieve fiscal sustainability for the compensation and retirements systems for the Armed Forces and the other uniformed services for the 21st century.

**SEC. 1603. DEFINITIONS.**

In this title:

(1) The term “military compensation and retirement systems” means the military compensation system and the military retirement system.

(2) The term “military compensation system” means provisions of law providing eligibility for and the computation of military compensation, including regular military compensation, special and incentive pays and allowances, medical and dental care, educational assistance and related benefits, and commissary and exchange benefits and related benefits and activities.

(3) The term “military retirement system” means retirement benefits, including retired pay based upon service in the uniformed services and survivor annuities based upon such service.

(4) The term “Armed Forces” has the meaning given the term “armed forces” in section 101(a)(4) of title 10, United States Code.

(5) The term “uniformed services” has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(6) The term “Secretary” means the Secretary of Defense.

(7) The term “Commission” means the commission established under section 1604.

(8) The term “Commission establishment date” means the first day of the first month

beginning on or after the date of the enactment of this Act.

(9) The terms “veterans service organization” and “military-related advocacy group or association” mean an organization the primary purpose of which is to advocate for veterans, military personnel, military retirees, or military families.

**SEC. 1604. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.**

(a) **ESTABLISHMENT.**—There is established in the executive branch an independent commission to be known as the Military Compensation and Retirement Modernization Commission. The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) **APPOINTMENT.**—

(1) **IN GENERAL.**—

(A) **MEMBERS.**—The Commission shall be composed of nine members appointed by the President, in consultation with—

(i) the Chairman and Ranking Member of the Committee on Armed Services of the Senate; and

(ii) the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives.

(B) **DEADLINE FOR APPOINTMENT.**—The President shall make appointments to the Commission not later than six months after the Commission establishment date.

(C) **TERMINATION FOR LACK OF APPOINTMENT.**—If the President does not make all appointments to the Commission on or before the date specified in subparagraph (B), the Commission shall be terminated.

(2) **QUALIFICATIONS OF INDIVIDUALS APPOINTED.**—In appointing individuals to the Commission, the President shall—

(A) ensure that—

(i) there are members with significant expertise in Federal compensation and retirement systems, including the military compensation and retirement systems, private sector compensation, retirement, or human resource systems, and actuarial science;

(ii) at least five members have active-duty military experience, including—

(I) at least one of whom has active-duty experience as an enlisted member; and

(II) at least one of whom has experience as a member of a reserve component; and

(iii) at least one member was the spouse of a member of the Armed Forces, or, in the sole determination of the President, has significant experience in military family matters; and

(B) select individuals who are knowledgeable and experienced with the uniformed services and military compensation and retirement issues.

(3) **LIMITATION.**—The President may not appoint to the Commission an individual who within the preceding year has been employed by a veterans service organization or military-related advocacy group or association.

(4) **CHAIR.**—At the time the President appoints the members of the Commission, the President shall designate one of the members to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military compensation and retirement systems. The Chair, or the designee of the Chair, shall preside over meetings of the Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(c) **TERMS.**—Members shall be appointed for the life of the Commission (subject to

subsection (b)(3)). A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(d) **STATUS AS FEDERAL EMPLOYEES.**—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed Federal employees.

#### **SEC. 1605. COMMISSION HEARINGS AND MEETINGS.**

(a) **IN GENERAL.**—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

(b) **MEETINGS.**—

(1) **INITIAL MEETING.**—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) **SUBSEQUENT MEETINGS.**—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) **PUBLIC MEETINGS.**—Each meeting of the Commission shall be held in public unless any member objects.

(c) **QUORUM.**—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) **PUBLIC COMMENTS.**—

(1) **IN GENERAL.**—The Commission shall seek written comments from the general public and interested parties on measures to modernize the military compensation and retirement systems. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) **PERIOD FOR SUBMITTAL.**—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary transmits the recommendations of the Secretary to the Commission under section 1606(b).

(3) **USE BY COMMISSION.**—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

#### **SEC. 1606. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.**

(a) **PRINCIPLES.**—

(1) **CONTEXT OF COMMISSION REVIEW.**—The Commission shall conduct a review of the military compensation and retirement systems in the context of all elements of the current military compensation and retirement systems, force management objectives, and changes in life expectancy and the labor force.

(2) **DEVELOPMENT OF COMMISSION RECOMMENDATIONS.**—

(A) **CONSISTENCY WITH PRESIDENTIAL PRINCIPLES.**—The Commission shall develop recommendations for modernizing the military compensation and retirement systems that are consistent with principles established by the President under paragraph (3).

(B) **GRANDFATHERING.**—The recommendations of the Commission may not apply to any person who first becomes a member of a uniformed service before the date of the enactment of a military compensation and retirement modernization Act pursuant to this title (except that such recommendations may include provisions allowing for such a member to make a voluntary election to be covered by some or all of the provisions of such recommendations).

(3) **PRESIDENTIAL PRINCIPLES.**—Not later than five months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for modernizing the military compensation and retirement systems. The principles established by the President shall address the following:

(A) Maintaining recruitment and retention of the best military personnel.

(B) Modernizing the active and reserve military compensation and retirement systems.

(C) Differentiating between active and reserve military service.

(D) Differentiating between service in the Armed Forces and service in the other uniformed services.

(E) Assisting with force management.

(F) Ensuring the fiscal sustainability of the military compensation and retirement systems.

(b) **SECRETARY OF DEFENSE RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than nine months after the Commission establishment date, the Secretary shall transmit to the Commission the recommendations of the Secretary for military compensation and retirement modernization. The Secretary shall concurrently transmit the recommendations to Congress.

(2) **DEVELOPMENT OF RECOMMENDATIONS.**—The Secretary shall develop the recommendations of the Secretary under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (a)(3);

(B) in consultation with the Secretary of Homeland Security, with respect to recommendations concerning members of the Coast Guard;

(C) in consultation with the Secretary of Health and Human Services, with respect to recommendations concerning members of the Public Health Service;

(D) in consultation with the Secretary of Commerce, with respect to recommendations concerning members of the National Oceanic and Atmospheric Administration; and

(E) in consultation with the Director of the Office of Management and Budget.

(3) **JUSTIFICATION.**—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(4) **AVAILABILITY OF INFORMATION.**—The Secretary shall make available to the Commission and to Congress the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

(c) **COMMISSION HEARINGS ON RECOMMENDATIONS OF SECRETARY.**—After receiving from the Secretary the recommendations of the Secretary for military compensation and retirement modernization pursuant to subsection (b), the Commission shall conduct public hearings on the recommendations.

(d) **COMMISSION REPORT AND RECOMMENDATIONS.**—

(1) **REPORT.**—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission for the modernization of the military compensation and retirement systems. The Commission shall include in the report legislative language to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations of the Secretary.

(2) **REQUIREMENT FOR APPROVAL.**—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President under paragraph (1).

(3) **PROCEDURES FOR CHANGING RECOMMENDATIONS OF SECRETARY.**—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—

(A) determines that the change is consistent with the principles established by the President under subsection (a)(3);

(B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and

(C) conducts a public hearing on the proposed change.

(4) **COVERED CHANGES.**—Paragraph (3) applies to a change by the Commission in the recommendations of the Secretary that would—

(A) add a new recommendation;

(B) delete a recommendation; or

(C) substantially change a recommendation.

(5) **EXPLANATION AND JUSTIFICATION FOR CHANGES.**—The Commission shall explain and justify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (b).

(6) **TRANSMITTAL TO CONGRESS.**—The Commission shall transmit a copy of its report to Congress on the same date on which it transmits its report to the President under paragraph (1).

#### **SEC. 1607. CONSIDERATION OF COMMISSION RECOMMENDATIONS BY THE PRESIDENT AND CONGRESS.**

(a) **REVIEW BY THE PRESIDENT.**—

(1) **REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.**—Not later than 60 days after the date on which the Commission transmits its report to the President under section 1606(d), the President shall transmit to the Commission and to Congress a report containing the approval or disapproval by the President of the recommendations of the Commission in the report.

(2) **PRESIDENTIAL APPROVAL.**—If in the report under paragraph (1) the President approves all the recommendations of the Commission, the President shall include with the report the following:

(A) A copy of the recommendations of the Commission.

(B) The certification by the President of the approval of the President of each recommendation.

(C) The legislative language transmitted by the Commission to the President as part of the report of the Commission under section 1606(d)(1).

(3) **PRESIDENTIAL DISAPPROVAL.**—

(A) **REASONS FOR DISAPPROVAL.**—If in the report under paragraph (1) the President disapproves the recommendations of the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

(B) REVISED RECOMMENDATIONS FROM COMMISSION.—The Commission shall then transmit to the President, not later one month after the date of the report of the President under paragraph (1), revised recommendations for the modernization of the military compensation and retirement systems, together with revised legislative language to implement the revised recommendations of the Commission.

(4) ACTION ON REVISED RECOMMENDATIONS.—If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (3)(B), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

(A) A copy of the revised recommendations.

(B) The certification by the President of the approval of the President of each recommendation as so revised.

(C) The revised legislative language transmitted to the President under paragraph (3)(B).

(5) TERMINATION OF COMMISSION.—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) in accordance with the applicable deadline under such paragraph, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under paragraph (4).

(b) CONSIDERATION BY CONGRESS.—

(1) RULEMAKING.—The provisions of this subsection are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) MILITARY COMPENSATION AND RETIREMENT MODERNIZATION BILL.—For the purpose of this subsection, the term “military compensation and retirement modernization bill” means only a bill consisting of the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to subsection (a).

(3) INTRODUCTION OF LEGISLATIVE PROPOSAL IN HOUSE AND SENATE.—If the President transmits to Congress under subsection (a) a copy of the recommendations of the Commission (including the legislative language recommended by the Commission), together with a certification of the approval of the President of the recommendations, the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to that subsection—

(A) shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the chairman of the Committee on Armed Services of the Senate; and

(B) shall be introduced in the House of Representatives (by request) on the next legislative day by the chair of the Committee on Armed Services of the House of Representatives.

(4) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to

which the military compensation and retirement modernization bill is referred shall report it to the House without amendment not later than the end of the 60-day period beginning on the date on which the bill is introduced. If a committee fails to report the bill to the House within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall not be in order after the last committee authorized to consider the bill reports it to the House or after the House has disposed of a motion to discharge the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the Commission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a military compensation and retirement modernization bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military compensation and retirement modernization bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military compensation and retirement modernization bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The military compensation and retirement modernization bill shall be considered as read. All points of order against the bill and against its consideration are waived. The previous question shall be considered as ordered on the bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) VOTE ON PASSAGE.—The vote on passage of the military compensation and retirement modernization bill shall occur not later than the end of the 90-day period beginning on the date on which the bill is introduced.

(5) EXPEDITED PROCEDURE IN THE SENATE.—

(A) COMMITTEE CONSIDERATION.—A military compensation and retirement modernization bill introduced in the Senate under subsection (a) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than the end of the 60-day period beginning on the date on which the bill is introduced. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(B) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a military compensation and retirement modernization bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the

consideration of the military compensation and retirement modernization bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the military compensation and retirement modernization bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the military compensation and retirement modernization bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the military compensation and retirement modernization bill is agreed to, the military compensation and retirement modernization bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order, other than budget points of order, against the military compensation and retirement modernization bill and against consideration of the bill are waived. Consideration of the bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 10 hours which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the bill, including time used for quorum calls and voting, shall be counted against the total 10 hours of consideration.

(D) NO AMENDMENTS.—An amendment to the Commission bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has voted to proceed to the military compensation and retirement modernization bill, the vote on passage of the bill shall occur immediately following the conclusion of the debate on a military compensation and retirement modernization bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the bill shall occur not later the end of the 90-day period beginning on the date on which the bill is introduced.

(F) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a military compensation and retirement modernization bill shall be decided without debate.

(6) AMENDMENT.—The military compensation and retirement modernization bill shall not be subject to amendment in either the House of Representatives or the Senate.

(7) CONSIDERATION BY THE OTHER HOUSE.—If, before passing the military compensation and retirement modernization bill, one House receives from the other a military compensation and retirement modernization bill—

(A) the military compensation and retirement modernization bill of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no military compensation and retirement modernization bill had been received from the other House until the

vote on passage, when the military compensation and retirement modernization bill received from the other House shall supplant the military compensation and retirement modernization bill of the receiving House.

**SEC. 1608. PAY FOR MEMBERS OF THE COMMISSION.**

(a) **IN GENERAL.**—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(b) **CHAIR.**—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

**SEC. 1609. EXECUTIVE DIRECTOR.**

(a) **APPOINTMENT.**—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) **LIMITATIONS.**—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

**SEC. 1610. STAFF.**

(a) **IN GENERAL.**—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(b) **LIMITATIONS ON STAFF.**—

(1) **NUMBER OF DETAILEES FROM DEPARTMENT OF DEFENSE.**—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(2) **PRIOR DUTIES WITHIN DEPARTMENT OF DEFENSE.**—A person may not be detailed from the Department of Defense to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter within the Department concerning the preparation of recommendations for military compensation and retirement modernization.

(3) **NUMBER OF DETAILEES ELIGIBLE FOR MILITARY RETIRED PAY.**—Not more than one-fourth of the personnel employed by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) **PRIOR EMPLOYMENT WITH CERTAIN ORGANIZATIONS.**—A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.

(c) **LIMITATIONS ON PERFORMANCE REVIEWS.**—No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed from the Department to that staff;

(2) review the preparation of such a report; or

(3) approve or disapprove such a report.

**SEC. 1611. CONTRACTING AUTHORITY.**

The Commission may lease space and acquire personal property to the extent funds are available.

**SEC. 1612. JUDICIAL REVIEW PRECLUDED.**

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and the Commission under section 1606.

(2) Actions of the President under section 1607(a).

**SEC. 1613. TERMINATION.**

Except as otherwise provided in this title, the Commission shall terminate not later than 26 months after the Commission establishment date.

**SEC. 1614. FUNDING.**

Of the amounts authorized to be appropriated by this division for the Department of Defense for fiscal year 2013, up to \$10,000,000 shall be available to the Commission to carry out its duties under this title. Funds available to the Commission under the preceding sentence shall remain available until expended.

**TITLE XVII—NATIONAL COMMISSION ON THE STRUCTURE OF THE AIR FORCE**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “National Commission on the Structure of the Air Force Act of 2012”.

**SEC. 1702. ESTABLISHMENT OF COMMISSION.**

(a) **ESTABLISHMENT.**—There is established the National Commission on the Structure of the Air Force (in this title referred to as the “Commission”).

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President, of whom one shall be the Chairman of the Reserve Forces Policy Board;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) **APPOINTMENT DATE.**—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) **EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.**—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) **MEETINGS.**—The Commission shall meet at the call of the Chair.

(f) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) **CHAIR AND VICE CHAIRMAN.**—The Commission shall select a Chair and Vice Chair from among its members.

**SEC. 1703. DUTIES OF THE COMMISSION.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Commission shall undertake a comprehensive study of the current structure of the Air Force to determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Air Force in a manner consistent with available resources.

(2) **CONSIDERATIONS.**—In considering an alternative structure for the Air Force, the Commission shall give particular consideration to identifying a structure that—

(A) meets current and anticipated requirements of the combatant commands;

(B) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each;

(C) ensures that the reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(D) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited;

(E) maintains a peacetime rotation force to avoid exceeding operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and

(F) maximizes achievable costs savings.

(b) **REPORT.**—Not later than March 31, 2014, the Commission shall submit to the President and the congressional defense committees a report which shall contain a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions as it considers appropriate in light of the results of the study.

**SEC. 1704. POWERS OF THE COMMISSION.**

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

**SEC. 1705. COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government

shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 1706. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 1703.

#### SEC. 1707. FUNDING.

Amounts authorized to be appropriated for fiscal year 2013 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 may be available for the activities of the Commission under this title.

#### SEC. 1708. LIMITATION ON AVAILABILITY OF FUNDS FOR REDUCTIONS TO THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to divest, retire, or transfer, any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012.

(b) EXCEPTION.—The Secretary of the Air Force may divest or retire, or prepare to divest or retire, C-5A aircraft if the Secretary replaces such aircraft through a transfer of

C-5B, C-5M, or C-17 mobility aircraft so as to maintain all Air National Guard and Air Force Reserve units impacted by such divestment or retirement at current or higher assigned manpower levels to operate the aircraft so transferred.

#### SEC. 1709. FUNDING FOR MAINTENANCE OF FORCE STRUCTURE OF THE AIR FORCE PENDING COMMISSION RECOMMENDATIONS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2013, \$1,400,000,000 for the force structure of the Air Force. The amount authorized to be appropriated by this section is in addition to any other amounts authorized to be appropriated by this Act.

#### SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE PENDING FUTURE STRUCTURE STUDY.

The Secretary of the Air Force shall retain the current leadership rank and core functions of the Electronic Systems Center at Hanscom Air Force Base with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.

#### SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

### TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

#### Subtitle A—Fire Grants Reauthorization

##### SEC. 1801. SHORT TITLE.

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

##### SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county;”;

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

#### SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

##### “SEC. 33. FIREFIGHTER ASSISTANCE.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(C) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to

establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to

achieve greater cost effectiveness and regional efficiency.

“(f) **PEER REVIEW OF GRANT APPLICATIONS.**—

“(1) **IN GENERAL.**—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) **PRIORITIZATION OF GRANT AWARDS.**—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) **ALLOCATION OF GRANT AWARDS.**—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) **ADDITIONAL REQUIREMENTS AND LIMITATIONS.**—

“(1) **FUNDING FOR EMERGENCY MEDICAL SERVICES.**—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) **STATE FIRE TRAINING ACADEMIES.**—

“(A) **MAXIMUM SHARE.**—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) **MAXIMUM GRANT AMOUNT.**—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) **AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.**—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) **FURTHER CONSIDERATIONS.**—

“(1) **ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.**—In considering applica-

tions for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) **APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.**—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) **AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.**—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) **AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.**—

“(A) **CONSIDERATIONS.**—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) **RESEARCH NEEDS.**—

“(i) **IN GENERAL.**—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) **PUBLICATION.**—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) **LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.**—

“(i) **IN GENERAL.**—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) **RECIPIENTS.**—An institution of higher education, a national fire service organiza-

tion, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) **AVOIDING DUPLICATION.**—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) **MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.**—

“(1) **MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) **EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.**—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) **MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.**—

“(A) **IN GENERAL.**—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) **MEANS OF MATCHING.**—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) **MAINTENANCE OF EXPENDITURES.**—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) **WAIVER.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) **GUIDELINES.**—

“(i) **IN GENERAL.**—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) **CONSULTATION.**—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and



“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in fire-fighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or

other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and fire-fighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph

(1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

**“(2) GUIDELINES.—**

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”

**(f) REPORT.—**

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

**(g) ADDITIONAL DEFINITIONS.—**

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “firefighter” has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

**(h) AUTHORIZATION OF APPROPRIATIONS.—**

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “expansion of pre-september 11, 2001, fire grant program” and inserting the following: “staffing for adequate fire and emergency response”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

**(2) SURVEY.—**

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) **AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.**—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) **REPORT ON FINDINGS OF STUDY.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) **TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) **REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.**—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) **NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.**—The Secretary shall determine

the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) **RESPONSIBILITIES.**—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) **STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.**—

(1) **STUDY.**—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

#### **Subtitle B—Reauthorization of United States Fire Administration**

##### **SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

##### **SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) **DEPUTY ADMINISTRATOR.**—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

##### **SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

##### **SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”;

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

##### **SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

#### **TITLE XIX—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION**

##### **SEC. 1901. FINDING.**

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

##### **SEC. 1902. DEFINITIONS.**

In this title:

(1) **FEDERAL LAND.**—

(A) **IN GENERAL.**—The term “Federal land” means the parcel of land—

(i) identified as “Area I”; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) **EXCLUSION.**—The term “Federal land” does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) **MEMORIAL.**—The term “memorial” means the memorial authorized to be established under section 3(a).

SEC. 1903. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

SEC. 1904. REPEAL OF JOINT RESOLUTIONS.

Public Law 99-558 (110 Stat. 3144) and Public Law 100-265 (102 Stat. 39) are repealed.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2013”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

| State                | Installation or Location               | Amount        |
|----------------------|--|---------------|
| Alaska .....         | Fort Wainwright .....                  | \$10,400,000  |
|                      | Joint Base Elmendorf-Richardson .....  | \$7,900,000   |
| California .....     | Concord .....                          | \$8,900,000   |
| Colorado .....       | Fort Carson .....                      | \$18,000,000  |
|                      | Fort McNair .....                      | \$7,200,000   |
| Georgia .....        | Fort Benning .....                     | \$16,000,000  |
|                      | Fort Gordon .....                      | \$23,300,000  |
|                      | Fort Stewart .....                     | \$49,650,000  |
| Hawaii .....         | Pohakuloa Training Area .....          | \$29,000,000  |
|                      | Schofield Barracks .....               | \$96,000,000  |
|                      | Wheeler Army Air Field .....           | \$85,000,000  |
| Kansas .....         | Fort Riley .....                       | \$12,200,000  |
| Kentucky .....       | Fort Campbell .....                    | \$81,800,000  |
|                      | Fort Knox .....                        | \$6,000,000   |
| Missouri .....       | Fort Leonard Wood .....                | \$123,000,000 |
| New Jersey .....     | Joint Base McGuire-Dix-Lakehurst ..... | \$47,000,000  |
|                      | Picatinny Arsenal .....                | \$10,200,000  |
| New York .....       | Fort Drum .....                        | \$95,000,000  |
| North Carolina ..... | Fort Bragg .....                       | \$68,000,000  |
| Oklahoma .....       | Fort Sill .....                        | \$4,900,000   |
| South Carolina ..... | Fort Jackson .....                     | \$24,000,000  |
| Texas .....          | Corpus Christi .....                   | \$37,200,000  |
|                      | Fort Bliss .....                       | \$7,200,000   |
|                      | Fort Hood .....                        | \$51,200,000  |
|                      | Joint Base San Antonio .....           | \$21,000,000  |
| Virginia .....       | Fort Belvoir .....                     | \$94,000,000  |
|                      | Fort Lee .....                         | \$81,000,000  |
| Washington .....     | Joint Base Lewis McChord .....         | \$164,000,000 |
|                      | Yakima .....                           | \$5,100,000   |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction

projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

| Country     | Installation or Location | Amount       |
|-------------|--------------------------|--------------|
| Italy ..... | Camp Ederle .....        | \$36,000,000 |
|             | Vicenza .....            | \$32,000,000 |
| Japan ..... | Okinawa .....            | \$78,000,000 |

## Army: Outside the United States—Continued

| Country     | Installation or Location | Amount       |
|-------------|--------------------------|--------------|
| Korea ..... | Sagami .....             | \$18,000,000 |
|             | Camp Humphreys .....     | \$45,000,000 |

**SEC. 2102. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,641,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family hous-

ing functions of the Department of the Army, as specified in the funding table in section 4601.

**SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army's construction guidelines for Access Control Points.

**SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Army: Extension of 2009 Project Authorizations

| State            | Installation or Location  | Project                                     | Amount      |
|------------------|---------------------------|---|-------------|
| Alabama .....    | Anniston Army Depot ..... | Lake Yard Interchange .....                 | \$1,400,000 |
| New Jersey ..... | Picatinny Arsenal .....   | Ballistic evaluation Facility Phase I ..... | \$9,900,000 |

**SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authoriza-

tion Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until Octo-

ber 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Army: Extension of 2010 Project Authorizations

| State/Country    | Installation or Location | Project                                  | Amount       |
|------------------|--------------------------|--|--------------|
| Louisiana .....  | Fort Polk .....          | Land Purchases and Condemnation .....    | \$17,000,000 |
| New Jersey ..... | Picatinny Arsenal .....  | Ballistic Evaluation Facility, Ph2 ..... | \$10,200,000 |
| Virginia .....   | Fort Belvoir .....       | Road and Access Control Point .....      | \$9,500,000  |
| Washington ..... | Fort Lewis .....         | Fort Lewis-McCord AFB Joint Access ..... | \$9,000,000  |
| Kuwait .....     | Kuwait .....             | APS Warehouses .....                     | \$82,000,000 |

**SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a cadet barracks at the U.S. Military Academy, New York, in the amount of \$192,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR MILITARY CONSTRUCTION FUNDS.—The Secretary of the Army shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

**TITLE XXII—NAVY MILITARY CONSTRUCTION****SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

## Inside the United States

| State            | Installation or Location | Amount       |
|------------------|--------------------------|--------------|
| Arizona .....    | Yuma .....               | \$29,285,000 |
| California ..... | Camp Pendleton .....     | \$88,110,000 |
|                  | Coronado .....           | \$78,541,000 |
|                  | Miramar .....            | \$27,897,000 |
|                  | San Diego .....          | \$71,188,000 |

## Inside the United States—Continued

| State                | Installation or Location                    | Amount       |
|----------------------|---|--------------|
| Florida .....        | Seal Beach .....                            | \$30,594,000 |
|                      | Twentynine Palms .....                      | \$47,270,000 |
|                      | Ventura County .....                        | \$12,790,000 |
|                      | Jacksonville .....                          | \$21,980,000 |
|                      | Kaneohe Bay .....                           | \$97,310,000 |
|                      | Meridian .....                              | \$10,926,000 |
|                      | Earle .....                                 | \$33,498,000 |
|                      | Camp Lejeune .....                          | \$69,890,000 |
|                      | Cherry Point Marine Corps Air Station ..... | \$45,891,000 |
|                      | New River .....                             | \$8,525,000  |
| South Carolina ..... | Beaufort .....                              | \$81,780,000 |
| Virginia .....       | Parris Island .....                         | \$10,135,000 |
|                      | Dahlgren .....                              | \$28,228,000 |
|                      | Oceana Naval Air Station .....              | \$39,086,000 |
|                      | Portsmouth .....                            | \$32,706,000 |
|                      | Quantico .....                              | \$58,714,000 |
| Washington .....     | Yorktown .....                              | \$48,823,000 |
|                      | Whidbey Island .....                        | \$6,272,000  |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction

projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction

projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

## Navy: Outside the United States

| Country                     | Installation or Location              | Amount       |
|-----------------------------|---------------------------------------|--------------|
| Bahrain Island .....        | SW Asia .....                         | \$51,348,000 |
| Diego Garcia .....          | Diego Garcia .....                    | \$1,691,000  |
| Djibouti .....              | Camp Lemonier .....                   | \$99,420,000 |
| Greece .....                | Souda Bay .....                       | \$25,123,000 |
| Japan .....                 | Iwakuni .....                         | \$13,138,000 |
| Romania .....               | Okinawa .....                         | \$8,206,000  |
|                             | Deveselu .....                        | \$45,205,000 |
| Spain .....                 | Rota .....                            | \$17,215,000 |
| Worldwide Unspecified ..... | Unspecified Worldwide Locations ..... | \$34,048,000 |

## SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,527,000.

## SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$97,655,000.

## SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in 4601, including incremental funding for the construction of increment 2 of explosives handling wharf 2 at Kitsap, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1666), \$254,241,000.

## SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling

Wharf #2 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

## SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Navy: Extension of 2009 Project Authorization**

| State/Country              | Installation or Location                | Project                                   | Amount       |
|----------------------------|---|---|--------------|
| California .....           | Marine Corps Base, Camp Pendleton ..... | Operations Access Points, Red Beach ..... | \$11,970,000 |
|                            | Marine Corps Air Station, Miramar ..... | Emergency Response Station .....          | \$6,530,000  |
| District of Columbia ..... | Washington Navy Yard .....              | Child Development Center .....            | \$9,340,000  |

**SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authoriza-

tion Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until

October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Navy: Extension of 2010 Project Authorization**

| State/Country    | Installation or Location                     | Project                                     | Amount       |
|------------------|--|---|--------------|
| California ..... | Mountain Warfare Training Center, Bridgeport | Mountain Warfare Training, Commissary ..... | \$6,830,000  |
| Maine .....      | Portsmouth Naval Shipyard .....              | Gate 2 Security Improvements .....          | \$7,090,000  |
| Djibouti .....   | Camp Lemonier .....                          | Security Fencing .....                      | \$8,109,000  |
|                  |  | Ammo Supply Point .....                     | \$21,689,000 |
|                  |  | Interior Paved Roads .....                  | \$7,275,000  |

**SEC. 2208. REALIGNMENT OF MARINES IN THE ASIA-PACIFIC REGION.**

(a) RESTRICTION ON USE OF FUNDS.—Except as provided in subsection (c), none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of Marine Corps forces from Okinawa to other locations until—

(1) the Commander of the United States Pacific Command provides to the congressional defense committees an assessment of the strategic and logistical resources needed to ensure the distributed lay-down of members of the United States Marine Corps in the United States Pacific Command Area of Responsibility meets the contingency operations plans;

(2) the Secretary of Defense submits to the congressional defense committees master plans for the construction of facilities and infrastructure to execute the Marine Corps distributed lay-down on Guam, Australia, and Hawaii, including a detailed description of costs and the schedule for such construction;

(3) the Secretary of the Navy submits a plan to the congressional defense committees detailing the proposed investments and schedules required to restore facilities and infrastructure at Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces.

**(b) DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—**

(1) AUTHORIZATION REQUIRED.—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 or fiscal year 2013 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, the Secretary of Defense may not carry out such grant, transfer cooperative agreement, or supplemental funding unless specifically authorized by law.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

(c) EXCEPTION TO RESTRICTION ON USE OF FUNDS.—The Secretary of Defense may use

funds described in subsection (a) to carry out additional analysis or studies required the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for proposed actions on Guam or Hawaii.

(d) DISTRIBUTED LAY-DOWN DEFINED.—For purposes of this section, the term “distributed lay-down” refers to the planned distribution of Marines in Okinawa, Guam, Hawaii, Australia, and possibly elsewhere that is contemplated in support of the joint statement of the U.S. – Japan Security Consultative Committee dated April 27, 2012.

(e) REPEAL.—Section 2207 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1668) is repealed.

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION****SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

| State              | Installation or Location     | Amount       |
|--------------------|------------------------------|--------------|
| Arkansas .....     | Little Rock AFB .....        | \$30,178,000 |
| Florida .....      | Tyndall AFB .....            | \$14,750,000 |
| Georgia .....      | Fort Stewart .....           | \$7,250,000  |
|                    | Moody AFB .....              | \$8,500,000  |
| New Mexico .....   | Holloman AFB .....           | \$25,000,000 |
| North Dakota ..... | Minot AFB .....              | \$4,600,000  |
| Texas .....        | Joint Base San Antonio ..... | \$18,000,000 |
| Utah .....         | Hill AFB .....               | \$13,530,000 |



(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction

projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

#### Air Force: Outside the United States

| State                       | Installation or Location              | Amount       |
|-----------------------------|---------------------------------------|--------------|
| Greenland .....             | Thule AB .....                        | \$24,500,000 |
| Italy .....                 | Aviano AB .....                       | \$9,400,000  |
| Worldwide Unspecified ..... | Unspecified Worldwide Locations ..... | \$34,657,000 |

#### SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,253,000.

#### SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in

the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$79,571,000.

#### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601, including incremental funding for the construction of increment 2 of the U.S. Strategic Command Replacement Facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal

Year 2012 (division B of Public Law 112–81; 125 Stat. 1670), \$111,000,000.

#### SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

#### Air Force: Extension of 2010 Project Authorizations

| State          | Installation or Location | Project                                       | Amount       |
|----------------|--------------------------|---|--------------|
| Missouri ..... | Whiteman AFB .....       | Land Acquisition North & South Boundary ..... | \$5,500,000  |
| Montana .....  | Malmstrom AFB .....      | Weapons Storage Area (WSA), Phase 2 .....     | \$10,600,000 |

#### TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

##### Subtitle A—Defense Agency Authorizations

#### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the

United States, and in the amounts, set forth in the following table:

#### Defense Agencies: Inside the United States

| State                  | Installation or Location                 | Amount       |
|------------------------|--|--------------|
| Arizona .....          | Yuma .....                               | \$1,300,000  |
| California .....       | Coronado .....                           | \$55,259,000 |
|                        | DEF Fuel Support Point - San Diego ..... | \$91,563,000 |
|                        | Edwards Air Force Base .....             | \$27,500,000 |
|                        | Twentynine Palms .....                   | \$27,400,000 |
| Colorado .....         | Buckley Air Force Base .....             | \$30,000,000 |
|                        | Fort Carson .....                        | \$56,673,000 |
|                        | Pikes Peak .....                         | \$3,600,000  |
| CONUS Classified ..... | Classified Location .....                | \$6,477,000  |
| Delaware .....         | Dover AFB .....                          | \$2,000,000  |
| Florida .....          | Eglin AFB .....                          | \$41,695,000 |
|                        | Hurlburt Field .....                     | \$16,000,000 |
|                        | MacDill AFB .....                        | \$34,409,000 |
| Hawaii .....           | Joint Base Pearl Harbor-Hickam .....     | \$24,289,000 |
| Illinois .....         | Great Lakes .....                        | \$28,700,000 |
|                        | Scott AFB .....                          | \$86,711,000 |
| Indiana .....          | Grissom ARB .....                        | \$26,800,000 |
| Kentucky .....         | Fort Campbell .....                      | \$71,639,000 |
| Louisiana .....        | Barksdale AFB .....                      | \$11,700,000 |

## Defense Agencies: Inside the United States—Continued

| State                | Installation or Location                            | Amount        |
|----------------------|---|---------------|
| Maryland .....       | Annapolis .....                                     | \$66,500,000  |
|                      | Bethesda Naval Hospital .....                       | \$62,200,000  |
|                      | Fort Meade .....                                    | \$128,600,000 |
| Missouri .....       | Fort Leonard Wood .....                             | \$18,100,000  |
| New Mexico .....     | Cannon AFB .....                                    | \$93,085,000  |
| New York .....       | Fort Drum .....                                     | \$43,200,000  |
| North Carolina ..... | Camp Lejeune .....                                  | \$80,064,000  |
|                      | Fort Bragg .....                                    | \$130,422,000 |
|                      | Seymour Johnson AFB .....                           | \$55,450,000  |
| Pennsylvania .....   | DEF Distribution Depot New Cumberland .....         | \$17,400,000  |
| South Carolina ..... | Shaw AFB .....                                      | \$57,200,000  |
| Texas .....          | Red River Army Depot .....                          | \$16,715,000  |
| Virginia .....       | Joint Expeditionary Base Little Creek - Story ..... | \$11,132,000  |
|                      | Norfolk .....                                       | \$8,500,000   |
| Washington .....     | Fort Lewis .....                                    | \$50,520,000  |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction

projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

## Defense Agencies: Outside the United States

| Country                    | Installation or Location       | Amount        |
|----------------------------|--------------------------------|---------------|
| Belgium .....              | Brussels .....                 | \$26,969,000  |
| Germany .....              | Stuttgart-Patch Barracks ..... | \$2,413,000   |
|                            | Vogelweh .....                 | \$61,415,000  |
|                            | Weisbaden .....                | \$52,178,000  |
| Guantanamo Bay, Cuba ..... | Guantanamo Bay .....           | \$40,200,000  |
| Japan .....                | Camp Zama .....                | \$13,273,000  |
|                            | Kadena AB .....                | \$143,545,000 |
|                            | Sasebo .....                   | \$35,733,000  |
|                            | Zukeran .....                  | \$79,036,000  |
| Korea .....                | Kunsan AB .....                | \$13,000,000  |
|                            | Osan AB .....                  | \$77,292,000  |
| Romania .....              | Deveselu .....                 | \$157,900,000 |
| United Kingdom .....       | Menwith Hill Station .....     | \$50,283,000  |
|                            | RAF Feltwell .....             | \$30,811,000  |
|                            | RAF Mildenhall .....           | \$6,490,000   |

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects as specified in the funding table in 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of \$150,000,000.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of increment 7 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act

for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2457), \$19,000,000.

(2) For the construction of increment 4 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1888), \$191,414,000.

(3) For the construction of increment 4 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2642), \$107,400,000.

(4) For the construction of increment 2 of the high performance computing center at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1672), as amended by section 2405(a) of this Act, \$225,521,000.

(5) For the construction of increment 2 of the ambulatory care center phase 3 at Joint Base San Antonio, Texas, authorized by section 2401(a) of the Military Construction Au-

thorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1672), \$80,700,000.

(6) For the construction of increment 2 of the medical center replacement at Rhine Ordnance Barracks, Germany, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1673), \$127,000,000.

**SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Washington Headquarters Services: Extension of 2010 Project Authorization

| State          | Installation or Location   | Project                           | Amount       |
|----------------|----------------------------|-----------------------------------|--------------|
| Virginia ..... | Pentagon Reservation ..... | Pentagon electrical upgrade ..... | \$19,272,000 |

**SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.**

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking “\$29,640,000” in the amount column and inserting “\$792,200,000”.

**SEC. 2406. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) **PROJECT AUTHORIZATION.**—The Secretary of Defense may carry out a military construction project to construct an Upgrade Fuel Pipeline at Andersen Air Force Base, Guam, in the amount of \$67,500,000.

(b) **LIMITATION.**—No funds may be obligated or expended for the project described in subsection (a) until the Commander of the United States Pacific Command provides to the congressional defense committees a report, with classified annex if necessary, detailing the strategic and operational requirements satisfied by the construction of this project and a certification that this project is a bona fide need for meeting national security objectives for fiscal year 2013.

(c) **USE OF UNOBLIGATED PRIOR-YEAR MILITARY CONSTRUCTION FUNDS.**—The Secretary of Defense shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(d) **CONGRESSIONAL NOTIFICATION.**—The Secretary of Defense shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

**Subtitle B—Chemical Demilitarization Authorizations****SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of phase 14 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), \$36,000,000.

(2) For the construction of phase 13 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4450), \$115,000,000.

**SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.**

(a) **MODIFICATIONS.**—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), is amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking “\$484,000,000” in the amount column and inserting “\$520,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$866,454,000”.

(b) **CONFORMING AMENDMENT.**—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking “\$484,000,000” and inserting “\$520,000,000”.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM****SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES****Subtitle A—Project Authorizations and Authorization of Appropriations****SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

| State             | Location                    | Amount       |
|-------------------|-----------------------------|--------------|
| Alabama .....     | Fort McClellan .....        | \$5,400,000  |
| Arkansas .....    | Searcy .....                | \$6,800,000  |
| California .....  | Fort Irwin .....            | \$25,000,000 |
| Connecticut ..... | Camp Hartell .....          | \$32,000,000 |
| Delaware .....    | Bethany Beach .....         | \$5,500,000  |
| Florida .....     | Camp Blanding .....         | \$9,000,000  |
|                   | Miramar .....               | \$20,000,000 |
| Hawaii .....      | Kapolei .....               | \$28,000,000 |
| Idaho .....       | Orchard Training Area ..... | \$40,000,000 |

## Army National Guard: Inside the United States—Continued

| State               | Location                | Amount       |
|---------------------|-------------------------|--------------|
| Indiana .....       | South Bend .....        | \$21,000,000 |
|                     | Terre Haute .....       | \$9,000,000  |
| Iowa .....          | Camp Dodge .....        | \$3,000,000  |
| Kansas .....        | Topeka .....            | \$9,500,000  |
| Kentucky .....      | Frankfort .....         | \$32,000,000 |
| Massachusetts ..... | Camp Edwards .....      | \$22,000,000 |
| Minnesota .....     | Camp Ripley .....       | \$17,000,000 |
|                     | St. Paul .....          | \$17,000,000 |
| Missouri .....      | Fort Leonard Wood ..... | \$18,000,000 |
|                     | Kansas City .....       | \$1,900,000  |
|                     | Monett .....            | \$820,000    |
|                     | Perryville .....        | \$700,000    |
| Montana .....       | Miles City .....        | \$11,000,000 |
| New Jersey .....    | Sea Girt .....          | \$34,000,000 |
| New York .....      | Stormville .....        | \$24,000,000 |
| Ohio .....          | Chillicothe .....       | \$3,100,000  |
|                     | Delaware .....          | \$12,000,000 |
| Oklahoma .....      | Camp Gruber .....       | \$25,000,000 |
| Utah .....          | Camp Williams .....     | \$36,000,000 |
| Washington .....    | Fort Lewis .....        | \$35,000,000 |
| West Virginia ..... | Logan .....             | \$14,200,000 |
| Wisconsin .....     | Wausau .....            | \$10,000,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Re-

serve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National

Guard locations outside the United States, and in the amounts, set forth in the following table:

## Army National Guard: Outside the United States

| Country           | Installation        | Amount       |
|-------------------|---------------------|--------------|
| Guam .....        | Barrigada .....     | \$8,500,000  |
| Puerto Rico ..... | Camp Santiago ..... | \$3,800,000  |
|                   | Ceiba .....         | \$2,200,000  |
|                   | Guaynabo .....      | \$15,000,000 |
|                   | Gurabo .....        | \$14,700,000 |

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry

out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

## Army Reserve

| State               | Location                                  | Amount       |
|---------------------|---|--------------|
| California .....    | Fort Hunter Liggett .....                 | \$68,300,000 |
|                     | Tustin .....                              | \$27,000,000 |
| Illinois .....      | Fort Sheridan .....                       | \$28,000,000 |
| Maryland .....      | Aberdeen Proving Ground .....             | \$21,000,000 |
|                     | Baltimore .....                           | \$10,000,000 |
| Massachusetts ..... | Devens Reserve Forces Training Area ..... | \$8,500,000  |
| Nevada .....        | Las Vegas .....                           | \$21,000,000 |
| New Jersey .....    | Joint Base McGuire-Dix-Lakehurst .....    | \$7,400,000  |
| Washington .....    | Joint Base Lewis-McChord .....            | \$40,000,000 |
| Wisconsin .....     | Fort McCoy .....                          | \$47,800,000 |

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the

Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

## Navy Reserve Marine Corps Reserve

| State           | Location              | Amount       |
|-----------------|-----------------------|--------------|
| Arizona .....   | Yuma .....            | \$5,379,000  |
| Iowa .....      | Fort Des Moines ..... | \$19,162,000 |
| Louisiana ..... | New Orleans .....     | \$7,187,000  |
| New York .....  | Brooklyn .....        | \$4,430,000  |
| Texas .....     | Fort Worth .....      | \$11,256,000 |

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

## Air National Guard

| State            | Location                             | Amount       |
|------------------|--------------------------------------|--------------|
| California ..... | Fresno Yosemite IAP ANG .....        | \$11,000,000 |
| Hawaii .....     | Joint Base Pearl Harbor-Hickam ..... | \$6,500,000  |
| New Mexico ..... | Kirtland AFB .....                   | \$8,500,000  |
| Wyoming .....    | Cheyenne MAP .....                   | \$6,486,000  |

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

## Air Force Reserve

| State          | Location                | Amount      |
|----------------|-------------------------|-------------|
| New York ..... | Niagara Falls IAP ..... | \$6,100,000 |

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisi-

tion of land for those facilities), as specified in the funding table in section 4601.

**Subtitle B—Other Matters****SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the au-

thorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Air National Guard: Extension of 2009 Project Authorizations

| State             | Installation or Location      | Project                          | Amount      |
|-------------------|-------------------------------|----------------------------------|-------------|
| Mississippi ..... | Gulfport-Biloxi Airport ..... | Relocate Munitions Complex ..... | \$3,400,000 |

**SEC. 2612. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of

Public Law 111-84; 123 Stat. 2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the

enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

## Army Reserve: Extension of 2010 Project Authorizations

| State             | Installation or Location | Project                        | Amount       |
|-------------------|--------------------------|--------------------------------|--------------|
| California .....  | Camp Pendleton .....     | Army Reserve Center .....      | \$19,500,000 |
| Connecticut ..... | Bridgeport .....         | Army Reserve Center/Land ..... | \$18,500,000 |

## Air National Guard: Extension of 2010 Project Authorization

| State             | Installation or Location      | Project                      | Amount      |
|-------------------|-------------------------------|------------------------------|-------------|
| Mississippi ..... | Gulfport-Biloxi Airport ..... | Relocate Base Entrance ..... | \$6,500,000 |

**SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.**

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES****SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

**SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

**SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF FISCAL YEAR 2012 ACT.**

(a) **CORRECTION.**—Section 2702 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1681) is amended by striking “Using amounts” and all that follows through “may carry out” and inserting “Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for”.

(b) **CONFORMING AMENDMENT.**—The heading of such section is amended by striking “**AUTHORIZED**” and inserting “**AUTHORIZATION OF APPROPRIATIONS FOR**”.

**SEC. 2704. CRITERIA FOR DECISIONS INVOLVING CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.**

(a) **CRITERIA.**—Not later than March 31, 2013, the Comptroller General of the United States shall submit to the congressional de-

fense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) **ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) **NATIONAL SECURITY WAIVER.**—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees that is in the national security interests of the United States.

**SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.**

(a) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”

(b) **NOTICE REQUIREMENTS.**—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other ac-

tivity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”.

**SEC. 2706. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the Air Force Materiel Command's reorganization on other commands' responsibilities for—

(A) Operational Test and Evaluation; and

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS****Subtitle A—Military Construction Program and Military Family Housing Changes****SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.**

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “was approved originally” and inserting “was authorized”;

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: “Any reduction in scope of

work for a military construction project shall not result in a facility or item of infrastructure that is not complete and useable or does not fully meet the mission requirement contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

(B) by adding at the end the following new paragraph:

“(3) In this subsection, the term ‘scope of work’ refers to the function, size, or quantity of the primary facility, any associated facility, or item of complete and useable infrastructure contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”;

(3) in subsection (c)(1)(A), by striking “and the reasons therefor, including a description” and inserting “, the reasons therefor, a certification that the mission requirement identified in the justification data provided to Congress can be still be met with the reduced scope, and a description”;

(4) by adding at the end the following new subsection:

“(e) Notwithstanding the authority under subsections (a) through (d), the Secretary concerned shall ensure compliance of contracts for military construction projects and for the construction, improvement, and acquisition of military family housing projects with section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’).”

#### **SEC. 2802. COMPTROLLER GENERAL REPORT ON IN-KIND PAYMENTS.**

##### **(a) REPORTS REQUIRED.—**

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the construction or renovation of Department of Defense facilities with in-kind payments. The report shall cover construction or renovation projects begun during the preceding two years.

(2) **UPDATES.**—Not later than one year after submitting the report required under paragraph (1), and annually thereafter for 3 years, the Comptroller General shall submit to the congressional defense committees a report covering projects begun since the most recent report.

(b) **CONTENT.**—Each report required under subsection (a) shall include the following elements:

(1) A listing of each facility constructed or renovated for the Department of Defense as payment in kind.

(2) The value in United States dollars of that construction or renovation.

(3) The source of the in-kind payment.

(4) The agreement pursuant to which the in-kind payment was made.

(5) A description of the purpose and need for the construction or renovation.

#### **SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.**

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1685), is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking the second sentence; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2012” and inserting “September 30, 2013”; and

(B) in paragraph (2), by striking “fiscal year 2013” and inserting “fiscal year 2014”.

#### **Subtitle B—Real Property and Facilities Administration**

#### **SEC. 2811. AUTHORITY TO ACCEPT AS CONSIDERATION FOR LEASES OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES REAL PROPERTY INTERESTS AND NATURAL RESOURCE MANAGEMENT SERVICES RELATED TO AGREEMENTS TO LIMIT ENCROACHMENT.**

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by adding at the end the following new subparagraph:

“(G) Provision of interests in real property for the purposes specified in section 2684a of this title and provision of natural resource management services on such real property.”; and

(B) in paragraph (2), by striking “accepted at any property or facilities” and inserting “accepted at or for the benefit of any property or facilities”;

(2) in subsection (e)(1)(C), by adding at the end the following new clause:

“(vi) Provision of funds pursuant to an agreement under section 2684a of this title.”.

#### **SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT MILITARY INSTALLATIONS.**

Section 2869(a)(1) of title 10, United States Code is amended—

(1) by striking “eligible”; and

(2) by striking “entity” both places it appears and inserting “person”.

#### **Subtitle C—Energy Security**

#### **SEC. 2821. GUIDANCE ON FINANCING FOR RENEWABLE ENERGY PROJECTS.**

(a) **GUIDANCE ON USE OF AVAILABLE FINANCING APPROACHES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall issue guidance about the use of available financing approaches for financing renewable energy projects and direct the Secretaries of the military departments to update their guidance accordingly. The guidance should describe the requirements and restrictions applicable to the underlying authorities and any Department of Defense-specific guidelines for using appropriated funds and alternative-financing approaches for renewable energy projects.

(b) **GUIDANCE ON USE OF BUSINESS CASE ANALYSES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Under Secretary of Defense for Installations and Environment, and the Secretaries of the military departments, shall issue guidance that establishes and clearly describes the processes used by the military departments to select financing approaches for renewable energy projects to ensure that business case analyses are completed to maximize benefits and mitigate drawbacks and risks associated with different financing approaches.

(c) **INFORMATION SHARING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall develop a formalized communications process, such as a shared Internet website, that will enable officials at military installations to have timely access on an ongoing basis to information related to financing renewable energy projects on other installations, including best practices and lessons that officials at other installations have learned from their experiences in financing renewable energy projects.

#### **SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION.**

Section 2830(b)(1) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1695) is amended—

(1) by striking “authorized to be appropriated by this Act” and inserting “authorized to be appropriated”;

(2) by inserting before the period at the end the following: “until the date that is six months after the date of the submittal to the congressional defense committees of the report required by subsection (a)”.

#### **Subtitle D—Land Conveyances**

#### **SEC. 2831. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

##### **(b) PAYMENT OF COSTS OF CONVEYANCE.—**

(1) **PAYMENT REQUIRED.**—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.



**SEC. 2832. USE OF PROCEEDS, LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.**

Section 2862(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 868) is amended—

(1) by striking “and to improve” and inserting “, to improve”; and

(2) by inserting before the period at the end the following: “, or for other purposes, subject to the limitations described in section 2667(e) of title 10, United States Code”.

**Subtitle E—Other Matters**

**SEC. 2841. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.**

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

“(d) **AUTHORIZATION REQUIREMENT.**—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.”; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:

“(4) The term ‘public infrastructure’ means any utility, road, method of transportation, or facility under the control of a State or local government or a private entity that is used by, or constructed for the benefit of, the general public.”.

**SEC. 2842. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) **IN GENERAL.**—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled “Petersburg National Battlefield Boundary Expansion”, numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) **ACQUISITION OF PROPERTIES.**—The Secretary of the Interior (referred to in this section as the “Secretary”) is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) **ADMINISTRATION.**—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **IN GENERAL.**—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2)(A); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2)(A).

(2) **MAP.**—

(A) **IN GENERAL.**—The land to be transferred under paragraph (1) is depicted on the map entitled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/081A, and dated May 2011.

(B) **AVAILABILITY.**—The map described in subparagraph (A) shall be available for public inspection in the appropriate offices of the National Park Service.

(3) **CONDITIONS OF TRANSFER.**—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) **NO REIMBURSEMENT OR CONSIDERATION.**—The transfer shall occur without reimbursement or consideration.

(B) **MANAGEMENT.**—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

**SEC. 2843. CONGRESSIONAL NOTIFICATION WITH RESPECT TO OVERSIGHT AND MAINTENANCE OF BASE CEMETERIES FOLLOWING CLOSURE OF OVERSEAS MILITARY INSTALLATIONS.**

(a) **NOTIFICATION REQUIREMENT.**—Not later than 30 days after closure of a United States military installation overseas, the Secretary of Defense shall submit to the appropriate congressional committees a report that details a plan to ensure the oversight and continued maintenance of the cemetery located on the military installation. The plan shall clearly detail which Federal agency or private entity will assume responsibility for the operation and maintenance of the cemetery following the closure of the installation and what information with regard to the cemetery has been provided to the responsible agency or private entity.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committees on Armed Services of the Senate and the House of Representatives.

**SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—

“(1) **EXEMPTION AUTHORITY.**—The Chief”; and

(2) by inserting at the end the following new paragraph:

“(2) The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization or appropriations for the High Performance Computing Modernization Program (Program Element 0603461A), if the Chief Information Officer determines that the exemption is in the best interest of national security.”.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appro-

priated to the Department of Energy for fiscal year 2013 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4601.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant projects for the National Nuclear Security Administration:

Project 13-D-301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory/Los Alamos National Laboratory, \$23,000,000.

Project 13-D-903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, \$14,000,000.

Project 13-D-904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, \$2,000,000.

Project 13-D-905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, Idaho, \$8,900,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4601.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for other defense activities in carrying out programs as specified in the funding table in section 4601.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) **PROJECT REQUIRED.**—

(1) **IN GENERAL.**—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

**“SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

“(a) **REPLACEMENT BUILDING REQUIRED.**—The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico a building to replace the functions of the existing Chemistry and Metallurgy Research building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

“(b) **LIMITATION ON COST.**—The cost of the building constructed under subsection (a) may not exceed \$3,700,000,000.

“(c) **PROJECT BASIS.**—The construction authorized by subsection (a) shall use as its basis the facility project in the Department of Energy Readiness and Technical Base designated 04-D-125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

“(d) **DEADLINE FOR COMMENCEMENT OF OPERATIONS.**—The building constructed under subsection (a) shall commence operations not later than December 31, 2024.”.

(2) **CLERICAL AND TECHNICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to 4213 the following new items:

“Sec. 4214. Plan for transformation of National Nuclear Security Administration nuclear weapons complex.

"Sec. 4215. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico."

(b) FUNDING.—

(1) FISCAL YEAR 2013 FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), of the amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration, \$150,000,000 shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as added by subsection (a)).

(B) EXCEPTION.—The following amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration shall not be available for the construction of the building:

(i) Amounts available for Directed Stockpile Work.

(ii) Amounts available for Naval Reactors.

(iii) Amounts available for the facility project in the Department of Energy Readiness and Technical Base designated 06-D-141.

(2) PRIOR FISCAL YEAR FUNDS.—Amounts authorized to be appropriated for the Department of Energy for a fiscal year before fiscal year 2013 and available for the facility project in the Department of Energy Readiness and Technical Base designated 04-D-125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory, New Mexico) shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as so added).

**SEC. 3112. SUBMITTAL TO CONGRESS OF SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.**

(a) SUBMITTAL REQUIRED.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as amended by section 3111 of this Act, is further amended by adding at the end the following new section:

**"SEC. 4216. SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.**

"(a) SELECTED ACQUISITION REPORTS.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees at the end of each fiscal-year quarter a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

"(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the nuclear weapon system.

"(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees a cost estimate on each nuclear weapon system undergoing life extension at the times in production as follows:

"(A) At the completion of phase 6.2A, relating to design definition and cost study.

"(B) Before initiation of phase 6.5, relating to first production.

"(2) A cost estimate for purposes of this subsection may not be prepared by the De-

partment of Energy or the National Nuclear Security Administration."

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act, as so amended, is further amended by inserting after the item relating to 4215 the following new item:

"Sec. 4216. Selected Acquisition Reports and independent cost estimates on nuclear weapon systems undergoing life extension."

**SEC. 3113. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.**

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (C), by striking "2012" and inserting "2014"; and

(B) in subparagraph (D), by striking "2017" and inserting "2019";

(2) in subsection (b)—

(A) in paragraph (1), by striking "by January 1, 2012"; and

(B) in paragraph (5), by striking "2012" and inserting "2014";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "2012" and inserting "2014";

(B) in paragraph (1), by striking "2014" and inserting "2016"; and

(C) in paragraph (2), by striking "2020" each place it appears and inserting "2022";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "2014" and inserting "2016"; and

(ii) by striking "2019" and inserting "2021"; and

(B) in paragraph (2)(A), by striking "2020" each place it appears and inserting "2022"; and

(5) in subsection (e), by striking "2023" and inserting "2025".

**SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

**"SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

"(a) PROGRAM REQUIRED.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

"(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

"(b) ELEMENTS.—The program shall include the elements as follows:

"(1) Training and capacity-building to strengthen nonproliferation and security best practices.

"(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

"(c) REPORT ON COMMENCEMENT OF PROGRAM.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

"(1) For each country selected for the program as of the date of such report—

"(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

"(B) metrics for evaluating the success of the program.

"(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

"(d) REPORTS ON MODIFICATION OF PROGRAM.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

"(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

"(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives."

(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by inserting after the item relating to section 4308 the following new item:

"Sec. 4309. Program on scientific engagement for nonproliferation."

(b) REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 3115. REPEAL OF REQUIREMENT FOR ANNUAL UPDATE OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN.**

Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) is amended—

(1) in subsection (b)(1), by striking “and any updates of the plan under subsection (e)”;

(2) by striking subsection (e);

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(4) in subsection (e), as redesignated by paragraph (3)—

(A) by striking “(1)” before “The Secretary”; and

(B) by striking paragraph (2).

**SEC. 3116. QUARTERLY REPORTS TO CONGRESS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.**

(a) **REPORTS REQUIRED.**—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

**“SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.**

“(a) **REPORTS REQUIRED.**—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development.

“(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for each program covered by such report, the following as of the end of the fiscal year quarter covered by such report:

“(1) The total amount authorized to be appropriated, including amounts authorized to be appropriated in the current fiscal year and amounts authorized to be appropriated for prior fiscal years.

“(2) The amount unobligated.

“(3) The amount unobligated but committed.

“(4) The amount obligated, but uncosted.

“(c) **PRESENTATION.**—Each report under subsection (a) shall present information as follows:

“(1) For each program, in summary form and by fiscal year.

“(2) With financial balances in connection with funding under recurring DoE national security authorizations (as that term is defined in section 4701(1)) presented separately from balances in connection with funding under any other provisions of law.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to section 4731 the following new item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.”.

**SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.**

(a) **PUBLICATION REQUIRED.**—

(1) **IN GENERAL.**—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

**“SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.**

“(a) **IN GENERAL.**—The Administrator of the National Nuclear Security Administra-

tion shall take appropriate actions to make available, to the maximum extent practicable, to the public each contractor performance evaluation conducted by the Administration of a national laboratory, production plant, or single user facility under the management responsibility of the Administration that results in the award of an award fee to the contractor concerned.

“(b) **FORMAT.**—Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management contracts.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of that Act is amended by inserting after the item relating to section 4804 the following new item:

“Sec. 4805. Publication of contractor performance evaluations by the National Nuclear Security Administration leading to award fees.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contractor performance evaluations conducted by the National Nuclear Security Administration on or after that date.

**SEC. 3118. EXPANSION OF AUTHORITY TO ESTABLISH CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.**

(a) **NUMBER OF POSITIONS.**—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended by striking “300” and inserting “700”.

(b) **EXTENSION TO CONTRACTING POSITIONS.**—Such section is further amended by inserting “contracting,” before “scientific”.

(c) **CONFORMING AMENDMENT.**—The heading of such section is amended to read as follows:

**“SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN CONTRACTING, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.”.**

(d) **CLERICAL AMENDMENT.**—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3241 and inserting the following new item:

“Sec. 3241. Authority to establish certain contracting, scientific, engineering, and technical positions.”.

**SEC. 3119. MODIFICATION AND EXTENSION OF AUTHORITY ON ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.**

(a) **PROGRAMS FOR WHICH FUNDS MAY BE ACCEPTED.**—Paragraph (2) of section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended to read as follows:

“(2) **PROGRAMS COVERED.**—The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.”.

(b) **EXTENSION.**—Paragraph (7) of such section is amended by striking “December 31, 2013” and inserting “December 31, 2018”.

**SEC. 3120. COST CONTAINMENT FOR Y-12 URANIUM PROCESSING FACILITY, Y-12 NATIONAL SECURITY COMPLEX, OAK RIDGE, TENNESSEE.**

(a) **EXECUTION PHASES FOR PROJECT.**—Project 06-D-141 for the Y-12 Uranium Processing Facility, Y-12 National Security Complex, Oak Ridge, Tennessee, shall be broken into separate execution phases as follows

(1) Phase I, which shall consist of processes associated with building 9212, including uranium casting and uranium chemical processing.

(2) Phase II, which shall consist of processes associated with buildings 9215 and 9998, including uranium metal working, machining, and inspection.

(3) Phase III, which shall consist of processes associated with building 9204-2E, including radiography, assembly, disassembly, quality evaluation, and production certification operations of nuclear weapon secondaries.

**(b) BUDGETING AND AUTHORIZATION FOR EACH PHASE.—**

(1) **BUDGETING FOR EACH PHASE REQUIRED.**—The Secretary of Energy shall budget separately for each phase under subsection (a) of the project referred to in that subsection.

(2) **FUNDING PURSUANT TO SEPARATE AUTHORIZATIONS OF APPROPRIATIONS.**—The Secretary may not proceed with a phase under subsection (a) of the project referred to in that subsection except with funds expressly authorized to be appropriated for that phase by law.

(c) **COMPLIANCE OF PHASES WITH DOE ORDER ON PROGRAM AND PROJECT MANAGEMENT.**—Each phase under subsection (a) of the project referred to in that subsection shall comply with Department of Energy Order 413.3, relating to Program Management and Project Management for the Acquisition of Capital Assets.

(d) **LIMITATION ON COST OF PHASE I.**—The total cost of Phase I under subsection (a) of the project referred to in that subsection may not exceed \$4,200,000,000.

**SEC. 3121. AUTHORITY TO RESTORE CERTAIN FORMERLY RESTRICTED DATA TO THE RESTRICTED DATA CATEGORY.**

(a) **IN GENERAL.**—Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting “(1)” before “The Commission”; and

(B) by adding at the end the following new paragraphs:

“(2) The Commission may restore to the Restricted Data category any information related to the design of nuclear weapons removed under paragraph (1) if the Commission and the Department of Defense jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) Information related to the design of nuclear weapons shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.”; and

(2) in subsection e.—

(A) by inserting “(1)” before “The Commission”; and

(B) by adding at the end the following new paragraphs:

“(2) The Commission may restore to the Restricted Data category any information concerning atomic energy programs of other nations removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from

the Restricted Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) Information concerning atomic energy programs of other nations shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.”.

(b) **TECHNICAL AMENDMENT.**—Paragraph (1) of subsection (e) of such section, as designated by subsection (a)(2)(A) of this section, is further amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

#### **SEC. 3122. RENEWABLE ENERGY.**

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking “geothermal,” and inserting “geothermal (including geothermal heat pumps),”.

#### **Subtitle C—Reports**

#### **SEC. 3131. REPORT ON ACTIONS REQUIRED FOR TRANSITION OF REGULATION OF NON-NUCLEAR ACTIVITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO OTHER FEDERAL AGENCIES.**

Not later than February 28, 2013, the Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to Congress a report on the actions required to transition, to the maximum extent practicable, the regulation of the non-nuclear activities of the National Nuclear Security Administration to other appropriate agencies of the Federal Government by not later than October 1, 2017.

#### **SEC. 3132. REPORT ON CONSOLIDATION OF FACILITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit to the congressional defense committees a report setting forth the assessment of the Council as to the feasibility of consolidating facilities and functions of the National Nuclear Security Administration in order to reduce costs.

(b) **PROCESS FOR CONSOLIDATION.**—If the assessment of the Council in the report under subsection (a) is that excess facilities exist and the consolidation of facilities and functions of the Administration is feasible and would reduce cost, the report shall include recommendations for a process to determine the manner in which the consolidation should be accomplished, including an estimate of the time to be required to complete the process.

(c) **LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT.**—Amounts authorized to be appropriated by this title and available for the facility projects in the Department of Energy Readiness and Technical Base designated 04-D-125 and 06-D-141 may not be obligated or expended for CD-3, Start of Construction (as found in Department of Energy Order 413.3 B Program and Project Management for the Acquisition of Capital Assets,) until the submittal under subsection (a) of the report required by that subsection.

#### **SEC. 3133. REGIONAL RADIOLOGICAL SECURITY ZONES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) A terrorist attack using high-activity radiological materials, such as in a dirty

bomb, could inflict billions of dollars of economic costs and considerable societal and economic dislocation, with effects and costs possibly lasting for years.

(2) It may be easier for terrorists to obtain the materials for, and to fabricate, a dirty bomb than an improvised nuclear device.

(3) Radiological materials are in widespread use worldwide, with estimates of the number of radiological sources ranging from 100,000 to millions.

(4) Many nations have a security and regulatory regime for their radiological sources that is much less developed than that of the United States.

(5) Radiological materials are used at many civilian sites including hospitals, industrial sites, and other locations that have little security, placing these materials at risk of theft.

(6) Many radiological materials have become lost, disused, unwanted, or abandoned, with the Global Threat Reduction Initiative of the National Nuclear Security Administration having recovered more than 30,000 radioactive sources in the United States, repatriated more than 2,400 United States-origin sources from other countries, and helped recover more than 13,000 radioactive sources and radioisotope thermoelectric generators in other countries.

(7) High-activity radiological materials can be used in a dirty bomb.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that United States and global non-proliferation efforts should place a high priority on programs to secure high-activity radiological sources to reduce the threat of radiological terrorism.

(c) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate committees of Congress a study in accordance with paragraph (3).

(2) **CONSULTATION.**—The Administrator may, in conducting the study required under paragraph (1), consult with the Secretary of Homeland Security, the Secretary of State, the Nuclear Regulatory Commission, and such other departments and agencies of the United States Government as the Administrator considers appropriate.

(3) **MATTERS INCLUDED.**—The study under paragraph (1) shall include the following:

(A) An assessment of the radioactive isotopes and associated activity levels that present the greatest risk to national and international security.

(B) A review of current United States Government efforts to secure radiological materials abroad, including coordination with foreign governments, the European Union, the International Atomic Energy Agency, other international programs, and nongovernmental organizations that identify, register, secure, remove, and provide for the disposition of high-risk radiological materials worldwide.

(C) A review of current United States Government efforts to secure radiological materials domestically at civilian sites, including hospitals, industrial sites, and other locations.

(D) A definition of regional radiological security zones, including the subset of the materials of concern to be the immediate focus and the security best practices required to achieve that goal.

(E) An assessment of the feasibility, cost, desirability, and added benefit of establishing regional radiological security zones in high priority areas worldwide in order to facilitate regional collaboration in—

(i) identifying and inventorying high-activity radiological sources at high-risk sites;

(ii) reviewing national level regulations, inspections, transportation security, and security upgrade options; and

(iii) assessing opportunities for the harmonization of regulations and security practices among the nations of the region.

(F) An assessment of the feasibility, cost, desirability, and added benefit of establishing remote regional monitoring centers that would receive real-time data from radiological security sites, would be staffed by trained personnel from the countries in the region, and would alert local law enforcement in the event of a potential or actual terrorist incident or other emergency.

(G) A list and assessment of the best practices used in the United States that are most critical in enhancing domestic radiological material security and could be used to enhance radiological security worldwide.

(H) An assessment of the United States entity or entities that would be best suited to lead efforts to establish a radiological security zone program.

(I) An estimate of the costs associated with the implementation of a radiological security zone program.

(J) An assessment of the known locations outside the United States housing high-risk radiological materials in excess of 1,000 curies.

(4) **FORM.**—The study required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 3134. REPORT ON LEGACY URANIUM MINES.**

(a) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Energy shall undertake a review of, and prepare a report on, abandoned uranium mines at which uranium ore was mined for the weapons program of the United States (hereinafter referred to as “legacy uranium mines”).

(2) **MATTERS TO BE ADDRESSED.**—The report shall describe and analyze—

(A) the location of the legacy uranium mines on Federal, State, tribal, and private land, taking into account any existing inventories undertaken by Federal agencies, States, and Indian tribes, and any additional information available to the Secretary;

(B) the extent to which the legacy uranium mines—

(i) may pose a potential and significant radiation health hazard to the public;

(ii) may pose some other threat to public health and safety hazard;

(iii) have caused, or may cause, degradation of water quality; and

(iv) have caused, or may cause, environmental degradation;

(C) a ranking of priority by category for the remediation and reclamation of the legacy uranium mines;

(D) the potential cost and feasibility of remediating and reclaiming, in accordance with applicable Federal law, each category of legacy uranium mines; and

(E) the status of any efforts to remediate and reclaim legacy uranium mines.

(b) **RECOMMENDATIONS.**—The report shall—

(1) make recommendations as to how to ensure most feasibly and effectively and expeditiously that the public health and safety, water resources, and the environment will be protected from the adverse effects of legacy uranium mines; and

(2) make recommendations on changes, if any, to Federal law to address the remediation and reclamation of legacy uranium mines.

(c) **CONSULTATION.**—In preparing the report, the Secretary of Energy shall consult with any other relevant Federal agencies, affected States and Indian tribes, and interested members of the public.

(d) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate and the appropriate Committees of the House of Representatives—

(1) the report; and

(2) the plan and timeframe of the Secretary of Energy for implementing those recommendations of the report that do not require legislation.

**SEC. 3135. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “The Comptroller General shall conduct a review during the period described in paragraph (2), of the following:” and inserting “Beginning on the date of the submittal of the report required under subsection (b)(2), the Comptroller General shall conduct a review of the following:”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking “the end of the period described in paragraph (2)” and inserting “August 30, 2012”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:” and inserting “Following the submittal of the final report required under subsection (c)(2), the Comptroller General shall conduct a review of the following:”;

(B) in paragraph (2), by striking “Not later than 90 days after submitting the last report required under subsection (c)(3)” and inserting “Within seven months after receiving notification that all American Recovery and Reinvestment Act funds have been expended, but not later than April 30, 2016”.

**Subtitle D—Other Matters**

**SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y–12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation’s most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration’s Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested “contractor assurance” approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a “high risk” designation and found there to be insufficient qualified Federal acquisition professionals to “plan, direct, and oversee project execution”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished but should be routinely evaluated;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

**Subtitle E—American Medical Isotopes Production**

**SEC. 3151. SHORT TITLE.**

This subtitle may be cited as the “American Medical Isotopes Production Act of 2012”.

**SEC. 3152. DEFINITIONS.**

In this subtitle:

(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **HIGHLY ENRICHED URANIUM.**—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U–235.

(3) **LOW ENRICHED URANIUM.**—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U–235.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

**SEC. 3153. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.**

(a) **MEDICAL ISOTOPE DEVELOPMENT PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) **CRITERIA.**—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) **EXEMPTION.**—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) **PUBLIC PARTICIPATION AND REVIEW.**—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) **DEVELOPMENT ASSISTANCE.**—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) **URANIUM LEASE AND TAKE-BACK.**—

(1) **IN GENERAL.**—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) **TITLE.**—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) **DUTIES.**—

(A) **SECRETARY.**—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) **PRODUCER.**—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) **COMPENSATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) **DISCOUNT RATE.**—The discount rate used to determine the net present value of costs described in subparagraph (A)(i) shall be not greater than the average interest rate on marketable Treasury securities.

(5) **AUTHORIZED USE OF FUNDS.**—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) **EXCHANGE OF URANIUM FOR SERVICES.**—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) **COORDINATION OF ENVIRONMENTAL REVIEWS.**—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) **OPERATIONAL DATE.**—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) **RADIOACTIVE WASTE.**—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

#### **SEC. 3154. EXPORTS.**

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

“f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel

or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”

#### **SEC. 3155. REPORT ON DISPOSITION OF EXPORTS.**

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

#### **SEC. 3156. DOMESTIC MEDICAL ISOTOPE PRODUCTION.**

(a) **IN GENERAL.**—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

“a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—



“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”

#### SEC. 3157. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

#### SEC. 3158. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

#### SEC. 3159. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

#### Subtitle F—Other Matters

#### SEC. 3161. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section referred to as the “advisory panel”) to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the “Administration”) to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the Speaker of the House of Representatives.

(B) Three by the Minority Leader of the House of Representatives.

(C) Three by the Majority Leader of the Senate.

(D) Three by the Minority Leader of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory

panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State, and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The reports shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, and other Federal agencies, as well as the national security laboratories, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the Administration should operate more independently of the Department of Energy while reporting to the President through Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.



(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than \$1,000,000 shall be made available to the advisory panel to carry out this section.

(f) **SUNSET.**—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

## **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2013, \$29,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

### **TITLE XXXV—MARITIME ADMINISTRATION** **SEC. 3501. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

### **SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) **ASSESSMENT.**—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with anti-trust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

### **SEC. 3503. SHORT SEA TRANSPORTATION.**

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes short sea transportation.”; and

(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

### **SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

#### **“§ 50307. Maritime environmental and technical assistance**

“(a) **IN GENERAL.**—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) **REQUIREMENTS.**—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) **COORDINATION.**—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) **ASSISTANCE.**—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance.”.

### **SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.**

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) **IN GENERAL.**—When the head”; and

(2) by adding at the end the following:

“(2) **DETERMINATIONS.**—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) **NOTICE TO CONGRESS.**—

“(A) **IN GENERAL.**—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) **CONTENTS.**—Such head of an agency shall include in each notification under subparagraph (A)(i) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

### **SEC. 3506. MARITIME WORKFORCE STUDY.**

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

### **SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and

practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

**SEC. 3508. REQUIREMENT FOR BARGE DESIGN.**

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

**SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.**

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting "or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof" after "a non-profit training institution".

**DIVISION D—FUNDING TABLES**

**SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

## TITLE XLI—PROCUREMENT

## SEC. 4101. PROCUREMENT.

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |  |                    |                      |  |
|---|--|--------------------|----------------------|--|
| Line  | Item   | FY 2013<br>Request | Senate<br>Authorized |  |
| AIRCRAFT PROCUREMENT, ARMY                          |  |                    |                      |  |
| FIXED WING  |  |                    |                      |  |
| 001   | UTILITY F/W AIRCRAFT .....                       | 18,639             | 18,639               |  |
| 002   | C-12 CARGO AIRPLANE .....                        | 0                  | 0                    |  |
| 003   | MQ-1 UAV .....                                   | 518,088            | 518,088              |  |
| 004   | RQ-11 (RAVEN) .....                              | 25,798             | 25,798               |  |
| 005   | BCT UNMANNED AERIAL VEH (UAVS) INCR 1 .....      | 0                  | 0                    |  |
| ROTARY  |  |                    |                      |  |
| 006   | HELICOPTER, LIGHT UTILITY (LUH) .....            | 271,983            | 271,983              |  |
| 007   | AH-64 APACHE BLOCK IIIA REMAN .....              | 577,115            | 577,115              |  |
| 008   | ADVANCE PROCUREMENT (CY) .....                   | 107,707            | 107,707              |  |
| 009   | AH-64 APACHE BLOCK IIIB NEW BUILD .....          | 153,993            | 153,993              |  |
| 010   | ADVANCE PROCUREMENT (CY) .....                   | 146,121            | 146,121              |  |
| 011   | AH-64 BLOCK II/WRA .....                         | 0                  | 0                    |  |
| 012   | KIOWA WARRIOR (OH-58F) WRA .....                 | 0                  | 0                    |  |
| 013   | UH-60 BLACKHAWK M MODEL (MYP) .....              | 1,107,087          | 1,107,087            |  |
| 014   | ADVANCE PROCUREMENT (CY) .....                   | 115,113            | 115,113              |  |
| 015   | CH-47 HELICOPTER .....                           | 1,076,036          | 1,076,036            |  |
| 016   | ADVANCE PROCUREMENT (CY) .....                   | 83,346             | 83,346               |  |
| MODIFICATION OF AIRCRAFT                            |  |                    |                      |  |
| 017   | C12 AIRCRAFT MODS .....                          | 0                  | 0                    |  |
| 018   | MQ-1 PAYLOAD—UAS .....                           | 231,508            | 231,508              |  |
| 019   | MQ-1 WEAPONIZATION—UAS .....                     | 0                  | 0                    |  |
| 020   | GUARDRAIL MODS (MIP) .....                       | 16,272             | 16,272               |  |
| 021   | MULTI SENSOR ABN RECON (MIP) .....               | 4,294              | 4,294                |  |
| 022   | AH-64 MODS .....                                 | 178,805            | 178,805              |  |
| 023   | CH-47 CARGO HELICOPTER MODS (MYP) .....          | 39,135             | 39,135               |  |
| 024   | UTILITY/CARGO AIRPLANE MODS .....                | 24,842             | 24,842               |  |
| 025   | AIRCRAFT LONG RANGE MODS .....                   | 0                  | 0                    |  |
| 026   | UTILITY HELICOPTER MODS .....                    | 73,804             | 73,804               |  |
| 027   | KIOWA WARRIOR MODS .....                         | 192,484            | 192,484              |  |
| 028   | AIRBORNE AVIONICS .....                          | 0                  | 0                    |  |
| 029   | NETWORK AND MISSION PLAN .....                   | 190,789            | 190,789              |  |
| 030   | COMMS, NAV SURVEILLANCE .....                    | 133,191            | 89,191               |  |
|   | JTRS integration delayed .....                   |                    | [-44,000]            |  |
| 031   | GATM ROLLUP .....                                | 87,280             | 87,280               |  |
| 032   | RQ-7 UAV MODS .....                              | 104,339            | 104,339              |  |
| SPARES AND REPAIR PARTS                             |  |                    |                      |  |
| 033   | SPARE PARTS (AIR) .....                          | 0                  | 0                    |  |
| GROUND SUPPORT AVIONICS                             |  |                    |                      |  |
| 034   | AIRCRAFT SURVIVABILITY EQUIPMENT .....           | 34,037             | 34,037               |  |
| 035   | SURVIVABILITY CM .....                           | 0                  | 0                    |  |
| 036   | CMWS .....                                       | 127,751            | 127,751              |  |
| OTHER SUPPORT                                       |  |                    |                      |  |
| 037   | AVIONICS SUPPORT EQUIPMENT .....                 | 4,886              | 4,886                |  |
| 038   | COMMON GROUND EQUIPMENT .....                    | 82,511             | 82,511               |  |
| 039   | AIRCREW INTEGRATED SYSTEMS .....                 | 77,381             | 77,381               |  |
| 040   | AIR TRAFFIC CONTROL .....                        | 47,235             | 47,235               |  |
| 041   | INDUSTRIAL FACILITIES .....                      | 1,643              | 1,643                |  |
| 042   | LAUNCHER, 2.75 ROCKET .....                      | 516                | 516                  |  |
|   | TOTAL, AIRCRAFT PROCUREMENT, ARMY .....          | 5,853,729          | 5,809,729            |  |
| MISSILE PROCUREMENT, ARMY                           |  |                    |                      |  |
| SURFACE-TO-AIR MISSILE SYSTEM                       |  |                    |                      |  |
| 001   | PATRIOT SYSTEM SUMMARY .....                     | 646,590            | 646,590              |  |
| 002   | MSE MISSILE .....                                | 12,850             | 12,850               |  |
| 003   | SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY .....     | 0                  | 0                    |  |
| 004   | HELLFIRE SYS SUMMARY .....                       | 1,401              | 1,401                |  |
| 005   | JAVELIN (AAWS-M) SYSTEM SUMMARY .....            | 81,121             | 81,121               |  |
| 006   | TOW 2 SYSTEM SUMMARY .....                       | 64,712             | 64,712               |  |
| 007   | ADVANCE PROCUREMENT (CY) .....                   | 19,931             | 19,931               |  |
| 008   | GUIDED MLRS ROCKET (GMLRS) .....                 | 218,679            | 218,679              |  |
| 009   | MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) ..... | 18,767             | 18,767               |  |
| 010   | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....      | 12,051             | 12,051               |  |
| 011   | PATRIOT MODS .....                               | 199,565            | 199,565              |  |
| 012   | ITAS/TOW MODS .....                              | 0                  | 0                    |  |
| 013   | MLRS MODS .....                                  | 2,466              | 2,466                |  |
| 014   | HIMARS MODIFICATIONS .....                       | 6,068              | 6,068                |  |
| 015   | HELLFIRE MODIFICATIONS .....                     | 0                  | 0                    |  |
| 016   | SPARES AND REPAIR PARTS .....                    | 7,864              | 7,864                |  |
| 017   | AIR DEFENSE TARGETS .....                        | 3,864              | 3,864                |  |
| 018   | ITEMS LESS THAN \$5 MILLION (MISSILES) .....     | 1,560              | 1,560                |  |
| 019   | PRODUCTION BASE SUPPORT .....                    | 5,200              | 5,200                |  |
|   | TOTAL, MISSILE PROCUREMENT, ARMY .....           | 1,302,689          | 1,302,689            |  |
| PROCUREMENT OF W&TCV, ARMY                          |  |                    |                      |  |
| TRACKED COMBAT VEHICLES                             |  |                    |                      |  |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |   |                    |                      |
|---|---|--------------------|----------------------|
| Line  | Item  | FY 2013<br>Request | Senate<br>Authorized |
| 001   | STRYKER VEHICLE .....                               | 286,818            | 286,818              |
| 002   | FCS SPIN OUTS .....                                 | 0                  | 0                    |
|   | <b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>      |                    |                      |
| 003   | STRYKER (MOD) .....                                 | 60,881             | 60,881               |
| 004   | FIST VEHICLE (MOD) .....                            | 57,257             | 57,257               |
| 005   | BRADLEY PROGRAM (MOD) .....                         | 148,193            | 148,193              |
| 006   | HOWITZER, MED SP FT 155MM M109A6 (MOD) .....        | 10,341             | 10,341               |
| 007   | PALADIN PIM MOD IN SERVICE .....                    | 206,101            | 206,101              |
| 008   | IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....    | 107,909            | 230,909              |
|   | Increased production .....                          |                    | [123,000]            |
| 009   | ASSAULT BREACHER VEHICLE .....                      | 50,039             | 50,039               |
| 010   | M88 FOV MODS .....                                  | 29,930             | 29,930               |
| 011   | M1 ABRAMS TANK (MOD) .....                          | 129,090            | 129,090              |
| 012   | ABRAMS UPGRADE PROGRAM .....                        | 74,433             | 74,433               |
| 012A  | ADVANCE PROCUREMENT (CY) .....                      |                    | 91,000               |
|   | Advanced procurement Abrams upgrade program .....   |                    | [91,000]             |
|   | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>           |                    |                      |
| 013   | PRODUCTION BASE SUPPORT (TCV-WTCV) .....            | 1,145              | 1,145                |
|   | <b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>          |                    |                      |
| 014   | INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....     | 506                | 506                  |
| 015   | M240 MEDIUM MACHINE GUN (7.62MM) .....              | 0                  | 0                    |
| 016   | MACHINE GUN, CAL .50 M2 ROLL .....                  | 0                  | 0                    |
| 017   | LIGHTWEIGHT .50 CALIBER MACHINE GUN .....           | 25,183             | 0                    |
|   | Program termination .....                           |                    | [-25,183]            |
| 018   | MK-19 GRENADE MACHINE GUN (40MM) .....              | 0                  | 0                    |
| 019   | MORTAR SYSTEMS .....                                | 8,104              | 8,104                |
| 020   | M107, CAL. 50, SNIPER RIFLE .....                   | 0                  | 0                    |
| 021   | XM320 GRENADE LAUNCHER MODULE (GLM) .....           | 14,096             | 14,096               |
| 022   | M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) .....      | 0                  | 0                    |
| 023   | M4 CARBINE .....                                    | 0                  | 0                    |
| 024   | CARBINE .....                                       | 21,272             | 21,272               |
| 025   | SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....      | 6,598              | 6,598                |
| 026   | COMMON REMOTELY OPERATED WEAPONS STATION .....      | 56,725             | 56,725               |
| 027   | HOWITZER LT WT 155MM (T) .....                      | 13,827             | 13,827               |
|   | <b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>          |                    |                      |
| 028   | MK-19 GRENADE MACHINE GUN MODS .....                | 0                  | 0                    |
| 029   | M777 MODS .....                                     | 26,843             | 26,843               |
| 030   | M4 CARBINE MODS .....                               | 27,243             | 27,243               |
| 031   | M2 50 CAL MACHINE GUN MODS .....                    | 39,974             | 39,974               |
| 032   | M249 SAW MACHINE GUN MODS .....                     | 4,996              | 4,996                |
| 033   | M240 MEDIUM MACHINE GUN MODS .....                  | 6,806              | 6,806                |
| 034   | SNIPER RIFLES MODIFICATIONS .....                   | 14,113             | 14,113               |
| 035   | M119 MODIFICATIONS .....                            | 20,727             | 20,727               |
| 036   | M16 RIFLE MODS .....                                | 3,306              | 3,306                |
| 037   | MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....    | 3,072              | 3,072                |
|   | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>           |                    |                      |
| 038   | ITEMS LESS THAN \$5 MILLION (WOCV-WTCV) .....       | 2,026              | 2,026                |
| 039   | PRODUCTION BASE SUPPORT (WOCV-WTCV) .....           | 10,115             | 10,115               |
| 040   | INDUSTRIAL PREPAREDNESS .....                       | 442                | 442                  |
|   | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>           |                    |                      |
| 041   | SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....       | 2,378              | 2,378                |
|   | <b>SPARES</b>                                       |                    |                      |
| 042   | SPARES AND REPAIR PARTS (WTCV) .....                | 31,217             | 31,217               |
|   | <b>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY</b>        | <b>1,501,706</b>   | <b>1,690,523</b>     |
|   | <b>PROCUREMENT OF AMMUNITION, ARMY</b>              |                    |                      |
|   | <b>SMALL/MEDIUM CAL AMMUNITION</b>                  |                    |                      |
| 001   | CTG, 5.56MM, ALL TYPES .....                        | 158,313            | 158,313              |
| 002   | CTG, 7.62MM, ALL TYPES .....                        | 91,438             | 91,438               |
| 003   | CTG, HANDGUN, ALL TYPES .....                       | 8,954              | 8,954                |
| 004   | CTG, .50 CAL, ALL TYPES .....                       | 109,604            | 109,604              |
| 005   | CTG, 20MM, ALL TYPES .....                          | 4,041              | 4,041                |
| 006   | CTG, 25MM, ALL TYPES .....                          | 12,654             | 12,654               |
| 007   | CTG, 30MM, ALL TYPES .....                          | 72,154             | 35,154               |
|   | Decrease for excess .....                           |                    | [-37,000]            |
| 008   | CTG, 40MM, ALL TYPES .....                          | 60,138             | 0                    |
|   | Decrease for excess .....                           |                    | [-60,138]            |
|   | <b>MORTAR AMMUNITION</b>                            |                    |                      |
| 009   | 60MM MORTAR, ALL TYPES .....                        | 44,375             | 44,375               |
| 010   | 81MM MORTAR, ALL TYPES .....                        | 27,471             | 27,471               |
| 011   | 120MM MORTAR, ALL TYPES .....                       | 87,811             | 87,811               |
|   | <b>TANK AMMUNITION</b>                              |                    |                      |
| 012   | CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....  | 112,380            | 112,380              |
|   | <b>ARTILLERY AMMUNITION</b>                         |                    |                      |
| 013   | ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP ..... | 50,861             | 50,861               |
| 014   | ARTILLERY PROJECTILE, 155MM, ALL TYPES .....        | 26,227             | 26,227               |
| 015   | PROJ 155MM EXTENDED RANGE XM982 .....               | 110,329            | 55,329               |
|   | Excalibur I-b round schedule delay .....            |                    | [-55,000]            |
| 016   | ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL ..... | 43,924             | 43,924               |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |   |                    |                      |           |
|---|---|--------------------|----------------------|-----------|
| Line  | Item  | FY 2013<br>Request | Senate<br>Authorized |           |
|   | <b>MINES</b>  |                    |                      |           |
| 017   | MINES & CLEARING CHARGES, ALL TYPES .....           | 3,775              | 3,775                |           |
|   | <b>NETWORKED MUNITIONS</b>                          |                    |                      |           |
| 018   | SPIDER NETWORK MUNITIONS, ALL TYPES .....           | 17,408             | 3,108                |           |
|   | Program decrease .....                              |                    |                      | [-14,300] |
|   | <b>ROCKETS</b>                                      |                    |                      |           |
| 019   | SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....        | 1,005              | 1,005                |           |
| 020   | ROCKET, HYDRA 70, ALL TYPES .....                   | 123,433            | 123,433              |           |
|   | <b>OTHER AMMUNITION</b>                             |                    |                      |           |
| 021   | DEMOLITION MUNITIONS, ALL TYPES .....               | 35,189             | 35,189               |           |
| 022   | GRENADERS, ALL TYPES .....                          | 33,477             | 33,477               |           |
| 023   | SIGNALS, ALL TYPES .....                            | 9,991              | 9,991                |           |
| 024   | SIMULATORS, ALL TYPES .....                         | 10,388             | 10,388               |           |
|   | <b>MISCELLANEOUS</b>                                |                    |                      |           |
| 025   | AMMO COMPONENTS, ALL TYPES .....                    | 19,383             | 19,383               |           |
| 026   | NON-LETHAL AMMUNITION, ALL TYPES .....              | 7,336              | 7,336                |           |
| 027   | CAD/PAD ALL TYPES .....                             | 6,641              | 6,641                |           |
| 028   | ITEMS LESS THAN \$5 MILLION .....                   | 15,092             | 15,092               |           |
| 029   | AMMUNITION PECULIAR EQUIPMENT .....                 | 15,692             | 15,692               |           |
| 030   | FIRST DESTINATION TRANSPORTATION (AMMO) .....       | 14,107             | 14,107               |           |
| 031   | CLOSEOUT LIABILITIES .....                          | 106                | 106                  |           |
|   | <b>PRODUCTION BASE SUPPORT</b>                      |                    |                      |           |
| 032   | PROVISION OF INDUSTRIAL FACILITIES .....            | 220,171            | 220,171              |           |
| 033   | CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....  | 182,461            | 182,461              |           |
| 034   | ARMS INITIATIVE .....                               | 3,377              | 3,377                |           |
|   | <b>TOTAL, PROCUREMENT OF AMMUNITION, ARMY</b> ..... | <b>1,739,706</b>   | <b>1,573,268</b>     |           |
|   | <b>OTHER PROCUREMENT, ARMY</b>                      |                    |                      |           |
|   | <b>TACTICAL VEHICLES</b>                            |                    |                      |           |
| 001   | SEMITRAILERS, FLATBED .....                         | 7,097              | 7,097                |           |
| 002   | FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....          | 346,115            | 396,115              |           |
|   | Program increase for USAR .....                     |                    |                      | [50,000]  |
| 003   | FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....    | 19,292             | 19,292               |           |
| 004   | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....      | 52,933             | 52,933               |           |
| 005   | PLS ESP .....                                       | 18,035             | 18,035               |           |
| 006   | ARMORED SECURITY VEHICLES (ASV) .....               | 0                  | 0                    |           |
| 007   | MINE PROTECTION VEHICLE FAMILY .....                | 0                  | 0                    |           |
| 008   | FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP) ..... | 0                  | 0                    |           |
| 009   | TRUCK, TRACTOR, LINE HAUL, M915/M916 .....          | 3,619              | 3,619                |           |
| 010   | HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....   | 26,859             | 26,859               |           |
| 011   | HMMWV RECAPITALIZATION PROGRAM .....                | 0                  | 0                    |           |
| 012   | TACTICAL WHEELED VEHICLE PROTECTION KITS .....      | 69,163             | 69,163               |           |
| 013   | MODIFICATION OF IN SVC EQUIP .....                  | 91,754             | 91,754               |           |
| 014   | MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....   | 0                  | 0                    |           |
| 015   | TOWING DEVICE-FIFTH WHEEL .....                     | 0                  | 0                    |           |
| 016   | AMC CRITICAL ITEMS, OPA1 .....                      | 0                  | 0                    |           |
|   | <b>NON-TACTICAL VEHICLES</b>                        |                    |                      |           |
| 017   | HEAVY ARMORED SEDAN .....                           | 0                  | 0                    |           |
| 018   | PASSENGER CARRYING VEHICLES .....                   | 2,548              | 2,548                |           |
| 019   | NONTACTICAL VEHICLES, OTHER .....                   | 16,791             | 16,791               |           |
|   | <b>COMM—JOINT COMMUNICATIONS</b>                    |                    |                      |           |
| 020   | JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....    | 10,061             | 10,061               |           |
| 021   | WIN-T—GROUND FORCES TACTICAL NETWORK .....          | 892,635            | 892,635              |           |
| 022   | SIGNAL MODERNIZATION PROGRAM .....                  | 45,626             | 45,626               |           |
| 023   | JCSE EQUIPMENT (USREDCOM) .....                     | 5,143              | 5,143                |           |
|   | <b>COMM—SATELLITE COMMUNICATIONS</b>                |                    |                      |           |
| 024   | DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....    | 151,636            | 151,636              |           |
| 025   | TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS ..... | 6,822              | 6,822                |           |
| 026   | SHF TERM .....                                      | 9,108              | 9,108                |           |
| 027   | SAT TERM, EMUT (SPACE) .....                        | 0                  | 0                    |           |
| 028   | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....     | 27,353             | 27,353               |           |
| 029   | SMART-T (SPACE) .....                               | 98,656             | 98,656               |           |
| 030   | SCAMP (SPACE) .....                                 | 0                  | 0                    |           |
| 031   | GLOBAL BRDCST SVC—GBS .....                         | 47,131             | 47,131               |           |
| 032   | MOD OF IN-SVC EQUIP (TAC SAT) .....                 | 23,281             | 23,281               |           |
|   | <b>COMM—COMBAT SUPPORT COMM</b>                     |                    |                      |           |
| 033   | MOD-IN-SERVICE PROFILER .....                       | 0                  | 0                    |           |
|   | <b>COMM—C3 SYSTEM</b>                               |                    |                      |           |
| 034   | ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....         | 10,848             | 10,848               |           |
|   | <b>COMM—COMBAT COMMUNICATIONS</b>                   |                    |                      |           |
| 035   | ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....    | 979                | 979                  |           |
| 036   | JOINT TACTICAL RADIO SYSTEM .....                   | 556,250            | 526,250              |           |
|   | AMF integration ahead of need .....                 |                    |                      | [-30,000] |
| 037   | MID-TIER NETWORKING VEHICULAR RADIO (MNVN) .....    | 86,219             | 86,219               |           |
| 038   | RADIO TERMINAL SET, MIDS LVT(2) .....               | 7,798              | 7,798                |           |
| 039   | SINGGARS FAMILY .....                               | 9,001              | 9,001                |           |
| 040   | AMC CRITICAL ITEMS—OPA2 .....                       | 24,601             | 24,601               |           |
| 041   | TRACTOR DESK .....                                  | 7,779              | 7,779                |           |
| 042   | CMMS-ELEC EQUIP FIELDING .....                      | 0                  | 0                    |           |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |   |                    |                      |  |
|---|---|--------------------|----------------------|--|
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| 043   | SPIDER APLA REMOTE CONTROL UNIT .....               | 34,365             | 13,365               |  |
|   | Funding ahead of need .....                         |                    | [-21,000]            |  |
| 044   | SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....  | 1,833              | 1,833                |  |
| 045   | TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM ..... | 12,984             | 12,984               |  |
| 046   | COMBAT SURVIVOR EVADER LOCATOR (CSEL) .....         | 0                  | 0                    |  |
| 047   | GUNSHOT DETECTION SYSTEM (GDS) .....                | 2,332              | 2,332                |  |
| 048   | RADIO, IMPROVED HF (COTS) FAMILY .....              | 1,132              | 1,132                |  |
| 049   | MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....      | 22,899             | 22,899               |  |
|   | <b>COMM—INTELLIGENCE COMM</b>                       |                    |                      |  |
| 051   | CI AUTOMATION ARCHITECTURE .....                    | 1,564              | 1,564                |  |
| 052   | RESERVE CA/MISO GPF EQUIPMENT .....                 | 28,781             | 28,781               |  |
|   | <b>INFORMATION SECURITY</b>                         |                    |                      |  |
| 053   | TSEC—ARMY KEY MGT SYS (AKMS) .....                  | 23,432             | 23,432               |  |
| 054   | INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....      | 43,897             | 43,897               |  |
| 055   | BIOMETRICS ENTERPRISE .....                         | 0                  | 0                    |  |
|   | <b>COMM—LONG HAUL COMMUNICATIONS</b>                |                    |                      |  |
| 056   | TERRESTRIAL TRANSMISSION .....                      | 2,891              | 2,891                |  |
| 057   | BASE SUPPORT COMMUNICATIONS .....                   | 13,872             | 13,872               |  |
| 058   | WW TECH CON IMP PROG (WWTCP) .....                  | 9,595              | 9,595                |  |
|   | <b>COMM—BASE COMMUNICATIONS</b>                     |                    |                      |  |
| 059   | INFORMATION SYSTEMS .....                           | 142,133            | 142,133              |  |
| 060   | DEFENSE MESSAGE SYSTEM (DMS) .....                  | 0                  | 0                    |  |
| 061   | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....  | 57,727             | 57,727               |  |
| 062   | PENTAGON INFORMATION MGT AND TELECOM .....          | 5,000              | 5,000                |  |
|   | <b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>         |                    |                      |  |
| 065   | JTT/CIBS-M .....                                    | 1,641              | 1,641                |  |
| 066   | PROPHET GROUND .....                                | 48,797             | 48,797               |  |
| 067   | DIGITAL TOPOGRAPHIC SPT SYS (DTSS) .....            | 0                  | 0                    |  |
| 068   | DRUG INTERDICTION PROGRAM (DIP) (TIARA) .....       | 0                  | 0                    |  |
| 069   | DCGS-A (MIP) .....                                  | 184,007            | 184,007              |  |
| 070   | JOINT TACTICAL GROUND STATION (JTAGS) .....         | 2,680              | 2,680                |  |
| 071   | TROJAN (MIP) .....                                  | 21,483             | 21,483               |  |
| 072   | MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....         | 2,412              | 2,412                |  |
| 073   | CI HUMINT AUTO REPRINTING AND COLLECTION .....      | 7,077              | 7,077                |  |
| 074   | ITEMS LESS THAN \$5 MILLION (MIP) .....             | 0                  | 0                    |  |
|   | <b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>          |                    |                      |  |
| 075   | LIGHTWEIGHT COUNTER MORTAR RADAR .....              | 72,594             | 72,594               |  |
| 076   | CREW .....  | 15,446             | 15,446               |  |
| 077   | FMly OF PERSISTENT SURVEILLANCE CAPABILITIES .....  | 0                  | 0                    |  |
| 078   | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....  | 1,470              | 1,470                |  |
| 079   | CI MODERNIZATION .....                              | 1,368              | 1,368                |  |
|   | <b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>        |                    |                      |  |
| 080   | FAAD GBS .....                                      | 7,980              | 7,980                |  |
| 081   | SENTINEL MODS .....                                 | 33,444             | 33,444               |  |
| 082   | SENSE THROUGH THE WALL (STTW) .....                 | 6,212              | 0                    |  |
|   | Slow execution of prior years appropriations .....  |                    | [-6,212]             |  |
| 083   | NIGHT VISION DEVICES .....                          | 166,516            | 166,516              |  |
| 084   | LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM ..... | 0                  | 0                    |  |
| 085   | NIGHT VISION, THERMAL WPN SIGHT .....               | 82,162             | 82,162               |  |
| 086   | SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....     | 20,717             | 20,717               |  |
| 087   | COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....    | 0                  | 0                    |  |
| 088   | BASE EXPEDITARY TARGETING AND SURV SYS .....        | 0                  | 0                    |  |
| 089   | GREEN LASER INTERDICTION SYSTEM (GLIS) .....        | 1,014              | 1,014                |  |
| 090   | INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....    | 29,881             | 29,881               |  |
| 091   | PROFILER .....                                      | 12,482             | 12,482               |  |
| 092   | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....       | 3,075              | 3,075                |  |
| 093   | FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....  | 0                  | 0                    |  |
| 094   | JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....         | 141,385            | 141,385              |  |
| 095   | LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER .....      | 0                  | 0                    |  |
| 096   | MOD OF IN-SVC EQUIP (LLDR) .....                    | 22,403             | 22,403               |  |
| 097   | COMPUTER BALLISTICS: LHMCB XM32 .....               | 0                  | 0                    |  |
| 098   | MORTAR FIRE CONTROL SYSTEM .....                    | 29,505             | 29,505               |  |
| 099   | COUNTERFIRE RADARS .....                            | 244,409            | 244,409              |  |
| 100   | ENHANCED SENSOR & MONITORING SYSTEM (WMD) .....     | 2,426              | 2,426                |  |
|   | <b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>              |                    |                      |  |
| 101   | TACTICAL OPERATIONS CENTERS .....                   | 30,196             | 30,196               |  |
| 102   | FIRE SUPPORT C2 FAMILY .....                        | 58,903             | 58,903               |  |
| 103   | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....     | 8,111              | 8,111                |  |
| 104   | FAAD C2 .....                                       | 5,031              | 5,031                |  |
| 105   | AIR & MSL DEFENSE PLANNING & CONTROL SYS .....      | 64,144             | 64,144               |  |
| 106   | KNIGHT FAMILY .....                                 | 11,999             | 11,999               |  |
| 107   | LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....            | 1,853              | 1,853                |  |
| 108   | AUTOMATIC IDENTIFICATION TECHNOLOGY .....           | 14,377             | 14,377               |  |
| 109   | TC AIMS II .....                                    | 0                  | 0                    |  |
| 110   | TACTICAL INTERNET MANAGER .....                     | 0                  | 0                    |  |
| 111   | NETWORK MANAGEMENT INITIALIZATION AND SERVICE ..... | 59,821             | 59,821               |  |
| 112   | MANEUVER CONTROL SYSTEM (MCS) .....                 | 51,228             | 51,228               |  |
| 113   | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....       | 176,901            | 176,901              |  |
| 114   | RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....   | 15,209             | 15,209               |  |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |   |                    |                      |
|---|---|--------------------|----------------------|
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|   | <b>ELECT EQUIP—AUTOMATION</b>                       |                    |                      |
| 115   | ARMY TRAINING MODERNIZATION .....                   | 8,866              | 8,866                |
| 116   | AUTOMATED DATA PROCESSING EQUIP .....               | 129,438            | 129,438              |
| 117   | GENERAL FUND ENTERPRISE BUSINESS SYS FAM .....      | 9,184              | 9,184                |
| 118   | CSS COMMUNICATIONS .....                            | 20,639             | 20,639               |
| 119   | RESERVE COMPONENT AUTOMATION SYS (RCAS) .....       | 35,493             | 35,493               |
|   | <b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>           |                    |                      |
| 120   | ITEMS LESS THAN \$5 MILLION (A/V) .....             | 8,467              | 8,467                |
| 121   | ITEMS LESS THAN \$5 MILLION .....                   | 5,309              | 5,309                |
|   | <b>ELECT EQUIP—SUPPORT</b>                          |                    |                      |
| 122   | PRODUCTION BASE SUPPORT (C-E) .....                 | 586                | 586                  |
| 123   | BCT NETWORK .....                                   | 0                  | 0                    |
| 124   | DEFENSE RAPID INNOVATION PROGRAM .....              | 0                  | 0                    |
|   | <b>CLASSIFIED PROGRAMS</b>                          |                    |                      |
| 124A  | CLASSIFIED PROGRAMS .....                           | 3,435              | 3,435                |
|   | <b>CHEMICAL DEFENSIVE EQUIPMENT</b>                 |                    |                      |
| 125   | PROTECTIVE SYSTEMS .....                            | 0                  | 0                    |
| 126   | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....         | 3,960              | 3,960                |
| 127   | BASE DEFENSE SYSTEMS (BDS) .....                    | 4,374              | 4,374                |
| 128   | CBRN SOLDIER PROTECTION .....                       | 9,259              | 9,259                |
| 129   | SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) .....  | 0                  | 0                    |
|   | <b>BRIDGING EQUIPMENT</b>                           |                    |                      |
| 130   | TACTICAL BRIDGING .....                             | 35,499             | 35,499               |
| 131   | TACTICAL BRIDGE, FLOAT-RIBBON .....                 | 32,893             | 32,893               |
|   | <b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>        |                    |                      |
| 132   | HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST ..... | 0                  | 0                    |
| 133   | GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....    | 0                  | 0                    |
| 134   | ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....          | 29,106             | 29,106               |
| 135   | EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) ..... | 25,459             | 25,459               |
| 136   | REMOTE DEMOLITION SYSTEMS .....                     | 8,044              | 8,044                |
| 137   | <\$5M, COUNTERMINE EQUIPMENT .....                  | 3,698              | 3,698                |
|   | <b>COMBAT SERVICE SUPPORT EQUIPMENT</b>             |                    |                      |
| 138   | HEATERS AND ECU'S .....                             | 12,210             | 12,210               |
| 139   | SOLDIER ENHANCEMENT .....                           | 6,522              | 6,522                |
| 140   | PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....      | 11,222             | 11,222               |
| 141   | GROUND SOLDIER SYSTEM .....                         | 103,317            | 103,317              |
| 142   | MOUNTED SOLDIER SYSTEM .....                        | 0                  | 0                    |
| 143   | FORCE PROVIDER .....                                | 0                  | 0                    |
| 144   | FIELD FEEDING EQUIPMENT .....                       | 27,417             | 27,417               |
| 145   | CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM ..... | 52,065             | 52,065               |
| 146   | MORTUARY AFFAIRS SYSTEMS .....                      | 2,358              | 2,358                |
| 147   | FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....   | 31,573             | 31,573               |
| 148   | ITEMS LESS THAN \$5 MILLION .....                   | 14,093             | 14,093               |
|   | <b>PETROLEUM EQUIPMENT</b>                          |                    |                      |
| 149   | DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....       | 36,266             | 36,266               |
|   | <b>MEDICAL EQUIPMENT</b>                            |                    |                      |
| 150   | COMBAT SUPPORT MEDICAL .....                        | 34,101             | 34,101               |
| 151   | MEDEVAC MISSION EQUIPMENT PACKAGE (MEP) .....       | 20,540             | 20,540               |
|   | <b>MAINTENANCE EQUIPMENT</b>                        |                    |                      |
| 152   | MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....          | 2,495              | 2,495                |
| 153   | ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....        | 0                  | 0                    |
|   | <b>CONSTRUCTION EQUIPMENT</b>                       |                    |                      |
| 154   | GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....             | 2,028              | 2,028                |
| 155   | SKID STEER LOADER (SSL) FAMILY OF SYSTEM .....      | 0                  | 0                    |
| 156   | SCRAPERS, EARTHMOVING .....                         | 6,146              | 6,146                |
| 157   | MISSION MODULES—ENGINEERING .....                   | 31,200             | 31,200               |
| 158   | COMPACTOR .....                                     | 0                  | 0                    |
| 159   | LOADERS .....                                       | 0                  | 0                    |
| 160   | HYDRAULIC EXCAVATOR .....                           | 0                  | 0                    |
| 161   | TRACTOR, FULL TRACKED .....                         | 20,867             | 20,867               |
| 162   | ALL TERRAIN CRANES .....                            | 4,003              | 4,003                |
| 163   | PLANT, ASPHALT MIXING .....                         | 3,679              | 3,679                |
| 164   | HIGH MOBILITY ENGINEER EXCAVATOR (HME) .....        | 30,042             | 30,042               |
| 165   | ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....     | 13,725             | 13,725               |
| 166   | CONST EQUIP ESP .....                               | 13,351             | 13,351               |
| 167   | ITEMS LESS THAN \$5 MILLION (CONST EQUIP) .....     | 9,134              | 9,134                |
|   | <b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>        |                    |                      |
| 168   | JOINT HIGH SPEED VESSEL (JHSV) .....                | 0                  | 0                    |
| 169   | HARBORMASTER COMMAND AND CONTROL CENTER .....       | 0                  | 0                    |
| 170   | ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL) .....      | 10,552             | 10,552               |
|   | <b>GENERATORS</b>                                   |                    |                      |
| 171   | GENERATORS AND ASSOCIATED EQUIP .....               | 60,302             | 60,302               |
|   | <b>MATERIAL HANDLING EQUIPMENT</b>                  |                    |                      |
| 172   | ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....        | 0                  | 0                    |
| 173   | FAMILY OF FORKLIFTS .....                           | 5,895              | 5,895                |
| 174   | ALL TERRAIN LIFTING ARMY SYSTEM .....               | 0                  | 0                    |
|   | <b>TRAINING EQUIPMENT</b>                           |                    |                      |
| 175   | COMBAT TRAINING CENTERS SUPPORT .....               | 104,649            | 104,649              |
| 176   | TRAINING DEVICES, NONSYSTEM .....                   | 125,251            | 125,251              |



| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |  |                    |                      |
|---|--|--------------------|----------------------|
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| 177   | CLOSE COMBAT TACTICAL TRAINER .....                      | 19,984             | 19,984               |
| 178   | AVIATION COMBINED ARMS TACTICAL TRAINER .....            | 10,977             | 10,977               |
| 179   | GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....      | 4,056              | 4,056                |
|   | <b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>              |                    |                      |
| 180   | CALIBRATION SETS EQUIPMENT .....                         | 10,494             | 10,494               |
| 181   | INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....         | 45,508             | 45,508               |
| 182   | TEST EQUIPMENT MODERNIZATION (TEMOD) .....               | 24,334             | 24,334               |
|   | <b>OTHER SUPPORT EQUIPMENT</b>                           |                    |                      |
| 183   | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....          | 5,078              | 5,078                |
| 184   | PHYSICAL SECURITY SYSTEMS (OPA3) .....                   | 46,301             | 46,301               |
| 185   | BASE LEVEL COMMON EQUIPMENT .....                        | 1,373              | 1,373                |
| 186   | MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....           | 59,141             | 59,141               |
| 187   | PRODUCTION BASE SUPPORT (OTH) .....                      | 2,446              | 2,446                |
| 188   | SPECIAL EQUIPMENT FOR USER TESTING .....                 | 12,920             | 12,920               |
| 189   | AMC CRITICAL ITEMS OPA3 .....                            | 19,180             | 19,180               |
| 190   | TRACTOR YARD .....                                       | 7,368              | 7,368                |
| 191   | UNMANNED GROUND VEHICLE .....                            | 83,937             | 71,937               |
|   | Transfer to PE 0604641A at Army request .....            |                    | [-12,000]            |
| 192   | TRAINING LOGISTICS MANAGEMENT .....                      | 0                  | 0                    |
|   | <b>OPA2</b>  |                    |                      |
| 193   | INITIAL SPARES—C&E .....                                 | 64,507             | 64,507               |
|   | <b>TOTAL, OTHER PROCUREMENT, ARMY</b> .....              | <b>6,326,245</b>   | <b>6,307,033</b>     |
|   | <b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>              |                    |                      |
|   | <b>NETWORK ATTACK</b>                                    |                    |                      |
| 001   | ATTACK THE NETWORK .....                                 | 0                  | 0                    |
|   | <b>JIEDDO DEVICE DEFEAT</b>                              |                    |                      |
| 002   | DEFEAT THE DEVICE .....                                  | 0                  | 0                    |
|   | <b>FORCE TRAINING</b>                                    |                    |                      |
| 003   | TRAIN THE FORCE .....                                    | 0                  | 0                    |
|   | <b>STAFF AND INFRASTRUCTURE</b>                          |                    |                      |
| 004   | OPERATIONS .....   | 227,414            | 0                    |
|   | Transfer to OCO .....                                    |                    | [-227,414]           |
|   | <b>TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> ..... | <b>227,414</b>     | <b>0</b>             |
|   | <b>AIRCRAFT PROCUREMENT, NAVY</b>                        |                    |                      |
|   | <b>COMBAT AIRCRAFT</b>                                   |                    |                      |
| 001   | EA-18G .....   | 1,027,443          | 1,027,443            |
| 002   | ADVANCE PROCUREMENT (CY) .....                           | 0                  | 0                    |
| 003   | F/A-18E/F (FIGHTER) HORNET .....                         | 2,035,131          | 2,035,131            |
| 004   | ADVANCE PROCUREMENT (CY) .....                           | 30,296             | 90,296               |
|   | Retain option for additional FY 14 aircraft .....        |                    | [60,000]             |
| 005   | JOINT STRIKE FIGHTER CV .....                            | 1,007,632          | 1,007,632            |
| 006   | ADVANCE PROCUREMENT (CY) .....                           | 65,180             | 65,180               |
| 007   | JSF STOVL .....  | 1,404,737          | 1,404,737            |
| 008   | ADVANCE PROCUREMENT (CY) .....                           | 106,199            | 106,199              |
| 009   | V-22 (MEDIUM LIFT) .....                                 | 1,303,120          | 1,303,120            |
| 010   | ADVANCE PROCUREMENT (CY) .....                           | 154,202            | 154,202              |
| 011   | H-1 UPGRADES (UH-1Y/AH-1Z) .....                         | 720,933            | 720,933              |
| 012   | ADVANCE PROCUREMENT (CY) .....                           | 69,658             | 69,658               |
| 013   | MH-60S (MYP) .....                                       | 384,792            | 384,792              |
| 014   | ADVANCE PROCUREMENT (CY) .....                           | 69,277             | 69,277               |
| 015   | MH-60R (MYP) .....                                       | 656,866            | 656,866              |
| 016   | ADVANCE PROCUREMENT (CY) .....                           | 185,896            | 185,896              |
| 017   | P-8A POSEIDON .....                                      | 2,420,755          | 2,420,755            |
| 018   | ADVANCE PROCUREMENT (CY) .....                           | 325,679            | 325,679              |
| 019   | E-2D ADV HAWKEYE .....                                   | 861,498            | 861,498              |
| 020   | ADVANCE PROCUREMENT (CY) .....                           | 123,179            | 123,179              |
|   | <b>AIRLIFT AIRCRAFT</b>                                  |                    |                      |
| 021   | C-40A .....  | 0                  | 0                    |
|   | <b>TRAINER AIRCRAFT</b>                                  |                    |                      |
| 022   | JPATS .....  | 278,884            | 278,884              |
|   | <b>OTHER AIRCRAFT</b>                                    |                    |                      |
| 023   | KC-130J .....  | 3,000              | 3,000                |
| 024   | ADVANCE PROCUREMENT (CY) .....                           | 22,995             | 22,995               |
| 025   | ADVANCE PROCUREMENT (CY) .....                           | 51,124             | 51,124               |
| 026   | MQ-8 UAV .....   | 124,573            | 124,573              |
| 027   | STUASLO UAV .....  | 9,593              | 9,593                |
|   | <b>MODIFICATION OF AIRCRAFT</b>                          |                    |                      |
| 028   | EA-6 SERIES .....  | 30,062             | 30,062               |
| 029   | AEA SYSTEMS .....  | 49,999             | 49,999               |
| 030   | AV-8 SERIES .....  | 38,703             | 38,703               |
| 031   | ADVERSARY .....  | 4,289              | 4,289                |
| 032   | F-18 SERIES .....  | 647,306            | 647,306              |
| 033   | H-46 SERIES .....  | 2,343              | 2,343                |
| 034   | AH-1W SERIES .....                                       | 8,721              | 8,721                |
| 035   | H-53 SERIES .....  | 45,567             | 45,567               |
| 036   | SH-60 SERIES .....                                       | 83,527             | 83,527               |
| 037   | H-1 SERIES .....   | 6,508              | 6,508                |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |  |                    |                      |
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| 038   | EP-3 SERIES .....                                  | 66,374             | 66,374               |
| 039   | P-3 SERIES .....                                   | 148,405            | 148,405              |
| 040   | E-2 SERIES .....                                   | 16,322             | 16,322               |
| 041   | TRAINER A/C SERIES .....                           | 34,284             | 34,284               |
| 042   | C-2A .....   | 4,743              | 4,743                |
| 043   | C-130 SERIES .....                                 | 60,302             | 60,302               |
| 044   | FEWSG .....  | 670                | 670                  |
| 045   | CARGO/TRANSPORT A/C SERIES .....                   | 26,311             | 26,311               |
| 046   | E-6 SERIES .....                                   | 158,332            | 158,332              |
| 047   | EXECUTIVE HELICOPTERS SERIES .....                 | 58,163             | 58,163               |
| 048   | SPECIAL PROJECT AIRCRAFT .....                     | 12,421             | 12,421               |
| 049   | T-45 SERIES .....                                  | 64,488             | 64,488               |
| 050   | POWER PLANT CHANGES .....                          | 21,569             | 21,569               |
| 051   | JPATS SERIES .....                                 | 1,552              | 1,552                |
| 052   | AVIATION LIFE SUPPORT MODS .....                   | 2,473              | 2,473                |
| 053   | COMMON ECM EQUIPMENT .....                         | 114,690            | 114,690              |
| 054   | COMMON AVIONICS CHANGES .....                      | 96,183             | 96,183               |
| 055   | COMMON DEFENSIVE WEAPON SYSTEM .....               | 0                  | 0                    |
| 056   | ID SYSTEMS .....                                   | 39,846             | 39,846               |
| 057   | P-8 SERIES .....                                   | 5,302              | 5,302                |
| 058   | MAGTF EW FOR AVIATION .....                        | 34,127             | 34,127               |
| 059   | RQ-7 SERIES .....                                  | 49,324             | 49,324               |
| 060   | V-22 (TILT/ROTOR ACFT) OSPREY .....                | 95,856             | 95,856               |
|   | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>            |                    |                      |
| 061   | SPARES AND REPAIR PARTS .....                      | 1,166,430          | 1,166,430            |
|   | <b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>     |                    |                      |
| 062   | COMMON GROUND EQUIPMENT .....                      | 387,195            | 387,195              |
| 063   | AIRCRAFT INDUSTRIAL FACILITIES .....               | 23,469             | 23,469               |
| 064   | WAR CONSUMABLES .....                              | 43,383             | 43,383               |
| 065   | OTHER PRODUCTION CHARGES .....                     | 3,399              | 3,399                |
| 066   | SPECIAL SUPPORT EQUIPMENT .....                    | 32,274             | 32,274               |
| 067   | FIRST DESTINATION TRANSPORTATION .....             | 1,742              | 1,742                |
| 068   | CANCELLED ACCOUNT ADJUSTMENTS .....                | 0                  | 0                    |
|   | <b>TOTAL, AIRCRAFT PROCUREMENT, NAVY</b> .....     | <b>17,129,296</b>  | <b>17,189,296</b>    |
|   | <b>WEAPONS PROCUREMENT, NAVY</b>                   |                    |                      |
|   | <b>MODIFICATION OF MISSILES</b>                    |                    |                      |
| 001   | TRIDENT II MODS .....                              | 1,224,683          | 1,224,683            |
|   | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>          |                    |                      |
| 002   | MISSILE INDUSTRIAL FACILITIES .....                | 5,553              | 5,553                |
|   | <b>STRATEGIC MISSILES</b>                          |                    |                      |
| 003   | TOMAHAWK .....                                     | 308,970            | 308,970              |
|   | <b>TACTICAL MISSILES</b>                           |                    |                      |
| 004   | AMRAAM .....                                       | 102,683            | 102,683              |
| 005   | SEWINDER .....                                     | 80,226             | 80,226               |
| 006   | JSOW .....   | 127,609            | 127,609              |
| 007   | STANDARD MISSILE .....                             | 399,482            | 399,482              |
| 008   | RAM .....  | 66,769             | 66,769               |
| 009   | HELLFIRE .....                                     | 74,501             | 74,501               |
| 010   | STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) ..... | 0                  | 0                    |
| 011   | AERIAL TARGETS .....                               | 61,518             | 61,518               |
| 012   | OTHER MISSILE SUPPORT .....                        | 3,585              | 3,585                |
|   | <b>MODIFICATION OF MISSILES</b>                    |                    |                      |
| 013   | ESSM .....   | 58,194             | 58,194               |
| 014   | HARM MODS .....                                    | 86,721             | 86,721               |
| 015   | STANDARD MISSILES MODS .....                       | 0                  | 0                    |
|   | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>          |                    |                      |
| 016   | WEAPONS INDUSTRIAL FACILITIES .....                | 2,014              | 2,014                |
| 017   | FLEET SATELLITE COMM FOLLOW-ON .....               | 21,454             | 21,454               |
|   | <b>ORDNANCE SUPPORT EQUIPMENT</b>                  |                    |                      |
| 018   | ORDNANCE SUPPORT EQUIPMENT .....                   | 54,945             | 54,945               |
|   | <b>TORPEDOES AND RELATED EQUIP</b>                 |                    |                      |
| 019   | SSTD .....   | 2,700              | 2,700                |
| 020   | ASW TARGETS .....                                  | 10,385             | 10,385               |
|   | <b>MOD OF TORPEDOES AND RELATED EQUIP</b>          |                    |                      |
| 021   | MK-54 TORPEDO MODS .....                           | 74,487             | 74,487               |
| 022   | MK-48 TORPEDO ADCAP MODS .....                     | 54,281             | 54,281               |
| 023   | QUICKSTRIKE MINE .....                             | 6,852              | 6,852                |
|   | <b>SUPPORT EQUIPMENT</b>                           |                    |                      |
| 024   | TORPEDO SUPPORT EQUIPMENT .....                    | 46,402             | 46,402               |
| 025   | ASW RANGE SUPPORT .....                            | 11,927             | 11,927               |
|   | <b>DESTINATION TRANSPORTATION</b>                  |                    |                      |
| 026   | FIRST DESTINATION TRANSPORTATION .....             | 3,614              | 3,614                |
|   | <b>GUNS AND GUN MOUNTS</b>                         |                    |                      |
| 027   | SMALL ARMS AND WEAPONS .....                       | 12,594             | 12,594               |
|   | <b>MODIFICATION OF GUNS AND GUN MOUNTS</b>         |                    |                      |
| 028   | CIWS MODS .....                                    | 59,303             | 67,003               |
|   | Buy additional ordnance alteration kits .....      |                    | [7,700]              |
| 029   | COAST GUARD WEAPONS .....                          | 19,072             | 19,072               |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |   |                    |                      |  |
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| 030   | GUN MOUNT MODS .....                                    | 54,706             | 54,706               |  |
| 031   | CRUISER MODERNIZATION WEAPONS .....                     | 1,591              | 1,591                |  |
| 032   | AIRBORNE MINE NEUTRALIZATION SYSTEMS .....              | 20,607             | 20,607               |  |
|   | <b>OTHER</b>  |                    |                      |  |
| 033   | CANCELLED ACCOUNT ADJUSTMENTS .....                     | 0                  | 0                    |  |
|   | <b>SPARES AND REPAIR PARTS</b>                          |                    |                      |  |
| 034   | SPARES AND REPAIR PARTS .....                           | 60,150             | 60,150               |  |
|   | <b>TOTAL, WEAPONS PROCUREMENT, NAVY</b> .....           | <b>3,117,578</b>   | <b>3,125,278</b>     |  |
|   | <b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>               |                    |                      |  |
|   | <b>NAVY AMMUNITION</b>                                  |                    |                      |  |
| 001   | GENERAL PURPOSE BOMBS .....                             | 27,024             | 27,024               |  |
| 002   | AIRBORNE ROCKETS, ALL TYPES .....                       | 56,575             | 56,575               |  |
| 003   | MACHINE GUN AMMUNITION .....                            | 21,266             | 21,266               |  |
| 004   | PRACTICE BOMBS .....                                    | 34,319             | 34,319               |  |
| 005   | CARTRIDGES & CART ACTUATED DEVICES .....                | 53,755             | 53,755               |  |
| 006   | AIR EXPENDABLE COUNTERMEASURES .....                    | 61,693             | 61,693               |  |
| 007   | JATOS .....   | 2,776              | 2,776                |  |
| 008   | LRLAP 6" LONG RANGE ATTACK PROJECTILE .....             | 7,102              | 7,102                |  |
| 009   | 5 INCH/54 GUN AMMUNITION .....                          | 48,320             | 48,320               |  |
| 010   | INTERMEDIATE CALIBER GUN AMMUNITION .....               | 25,544             | 25,544               |  |
| 011   | OTHER SHIP GUN AMMUNITION .....                         | 41,624             | 41,624               |  |
| 012   | SMALL ARMS & LANDING PARTY AMMO .....                   | 65,893             | 65,893               |  |
| 013   | PYROTECHNIC AND DEMOLITION .....                        | 11,176             | 11,176               |  |
| 014   | AMMUNITION LESS THAN \$5 MILLION .....                  | 4,116              | 4,116                |  |
|   | <b>MARINE CORPS AMMUNITION</b>                          |                    |                      |  |
| 015   | SMALL ARMS AMMUNITION .....                             | 83,733             | 83,733               |  |
| 016   | LINEAR CHARGES, ALL TYPES .....                         | 24,645             | 24,645               |  |
| 017   | 40MM, ALL TYPES .....                                   | 16,201             | 16,201               |  |
| 018   | 60MM, ALL TYPES .....                                   | 0                  | 0                    |  |
| 019   | 81MM, ALL TYPES .....                                   | 13,711             | 3,711                |  |
|   | Decrease for excess .....                               |                    | [-10,000]            |  |
| 020   | 120MM, ALL TYPES .....                                  | 12,557             | 12,557               |  |
| 021   | CTG 25MM, ALL TYPES .....                               | 0                  | 0                    |  |
| 022   | GRENADES, ALL TYPES .....                               | 7,634              | 7,134                |  |
|   | Decrease for excess .....                               |                    | [-500]               |  |
| 023   | ROCKETS, ALL TYPES .....                                | 27,528             | 27,528               |  |
| 024   | ARTILLERY, ALL TYPES .....                              | 93,065             | 93,065               |  |
| 025   | DEMOLITION MUNITIONS, ALL TYPES .....                   | 2,047              | 47                   |  |
|   | Decrease for excess .....                               |                    | [-2,000]             |  |
| 026   | FUZE, ALL TYPES .....                                   | 5,297              | 5,297                |  |
| 027   | NON LETHALS .....                                       | 1,362              | 1,362                |  |
| 028   | AMMO MODERNIZATION .....                                | 4,566              | 4,566                |  |
| 029   | ITEMS LESS THAN \$5 MILLION .....                       | 6,010              | 6,010                |  |
|   | <b>PRIOR YEAR SAVINGS</b>                               |                    |                      |  |
| 029B  | PRIOR YEAR SAVINGS .....                                |                    | -88,300              |  |
|   | Ammunition change in requirements .....                 |                    | [-88,300]            |  |
|   | <b>TOTAL, PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....  | <b>759,539</b>     | <b>658,739</b>       |  |
|   | <b>SHIPBUILDING &amp; CONVERSION, NAVY</b>              |                    |                      |  |
|   | <b>OTHER WARSHIPS</b>                                   |                    |                      |  |
| 001   | CARRIER REPLACEMENT PROGRAM .....                       | 608,195            | 608,195              |  |
| 002   | ADVANCE PROCUREMENT (CY) .....                          | 0                  | 0                    |  |
| 003   | VIRGINIA CLASS SUBMARINE .....                          | 3,217,601          | 3,217,601            |  |
| 004   | ADVANCE PROCUREMENT (CY) .....                          | 874,878            | 1,652,557            |  |
|   | Advance procurement for 2nd SSN in FY 14 .....          |                    | [777,679]            |  |
| 005   | CVN REFUELING OVERHAULS .....                           | 1,613,392          | 1,613,392            |  |
| 006   | ADVANCE PROCUREMENT (CY) .....                          | 70,010             | 70,010               |  |
| 007   | SSBN ERO .....  | 0                  | 0                    |  |
| 008   | DDG 1000 .....  | 669,222            | 669,222              |  |
| 009   | DDG-51 .....  | 3,048,658          | 3,048,658            |  |
| 010   | ADVANCE PROCUREMENT (CY) .....                          | 466,283            | 466,283              |  |
| 011   | LITTORAL COMBAT SHIP .....                              | 1,784,959          | 1,784,959            |  |
| 012   | ADVANCE PROCUREMENT (CY) .....                          | 0                  | 0                    |  |
|   | <b>AMPHIBIOUS SHIPS</b>                                 |                    |                      |  |
| 013   | LPD-17 .....  | 0                  | 0                    |  |
| 014   | LHA REPLACEMENT .....                                   | 0                  | 0                    |  |
| 015   | JOINT HIGH SPEED VESSEL .....                           | 189,196            | 189,196              |  |
|   | <b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>     |                    |                      |  |
| 016   | OCEANOGRAPHIC SHIPS .....                               | 0                  | 0                    |  |
| 017   | ADVANCE PROCUREMENT (CY) .....                          | 307,300            | 307,300              |  |
| 018   | OUTFITTING .....  | 309,648            | 309,648              |  |
| 019   | SERVICE CRAFT .....                                     | 0                  | 0                    |  |
| 020   | LCAC SLEP .....   | 47,930             | 47,930               |  |
| 021   | COMPLETION OF PY SHIPBUILDING PROGRAMS .....            | 372,573            | 372,573              |  |
|   | <b>TOTAL, SHIPBUILDING &amp; CONVERSION, NAVY</b> ..... | <b>13,579,845</b>  | <b>14,357,524</b>    |  |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |   |                    |                      |  |
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|   | <b>OTHER PROCUREMENT, NAVY</b>                      |                    |                      |  |
|   | <b>SHIP PROPULSION EQUIPMENT</b>                    |                    |                      |  |
| 001   | LM-2500 GAS TURBINE .....                           | 10,658             | 10,658               |  |
| 002   | ALLISON 501K GAS TURBINE .....                      | 8,469              | 8,469                |  |
|   | <b>NAVIGATION EQUIPMENT</b>                         |                    |                      |  |
| 003   | OTHER NAVIGATION EQUIPMENT .....                    | 23,392             | 23,392               |  |
|   | <b>PERISCOPES</b>                                   |                    |                      |  |
| 004   | SUB PERISCOPES & IMAGING EQUIP .....                | 53,809             | 53,809               |  |
|   | <b>OTHER SHIPBOARD EQUIPMENT</b>                    |                    |                      |  |
| 005   | DDG MOD .....                                       | 452,371            | 452,371              |  |
| 006   | FIREFIGHTING EQUIPMENT .....                        | 16,958             | 16,958               |  |
| 007   | COMMAND AND CONTROL SWITCHBOARD .....               | 2,492              | 2,492                |  |
| 008   | POLLUTION CONTROL EQUIPMENT .....                   | 20,707             | 20,707               |  |
| 009   | SUBMARINE SUPPORT EQUIPMENT .....                   | 12,046             | 12,046               |  |
| 010   | VIRGINIA CLASS SUPPORT EQUIPMENT .....              | 79,870             | 79,870               |  |
| 011   | LCS CLASS SUPPORT EQUIPMENT .....                   | 19,865             | 19,865               |  |
| 012   | SUBMARINE BATTERIES .....                           | 41,522             | 41,522               |  |
| 013   | LPD CLASS SUPPORT EQUIPMENT .....                   | 30,543             | 30,543               |  |
| 014   | STRATEGIC PLATFORM SUPPORT EQUIP .....              | 16,257             | 16,257               |  |
| 015   | DSSP EQUIPMENT .....                                | 3,630              | 3,630                |  |
| 016   | CG MODERNIZATION .....                              | 101,000            | 101,000              |  |
| 017   | LCAC .....  | 16,645             | 16,645               |  |
| 018   | UNDERWATER EOD PROGRAMS .....                       | 35,446             | 35,446               |  |
| 019   | ITEMS LESS THAN \$5 MILLION .....                   | 65,998             | 65,998               |  |
| 020   | CHEMICAL WARFARE DETECTORS .....                    | 4,359              | 4,359                |  |
| 021   | SUBMARINE LIFE SUPPORT SYSTEM .....                 | 10,218             | 10,218               |  |
|   | <b>REACTOR PLANT EQUIPMENT</b>                      |                    |                      |  |
| 022   | REACTOR POWER UNITS .....                           | 286,859            | 286,859              |  |
| 023   | REACTOR COMPONENTS .....                            | 278,503            | 278,503              |  |
|   | <b>OCEAN ENGINEERING</b>                            |                    |                      |  |
| 024   | DIVING AND SALVAGE EQUIPMENT .....                  | 8,998              | 8,998                |  |
|   | <b>SMALL BOATS</b>                                  |                    |                      |  |
| 025   | STANDARD BOATS .....                                | 30,131             | 30,131               |  |
|   | <b>TRAINING EQUIPMENT</b>                           |                    |                      |  |
| 026   | OTHER SHIPS TRAINING EQUIPMENT .....                | 29,772             | 29,772               |  |
|   | <b>PRODUCTION FACILITIES EQUIPMENT</b>              |                    |                      |  |
| 027   | OPERATING FORCES IPE .....                          | 64,346             | 64,346               |  |
|   | <b>OTHER SHIP SUPPORT</b>                           |                    |                      |  |
| 028   | NUCLEAR ALTERATIONS .....                           | 154,652            | 154,652              |  |
| 029   | LCS COMMON MISSION MODULES EQUIPMENT .....          | 31,319             | 31,319               |  |
| 030   | LCS MCM MISSION MODULES .....                       | 38,392             | 38,392               |  |
| 031   | LCS SUW MISSION MODULES .....                       | 32,897             | 32,897               |  |
|   | <b>LOGISTIC SUPPORT</b>                             |                    |                      |  |
| 032   | LSD MIDLIFE .....                                   | 49,758             | 49,758               |  |
|   | <b>SHIP RADARS</b>                                  |                    |                      |  |
| 033   | RADAR SUPPORT .....                                 | 0                  | 0                    |  |
| 034   | SPQ-9B RADAR .....                                  | 19,777             | 19,777               |  |
| 035   | AN/SQ-89 SURF ASW COMBAT SYSTEM .....               | 89,201             | 89,201               |  |
| 036   | SSN ACOUSTICS .....                                 | 190,874            | 190,874              |  |
| 037   | UNDERSEA WARFARE SUPPORT EQUIPMENT .....            | 17,035             | 17,035               |  |
| 038   | SONAR SWITCHES AND TRANSDUCERS .....                | 13,410             | 13,410               |  |
| 039   | ELECTRONIC WARFARE MILDEC .....                     | 0                  | 0                    |  |
|   | <b>ASW ELECTRONIC EQUIPMENT</b>                     |                    |                      |  |
| 040   | SUBMARINE ACOUSTIC WARFARE SYSTEM .....             | 21,489             | 21,489               |  |
| 041   | SSTD .....  | 10,716             | 10,716               |  |
| 042   | FIXED SURVEILLANCE SYSTEM .....                     | 98,896             | 98,896               |  |
| 043   | SURTASS .....                                       | 2,774              | 2,774                |  |
| 044   | MARITIME PATROL AND RECONNAISSANCE FORCE .....      | 18,428             | 18,428               |  |
|   | <b>ELECTRONIC WARFARE EQUIPMENT</b>                 |                    |                      |  |
| 045   | AN/SLQ-32 .....                                     | 92,270             | 92,270               |  |
|   | <b>RECONNAISSANCE EQUIPMENT</b>                     |                    |                      |  |
| 046   | SHIPBOARD IW EXPLOIT .....                          | 107,060            | 107,060              |  |
| 047   | AUTOMATED IDENTIFICATION SYSTEM (AIS) .....         | 914                | 914                  |  |
|   | <b>SUBMARINE SURVEILLANCE EQUIPMENT</b>             |                    |                      |  |
| 048   | SUBMARINE SUPPORT EQUIPMENT PROG .....              | 34,050             | 34,050               |  |
|   | <b>OTHER SHIP ELECTRONIC EQUIPMENT</b>              |                    |                      |  |
| 049   | COOPERATIVE ENGAGEMENT CAPABILITY .....             | 27,881             | 27,881               |  |
| 050   | TRUSTED INFORMATION SYSTEM (TIS) .....              | 448                | 448                  |  |
| 051   | NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) ..... | 35,732             | 35,732               |  |
| 052   | ATDLS .....   | 0                  | 0                    |  |
| 053   | NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....        | 9,533              | 9,533                |  |
| 054   | MINESWEEPING SYSTEM REPLACEMENT .....               | 60,111             | 60,111               |  |
| 055   | SHALLOW WATER MCM .....                             | 6,950              | 6,950                |  |
| 056   | NAVSTAR GPS RECEIVERS (SPACE) .....                 | 9,089              | 9,089                |  |
| 057   | AMERICAN FORCES RADIO AND TV SERVICE .....          | 7,768              | 7,768                |  |
| 058   | STRATEGIC PLATFORM SUPPORT EQUIP .....              | 3,614              | 3,614                |  |
|   | <b>TRAINING EQUIPMENT</b>                           |                    |                      |  |
| 059   | OTHER TRAINING EQUIPMENT .....                      | 42,911             | 42,911               |  |
|   | <b>AVIATION ELECTRONIC EQUIPMENT</b>                |                    |                      |  |

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| 060   | MATCALS .....                                       | 5,861              | 5,861                |  |
| 061   | SHIPBOARD AIR TRAFFIC CONTROL .....                 | 8,362              | 8,362                |  |
| 062   | AUTOMATIC CARRIER LANDING SYSTEM .....              | 15,685             | 15,685               |  |
| 063   | NATIONAL AIR SPACE SYSTEM .....                     | 16,919             | 16,919               |  |
| 064   | FLEET AIR TRAFFIC CONTROL SYSTEMS .....             | 6,828              | 6,828                |  |
| 065   | LANDING SYSTEMS .....                               | 7,646              | 7,646                |  |
| 066   | ID SYSTEMS .....                                    | 35,474             | 35,474               |  |
| 067   | NAVAL MISSION PLANNING SYSTEMS .....                | 9,958              | 9,958                |  |
|   | <b>OTHER SHORE ELECTRONIC EQUIPMENT</b>             |                    |                      |  |
| 068   | DEPLOYABLE JOINT COMMAND AND CONT .....             | 9,064              | 9,064                |  |
| 069   | MARITIME INTEGRATED BROADCAST SYSTEM .....          | 16,026             | 16,026               |  |
| 070   | TACTICAL/MOBILE C4I SYSTEMS .....                   | 11,886             | 11,886               |  |
| 071   | DCGS-N .....  | 11,887             | 11,887               |  |
| 072   | CANES .....   | 341,398            | 341,398              |  |
| 073   | RADIAC .....  | 8,083              | 8,083                |  |
| 074   | CANES-INTELL .....                                  | 79,427             | 79,427               |  |
| 075   | GPETE .....   | 6,083              | 6,083                |  |
| 076   | INTEG COMBAT SYSTEM TEST FACILITY .....             | 4,495              | 4,495                |  |
| 077   | EMI CONTROL INSTRUMENTATION .....                   | 4,767              | 4,767                |  |
| 078   | ITEMS LESS THAN \$5 MILLION .....                   | 81,755             | 81,755               |  |
|   | <b>SHIPBOARD COMMUNICATIONS</b>                     |                    |                      |  |
| 079   | SHIPBOARD TACTICAL COMMUNICATIONS .....             | 0                  | 0                    |  |
| 080   | SHIP COMMUNICATIONS AUTOMATION .....                | 56,870             | 56,870               |  |
| 081   | MARITIME DOMAIN AWARENESS (MDA) .....               | 1,063              | 1,063                |  |
| 082   | COMMUNICATIONS ITEMS UNDER \$5M .....               | 28,522             | 28,522               |  |
| 083   | SUBMARINE BROADCAST SUPPORT .....                   | 4,183              | 4,183                |  |
| 084   | SUBMARINE COMMUNICATION EQUIPMENT .....             | 69,025             | 69,025               |  |
|   | <b>SATELLITE COMMUNICATIONS</b>                     |                    |                      |  |
| 085   | SATELLITE COMMUNICATIONS SYSTEMS .....              | 49,294             | 49,294               |  |
| 086   | NAVY MULTIBAND TERMINAL (NMT) .....                 | 184,825            | 184,825              |  |
|   | <b>SHORE COMMUNICATIONS</b>                         |                    |                      |  |
| 087   | JCS COMMUNICATIONS EQUIPMENT .....                  | 2,180              | 2,180                |  |
| 088   | ELECTRICAL POWER SYSTEMS .....                      | 1,354              | 1,354                |  |
| 089   | NAVAL SHORE COMMUNICATIONS .....                    | 0                  | 0                    |  |
|   | <b>CRYPTOGRAPHIC EQUIPMENT</b>                      |                    |                      |  |
| 090   | INFO SYSTEMS SECURITY PROGRAM (ISSP) .....          | 144,104            | 144,104              |  |
|   | <b>CRYPTOLOGIC EQUIPMENT</b>                        |                    |                      |  |
| 091   | CRYPTOLOGIC COMMUNICATIONS EQUIP .....              | 12,604             | 12,604               |  |
|   | <b>OTHER ELECTRONIC SUPPORT</b>                     |                    |                      |  |
| 092   | COAST GUARD EQUIPMENT .....                         | 6,680              | 6,680                |  |
| 093   | DEFENSE RAPID INNOVATION PROGRAM .....              | 0                  | 0                    |  |
|   | <b>DRUG INTERDICTION SUPPORT</b>                    |                    |                      |  |
| 094   | OTHER DRUG INTERDICTION SUPPORT .....               | 0                  | 0                    |  |
|   | <b>SONOBUOYS</b>                                    |                    |                      |  |
| 095   | SONOBUOYS—ALL TYPES .....                           | 104,677            | 104,677              |  |
|   | <b>AIRCRAFT SUPPORT EQUIPMENT</b>                   |                    |                      |  |
| 096   | WEAPONS RANGE SUPPORT EQUIPMENT .....               | 70,753             | 70,753               |  |
| 097   | EXPEDITIONARY AIRFIELDS .....                       | 8,678              | 8,678                |  |
| 098   | AIRCRAFT REARMING EQUIPMENT .....                   | 11,349             | 11,349               |  |
| 099   | AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....          | 82,618             | 82,618               |  |
| 100   | METEOROLOGICAL EQUIPMENT .....                      | 18,339             | 18,339               |  |
| 101   | DCRS/DPL .....                                      | 1,414              | 1,414                |  |
| 102   | AVIATION LIFE SUPPORT .....                         | 40,475             | 40,475               |  |
| 103   | AIRBORNE MINE COUNTERMEASURES .....                 | 61,552             | 61,552               |  |
| 104   | LAMPS MK III SHIPBOARD EQUIPMENT .....              | 18,771             | 18,771               |  |
| 105   | PORTABLE ELECTRONIC MAINTENANCE AIDS .....          | 7,954              | 7,954                |  |
| 106   | OTHER AVIATION SUPPORT EQUIPMENT .....              | 10,023             | 10,023               |  |
| 107   | AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS) ..... | 3,826              | 3,826                |  |
|   | <b>SHIP GUN SYSTEM EQUIPMENT</b>                    |                    |                      |  |
| 108   | NAVAL FIRES CONTROL SYSTEM .....                    | 3,472              | 3,472                |  |
| 109   | GUN FIRE CONTROL EQUIPMENT .....                    | 4,528              | 4,528                |  |
|   | <b>SHIP MISSILE SYSTEMS EQUIPMENT</b>               |                    |                      |  |
| 110   | NATO SEASPARROW .....                               | 8,960              | 8,960                |  |
| 111   | RAM GMLS .....                                      | 1,185              | 1,185                |  |
| 112   | SHIP SELF DEFENSE SYSTEM .....                      | 55,371             | 55,371               |  |
| 113   | AEGIS SUPPORT EQUIPMENT .....                       | 81,614             | 81,614               |  |
| 114   | TOMAHAWK SUPPORT EQUIPMENT .....                    | 77,767             | 77,767               |  |
| 115   | VERTICAL LAUNCH SYSTEMS .....                       | 754                | 754                  |  |
| 116   | MARITIME INTEGRATED PLANNING SYSTEM—MIPS .....      | 4,965              | 4,965                |  |
|   | <b>FBM SUPPORT EQUIPMENT</b>                        |                    |                      |  |
| 117   | STRATEGIC MISSILE SYSTEMS EQUIP .....               | 181,049            | 181,049              |  |
| 118   | SSN COMBAT CONTROL SYSTEMS .....                    | 71,316             | 71,316               |  |
| 119   | SUBMARINE ASW SUPPORT EQUIPMENT .....               | 4,018              | 4,018                |  |
| 120   | SURFACE ASW SUPPORT EQUIPMENT .....                 | 6,465              | 6,465                |  |
| 121   | ASW RANGE SUPPORT EQUIPMENT .....                   | 47,930             | 47,930               |  |
|   | <b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>             |                    |                      |  |
| 122   | EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....             | 3,579              | 3,579                |  |
| 123   | ITEMS LESS THAN \$5 MILLION .....                   | 3,125              | 3,125                |  |
|   | <b>OTHER EXPENDABLE ORDNANCE</b>                    |                    |                      |  |

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| 124   | ANTI-SHIP MISSILE DECOY SYSTEM .....                | 31,743             | 31,743               |
| 125   | SURFACE TRAINING DEVICE MODS .....                  | 34,174             | 34,174               |
| 126   | SUBMARINE TRAINING DEVICE MODS .....                | 23,450             | 23,450               |
|   | <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>          |                    |                      |
| 127   | PASSENGER CARRYING VEHICLES .....                   | 7,158              | 7,158                |
| 128   | GENERAL PURPOSE TRUCKS .....                        | 3,325              | 3,325                |
| 129   | CONSTRUCTION & MAINTENANCE EQUIP .....              | 8,692              | 8,692                |
| 130   | FIRE FIGHTING EQUIPMENT .....                       | 14,533             | 14,533               |
| 131   | TACTICAL VEHICLES .....                             | 15,330             | 15,330               |
| 132   | AMPHIBIOUS EQUIPMENT .....                          | 10,803             | 10,803               |
| 133   | POLLUTION CONTROL EQUIPMENT .....                   | 7,265              | 7,265                |
| 134   | ITEMS UNDER \$5 MILLION .....                       | 15,252             | 15,252               |
| 135   | PHYSICAL SECURITY VEHICLES .....                    | 1,161              | 1,161                |
|   | <b>SUPPLY SUPPORT EQUIPMENT</b>                     |                    |                      |
| 136   | MATERIALS HANDLING EQUIPMENT .....                  | 15,204             | 15,204               |
| 137   | OTHER SUPPLY SUPPORT EQUIPMENT .....                | 6,330              | 6,330                |
| 138   | FIRST DESTINATION TRANSPORTATION .....              | 6,539              | 6,539                |
| 139   | SPECIAL PURPOSE SUPPLY SYSTEMS .....                | 34,804             | 34,804               |
|   | <b>TRAINING DEVICES</b>                             |                    |                      |
| 140   | TRAINING SUPPORT EQUIPMENT .....                    | 25,444             | 25,444               |
|   | <b>COMMAND SUPPORT EQUIPMENT</b>                    |                    |                      |
| 141   | COMMAND SUPPORT EQUIPMENT .....                     | 43,165             | 43,165               |
| 142   | EDUCATION SUPPORT EQUIPMENT .....                   | 2,251              | 2,251                |
| 143   | MEDICAL SUPPORT EQUIPMENT .....                     | 3,148              | 3,148                |
| 146   | NAVAL MIP SUPPORT EQUIPMENT .....                   | 3,502              | 3,502                |
| 148   | OPERATING FORCES SUPPORT EQUIPMENT .....            | 15,696             | 15,696               |
| 149   | C4ISR EQUIPMENT .....                               | 4,344              | 4,344                |
| 150   | ENVIRONMENTAL SUPPORT EQUIPMENT .....               | 19,492             | 19,492               |
| 151   | PHYSICAL SECURITY EQUIPMENT .....                   | 177,149            | 177,149              |
| 152   | ENTERPRISE INFORMATION TECHNOLOGY .....             | 183,995            | 183,995              |
|   | <b>CLASSIFIED PROGRAMS</b>                          |                    |                      |
| 152A  | CLASSIFIED PROGRAMS .....                           | 13,063             | 13,063               |
|   | <b>SPARES AND REPAIR PARTS</b>                      |                    |                      |
| 153   | SPARES AND REPAIR PARTS .....                       | 250,718            | 250,718              |
|   | <b>TOTAL, OTHER PROCUREMENT, NAVY</b> .....         | <b>6,169,378</b>   | <b>6,169,378</b>     |
|   | <b>PROCUREMENT, MARINE CORPS</b>                    |                    |                      |
|   | <b>TRACKED COMBAT VEHICLES</b>                      |                    |                      |
| 001   | AAV7A1 PIP .....                                    | 16,089             | 16,089               |
| 002   | LAV PIP .....                                       | 186,216            | 46,216               |
|   | LAV procurement acquisition objective change .....  |                    | [-140,000]           |
|   | <b>ARTILLERY AND OTHER WEAPONS</b>                  |                    |                      |
| 003   | EXPEDITIONARY FIRE SUPPORT SYSTEM .....             | 2,502              | 2,502                |
| 004   | 155MM LIGHTWEIGHT TOWED HOWITZER .....              | 17,913             | 17,913               |
| 005   | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....         | 47,999             | 47,999               |
| 006   | WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION ..... | 17,706             | 17,706               |
|   | <b>OTHER SUPPORT</b>                                |                    |                      |
| 007   | MODIFICATION KITS .....                             | 48,040             | 48,040               |
| 008   | WEAPONS ENHANCEMENT PROGRAM .....                   | 4,537              | 4,537                |
|   | <b>GUIDED MISSILES</b>                              |                    |                      |
| 009   | GROUND BASED AIR DEFENSE .....                      | 11,054             | 11,054               |
| 010   | JAVELIN .....                                       | 0                  | 0                    |
| 011   | FOLLOW ON TO SMAW .....                             | 19,650             | 19,650               |
| 012   | ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....      | 20,708             | 20,708               |
|   | <b>OTHER SUPPORT</b>                                |                    |                      |
| 013   | MODIFICATION KITS .....                             | 0                  | 0                    |
|   | <b>COMMAND AND CONTROL SYSTEMS</b>                  |                    |                      |
| 014   | UNIT OPERATIONS CENTER .....                        | 1,420              | 1,420                |
|   | <b>REPAIR AND TEST EQUIPMENT</b>                    |                    |                      |
| 015   | REPAIR AND TEST EQUIPMENT .....                     | 25,127             | 25,127               |
|   | <b>OTHER SUPPORT (TEL)</b>                          |                    |                      |
| 016   | COMBAT SUPPORT SYSTEM .....                         | 25,822             | 25,822               |
| 017   | MODIFICATION KITS .....                             | 2,831              | 2,831                |
|   | <b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>         |                    |                      |
| 018   | ITEMS UNDER \$5 MILLION (COMM & ELEC) .....         | 5,498              | 5,498                |
| 019   | AIR OPERATIONS C2 SYSTEMS .....                     | 11,290             | 11,290               |
|   | <b>RADAR + EQUIPMENT (NON-TEL)</b>                  |                    |                      |
| 020   | RADAR SYSTEMS .....                                 | 128,079            | 128,079              |
| 021   | RQ-21 UAS .....                                     | 27,619             | 27,619               |
|   | <b>INTELL/COMM EQUIPMENT (NON-TEL)</b>              |                    |                      |
| 022   | FIRE SUPPORT SYSTEM .....                           | 7,319              | 7,319                |
| 023   | INTELLIGENCE SUPPORT EQUIPMENT .....                | 7,466              | 7,466                |
| 025   | RQ-11 UAV .....                                     | 2,318              | 2,318                |
| 026   | DCGS-MC .....                                       | 18,291             | 18,291               |
|   | <b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>          |                    |                      |
| 029   | NIGHT VISION EQUIPMENT .....                        | 48,084             | 48,084               |
|   | <b>OTHER SUPPORT (NON-TEL)</b>                      |                    |                      |
| 030   | COMMON COMPUTER RESOURCES .....                     | 206,708            | 206,708              |
| 031   | COMMAND POST SYSTEMS .....                          | 35,190             | 35,190               |

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| 032   | RADIO SYSTEMS .....                                   | 89,059             | 89,059               |  |
| 033   | COMM SWITCHING & CONTROL SYSTEMS .....                | 22,500             | 22,500               |  |
| 034   | COMM & ELEC INFRASTRUCTURE SUPPORT .....              | 42,625             | 42,625               |  |
|   | <b>CLASSIFIED PROGRAMS</b>                            |                    |                      |  |
| 035A  | CLASSIFIED PROGRAMS .....                             | 2,290              | 2,290                |  |
|   | <b>ADMINISTRATIVE VEHICLES</b>                        |                    |                      |  |
| 035   | COMMERCIAL PASSENGER VEHICLES .....                   | 2,877              | 2,877                |  |
| 036   | COMMERCIAL CARGO VEHICLES .....                       | 13,960             | 13,960               |  |
|   | <b>TACTICAL VEHICLES</b>                              |                    |                      |  |
| 037   | 5/4T TRUCK HMMV (MYP) .....                           | 8,052              | 8,052                |  |
| 038   | MOTOR TRANSPORT MODIFICATIONS .....                   | 50,269             | 50,269               |  |
| 039   | MEDIUM TACTICAL VEHICLE REPLACEMENT .....             | 0                  | 0                    |  |
| 040   | LOGISTICS VEHICLE SYSTEM REP .....                    | 37,262             | 37,262               |  |
| 041   | FAMILY OF TACTICAL TRAILERS .....                     | 48,160             | 48,160               |  |
| 042   | TRAILERS .....  | 0                  | 0                    |  |
|   | <b>OTHER SUPPORT</b>                                  |                    |                      |  |
| 043   | ITEMS LESS THAN \$5 MILLION .....                     | 6,705              | 6,705                |  |
|   | <b>ENGINEER AND OTHER EQUIPMENT</b>                   |                    |                      |  |
| 044   | ENVIRONMENTAL CONTROL EQUIP ASSORT .....              | 13,576             | 13,576               |  |
| 045   | BULK LIQUID EQUIPMENT .....                           | 16,869             | 16,869               |  |
| 046   | TACTICAL FUEL SYSTEMS .....                           | 19,108             | 19,108               |  |
| 047   | POWER EQUIPMENT ASSORTED .....                        | 56,253             | 56,253               |  |
| 048   | AMPHIBIOUS SUPPORT EQUIPMENT .....                    | 13,089             | 13,089               |  |
| 049   | EOD SYSTEMS .....                                     | 73,699             | 73,699               |  |
|   | <b>MATERIALS HANDLING EQUIPMENT</b>                   |                    |                      |  |
| 050   | PHYSICAL SECURITY EQUIPMENT .....                     | 3,510              | 3,510                |  |
| 051   | GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....       | 11,490             | 11,490               |  |
| 052   | MATERIAL HANDLING EQUIP .....                         | 20,659             | 20,659               |  |
| 053   | FIRST DESTINATION TRANSPORTATION .....                | 132                | 132                  |  |
|   | <b>GENERAL PROPERTY</b>                               |                    |                      |  |
| 054   | FIELD MEDICAL EQUIPMENT .....                         | 31,068             | 31,068               |  |
| 055   | TRAINING DEVICES .....                                | 45,895             | 45,895               |  |
| 056   | CONTAINER FAMILY .....                                | 5,801              | 5,801                |  |
| 057   | FAMILY OF CONSTRUCTION EQUIPMENT .....                | 23,939             | 23,939               |  |
| 058   | FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) .....    | 0                  | 0                    |  |
| 059   | BRIDGE BOATS .....                                    | 0                  | 0                    |  |
| 060   | RAPID DEPLOYABLE KITCHEN .....                        | 8,365              | 8,365                |  |
|   | <b>OTHER SUPPORT</b>                                  |                    |                      |  |
| 061   | ITEMS LESS THAN \$5 MILLION .....                     | 7,077              | 7,077                |  |
|   | <b>SPARES AND REPAIR PARTS</b>                        |                    |                      |  |
| 062   | SPARES AND REPAIR PARTS .....                         | 3,190              | 3,190                |  |
|   | <b>PRIOR YEAR SAVINGS</b>                             |                    |                      |  |
| 062A  | PRIOR YEAR SAVINGS .....                              |                    | -135,200             |  |
|   | LAV procurement acquisition objective change PY ..... |                    | [-135,200]           |  |
|   | <b>TOTAL, PROCUREMENT, MARINE CORPS</b> .....         | <b>1,622,955</b>   | <b>1,347,755</b>     |  |
|   | <b>AIRCRAFT PROCUREMENT, AIR FORCE</b>                |                    |                      |  |
|   | <b>TACTICAL FORCES</b>                                |                    |                      |  |
| 001   | F-35 .....  | 3,124,302          | 3,124,302            |  |
| 002   | ADVANCE PROCUREMENT (CY) .....                        | 293,400            | 293,400              |  |
| 003   | F-22A .....   | 0                  | 0                    |  |
| 004   | C-17A (MYP) .....                                     | 0                  | 0                    |  |
|   | <b>OTHER AIRLIFT</b>                                  |                    |                      |  |
| 005   | C-130J .....  | 68,373             | 68,373               |  |
| 006   | ADVANCE PROCUREMENT (CY) .....                        | 0                  | 0                    |  |
| 007   | HC-130J .....   | 152,212            | 152,212              |  |
| 008   | ADVANCE PROCUREMENT (CY) .....                        | 0                  | 0                    |  |
| 009   | MC-130J .....   | 374,866            | 374,866              |  |
| 010   | ADVANCE PROCUREMENT (CY) .....                        | 0                  | 0                    |  |
| 011   | HC/MC-130 RECAP .....                                 | 0                  | 0                    |  |
| 012   | C-27J .....   | 0                  | 0                    |  |
|   | <b>UPT TRAINERS</b>                                   |                    |                      |  |
| 013   | LIGHT MOBILITY AIRCRAFT .....                         | 0                  | 0                    |  |
| 014   | USAF POWERED FLIGHT PROGRAM .....                     | 0                  | 0                    |  |
|   | <b>HELICOPTERS</b>                                    |                    |                      |  |
| 015   | HH-60 LOSS REPLACEMENT/RECAP .....                    | 60,596             | 60,596               |  |
| 016   | COMMON VERTICAL LIFT SUPPORT PLATFORM (CVLSP) .....   | 0                  | 0                    |  |
| 017   | CV-22 (MYP) .....                                     | 294,220            | 294,220              |  |
| 018   | ADVANCE PROCUREMENT (CY) .....                        | 15,000             | 15,000               |  |
|   | <b>MISSION SUPPORT AIRCRAFT</b>                       |                    |                      |  |
| 019   | CIVIL AIR PATROL A/C .....                            | 2,498              | 2,498                |  |
| 020   | LIGHT ATTACK ARMED RECON ACFT .....                   | 0                  | 0                    |  |
| 021   | RQ-11 .....   | 0                  | 0                    |  |
| 022   | STUASLO .....   | 0                  | 0                    |  |
|   | <b>OTHER AIRCRAFT</b>                                 |                    |                      |  |
| 023   | INTERIM GATEWAY .....                                 | 0                  | 0                    |  |
| 024   | TARGET DRONES .....                                   | 129,866            | 129,866              |  |



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| 025   | C-37A .....  | 0                  | 0                    |
| 026   | RQ-4 .....   | 75,000             | 75,000               |
| 027   | ADVANCE PROCUREMENT (CY) .....                                   | 0                  | 0                    |
| 028   | AC-130J .....  | 163,970            | 163,970              |
| 029   | ADVANCE PROCUREMENT (CY) .....                                   | 0                  | 0                    |
| 030   | MQ-9 .....   | 553,530            | 553,530              |
| 031   | RQ-4 BLOCK 40 PROC .....   | 11,654             | 11,654               |
|   | <b>STRATEGIC AIRCRAFT</b>  |                    |                      |
| 032   | B-2A .....   | 82,296             | 82,296               |
| 033   | B-1B .....   | 149,756            | 149,756              |
| 034   | B-52 .....   | 9,781              | 9,781                |
| 035   | LARGE AIRCRAFT INFRARED COUNTERMEASURES .....                    | 28,800             | 28,800               |
|   | <b>TACTICAL AIRCRAFT</b>   |                    |                      |
| 036   | A-10 .....   | 89,919             | 89,919               |
| 037   | F-15 .....   | 148,378            | 148,378              |
| 038   | F-16 .....   | 6,896              | 6,896                |
| 039   | F-22A .....  | 283,871            | 283,871              |
| 040   | F-35 MODIFICATIONS .....   | 147,995            | 147,995              |
|   | <b>AIRLIFT AIRCRAFT</b>  |                    |                      |
| 041   | C-5 .....  | 6,967              | 6,967                |
| 042   | ADVANCE PROCUREMENT (CY) .....                                   | 0                  | 0                    |
| 043   | C-5M .....   | 944,819            | 944,819              |
| 044   | ADVANCE PROCUREMENT (CY) .....                                   | 175,800            | 175,800              |
| 045   | C-9C .....   | 0                  | 0                    |
| 046   | C-17A .....  | 205,079            | 205,079              |
| 047   | C-21 .....   | 199                | 199                  |
| 048   | C-32A .....  | 1,750              | 1,750                |
| 049   | C-37A .....  | 445                | 445                  |
| 050   | C-130 AMP .....  | 0                  | 0                    |
|   | <b>TRAINER AIRCRAFT</b>  |                    |                      |
| 051   | GLIDER MODS .....  | 126                | 126                  |
| 052   | T-6 .....  | 15,494             | 15,494               |
| 053   | T-1 .....  | 272                | 272                  |
| 054   | T-38 .....   | 20,455             | 20,455               |
|   | <b>OTHER AIRCRAFT</b>  |                    |                      |
| 055   | U-2 MODS .....   | 0                  | 0                    |
| 056   | U-2 MODS .....   | 44,477             | 44,477               |
| 057   | KC-10A (ATCA) .....  | 46,921             | 46,921               |
| 058   | C-12 .....   | 1,876              | 1,876                |
| 059   | MC-12W .....   | 17,054             | 17,054               |
| 060   | C-20 MODS .....  | 243                | 243                  |
| 061   | VC-25A MOD .....   | 11,185             | 11,185               |
| 062   | C-40 .....   | 243                | 243                  |
| 063   | C-130 .....  | 67,853             | 67,853               |
| 064   | C-130 INTEL .....  | 0                  | 0                    |
| 065   | C-130J MODS .....  | 70,555             | 70,555               |
| 066   | C-135 .....  | 46,707             | 46,707               |
| 067   | COMPASS CALL MODS .....  | 50,024             | 50,024               |
| 068   | RC-135 .....   | 165,237            | 165,237              |
| 069   | E-3 .....  | 193,099            | 193,099              |
| 070   | E-4 .....  | 47,616             | 47,616               |
| 071   | E-8 .....  | 59,320             | 71,320               |
|   | Restart production line for the JSTARS re-engining program ..... |                    | [12,000]             |
| 072   | H-1 .....  | 5,449              | 5,449                |
| 073   | H-60 .....   | 26,227             | 26,227               |
| 074   | RQ-4 MODS .....  | 9,257              | 9,257                |
| 075   | HC/MC-130 MODIFICATIONS .....                                    | 22,326             | 22,326               |
| 076   | OTHER AIRCRAFT .....   | 18,832             | 18,832               |
| 077   | MQ-1 MODS .....  | 30,861             | 30,861               |
| 078   | MQ-9 MODS .....  | 238,360            | 238,360              |
| 079   | MQ-9 UAS PAYLOADS .....  | 93,461             | 93,461               |
| 080   | CV-22 MODS .....   | 23,881             | 23,881               |
|   | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>                          |                    |                      |
| 081   | INITIAL SPARES/REPAIR PARTS .....                                | 729,691            | 729,691              |
|   | <b>COMMON SUPPORT EQUIPMENT</b>                                  |                    |                      |
| 082   | AIRCRAFT REPLACEMENT SUPPORT EQUIP .....                         | 56,542             | 56,542               |
|   | <b>POST PRODUCTION SUPPORT</b>                                   |                    |                      |
| 083   | A-10 .....   | 5,100              | 5,100                |
| 084   | B-1 .....  | 965                | 965                  |
| 085   | B-2A .....   | 0                  | 0                    |
| 086   | B-2A .....   | 47,580             | 47,580               |
| 087   | C-5 .....  | 0                  | 0                    |
| 088   | KC-10A (ATCA) .....  | 13,100             | 13,100               |
| 089   | C-17A .....  | 181,703            | 181,703              |
| 090   | C-130 .....  | 31,830             | 31,830               |
| 091   | C-135 .....  | 13,434             | 13,434               |
| 092   | F-15 .....   | 2,363              | 2,363                |
| 093   | F-16 .....   | 8,506              | 8,506                |
| 094   | HH-60 PPS .....  | 0                  | 0                    |

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|---|--|--------------------|----------------------|
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| 095   | T-6 .....  | 0                  | 0                    |
| 096   | OTHER AIRCRAFT .....   | 9,522              | 9,522                |
|   | <b>INDUSTRIAL PREPAREDNESS</b>                                   |                    |                      |
| 097   | INDUSTRIAL RESPONSIVENESS .....                                  | 20,731             | 20,731               |
|   | <b>WAR CONSUMABLES</b>   |                    |                      |
| 098   | WAR CONSUMABLES .....  | 89,727             | 89,727               |
|   | <b>OTHER PRODUCTION CHARGES</b>                                  |                    |                      |
| 099   | OTHER PRODUCTION CHARGES .....                                   | 842,392            | 842,392              |
|   | <b>DARP</b>  |                    |                      |
| 103   | U-2 .....  | 0                  | 0                    |
|   | <b>CLASSIFIED PROGRAMS</b>                                       |                    |                      |
| 103A  | CLASSIFIED PROGRAMS .....  | 20,164             | 20,164               |
|   | <b>PRIOR YEAR SAVINGS</b>  |                    |                      |
| 103B  | PRIOR YEAR SAVINGS .....   |                    | -920,748             |
|   | Light attack armed reconnaissance (LAAR) cancellation .....      |                    | [-115,049]           |
|   | Light mobility aircraft cancellation .....                       |                    | [-65,296]            |
|   | Common vertical lift support platform (CVLSP) cancellation ..... |                    | [-52,800]            |
|   | C-130 AMP cancellation .....                                     |                    | [-207,163]           |
|   | RQ-4 Global Hawk Block 30 cancellation .....                     |                    | [-480,440]           |
|   | <b>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE</b> .....              | <b>11,002,999</b>  | <b>10,094,251</b>    |
|   | <b>MISSILE PROCUREMENT, AIR FORCE</b>                            |                    |                      |
|   | <b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>                   |                    |                      |
| 001   | MISSILE REPLACEMENT EQ-BALLISTIC .....                           | 56,906             | 56,906               |
|   | <b>TACTICAL</b>  |                    |                      |
| 002   | JASSM .....  | 240,399            | 240,399              |
| 003   | SIDEWINDER (AIM-9X) .....  | 88,020             | 88,020               |
| 004   | AMRAAM .....   | 229,637            | 229,637              |
| 005   | PREDATOR HELLFIRE MISSILE .....                                  | 47,675             | 47,675               |
| 006   | SMALL DIAMETER BOMB .....  | 42,000             | 42,000               |
|   | <b>INDUSTRIAL FACILITIES</b>                                     |                    |                      |
| 007   | INDUSTRIAL PREPAREDNESS/POL PREVENTION .....                     | 744                | 744                  |
|   | <b>CLASS IV</b>  |                    |                      |
| 008   | ADVANCED CRUISE MISSILE .....                                    | 0                  | 0                    |
| 009   | MM III MODIFICATIONS .....                                       | 54,794             | 54,794               |
| 010   | AGM-65D MAVERICK .....   | 271                | 271                  |
| 011   | AGM-88A HARM .....   | 23,240             | 23,240               |
| 012   | AIR LAUNCH CRUISE MISSILE (ALCM) .....                           | 13,620             | 13,620               |
| 013   | SMALL DIAMETER BOMB .....  | 5,000              | 5,000                |
|   | <b>MISSILE SPARES AND REPAIR PARTS</b>                           |                    |                      |
| 014   | INITIAL SPARES/REPAIR PARTS .....                                | 74,373             | 74,373               |
|   | <b>SPACE PROGRAMS</b>  |                    |                      |
| 015   | ADVANCED EHF .....   | 557,205            | 557,205              |
| 016   | ADVANCE PROCUREMENT (CY) .....                                   | 0                  | 0                    |
| 017   | WIDEBAND GAPFILLER SATELLITES(SPACE) .....                       | 36,835             | 36,835               |
| 018   | ADVANCE PROCUREMENT (CY) .....                                   | 0                  | 0                    |
| 019   | GPS III SPACE SEGMENT .....                                      | 410,294            | 410,294              |
| 020   | ADVANCE PROCUREMENT (CY) .....                                   | 82,616             | 82,616               |
| 021   | SPACEBORNE EQUIP (COMSEC) .....                                  | 10,554             | 10,554               |
| 022   | GLOBAL POSITIONING (SPACE) .....                                 | 58,147             | 58,147               |
| 023   | DEF METEOROLOGICAL SAT PROG(SPACE) .....                         | 89,022             | 89,022               |
| 024   | EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....                       | 1,679,856          | 1,679,856            |
| 025   | SBIR HIGH (SPACE) .....  | 454,251            | 454,251              |
| 026   | ADVANCE PROCUREMENT (CY) .....                                   | 0                  | 0                    |
|   | <b>SPECIAL PROGRAMS</b>  |                    |                      |
| 028   | DEFENSE SPACE RECONN PROGRAM .....                               | 0                  | 0                    |
| 030   | SPECIAL UPDATE PROGRAMS .....                                    | 138,904            | 138,904              |
|   | <b>CLASSIFIED PROGRAMS</b>                                       |                    |                      |
| 030A  | CLASSIFIED PROGRAMS .....  | 1,097,483          | 1,097,483            |
|   | <b>TOTAL, MISSILE PROCUREMENT, AIR FORCE</b> .....               | <b>5,491,846</b>   | <b>5,491,846</b>     |
|   | <b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>                      |                    |                      |
|   | <b>ROCKETS</b>   |                    |                      |
| 001   | ROCKETS .....  | 8,927              | 8,927                |
|   | <b>CARTRIDGES</b>  |                    |                      |
| 002   | CARTRIDGES .....   | 118,075            | 118,075              |
|   | <b>BOMBS</b>   |                    |                      |
| 003   | PRACTICE BOMBS .....   | 32,393             | 32,393               |
| 004   | GENERAL PURPOSE BOMBS .....                                      | 163,467            | 163,467              |
| 005   | JOINT DIRECT ATTACK MUNITION .....                               | 101,921            | 101,921              |
|   | <b>FLARE, IR MJU-7B</b>  |                    |                      |
| 006   | CAD/PAD .....  | 43,829             | 43,829               |
| 007   | EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....                          | 7,515              | 7,515                |
| 008   | SPARES AND REPAIR PARTS .....                                    | 1,003              | 1,003                |
| 009   | MODIFICATIONS .....  | 5,321              | 5,321                |
| 010   | ITEMS LESS THAN \$5 MILLION .....                                | 5,066              | 5,066                |
|   | <b>FUZES</b>   |                    |                      |

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| 011   | FLARES .....   | 46,010             | 46,010               |  |
| 012   | FUZES .....  | 36,444             | 36,444               |  |
|   | <b>SMALL ARMS</b>  |                    |                      |  |
| 013   | SMALL ARMS .....   | 29,223             | 29,223               |  |
|   | <b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</b> ..... | <b>599,194</b>     | <b>599,194</b>       |  |
|   | <b>OTHER PROCUREMENT, AIR FORCE</b>                      |                    |                      |  |
|   | <b>PASSENGER CARRYING VEHICLES</b>                       |                    |                      |  |
| 001   | PASSENGER CARRYING VEHICLES .....                        | 1,905              | 1,905                |  |
|   | <b>CARGO AND UTILITY VEHICLES</b>                        |                    |                      |  |
| 002   | MEDIUM TACTICAL VEHICLE .....                            | 18,547             | 18,547               |  |
| 003   | CAP VEHICLES .....                                       | 932                | 932                  |  |
| 004   | ITEMS LESS THAN \$5 MILLION .....                        | 1,699              | 1,699                |  |
|   | <b>SPECIAL PURPOSE VEHICLES</b>                          |                    |                      |  |
| 005   | SECURITY AND TACTICAL VEHICLES .....                     | 10,850             | 10,850               |  |
| 006   | ITEMS LESS THAN \$5 MILLION .....                        | 9,246              | 9,246                |  |
|   | <b>FIRE FIGHTING EQUIPMENT</b>                           |                    |                      |  |
| 007   | FIRE FIGHTING/CRASH RESCUE VEHICLES .....                | 23,148             | 23,148               |  |
|   | <b>MATERIALS HANDLING EQUIPMENT</b>                      |                    |                      |  |
| 008   | ITEMS LESS THAN \$5 MILLION .....                        | 18,323             | 18,323               |  |
|   | <b>BASE MAINTENANCE SUPPORT</b>                          |                    |                      |  |
| 009   | RUNWAY SNOW REMOV AND CLEANING EQU .....                 | 1,685              | 1,685                |  |
| 010   | ITEMS LESS THAN \$5 MILLION .....                        | 17,014             | 17,014               |  |
|   | <b>CANCELLED ACCOUNT ADJUSTMENTS</b>                     |                    |                      |  |
| 011   | CANCELLED ACCOUNT ADJUSTMENTS .....                      | 0                  | 0                    |  |
|   | <b>COMM SECURITY EQUIPMENT(COMSEC)</b>                   |                    |                      |  |
| 012   | COMSEC EQUIPMENT .....                                   | 166,559            | 166,559              |  |
| 013   | MODIFICATIONS (COMSEC) .....                             | 1,133              | 1,133                |  |
|   | <b>INTELLIGENCE PROGRAMS</b>                             |                    |                      |  |
| 014   | INTELLIGENCE TRAINING EQUIPMENT .....                    | 2,749              | 2,749                |  |
| 015   | INTELLIGENCE COMM EQUIPMENT .....                        | 32,876             | 32,876               |  |
| 016   | ADVANCE TECH SENSORS .....                               | 877                | 877                  |  |
| 017   | MISSION PLANNING SYSTEMS .....                           | 15,295             | 15,295               |  |
|   | <b>ELECTRONICS PROGRAMS</b>                              |                    |                      |  |
| 018   | AIR TRAFFIC CONTROL & LANDING SYS .....                  | 21,984             | 21,984               |  |
| 019   | NATIONAL AIRSPACE SYSTEM .....                           | 30,698             | 30,698               |  |
| 020   | BATTLE CONTROL SYSTEM—FIXED .....                        | 17,368             | 17,368               |  |
| 021   | THEATER AIR CONTROL SYS IMPROVEMENTS .....               | 23,483             | 23,483               |  |
| 022   | WEATHER OBSERVATION FORECAST .....                       | 17,864             | 17,864               |  |
| 023   | STRATEGIC COMMAND AND CONTROL .....                      | 53,995             | 53,995               |  |
| 024   | CHEYENNE MOUNTAIN COMPLEX .....                          | 14,578             | 14,578               |  |
| 025   | TAC SIGINT SPT .....                                     | 208                | 208                  |  |
| 026   | DRUG INTERDICTION SPT .....                              | 0                  | 0                    |  |
|   | <b>SPCL COMM-ELECTRONICS PROJECTS</b>                    |                    |                      |  |
| 027   | GENERAL INFORMATION TECHNOLOGY .....                     | 69,743             | 69,743               |  |
| 028   | AF GLOBAL COMMAND & CONTROL SYS .....                    | 15,829             | 15,829               |  |
| 029   | MOBILITY COMMAND AND CONTROL .....                       | 11,023             | 11,023               |  |
| 030   | AIR FORCE PHYSICAL SECURITY SYSTEM .....                 | 64,521             | 64,521               |  |
| 031   | COMBAT TRAINING RANGES .....                             | 18,217             | 18,217               |  |
| 032   | C3 COUNTERMEASURES .....                                 | 11,899             | 11,899               |  |
| 033   | GCSS-AF FOS .....  | 13,920             | 13,920               |  |
| 034   | THEATER BATTLE MGT C2 SYSTEM .....                       | 9,365              | 9,365                |  |
| 035   | AIR & SPACE OPERATIONS CTR-WPN SYS .....                 | 33,907             | 33,907               |  |
|   | <b>AIR FORCE COMMUNICATIONS</b>                          |                    |                      |  |
| 036   | INFORMATION TRANSPORT SYSTEMS .....                      | 52,464             | 52,464               |  |
| 037   | BASE INFO INFRASTRUCTURE .....                           | 0                  | 0                    |  |
| 038   | AFNET .....  | 125,788            | 125,788              |  |
| 039   | VOICE SYSTEMS .....                                      | 16,811             | 16,811               |  |
| 040   | USCENTCOM .....  | 32,138             | 32,138               |  |
|   | <b>DISA PROGRAMS</b>                                     |                    |                      |  |
| 041   | SPACE BASED IR SENSOR PGM SPACE .....                    | 47,135             | 47,135               |  |
| 042   | NAVSTAR GPS SPACE .....                                  | 2,031              | 2,031                |  |
| 043   | NUDET DETECTION SYS SPACE .....                          | 5,564              | 5,564                |  |
| 044   | AF SATELLITE CONTROL NETWORK SPACE .....                 | 44,219             | 44,219               |  |
| 045   | SPACELIFT RANGE SYSTEM SPACE .....                       | 109,545            | 109,545              |  |
| 046   | MILSATCOM SPACE .....                                    | 47,592             | 47,592               |  |
| 047   | SPACE MODS SPACE .....                                   | 47,121             | 47,121               |  |
| 048   | COUNTERSPACE SYSTEM .....                                | 20,961             | 20,961               |  |
|   | <b>ORGANIZATION AND BASE</b>                             |                    |                      |  |
| 049   | TACTICAL C-E EQUIPMENT .....                             | 126,131            | 126,131              |  |
| 050   | COMBAT SURVIVOR EVADER LOCATER .....                     | 23,707             | 23,707               |  |
| 051   | RADIO EQUIPMENT .....                                    | 12,757             | 12,757               |  |
| 052   | CCTV/AUDIOVISUAL EQUIPMENT .....                         | 10,716             | 10,716               |  |
| 053   | BASE COMM INFRASTRUCTURE .....                           | 74,528             | 74,528               |  |
|   | <b>MODIFICATIONS</b>                                     |                    |                      |  |
| 054   | COMM ELECT MODS .....                                    | 43,507             | 43,507               |  |
|   | <b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>                |                    |                      |  |
| 055   | NIGHT VISION GOGGLES .....                               | 22,693             | 22,693               |  |
| 056   | ITEMS LESS THAN \$5 MILLION .....                        | 30,887             | 30,887               |  |

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|   | <b>DEPOT PLANT+MTRLS HANDLING EQ</b>                        |                    |                      |  |
| 057   | MECHANIZED MATERIAL HANDLING EQUIP .....                    | 2,850              | 2,850                |  |
|   | <b>BASE SUPPORT EQUIPMENT</b>                               |                    |                      |  |
| 058   | BASE PROCURED EQUIPMENT .....                               | 8,387              | 8,387                |  |
| 059   | CONTINGENCY OPERATIONS .....                                | 10,358             | 10,358               |  |
| 060   | PRODUCTIVITY CAPITAL INVESTMENT .....                       | 3,473              | 3,473                |  |
| 061   | RAPID IMPROVEMENT PROCUREMENT INOVAT .....                  | 0                  | 0                    |  |
| 062   | MOBILITY EQUIPMENT .....                                    | 14,471             | 14,471               |  |
| 063   | ITEMS LESS THAN \$5 MILLION .....                           | 1,894              | 1,894                |  |
|   | <b>SPECIAL SUPPORT PROJECTS</b>                             |                    |                      |  |
| 065   | DARP RC135 .....  | 24,176             | 24,176               |  |
| 066   | DCGS-AF .....   | 142,928            | 142,928              |  |
| 068   | SPECIAL UPDATE PROGRAM .....                                | 479,446            | 479,446              |  |
| 069   | DEFENSE SPACE RECONNAISSANCE PROG. ....                     | 39,155             | 39,155               |  |
|   | <b>CLASSIFIED PROGRAMS</b>                                  |                    |                      |  |
| 069A  | CLASSIFIED PROGRAMS .....                                   | 14,331,312         | 14,331,312           |  |
|   | <b>SPARES AND REPAIR PARTS</b>                              |                    |                      |  |
| 071   | SPARES AND REPAIR PARTS .....                               | 14,663             | 14,663               |  |
|   | <b>TOTAL, OTHER PROCUREMENT, AIR FORCE</b> .....            | <b>16,720,848</b>  | <b>16,720,848</b>    |  |
|   | <b>PROCUREMENT, DEFENSE-WIDE</b>                            |                    |                      |  |
|   | <b>MAJOR EQUIPMENT, BTA</b>                                 |                    |                      |  |
| 001   | MAJOR EQUIPMENT, BTA .....                                  | 0                  | 0                    |  |
|   | <b>MAJOR EQUIPMENT, DCAA</b>                                |                    |                      |  |
| 002   | ITEMS LESS THAN \$5 MILLION .....                           | 1,486              | 1,486                |  |
|   | <b>MAJOR EQUIPMENT, DCMA</b>                                |                    |                      |  |
| 003   | MAJOR EQUIPMENT .....                                       | 2,129              | 2,129                |  |
|   | <b>EQUIPMENT</b>  |                    |                      |  |
| 004   | EQUIPMENT .....   | 0                  | 0                    |  |
|   | <b>MAJOR EQUIPMENT, DHRA</b>                                |                    |                      |  |
| 005   | PERSONNEL ADMINISTRATION .....                              | 6,147              | 6,147                |  |
|   | <b>MAJOR EQUIPMENT, DISA</b>                                |                    |                      |  |
| 012   | INFORMATION SYSTEMS SECURITY .....                          | 12,708             | 12,708               |  |
| 013   | GLOBAL COMMAND AND CONTROL SYSTEM .....                     | 0                  | 0                    |  |
| 014   | GLOBAL COMBAT SUPPORT SYSTEM .....                          | 3,002              | 3,002                |  |
| 015   | TELEPORT PROGRAM .....                                      | 46,992             | 46,992               |  |
| 016   | ITEMS LESS THAN \$5 MILLION .....                           | 108,462            | 108,462              |  |
| 017   | NET CENTRIC ENTERPRISE SERVICES (NCES) .....                | 2,865              | 2,865                |  |
| 018   | DEFENSE INFORMATION SYSTEM NETWORK .....                    | 116,906            | 116,906              |  |
| 019   | PUBLIC KEY INFRASTRUCTURE .....                             | 1,827              | 1,827                |  |
| 020   | DRUG INTERDICTION SUPPORT .....                             | 0                  | 0                    |  |
| 021   | CYBER SECURITY INITIATIVE .....                             | 10,319             | 10,319               |  |
|   | <b>MAJOR EQUIPMENT, DLA</b>                                 |                    |                      |  |
| 022   | MAJOR EQUIPMENT .....                                       | 9,575              | 9,575                |  |
|   | <b>MAJOR EQUIPMENT, DMACT</b>                               |                    |                      |  |
| 023   | MAJOR EQUIPMENT .....                                       | 15,179             | 15,179               |  |
|   | <b>MAJOR EQUIPMENT, DODEA</b>                               |                    |                      |  |
| 024   | AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....            | 1,458              | 1,458                |  |
|   | <b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b> |                    |                      |  |
| 025   | EQUIPMENT .....   | 0                  | 0                    |  |
|   | <b>MAJOR EQUIPMENT, DSS</b>                                 |                    |                      |  |
| 026   | MAJOR EQUIPMENT .....                                       | 2,522              | 2,522                |  |
|   | <b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>     |                    |                      |  |
| 027   | VEHICLES .....  | 50                 | 50                   |  |
| 028   | OTHER MAJOR EQUIPMENT .....                                 | 13,096             | 13,096               |  |
|   | <b>MAJOR EQUIPMENT, DTSA</b>                                |                    |                      |  |
| 029   | MAJOR EQUIPMENT .....                                       | 0                  | 0                    |  |
|   | <b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>              |                    |                      |  |
| 030   | THAAD .....   | 460,728            | 560,728              |  |
|   | THAAD Interceptors .....                                    |                    | [100,000]            |  |
| 031   | AEGIS BMD .....   | 389,626            | 389,626              |  |
| 032   | BMDs AN/TPY-2 RADARS .....                                  | 217,244            | 217,244              |  |
| 033   | RADAR SPARES .....  | 10,177             | 10,177               |  |
| 034   | IRON DOME .....   | 0                  | 0                    |  |
|   | <b>MAJOR EQUIPMENT, NSA</b>                                 |                    |                      |  |
| 041   | INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....           | 6,770              | 6,770                |  |
|   | <b>MAJOR EQUIPMENT, OSD</b>                                 |                    |                      |  |
| 042   | MAJOR EQUIPMENT, OSD .....                                  | 45,938             | 45,938               |  |
| 043   | MAJOR EQUIPMENT, INTELLIGENCE .....                         | 17,582             | 17,582               |  |
|   | <b>MAJOR EQUIPMENT, TJS</b>                                 |                    |                      |  |
| 044   | MAJOR EQUIPMENT, TJS .....                                  | 21,878             | 21,878               |  |
|   | <b>MAJOR EQUIPMENT, WHS</b>                                 |                    |                      |  |
| 045   | MAJOR EQUIPMENT, WHS .....                                  | 26,550             | 26,550               |  |
|   | <b>CLASSIFIED PROGRAMS</b>                                  |                    |                      |  |
| 045A  | CLASSIFIED PROGRAMS .....                                   | 555,787            | 555,787              |  |
|   | <b>AVIATION PROGRAMS</b>                                    |                    |                      |  |
| 046   | ROTARY WING UPGRADES AND SUSTAINMENT .....                  | 74,832             | 74,832               |  |
| 047   | MH-47 SERVICE LIFE EXTENSION PROGRAM .....                  | 0                  | 0                    |  |
| 048   | MH-60 MODERNIZATION PROGRAM .....                           | 126,780            | 126,780              |  |

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| 049   | NON-STANDARD AVIATION .....                         | 99,776             | 37,000               |  |
|   | Transfer to Line 51 at USSOCOM request .....        |                    | [-62,776]            |  |
| 050   | TANKER RECAPITALIZATION .....                       | 0                  | 0                    |  |
| 051   | U-28 .....  | 7,530              | 116,906              |  |
|   | Transfer from Line 49 at USSOCOM request .....      |                    | [62,776]             |  |
|   | USSOCOM UFR .....                                   |                    | [46,600]             |  |
| 052   | MH-47 CHINOOK .....                                 | 134,785            | 134,785              |  |
| 053   | RQ-11 UNMANNED AERIAL VEHICLE .....                 | 2,062              | 2,062                |  |
| 054   | CV-22 MODIFICATION .....                            | 139,147            | 139,147              |  |
| 055   | MQ-1 UNMANNED AERIAL VEHICLE .....                  | 3,963              | 26,963               |  |
|   | USSOCOM UFR .....                                   |                    | [23,000]             |  |
| 056   | MQ-9 UNMANNED AERIAL VEHICLE .....                  | 3,952              | 39,352               |  |
|   | USSOCOM UFR .....                                   |                    | [35,400]             |  |
| 057   | RQ-7 UNMANNED AERIAL VEHICLE .....                  | 0                  | 0                    |  |
| 058   | STUASLO .....                                       | 12,945             | 12,945               |  |
| 059   | PRECISION STRIKE PACKAGE .....                      | 73,013             | 73,013               |  |
| 060   | AC/MC-130J .....                                    | 51,484             | 51,484               |  |
| 061   | MQ-8 UAV .....                                      | 0                  | 0                    |  |
| 062   | C-130 MODIFICATIONS .....                           | 25,248             | 25,248               |  |
| 063   | AIRCRAFT SUPPORT .....                              | 5,314              | 5,314                |  |
|   | <b>SHIPBUILDING</b>                                 |                    |                      |  |
| 064   | UNDERWATER SYSTEMS .....                            | 23,037             | 15,037               |  |
|   | Transfer to RDDW Line 272 at USSOCOM request .....  |                    | [-8,000]             |  |
| 065   | SEAL DELIVERY VEHICLE .....                         | 0                  | 0                    |  |
|   | <b>AMMUNITION PROGRAMS</b>                          |                    |                      |  |
| 066   | ORDNANCE REPLENISHMENT .....                        | 113,183            | 113,183              |  |
| 067   | ORDNANCE ACQUISITION .....                          | 36,981             | 36,981               |  |
|   | <b>OTHER PROCUREMENT PROGRAMS</b>                   |                    |                      |  |
| 068   | COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....      | 99,838             | 103,738              |  |
|   | USSOCOM UFR .....                                   |                    | [3,900]              |  |
| 069   | INTELLIGENCE SYSTEMS .....                          | 71,428             | 71,428               |  |
| 070   | SMALL ARMS AND WEAPONS .....                        | 27,108             | 27,108               |  |
| 071   | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....     | 12,767             | 15,967               |  |
|   | USSOCOM UFR .....                                   |                    | [3,200]              |  |
| 073   | MARITIME EQUIPMENT MODIFICATIONS .....              | 0                  | 0                    |  |
| 074   | COMBATANT CRAFT SYSTEMS .....                       | 42,348             | 42,348               |  |
| 075   | SPARES AND REPAIR PARTS .....                       | 600                | 600                  |  |
| 077   | TACTICAL VEHICLES .....                             | 37,421             | 37,421               |  |
| 078   | MISSION TRAINING AND PREPARATION SYSTEMS .....      | 36,949             | 41,949               |  |
|   | USSOCOM UFR .....                                   |                    | [5,000]              |  |
| 079   | COMBAT MISSION REQUIREMENTS .....                   | 20,255             | 20,255               |  |
| 080   | MILCON COLLATERAL EQUIPMENT .....                   | 17,590             | 17,590               |  |
| 082   | AUTOMATION SYSTEMS .....                            | 66,573             | 66,573               |  |
| 083   | GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....          | 6,549              | 6,549                |  |
| 084   | OPERATIONAL ENHANCEMENTS INTELLIGENCE .....         | 32,335             | 32,335               |  |
| 085   | SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....       | 15,153             | 15,153               |  |
| 086   | VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS ..... | 33,920             | 33,920               |  |
| 087   | TACTICAL RADIO SYSTEMS .....                        | 75,132             | 75,132               |  |
| 088   | MARITIME EQUIPMENT .....                            | 0                  | 0                    |  |
| 089   | DRUG INTERDICTION .....                             | 0                  | 0                    |  |
| 090   | MISCELLANEOUS EQUIPMENT .....                       | 6,667              | 6,667                |  |
| 091   | OPERATIONAL ENHANCEMENTS .....                      | 217,972            | 243,272              |  |
|   | USSOCOM UFR .....                                   |                    | [25,300]             |  |
| 092   | MILITARY INFORMATION SUPPORT OPERATIONS .....       | 27,417             | 27,417               |  |
|   | <b>CLASSIFIED PROGRAMS</b>                          |                    |                      |  |
| 092A  | CLASSIFIED PROGRAMS .....                           | 0                  | 0                    |  |
|   | <b>CBDP</b>   |                    |                      |  |
| 093   | INSTALLATION FORCE PROTECTION .....                 | 24,025             | 24,025               |  |
| 094   | INDIVIDUAL PROTECTION .....                         | 73,720             | 73,720               |  |
| 095   | DECONTAMINATION .....                               | 506                | 506                  |  |
| 096   | JOINT BIO DEFENSE PROGRAM (MEDICAL) .....           | 32,597             | 32,597               |  |
| 097   | COLLECTIVE PROTECTION .....                         | 3,144              | 3,144                |  |
| 098   | CONTAMINATION AVOIDANCE .....                       | 164,886            | 164,886              |  |
|   | <b>TOTAL, PROCUREMENT, DEFENSE-WIDE .....</b>       | <b>4,187,935</b>   | <b>4,422,335</b>     |  |
|   | <b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>       |                    |                      |  |
|   | <b>ARMY RESERVE</b>                                 |                    |                      |  |
| 001   | MISCELLANEOUS EQUIPMENT .....                       | 0                  | 0                    |  |
|   | <b>NAVY RESERVE</b>                                 |                    |                      |  |
| 002   | MISCELLANEOUS EQUIPMENT .....                       | 0                  | 0                    |  |
|   | <b>MARINE CORPS RESERVE</b>                         |                    |                      |  |
| 003   | MISCELLANEOUS EQUIPMENT .....                       | 0                  | 0                    |  |
|   | <b>AIR FORCE RESERVE</b>                            |                    |                      |  |
| 004   | MISCELLANEOUS EQUIPMENT .....                       | 0                  | 0                    |  |
|   | <b>ARMY NATIONAL GUARD</b>                          |                    |                      |  |
| 005   | MISCELLANEOUS EQUIPMENT .....                       | 0                  | 0                    |  |
|   | <b>AIR NATIONAL GUARD</b>                           |                    |                      |  |
| 006   | MISCELLANEOUS EQUIPMENT .....                       | 0                  | 0                    |  |
|   | <b>NATIONAL GUARD AIRCRAFT</b>                      |                    |                      |  |

| SEC. 4101. PROCUREMENT<br>(In Thousands of Dollars) |  |                    |                      |
|---|--|--------------------|----------------------|
| Line  | Item   | FY 2013<br>Request | Senate<br>Authorized |
| 007   | MISCELLANEOUS EQUIPMENT .....                              | 0                  | 0                    |
|   | <b>TOTAL, NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> ..... | <b>0</b>           | <b>0</b>             |
|   | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                 |                    |                      |
|   | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                 |                    |                      |
| 001   | JOINT URGENT OPERATIONAL NEEDS FUND .....                  | 99,477             | 99,477               |
|   | <b>TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND</b> .....    | <b>99,477</b>      | <b>99,477</b>        |
|   | <b>TOTAL, PROCUREMENT</b> .....                            | <b>97,432,379</b>  | <b>96,959,163</b>    |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

| SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS<br>(In Thousands of Dollars) |   |                    |                      |
|---|---|--------------------|----------------------|
| Line  | Item  | FY 2013<br>Request | Senate<br>Authorized |
|   | <b>AIRCRAFT PROCUREMENT, ARMY</b>                   |                    |                      |
|   | <b>ROTARY</b>                                       |                    |                      |
| 009   | AH-64 APACHE BLOCK IIIB NEW BUILD .....             | 71,000             | 0                    |
|   | Funding ahead of need .....                         |                    | [-71,000]            |
| 012   | KIOWA WARRIOR (OH-58F) WRA .....                    | 183,900            | 183,900              |
| 015   | CH-47 HELICOPTER .....                              | 231,300            | 231,300              |
|   | <b>TOTAL, AIRCRAFT PROCUREMENT, ARMY</b> .....      | <b>486,200</b>     | <b>415,200</b>       |
|   | <b>MISSILE PROCUREMENT, ARMY</b>                    |                    |                      |
|   | <b>SURFACE-TO-AIR MISSILE SYSTEM</b>                |                    |                      |
| 004   | HELLFIRE SYS SUMMARY .....                          | 29,100             | 29,100               |
| 008   | GUIDED MLRS ROCKET (GMLRS) .....                    | 20,553             | 20,553               |
|   | <b>TOTAL, MISSILE PROCUREMENT, ARMY</b> .....       | <b>49,653</b>      | <b>49,653</b>        |
|   | <b>PROCUREMENT OF W&amp;TCV, ARMY</b>               |                    |                      |
|   | <b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>          |                    |                      |
| 036   | M16 RIFLE MODS .....                                | 15,422             | 15,422               |
|   | <b>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY</b> .....  | <b>15,422</b>      | <b>15,422</b>        |
|   | <b>PROCUREMENT OF AMMUNITION, ARMY</b>              |                    |                      |
|   | <b>SMALL/MEDIUM CAL AMMUNITION</b>                  |                    |                      |
| 003   | CTG, HANDGUN, ALL TYPES .....                       | 1,500              | 1,500                |
| 004   | CTG, .50 CAL, ALL TYPES .....                       | 10,000             | 10,000               |
| 007   | CTG, 30MM, ALL TYPES .....                          | 80,000             | 80,000               |
|   | <b>MORTAR AMMUNITION</b>                            |                    |                      |
| 009   | 60MM MORTAR, ALL TYPES .....                        | 14,000             | 14,000               |
| 010   | 81MM MORTAR, ALL TYPES .....                        | 6,000              | 6,000                |
| 011   | 120MM MORTAR, ALL TYPES .....                       | 56,000             | 56,000               |
|   | <b>ARTILLERY AMMUNITION</b>                         |                    |                      |
| 013   | ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP ..... | 29,956             | 29,956               |
| 014   | ARTILLERY PROJECTILE, 155MM, ALL TYPES .....        | 37,044             | 37,044               |
| 015   | PROJ 155MM EXTENDED RANGE XM982 .....               | 12,300             | 12,300               |
| 016   | ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL ..... | 17,000             | 17,000               |
|   | <b>MINES</b>  |                    |                      |
| 017   | MINES & CLEARING CHARGES, ALL TYPES .....           | 12,000             | 12,000               |
|   | <b>ROCKETS</b>                                      |                    |                      |
| 020   | ROCKET, HYDRA 70, ALL TYPES .....                   | 63,635             | 63,635               |
|   | <b>OTHER AMMUNITION</b>                             |                    |                      |
| 023   | SIGNALS, ALL TYPES .....                            | 16,858             | 16,858               |
|   | <b>MISCELLANEOUS</b>                                |                    |                      |
| 028   | ITEMS LESS THAN \$5 MILLION .....                   | 1,200              | 1,200                |
|   | <b>PRODUCTION BASE SUPPORT</b>                      |                    |                      |
|   | <b>TOTAL, PROCUREMENT OF AMMUNITION, ARMY</b> ..... | <b>357,493</b>     | <b>357,493</b>       |
|   | <b>OTHER PROCUREMENT, ARMY</b>                      |                    |                      |
|   | <b>TACTICAL VEHICLES</b>                            |                    |                      |
| 002   | FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....          | 28,247             | 28,247               |
| 004   | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....      | 2,050              | 2,050                |
| 011   | HMMWV RECAPITALIZATION PROGRAM .....                | 271,000            | 271,000              |
| 014   | MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....   | 927,400            | 927,400              |
|   | <b>COMM—INTELLIGENCE COMM</b>                       |                    |                      |
| 052   | RESERVE CA/MISO GPF EQUIPMENT .....                 | 8,000              | 8,000                |
|   | <b>COMM—BASE COMMUNICATIONS</b>                     |                    |                      |
| 061   | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( ..... | 25,000             | 65,000               |
|   | Transfer from OMA OCO at SOUTHCOM request .....     |                    | [40,000]             |
|   | <b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>         |                    |                      |
| 069   | DCGS-A (MIP) .....                                  | 90,355             | 90,355               |
| 073   | CI HUMINT AUTO REPRINTING AND COLLECTION .....      | 6,516              | 6,516                |
|   | <b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>          |                    |                      |
| 075   | LIGHTWEIGHT COUNTER MORTAR RADAR .....              | 27,646             | 27,646               |
| 077   | FMly OF PERSISTENT SURVEILLANCE CAPABILITIES .....  | 52,000             | 52,000               |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|---|--------------------|----------------------|
| 078  | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....          | 205,209            | 205,209              |
|      | <b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>                |                    |                      |
| 092  | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....               | 14,600             | 14,600               |
| 099  | COUNTERFIRE RADARS .....                                    | 54,585             | 54,585               |
|      | <b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>                      |                    |                      |
| 102  | FIRE SUPPORT C2 FAMILY .....                                | 22,430             | 22,430               |
| 103  | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....             | 2,400              | 2,400                |
| 112  | MANEUVER CONTROL SYSTEM (MCS) .....                         | 6,400              | 6,400                |
| 113  | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....               | 5,160              | 5,160                |
|      | <b>CHEMICAL DEFENSIVE EQUIPMENT</b>                         |                    |                      |
| 126  | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....                 | 15,000             | 15,000               |
| 127  | BASE DEFENSE SYSTEMS (BDS) .....                            | 66,100             | 66,100               |
|      | <b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>                |                    |                      |
| 135  | EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....         | 3,565              | 3,565                |
|      | <b>COMBAT SERVICE SUPPORT EQUIPMENT</b>                     |                    |                      |
| 143  | FORCE PROVIDER .....  | 39,700             | 39,700               |
| 145  | CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....         | 650                | 650                  |
|      | <b>PETROLEUM EQUIPMENT</b>                                  |                    |                      |
| 149  | DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....               | 2,119              | 2,119                |
|      | <b>MAINTENANCE EQUIPMENT</b>                                |                    |                      |
| 152  | MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....                  | 428                | 428                  |
| 153  | ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....                | 30                 | 30                   |
|      | <b>TRAINING EQUIPMENT</b>                                   |                    |                      |
| 175  | COMBAT TRAINING CENTERS SUPPORT .....                       | 7,000              | 7,000                |
| 176  | TRAINING DEVICES, NONSYSTEM .....                           | 27,250             | 27,250               |
| 178  | AVIATION COMBINED ARMS TACTICAL TRAINER .....               | 1,000              | 1,000                |
| 179  | GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....         | 5,900              | 5,900                |
|      | <b>OTHER SUPPORT EQUIPMENT</b>                              |                    |                      |
| 183  | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....             | 98,167             | 91,167               |
|      | Slow execution of prior years appropriations .....          |                    | [–37,000]            |
|      | Solar power units .....                                     |                    | [30,000]             |
|      | <b>TOTAL, OTHER PROCUREMENT, ARMY</b> .....                 | <b>2,015,907</b>   | <b>2,048,907</b>     |
|      | <b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>                 |                    |                      |
|      | <b>NETWORK ATTACK</b>                                       |                    |                      |
| 001  | ATTACK THE NETWORK .....                                    | 950,500            | 850,500              |
|      | Program decrease—under execution .....                      |                    | [–100,000]           |
|      | <b>JIEDDO DEVICE DEFEAT</b>                                 |                    |                      |
| 002  | DEFEAT THE DEVICE .....                                     | 400,000            | 350,000              |
|      | Program decrease—under execution & program delays .....     |                    | [–50,000]            |
|      | <b>FORCE TRAINING</b>                                       |                    |                      |
| 003  | TRAIN THE FORCE .....                                       | 149,500            | 128,500              |
|      | Program decrease—under execution & program delays .....     |                    | [–21,000]            |
|      | <b>STAFF AND INFRASTRUCTURE</b>                             |                    |                      |
| 004  | OPERATIONS .....  | 175,400            | 373,814              |
|      | Transfer from Base .....                                    |                    | [227,414]            |
|      | Program decrease—excessive contractor service support ..... |                    | [–29,000]            |
|      | <b>TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....    | <b>1,675,400</b>   | <b>1,702,814</b>     |
|      | <b>AIRCRAFT PROCUREMENT, NAVY</b>                           |                    |                      |
|      | <b>COMBAT AIRCRAFT</b>                                      |                    |                      |
| 011  | H–1 UPGRADES (UH–1Y/AH–1Z) .....                            | 29,800             | 29,800               |
|      | <b>MODIFICATION OF AIRCRAFT</b>                             |                    |                      |
| 030  | AV–8 SERIES .....   | 42,238             | 42,238               |
| 032  | F–18 SERIES .....   | 41,243             | 41,243               |
| 035  | H–53 SERIES .....   | 15,870             | 15,870               |
| 038  | EP–3 SERIES .....   | 13,030             | 13,030               |
| 043  | C–130 SERIES .....  | 16,737             | 16,737               |
| 048  | SPECIAL PROJECT AIRCRAFT .....                              | 2,714              | 2,714                |
| 054  | COMMON AVIONICS CHANGES .....                               | 570                | 570                  |
|      | <b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>              |                    |                      |
| 062  | COMMON GROUND EQUIPMENT .....                               | 2,380              | 2,380                |
|      | <b>TOTAL, AIRCRAFT PROCUREMENT, NAVY</b> .....              | <b>164,582</b>     | <b>164,582</b>       |
|      | <b>WEAPONS PROCUREMENT, NAVY</b>                            |                    |                      |
|      | <b>TACTICAL MISSILES</b>                                    |                    |                      |
| 009  | HELLFIRE .....  | 17,000             | 17,000               |
| 010  | STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....          | 6,500              | 6,500                |
|      | <b>TOTAL, WEAPONS PROCUREMENT, NAVY</b> .....               | <b>23,500</b>      | <b>23,500</b>        |
|      | <b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>                   |                    |                      |
|      | <b>NAVY AMMUNITION</b>                                      |                    |                      |
| 001  | GENERAL PURPOSE BOMBS .....                                 | 18,000             | 18,000               |
| 002  | AIRBORNE ROCKETS, ALL TYPES .....                           | 80,200             | 80,200               |
| 003  | MACHINE GUN AMMUNITION .....                                | 21,500             | 21,500               |
| 006  | AIR EXPENDABLE COUNTERMEASURES .....                        | 20,303             | 20,303               |
| 011  | OTHER SHIP GUN AMMUNITION .....                             | 532                | 532                  |
| 012  | SMALL ARMS & LANDING PARTY AMMO .....                       | 2,643              | 2,643                |
| 013  | PYROTECHNIC AND DEMOLITION .....                            | 2,322              | 2,322                |



**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item   | FY 2013<br>Request | Senate<br>Authorized |
|------|--|--------------------|----------------------|
| 014  | AMMUNITION LESS THAN \$5 MILLION .....                 | 6,308              | 6,308                |
|      | <b>MARINE CORPS AMMUNITION</b>                         |                    |                      |
| 015  | SMALL ARMS AMMUNITION .....                            | 10,948             | 10,948               |
| 016  | LINEAR CHARGES, ALL TYPES .....                        | 9,940              | 9,940                |
| 017  | 40MM, ALL TYPES .....                                  | 5,963              | 5,963                |
| 020  | 120MM, ALL TYPES .....                                 | 11,605             | 11,605               |
| 021  | CTG 25MM, ALL TYPES .....                              | 2,831              | 2,831                |
| 022  | GRENADERS, ALL TYPES .....                             | 2,359              | 2,359                |
| 023  | ROCKETS, ALL TYPES .....                               | 3,051              | 3,051                |
| 024  | ARTILLERY, ALL TYPES .....                             | 54,886             | 54,886               |
| 025  | DEMOLITION MUNITIONS, ALL TYPES .....                  | 1,391              | 1,391                |
| 026  | FUZE, ALL TYPES .....                                  | 30,945             | 30,945               |
| 027  | NON LETHALS .....                                      | 8                  | 8                    |
| 029  | ITEMS LESS THAN \$5 MILLION .....                      | 12                 | 12                   |
|      | <b>TOTAL, PROCUREMENT OF AMMO, NAVY &amp; MC .....</b> | <b>285,747</b>     | <b>285,747</b>       |
|      | <b>OTHER PROCUREMENT, NAVY</b>                         |                    |                      |
|      | <b>OTHER SHORE ELECTRONIC EQUIPMENT</b>                |                    |                      |
| 070  | TACTICAL/MOBILE C4I SYSTEMS .....                      | 3,603              | 3,603                |
|      | <b>AIRCRAFT SUPPORT EQUIPMENT</b>                      |                    |                      |
| 097  | EXPEDITIONARY AIRFIELDS .....                          | 58,200             | 58,200               |
|      | <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>             |                    |                      |
| 127  | PASSENGER CARRYING VEHICLES .....                      | 3,901              | 3,901                |
| 128  | GENERAL PURPOSE TRUCKS .....                           | 852                | 852                  |
| 129  | CONSTRUCTION & MAINTENANCE EQUIP .....                 | 2,436              | 2,436                |
| 130  | FIRE FIGHTING EQUIPMENT .....                          | 3,798              | 3,798                |
| 131  | TACTICAL VEHICLES .....                                | 13,394             | 13,394               |
| 134  | ITEMS UNDER \$5 MILLION .....                          | 375                | 375                  |
|      | <b>COMMAND SUPPORT EQUIPMENT</b>                       |                    |                      |
| 149  | C4ISR EQUIPMENT .....                                  | 3,000              | 3,000                |
| 151  | PHYSICAL SECURITY EQUIPMENT .....                      | 9,323              | 9,323                |
|      | <b>TOTAL, OTHER PROCUREMENT, NAVY .....</b>            | <b>98,882</b>      | <b>98,882</b>        |
|      | <b>PROCUREMENT, MARINE CORPS</b>                       |                    |                      |
|      | <b>TRACKED COMBAT VEHICLES</b>                         |                    |                      |
| 002  | LAV PIP .....  | 10,000             | 10,000               |
|      | <b>ARTILLERY AND OTHER WEAPONS</b>                     |                    |                      |
| 005  | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....            | 108,860            | 108,860              |
|      | <b>GUIDED MISSILES</b>                                 |                    |                      |
| 010  | JAVELIN .....  | 29,158             | 29,158               |
|      | <b>OTHER SUPPORT</b>                                   |                    |                      |
| 013  | MODIFICATION KITS .....                                | 41,602             | 41,602               |
|      | <b>REPAIR AND TEST EQUIPMENT</b>                       |                    |                      |
| 015  | REPAIR AND TEST EQUIPMENT .....                        | 13,632             | 13,632               |
|      | <b>OTHER SUPPORT (TEL)</b>                             |                    |                      |
| 017  | MODIFICATION KITS .....                                | 2,831              | 2,831                |
|      | <b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>            |                    |                      |
| 019  | AIR OPERATIONS C2 SYSTEMS .....                        | 15,575             | 15,575               |
|      | <b>RADAR + EQUIPMENT (NON-TEL)</b>                     |                    |                      |
| 020  | RADAR SYSTEMS .....                                    | 8,015              | 8,015                |
|      | <b>INTELL/COMM EQUIPMENT (NON-TEL)</b>                 |                    |                      |
| 023  | INTELLIGENCE SUPPORT EQUIPMENT .....                   | 35,310             | 35,310               |
|      | <b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>             |                    |                      |
| 029  | NIGHT VISION EQUIPMENT .....                           | 652                | 652                  |
|      | <b>OTHER SUPPORT (NON-TEL)</b>                         |                    |                      |
| 030  | COMMON COMPUTER RESOURCES .....                        | 19,807             | 19,807               |
| 032  | RADIO SYSTEMS .....                                    | 36,482             | 36,482               |
| 033  | COMM SWITCHING & CONTROL SYSTEMS .....                 | 41,295             | 41,295               |
|      | <b>TACTICAL VEHICLES</b>                               |                    |                      |
| 039  | MEDIUM TACTICAL VEHICLE REPLACEMENT .....              | 10,466             | 10,466               |
| 041  | FAMILY OF TACTICAL TRAILERS .....                      | 7,642              | 7,642                |
|      | <b>ENGINEER AND OTHER EQUIPMENT</b>                    |                    |                      |
| 045  | BULK LIQUID EQUIPMENT .....                            | 18,239             | 18,239               |
| 046  | TACTICAL FUEL SYSTEMS .....                            | 51,359             | 51,359               |
| 047  | POWER EQUIPMENT ASSORTED .....                         | 20,247             | 20,247               |
| 049  | EOD SYSTEMS .....                                      | 362,658            | 362,658              |
|      | <b>MATERIALS HANDLING EQUIPMENT</b>                    |                    |                      |
| 050  | PHYSICAL SECURITY EQUIPMENT .....                      | 55,500             | 55,500               |
| 052  | MATERIAL HANDLING EQUIP .....                          | 19,100             | 19,100               |
|      | <b>GENERAL PROPERTY</b>                                |                    |                      |
| 054  | FIELD MEDICAL EQUIPMENT .....                          | 15,751             | 15,751               |
| 055  | TRAINING DEVICES .....                                 | 3,602              | 3,602                |
| 057  | FAMILY OF CONSTRUCTION EQUIPMENT .....                 | 15,900             | 15,900               |
|      | <b>TOTAL, PROCUREMENT, MARINE CORPS .....</b>          | <b>943,683</b>     | <b>943,683</b>       |
|      | <b>AIRCRAFT PROCUREMENT, AIR FORCE</b>                 |                    |                      |
|      | <b>STRATEGIC AIRCRAFT</b>                              |                    |                      |
| 035  | LARGE AIRCRAFT INFRARED COUNTERMEASURES .....          | 139,800            | 139,800              |
|      | <b>OTHER AIRCRAFT</b>                                  |                    |                      |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item   | FY 2013<br>Request | Senate<br>Authorized |
|------|--|--------------------|----------------------|
| 055  | U-2 MODS .....   | 46,800             | 46,800               |
| 063  | C-130 .....  | 11,400             | 11,400               |
| 067  | COMPASS CALL MODS .....                                  | 14,000             | 14,000               |
| 068  | RC-135 .....   | 8,000              | 8,000                |
| 075  | HC/MC-130 MODIFICATIONS .....                            | 4,700              | 4,700                |
|      | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>                  |                    |                      |
| 081  | INITIAL SPARES/REPAIR PARTS .....                        | 21,900             | 21,900               |
|      | <b>OTHER PRODUCTION CHARGES</b>                          |                    |                      |
| 099  | OTHER PRODUCTION CHARGES .....                           | 59,000             | 59,000               |
|      | <b>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE</b> .....      | <b>305,600</b>     | <b>305,600</b>       |
|      | <b>MISSILE PROCUREMENT, AIR FORCE</b>                    |                    |                      |
|      | <b>TACTICAL</b>  |                    |                      |
| 005  | PREDATOR HELLFIRE MISSILE .....                          | 34,350             | 34,350               |
|      | <b>TOTAL, MISSILE PROCUREMENT, AIR FORCE</b> .....       | <b>34,350</b>      | <b>34,350</b>        |
|      | <b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>              |                    |                      |
|      | <b>CARTRIDGES</b>  |                    |                      |
| 002  | CARTRIDGES .....   | 13,592             | 13,592               |
|      | <b>BOMBS</b>   |                    |                      |
| 004  | GENERAL PURPOSE BOMBS .....                              | 23,211             | 23,211               |
| 005  | JOINT DIRECT ATTACK MUNITION .....                       | 53,923             | 53,923               |
|      | <b>FLARE, IR MJU-7B</b>                                  |                    |                      |
| 006  | CAD/PAD .....  | 2,638              | 2,638                |
| 010  | ITEMS LESS THAN \$5 MILLION .....                        | 2,600              | 2,600                |
|      | <b>FUZES</b>   |                    |                      |
| 011  | FLARES .....   | 11,726             | 11,726               |
| 012  | FUZES .....  | 8,513              | 8,513                |
|      | <b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</b> ..... | <b>116,203</b>     | <b>116,203</b>       |
|      | <b>OTHER PROCUREMENT, AIR FORCE</b>                      |                    |                      |
|      | <b>CARGO AND UTILITY VEHICLES</b>                        |                    |                      |
| 002  | MEDIUM TACTICAL VEHICLE .....                            | 2,010              | 2,010                |
| 004  | ITEMS LESS THAN \$5 MILLION .....                        | 2,675              | 2,675                |
|      | <b>SPECIAL PURPOSE VEHICLES</b>                          |                    |                      |
| 006  | ITEMS LESS THAN \$5 MILLION .....                        | 2,557              | 2,557                |
|      | <b>MATERIALS HANDLING EQUIPMENT</b>                      |                    |                      |
| 008  | ITEMS LESS THAN \$5 MILLION .....                        | 4,329              | 4,329                |
|      | <b>BASE MAINTENANCE SUPPORT</b>                          |                    |                      |
| 009  | RUNWAY SNOW REMOV AND CLEANING EQU .....                 | 984                | 984                  |
| 010  | ITEMS LESS THAN \$5 MILLION .....                        | 9,120              | 9,120                |
|      | <b>ELECTRONICS PROGRAMS</b>                              |                    |                      |
| 022  | WEATHER OBSERVATION FORECAST .....                       | 5,600              | 5,600                |
|      | <b>SPCL COMM-ELECTRONICS PROJECTS</b>                    |                    |                      |
| 027  | GENERAL INFORMATION TECHNOLOGY .....                     | 11,157             | 11,157               |
|      | <b>ORGANIZATION AND BASE</b>                             |                    |                      |
| 049  | TACTICAL C-E EQUIPMENT .....                             | 7,000              | 7,000                |
| 053  | BASE COMM INFRASTRUCTURE .....                           | 10,654             | 10,654               |
|      | <b>MODIFICATIONS</b>                                     |                    |                      |
| 054  | COMM ELECT MODS .....                                    | 8,000              | 8,000                |
|      | <b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>                |                    |                      |
| 055  | NIGHT VISION GOGGLES .....                               | 902                | 902                  |
|      | <b>BASE SUPPORT EQUIPMENT</b>                            |                    |                      |
| 059  | CONTINGENCY OPERATIONS .....                             | 60,090             | 60,090               |
| 062  | MOBILITY EQUIPMENT .....                                 | 9,400              | 9,400                |
| 063  | ITEMS LESS THAN \$5 MILLION .....                        | 9,175              | 9,175                |
|      | <b>CLASSIFIED PROGRAMS</b>                               |                    |                      |
| 069A | CLASSIFIED PROGRAMS .....                                | 2,672,317          | 2,672,317            |
|      | <b>SPARES AND REPAIR PARTS</b>                           |                    |                      |
| 071  | SPARES AND REPAIR PARTS .....                            | 2,300              | 2,300                |
|      | <b>TOTAL, OTHER PROCUREMENT, AIR FORCE</b> .....         | <b>2,818,270</b>   | <b>2,818,270</b>     |
|      | <b>PROCUREMENT, DEFENSE-WIDE</b>                         |                    |                      |
|      | <b>MAJOR EQUIPMENT, DISA</b>                             |                    |                      |
| 015  | TELEPORT PROGRAM .....                                   | 5,260              | 5,260                |
|      | <b>CLASSIFIED PROGRAMS</b>                               |                    |                      |
| 045A | CLASSIFIED PROGRAMS .....                                | 126,201            | 126,201              |
|      | <b>AVIATION PROGRAMS</b>                                 |                    |                      |
| 061  | MQ-8 UAV .....   | 16,500             | 16,500               |
|      | <b>OTHER PROCUREMENT PROGRAMS</b>                        |                    |                      |
| 068  | COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....           | 151                | 151                  |
| 069  | INTELLIGENCE SYSTEMS .....                               | 30,528             | 30,528               |
| 077  | TACTICAL VEHICLES .....                                  | 1,843              | 1,843                |
| 082  | AUTOMATION SYSTEMS .....                                 | 1,000              | 1,000                |
| 086  | VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....      | 108                | 108                  |
| 091  | OPERATIONAL ENHANCEMENTS .....                           | 14,758             | 14,758               |
|      | <b>TOTAL, PROCUREMENT, DEFENSE-WIDE</b> .....            | <b>196,349</b>     | <b>196,349</b>       |
|      | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>               |                    |                      |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item  | FY 2013 Request  | Senate Authorized |
|------|---|------------------|-------------------|
| 001  | JOINT URGENT OPERATIONAL NEEDS FUND .....               | 100,000          | 100,000           |
|      | <b>TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND .....</b> | <b>100,000</b>   | <b>100,000</b>    |
|      | <b>TOTAL, PROCUREMENT .....</b>                         | <b>9,687,241</b> | <b>9,676,655</b>  |

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2013 Request | Senate Authorized |
|------|-----------------|--|-----------------|-------------------|
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>            |                 |                   |
|      |                 | <b>BASIC RESEARCH</b>  |                 |                   |
| 001  | 0601101A        | IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....                 | 20,860          | 20,860            |
| 002  | 0601102A        | DEFENSE RESEARCH SCIENCES .....                                | 219,180         | 219,180           |
| 003  | 0601103A        | UNIVERSITY RESEARCH INITIATIVES .....                          | 80,986          | 80,986            |
| 004  | 0601104A        | UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....                 | 123,045         | 123,045           |
|      |                 | <b>SUBTOTAL, BASIC RESEARCH .....</b>                          | <b>444,071</b>  | <b>444,071</b>    |
|      |                 | <b>APPLIED RESEARCH</b>  |                 |                   |
| 005  | 0602105A        | MATERIALS TECHNOLOGY .....                                     | 29,041          | 29,041            |
| 006  | 0602120A        | SENSORS AND ELECTRONIC SURVIVABILITY .....                     | 45,260          | 45,260            |
| 007  | 0602122A        | TRACTOR HIP .....  | 22,439          | 22,439            |
| 008  | 0602211A        | AVIATION TECHNOLOGY .....                                      | 51,607          | 51,607            |
| 009  | 0602270A        | ELECTRONIC WARFARE TECHNOLOGY .....                            | 15,068          | 15,068            |
| 010  | 0602303A        | MISSILE TECHNOLOGY .....                                       | 49,383          | 49,383            |
| 011  | 0602307A        | ADVANCED WEAPONS TECHNOLOGY .....                              | 25,999          | 25,999            |
| 012  | 0602308A        | ADVANCED CONCEPTS AND SIMULATION .....                         | 23,507          | 23,507            |
| 013  | 0602601A        | COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....                 | 69,062          | 69,062            |
| 014  | 0602618A        | BALLISTICS TECHNOLOGY .....                                    | 60,823          | 60,823            |
| 015  | 0602622A        | CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....       | 4,465           | 4,465             |
| 016  | 0602623A        | JOINT SERVICE SMALL ARMS PROGRAM .....                         | 7,169           | 7,169             |
| 017  | 0602624A        | WEAPONS AND MUNITIONS TECHNOLOGY .....                         | 35,218          | 35,218            |
| 018  | 0602705A        | ELECTRONICS AND ELECTRONIC DEVICES .....                       | 60,300          | 60,300            |
| 019  | 0602709A        | NIGHT VISION TECHNOLOGY .....                                  | 53,244          | 53,244            |
| 020  | 0602712A        | COUNTERMINE SYSTEMS .....                                      | 18,850          | 18,850            |
| 021  | 0602716A        | HUMAN FACTORS ENGINEERING TECHNOLOGY .....                     | 19,872          | 19,872            |
| 022  | 0602720A        | ENVIRONMENTAL QUALITY TECHNOLOGY .....                         | 20,095          | 20,095            |
| 023  | 0602782A        | COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....              | 28,852          | 28,852            |
| 024  | 0602783A        | COMPUTER AND SOFTWARE TECHNOLOGY .....                         | 9,830           | 9,830             |
| 025  | 0602784A        | MILITARY ENGINEERING TECHNOLOGY .....                          | 70,693          | 70,693            |
| 026  | 0602785A        | MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....                   | 17,781          | 17,781            |
| 027  | 0602786A        | WARFIGHTER TECHNOLOGY .....                                    | 28,281          | 28,281            |
| 028  | 0602787A        | MEDICAL TECHNOLOGY .....                                       | 107,891         | 107,891           |
|      |                 | <b>SUBTOTAL, APPLIED RESEARCH .....</b>                        | <b>874,730</b>  | <b>874,730</b>    |
|      |                 | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>                         |                 |                   |
| 029  | 0603001A        | WARFIGHTER ADVANCED TECHNOLOGY .....                           | 39,359          | 39,359            |
| 030  | 0603002A        | MEDICAL ADVANCED TECHNOLOGY .....                              | 69,580          | 69,580            |
| 031  | 0603003A        | AVIATION ADVANCED TECHNOLOGY .....                             | 64,215          | 64,215            |
| 032  | 0603004A        | WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....                | 67,613          | 67,613            |
| 033  | 0603005A        | COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....        | 104,359         | 104,359           |
| 034  | 0603006A        | COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....     | 4,157           | 4,157             |
| 035  | 0603007A        | MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....     | 9,856           | 9,856             |
| 036  | 0603008A        | ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....                   | 50,661          | 50,661            |
| 037  | 0603009A        | TRACTOR HIKE .....   | 9,126           | 9,126             |
| 038  | 0603015A        | NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....            | 17,257          | 17,257            |
| 039  | 0603020A        | TRACTOR ROSE .....   | 9,925           | 9,925             |
| 040  | 0603105A        | MILITARY HIV RESEARCH .....                                    | 6,984           | 6,984             |
| 041  | 0603125A        | COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....               | 9,716           | 9,716             |
| 042  | 0603130A        | TRACTOR NAIL .....   | 3,487           | 3,487             |
| 043  | 0603131A        | TRACTOR EGGS .....   | 2,323           | 2,323             |
| 044  | 0603270A        | ELECTRONIC WARFARE TECHNOLOGY .....                            | 21,683          | 21,683            |
| 045  | 0603313A        | MISSILE AND ROCKET ADVANCED TECHNOLOGY .....                   | 71,111          | 71,111            |
| 046  | 0603322A        | TRACTOR CAGE .....   | 10,902          | 10,902            |
| 047  | 0603461A        | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....         | 180,582         | 180,582           |
| 048  | 0603606A        | LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....         | 27,204          | 27,204            |
| 049  | 0603607A        | JOINT SERVICE SMALL ARMS PROGRAM .....                         | 6,095           | 6,095             |
| 050  | 0603710A        | NIGHT VISION ADVANCED TECHNOLOGY .....                         | 37,217          | 37,217            |
| 051  | 0603728A        | ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....          | 13,626          | 13,626            |
| 052  | 0603734A        | MILITARY ENGINEERING ADVANCED TECHNOLOGY .....                 | 28,458          | 28,458            |
| 053  | 0603772A        | ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY ..... | 25,226          | 25,226            |
|      |                 | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT .....</b>         | <b>890,722</b>  | <b>890,722</b>    |

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2013 Request | Senate Authorized |
|------|-----------------|--|-----------------|-------------------|
| 054  | 0603305A        | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....                               | 14,505          | 14,505            |
| 055  | 0603308A        | ARMY SPACE SYSTEMS INTEGRATION .....   | 9,876           | 9,876             |
| 056  | 0603619A        | LANDMINE WARFARE AND BARRIER—ADV DEV .....                                   | 5,054           | 5,054             |
| 057  | 0603627A        | SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV .....                      | 2,725           | 2,725             |
| 058  | 0603639A        | TANK AND MEDIUM CALIBER AMMUNITION .....                                     | 30,560          | 30,560            |
| 059  | 0603653A        | ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....                                   | 14,347          | 14,347            |
| 060  | 0603747A        | SOLDIER SUPPORT AND SURVIVABILITY .....                                      | 10,073          | 10,073            |
| 061  | 0603766A        | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....                        | 8,660           | 8,660             |
| 062  | 0603774A        | NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....                              | 10,715          | 10,715            |
| 063  | 0603779A        | ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....                               | 4,631           | 4,631             |
| 064  | 0603782A        | WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL .....                        | 278,018         | 278,018           |
| 065  | 0603790A        | NATO RESEARCH AND DEVELOPMENT .....  | 4,961           | 4,961             |
| 066  | 0603801A        | AVIATION—ADV DEV .....   | 8,602           | 8,602             |
| 067  | 0603804A        | LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....                               | 14,605          | 14,605            |
| 068  | 0603805A        | COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....          | 5,054           | 5,054             |
| 069  | 0603807A        | MEDICAL SYSTEMS—ADV DEV .....  | 24,384          | 24,384            |
| 070  | 0603827A        | SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....                                   | 32,050          | 32,050            |
| 071  | 0603850A        | INTEGRATED BROADCAST SERVICE .....   | 96              | 96                |
| 072  | 0604115A        | TECHNOLOGY MATURATION INITIATIVES .....                                      | 24,868          | 24,868            |
| 073  | 0604131A        | TRACTOR JUTE .....   | 59              | 59                |
| 074  | 0604284A        | JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G)/TECHNOLOGY DEV ..... | 0               | 0                 |
| 075  | 0604319A        | INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2) .....      | 76,039          | 76,039            |
| 076  | 0604775A        | DEFENSE RAPID INNOVATION PROGRAM .....                                       | 0               | 0                 |
| 077  | 0604785A        | INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....                            | 4,043           | 4,043             |
| 078  | 0305205A        | ENDURANCE UAVS .....   | 26,196          | 26,196            |
|      |                 | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>       | <b>610,121</b>  | <b>610,121</b>    |
|      |                 | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                                |                 |                   |
| 079  | 0604201A        | AIRCRAFT AVIONICS .....  | 78,538          | 78,538            |
| 080  | 0604220A        | ARMED, DEPLOYABLE HELOS .....  | 90,494          | 90,494            |
| 081  | 0604270A        | ELECTRONIC WARFARE DEVELOPMENT .....   | 181,347         | 181,347           |
| 082  | 0604280A        | JOINT TACTICAL RADIO .....   | 0               | 0                 |
| 083  | 0604290A        | MID-TIER NETWORKING VEHICULAR RADIO (MNVr) .....                             | 12,636          | 12,636            |
| 084  | 0604321A        | ALL SOURCE ANALYSIS SYSTEM .....   | 5,694           | 5,694             |
| 085  | 0604328A        | TRACTOR CAGE .....   | 32,095          | 32,095            |
| 086  | 0604601A        | INFANTRY SUPPORT WEAPONS .....   | 96,478          | 96,478            |
| 087  | 0604604A        | MEDIUM TACTICAL VEHICLES .....   | 3,006           | 3,006             |
| 088  | 0604609A        | SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ENG DEV .....                      | 0               | 0                 |
| 089  | 0604611A        | JAVELIN .....  | 5,040           | 5,040             |
| 090  | 0604622A        | FAMILY OF HEAVY TACTICAL VEHICLES .....                                      | 3,077           | 3,077             |
| 091  | 0604633A        | AIR TRAFFIC CONTROL .....  | 9,769           | 9,769             |
| 092  | 0604641A        | TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....                                | 13,141          | 25,141            |
|      |                 | Transfer from OPA line 191 at Army request .....                             |                 | [12,000]          |
| 093  | 0604642A        | LIGHT TACTICAL WHEELED VEHICLES .....  | 0               | 0                 |
| 094  | 0604661A        | FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....                             | 0               | 0                 |
| 095  | 0604662A        | FCS RECONNAISSANCE (UAV) PLATFORMS .....                                     | 0               | 0                 |
| 096  | 0604663A        | FCS UNMANNED GROUND VEHICLES .....   | 0               | 0                 |
| 097  | 0604664A        | FCS UNATTENDED GROUND SENSORS .....  | 0               | 0                 |
| 098  | 0604665A        | FCS SUSTAINMENT & TRAINING R&D .....   | 0               | 0                 |
| 099  | 0604710A        | NIGHT VISION SYSTEMS—ENG DEV .....   | 32,621          | 32,621            |
| 100  | 0604713A        | COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....                                | 2,132           | 2,132             |
| 101  | 0604715A        | NON-SYSTEM TRAINING DEVICES—ENG DEV .....                                    | 44,787          | 44,787            |
| 102  | 0604716A        | TERRAIN INFORMATION—ENG DEV .....  | 1,008           | 1,008             |
| 103  | 0604741A        | AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....                  | 73,333          | 73,333            |
| 104  | 0604742A        | CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....                            | 28,937          | 28,937            |
| 105  | 0604746A        | AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....                                   | 10,815          | 10,815            |
| 106  | 0604760A        | DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....                     | 13,926          | 13,926            |
| 107  | 0604780A        | COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....                             | 17,797          | 17,797            |
| 108  | 0604798A        | BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....                           | 214,270         | 214,270           |
| 109  | 0604802A        | WEAPONS AND MUNITIONS—ENG DEV .....  | 14,581          | 14,581            |
| 110  | 0604804A        | LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....                               | 43,706          | 43,706            |
| 111  | 0604805A        | COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....                       | 20,776          | 20,776            |
| 112  | 0604807A        | MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV .....          | 43,395          | 43,395            |
| 113  | 0604808A        | LANDMINE WARFARE/BARRIER—ENG DEV .....                                       | 104,983         | 104,983           |
| 114  | 0604814A        | ARTILLERY MUNITIONS—EMD .....  | 4,346           | 4,346             |
| 115  | 0604817A        | COMBAT IDENTIFICATION .....  | 0               | 0                 |
| 116  | 0604818A        | ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....                    | 77,223          | 77,223            |
| 117  | 0604820A        | RADAR DEVELOPMENT .....  | 3,486           | 3,486             |
| 118  | 0604822A        | GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs) .....                        | 9,963           | 27,163            |
|      |                 | GFEBs realignment per Army request .....                                     |                 | [17,200]          |
| 119  | 0604823A        | FIREFINDER .....   | 20,517          | 20,517            |
| 120  | 0604827A        | SOLDIER SYSTEMS—WARRIOR DEM/VAL .....  | 51,851          | 51,851            |
| 121  | 0604854A        | ARTILLERY SYSTEMS—EMD .....  | 167,797         | 167,797           |
| 122  | 0604869A        | PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....                         | 400,861         | 0                 |
|      |                 | No funds authorized .....  |                 | [-400,861]        |
| 123  | 0604870A        | NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....                         | 7,922           | 7,922             |
| 124  | 0605013A        | INFORMATION TECHNOLOGY DEVELOPMENT .....                                     | 51,463          | 51,463            |
| 125  | 0605018A        | INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....                      | 158,646         | 158,646           |
| 126  | 0605450A        | JOINT AIR-TO-GROUND MISSILE (JAGM) .....                                     | 10,000          | 10,000            |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2013 Request  | Senate Authorized |
|------|-----------------|--|------------------|-------------------|
| 127  | 0605455A        | SLAMRAAM .....   | 0                | 0                 |
| 128  | 0605456A        | PAC-3/MSE MISSILE .....  | 69,029           | 69,029            |
| 129  | 0605457A        | ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....                                  | 277,374          | 277,374           |
| 130  | 0605625A        | MANNED GROUND VEHICLE .....  | 639,874          | 639,874           |
| 131  | 0605626A        | AERIAL COMMON SENSOR .....   | 47,426           | 47,426            |
| 132  | 0605812A        | JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH ..... | 72,295           | 72,295            |
| 133  | 0303032A        | TROJAN—RH12 .....  | 4,232            | 4,232             |
| 134  | 0304270A        | ELECTRONIC WARFARE DEVELOPMENT .....   | 13,942           | 13,942            |
|      |                 | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                          | <b>3,286,629</b> | <b>2,914,968</b>  |
|      |                 | <b>RD&amp;E MANAGEMENT SUPPORT</b>   |                  |                   |
| 135  | 0604256A        | THREAT SIMULATOR DEVELOPMENT .....   | 18,090           | 18,090            |
| 136  | 0604258A        | TARGET SYSTEMS DEVELOPMENT .....   | 14,034           | 14,034            |
| 137  | 0604759A        | MAJOR T&E INVESTMENT .....   | 37,394           | 37,394            |
| 138  | 0605103A        | RAND ARROYO CENTER .....   | 21,026           | 21,026            |
| 139  | 0605301A        | ARMY KWAJALEIN ATOLL .....   | 176,816          | 176,816           |
| 140  | 0605326A        | CONCEPTS EXPERIMENTATION PROGRAM .....   | 27,902           | 27,902            |
| 141  | 0605502A        | SMALL BUSINESS INNOVATIVE RESEARCH .....   | 0                | 0                 |
| 142  | 0605601A        | ARMY TEST RANGES AND FACILITIES .....  | 369,900          | 369,900           |
| 143  | 0605602A        | ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....                                  | 69,183           | 69,183            |
| 144  | 0605604A        | SURVIVABILITY/LETHALITY ANALYSIS .....   | 44,753           | 44,753            |
| 145  | 0605605A        | DOD HIGH ENERGY LASER TEST FACILITY .....  | 0                | 0                 |
| 146  | 0605606A        | AIRCRAFT CERTIFICATION .....   | 5,762            | 5,762             |
| 147  | 0605702A        | METEOROLOGICAL SUPPORT TO RD&E ACTIVITIES .....  | 7,402            | 7,402             |
| 148  | 0605706A        | MATERIEL SYSTEMS ANALYSIS .....  | 19,954           | 19,954            |
| 149  | 0605709A        | EXPLOITATION OF FOREIGN ITEMS .....  | 5,535            | 5,535             |
| 150  | 0605712A        | SUPPORT OF OPERATIONAL TESTING .....   | 67,789           | 67,789            |
| 151  | 0605716A        | ARMY EVALUATION CENTER .....   | 62,765           | 62,765            |
| 152  | 0605718A        | ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....                                  | 1,545            | 1,545             |
| 153  | 0605801A        | PROGRAMWIDE ACTIVITIES .....   | 83,422           | 83,422            |
| 154  | 0605803A        | TECHNICAL INFORMATION ACTIVITIES .....   | 50,820           | 50,820            |
| 155  | 0605805A        | MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....                              | 46,763           | 46,763            |
| 156  | 0605857A        | ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....                                    | 4,601            | 4,601             |
| 157  | 0605898A        | MANAGEMENT HQ—R&D .....  | 18,524           | 18,524            |
| 158  | 0909999A        | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                      | 0                | 0                 |
|      |                 | <b>SUBTOTAL, RD&amp;E MANAGEMENT SUPPORT .....</b>                                     | <b>1,153,980</b> | <b>1,153,980</b>  |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>   |                  |                   |
| 159  | 0603778A        | MLRS PRODUCT IMPROVEMENT PROGRAM .....   | 143,005          | 143,005           |
| 160  | 0607665A        | FAMILY OF BIOMETRICS .....   | 0                | 0                 |
| 161  | 0607865A        | PATRIOT PRODUCT IMPROVEMENT .....  | 109,978          | 109,978           |
| 162  | 0102419A        | AEROSTAT JOINT PROJECT OFFICE .....  | 190,422          | 190,422           |
| 163  | 0203347A        | INTELLIGENCE SUPPORT TO CYBER (ISC) MIP .....  | 0                | 0                 |
| 164  | 0203726A        | ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....   | 32,556           | 32,556            |
| 165  | 0203735A        | COMBAT VEHICLE IMPROVEMENT PROGRAMS .....  | 253,959          | 253,959           |
| 166  | 0203740A        | MANEUVER CONTROL SYSTEM .....  | 68,325           | 68,325            |
| 167  | 0203744A        | AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....                              | 280,247          | 226,247           |
|      |                 | Improved turbine engine program delay .....  |                  | [-54,000]         |
| 168  | 0203752A        | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....                                    | 898              | 898               |
| 169  | 0203758A        | DIGITIZATION .....   | 35,180           | 35,180            |
| 170  | 0203759A        | FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) .....                              | 0                | 0                 |
| 171  | 0203801A        | MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....                                  | 20,733           | 20,733            |
| 172  | 0203808A        | TRACTOR CARD .....   | 63,243           | 63,243            |
| 173  | 0208053A        | JOINT TACTICAL GROUND SYSTEM .....   | 31,738           | 31,738            |
| 174  | 0208058A        | JOINT HIGH SPEED VESSEL (JHSV) .....   | 35               | 35                |
| 176  | 0303028A        | SECURITY AND INTELLIGENCE ACTIVITIES .....   | 7,591            | 7,591             |
| 177  | 0303140A        | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 15,961           | 15,961            |
| 178  | 0303141A        | GLOBAL COMBAT SUPPORT SYSTEM .....   | 120,927          | 120,927           |
| 179  | 0303142A        | SATCOM GROUND ENVIRONMENT (SPACE) .....  | 15,756           | 15,756            |
| 180  | 0303150A        | WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....   | 14,443           | 14,443            |
| 182  | 0305204A        | TACTICAL UNMANNED AERIAL VEHICLES .....  | 31,303           | 31,303            |
| 183  | 0305208A        | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 40,876           | 40,876            |
| 184  | 0305219A        | MQ-1 SKY WARRIOR A UAV .....   | 74,618           | 74,618            |
| 185  | 0305232A        | RQ-11 UAV .....  | 4,039            | 4,039             |
| 186  | 0305233A        | RQ-7 UAV .....   | 31,158           | 31,158            |
| 187  | 0305235A        | VERTICAL UAS .....   | 2,387            | 2,387             |
| 188  | 0307665A        | BIOMETRICS ENABLED INTELLIGENCE .....  | 15,248           | 15,248            |
| 189  | 0708045A        | END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....                                      | 59,908           | 59,908            |
| 189A | 9999999999      | CLASSIFIED PROGRAMS .....  | 4,628            | 4,628             |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>                                 | <b>1,669,162</b> | <b>1,615,162</b>  |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>                       | <b>8,929,415</b> | <b>8,503,754</b>  |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>                                    |                  |                   |
|      |                 | <b>BASIC RESEARCH</b>  |                  |                   |
| 001  | 0601103N        | UNIVERSITY RESEARCH INITIATIVES .....  | 113,690          | 113,690           |
| 002  | 0601152N        | IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....   | 18,261           | 18,261            |
| 003  | 0601153N        | DEFENSE RESEARCH SCIENCES .....  | 473,070          | 473,070           |
|      |                 | <b>SUBTOTAL, BASIC RESEARCH .....</b>  | <b>605,021</b>   | <b>605,021</b>    |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line   | Program Element | Item  | FY 2013 Request | Senate Authorized |
|--|-----------------|---|-----------------|-------------------|
| <b>APPLIED RESEARCH</b>                                |                 |   |                 |                   |
| 004  | 0602114N        | POWER PROJECTION APPLIED RESEARCH .....                         | 89,189          | 89,189            |
| 005  | 0602123N        | FORCE PROTECTION APPLIED RESEARCH .....                         | 143,301         | 143,301           |
| 006  | 0602131M        | MARINE CORPS LANDING FORCE TECHNOLOGY .....                     | 46,528          | 46,528            |
| 007  | 0602235N        | COMMON PICTURE APPLIED RESEARCH .....                           | 41,696          | 41,696            |
| 008  | 0602236N        | WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....                   | 44,127          | 44,127            |
| 009  | 0602271N        | ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....                  | 78,228          | 78,228            |
| 010  | 0602435N        | OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....            | 49,635          | 49,635            |
| 011  | 0602651M        | JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....                 | 5,973           | 5,973             |
| 012  | 0602747N        | UNDERSEA WARFARE APPLIED RESEARCH .....                         | 96,814          | 96,814            |
| 013  | 0602750N        | FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....                | 162,417         | 162,417           |
| 014  | 0602782N        | MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....           | 32,394          | 32,394            |
|  |                 | <b>SUBTOTAL, APPLIED RESEARCH .....</b>                         | <b>790,302</b>  | <b>790,302</b>    |
| <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>                 |                 |   |                 |                   |
| 015  | 0603114N        | POWER PROJECTION ADVANCED TECHNOLOGY .....                      | 56,543          | 56,543            |
| 016  | 0603123N        | FORCE PROTECTION ADVANCED TECHNOLOGY .....                      | 18,616          | 18,616            |
| 017  | 0603235N        | COMMON PICTURE ADVANCED TECHNOLOGY .....                        | 0               | 0                 |
| 018  | 0603236N        | WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....                | 0               | 0                 |
| 019  | 0603271N        | ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....               | 54,858          | 54,858            |
| 020  | 0603640M        | USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....              | 130,598         | 130,598           |
| 021  | 0603651M        | JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....           | 11,706          | 11,706            |
| 022  | 0603673N        | FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT ..... | 256,382         | 256,382           |
| 023  | 0603729N        | WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....                 | 3,880           | 3,880             |
| 024  | 0603747N        | UNDERSEA WARFARE ADVANCED TECHNOLOGY .....                      | 0               | 0                 |
| 025  | 0603758N        | NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....           | 51,819          | 51,819            |
| 026  | 0603782N        | MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....        | 0               | 0                 |
|  |                 | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT .....</b>          | <b>584,402</b>  | <b>584,402</b>    |
| <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> |                 |   |                 |                   |
| 027  | 0603128N        | UNMANNED AERIAL SYSTEM .....                                    | 0               | 0                 |
| 028  | 0603207N        | AIR/OCEAN TACTICAL APPLICATIONS .....                           | 34,085          | 34,085            |
| 029  | 0603216N        | AVIATION SURVIVABILITY .....                                    | 8,783           | 8,783             |
| 030  | 0603237N        | DEPLOYABLE JOINT COMMAND AND CONTROL .....                      | 3,773           | 3,773             |
| 031  | 0603251N        | AIRCRAFT SYSTEMS .....  | 24,512          | 24,512            |
| 032  | 0603254N        | ASW SYSTEMS DEVELOPMENT .....                                   | 8,090           | 8,090             |
| 033  | 0603261N        | TACTICAL AIRBORNE RECONNAISSANCE .....                          | 5,301           | 5,301             |
| 034  | 0603382N        | ADVANCED COMBAT SYSTEMS TECHNOLOGY .....                        | 1,506           | 1,506             |
| 035  | 0603502N        | SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....            | 190,622         | 190,622           |
| 036  | 0603506N        | SURFACE SHIP TORPEDO DEFENSE .....                              | 93,346          | 93,346            |
| 037  | 0603512N        | CARRIER SYSTEMS DEVELOPMENT .....                               | 108,871         | 108,871           |
| 038  | 0603513N        | SHIPBOARD SYSTEM COMPONENT DEVELOPMENT .....                    | 0               | 0                 |
| 039  | 0603525N        | PILOT FISH .....  | 101,169         | 101,169           |
| 040  | 0603527N        | RETRACT LARCH .....   | 74,312          | 74,312            |
| 041  | 0603536N        | RETRACT JUNIPER .....   | 90,730          | 90,730            |
| 042  | 0603542N        | RADIOLOGICAL CONTROL .....                                      | 777             | 777               |
| 043  | 0603553N        | SURFACE ASW .....   | 6,704           | 6,704             |
| 044  | 0603561N        | ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....                     | 555,123         | 555,123           |
| 045  | 0603562N        | SUBMARINE TACTICAL WARFARE SYSTEMS .....                        | 9,368           | 9,368             |
| 046  | 0603563N        | SHIP CONCEPT ADVANCED DESIGN .....                              | 24,609          | 24,609            |
| 047  | 0603564N        | SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....             | 13,710          | 13,710            |
| 048  | 0603570N        | ADVANCED NUCLEAR POWER SYSTEMS .....                            | 249,748         | 249,748           |
| 049  | 0603573N        | ADVANCED SURFACE MACHINERY SYSTEMS .....                        | 29,897          | 29,897            |
| 050  | 0603576N        | CHALK EAGLE .....   | 509,988         | 509,988           |
| 051  | 0603581N        | LITTORAL COMBAT SHIP (LCS) .....                                | 429,420         | 429,420           |
| 052  | 0603582N        | COMBAT SYSTEM INTEGRATION .....                                 | 56,551          | 56,551            |
| 053  | 0603609N        | CONVENTIONAL MUNITIONS .....                                    | 7,342           | 7,342             |
| 054  | 0603611M        | MARINE CORPS ASSAULT VEHICLES .....                             | 95,182          | 95,182            |
| 055  | 0603635M        | MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....                 | 10,496          | 10,496            |
| 056  | 0603654N        | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....              | 52,331          | 52,331            |
| 057  | 0603658N        | COOPERATIVE ENGAGEMENT .....                                    | 56,512          | 56,512            |
| 058  | 0603713N        | OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....                  | 7,029           | 7,029             |
| 059  | 0603721N        | ENVIRONMENTAL PROTECTION .....                                  | 21,080          | 21,080            |
| 060  | 0603724N        | NAVY ENERGY PROGRAM .....                                       | 55,324          | 55,324            |
| 061  | 0603725N        | FACILITIES IMPROVEMENT .....                                    | 3,401           | 3,401             |
| 062  | 0603734N        | CHALK CORAL .....   | 45,966          | 45,966            |
| 063  | 0603739N        | NAVY LOGISTIC PRODUCTIVITY .....                                | 3,811           | 3,811             |
| 064  | 0603746N        | RETRACT MAPLE .....   | 341,305         | 341,305           |
| 065  | 0603748N        | LINK PLUMERIA .....   | 181,220         | 181,220           |
| 066  | 0603751N        | RETRACT ELM .....   | 174,014         | 174,014           |
| 067  | 0603755N        | SHIP SELF DEFENSE—DEM/VAL .....                                 | 0               | 0                 |
| 068  | 0603764N        | LINK EVERGREEN .....  | 68,654          | 68,654            |
| 069  | 0603787N        | SPECIAL PROCESSES .....   | 44,487          | 44,487            |
| 070  | 0603790N        | NATO RESEARCH AND DEVELOPMENT .....                             | 9,389           | 9,389             |
| 071  | 0603795N        | LAND ATTACK TECHNOLOGY .....                                    | 16,132          | 16,132            |
| 072  | 0603851M        | JOINT NON-LETHAL WEAPONS TESTING .....                          | 44,994          | 44,994            |
| 073  | 0603860N        | JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....      | 137,369         | 137,369           |
| 074  | 0603889N        | COUNTERDRUG RDT&E PROJECTS .....                                | 0               | 0                 |
| 075  | 0603925N        | DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....               | 0               | 0                 |

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|------|-----------------|--|------------------|-------------------|
| 076  | 0604272N        | TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....                      | 73,934           | 73,934            |
| 077  | 0604279N        | ASE SELF-PROTECTION OPTIMIZATION .....   | 711              | 711               |
| 078  | 0604653N        | JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....                    | 71,300           | 71,300            |
| 079  | 0604659N        | PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....                                     | 5,654            | 5,654             |
| 080  | 0604707N        | SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....              | 31,549           | 31,549            |
| 081  | 0604775N        | DEFENSE RAPID INNOVATION PROGRAM .....   | 0                | 0                 |
| 082  | 0604786N        | OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....                                | 86,801           | 86,801            |
| 083  | 0605812M        | JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH ..... | 44,500           | 44,500            |
| 084  | 0303354N        | ASW SYSTEMS DEVELOPMENT—MIP .....  | 13,172           | 13,172            |
| 085  | 0303562N        | SUBMARINE TACTICAL WARFARE SYSTEMS—MIP .....   | 0                | 0                 |
| 086  | 0304270N        | ELECTRONIC WARFARE DEVELOPMENT—MIP .....   | 643              | 643               |
|      |                 | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>                 | <b>4,335,297</b> | <b>4,335,297</b>  |
|      |                 | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>  |                  |                   |
| 087  | 0604212N        | OTHER HELO DEVELOPMENT .....   | 33,978           | 33,978            |
| 088  | 0604214N        | AV—8B AIRCRAFT—ENG DEV .....   | 32,789           | 32,789            |
| 089  | 0604215N        | STANDARDS DEVELOPMENT .....  | 84,988           | 84,988            |
| 090  | 0604216N        | MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....                                     | 6,866            | 6,866             |
| 091  | 0604218N        | AIR/OCEAN EQUIPMENT ENGINEERING .....  | 4,060            | 4,060             |
| 092  | 0604221N        | P-3 MODERNIZATION PROGRAM .....  | 3,451            | 3,451             |
| 093  | 0604230N        | WARFARE SUPPORT SYSTEM .....   | 13,071           | 13,071            |
| 094  | 0604231N        | TACTICAL COMMAND SYSTEM .....  | 71,645           | 71,645            |
| 095  | 0604234N        | ADVANCED HAWKEYE .....   | 119,065          | 119,065           |
| 096  | 0604245N        | H-1 UPGRADES .....   | 31,105           | 31,105            |
| 097  | 0604261N        | ACOUSTIC SEARCH SENSORS .....  | 34,299           | 34,299            |
| 098  | 0604262N        | V-22A .....  | 54,412           | 54,412            |
| 099  | 0604264N        | AIR CREW SYSTEMS DEVELOPMENT .....   | 2,717            | 2,717             |
| 100  | 0604269N        | EA-18 .....  | 13,009           | 13,009            |
| 101  | 0604270N        | ELECTRONIC WARFARE DEVELOPMENT .....   | 51,304           | 51,304            |
| 102  | 0604273N        | VH-71A EXECUTIVE HELO DEVELOPMENT .....  | 61,163           | 61,163            |
| 103  | 0604274N        | NEXT GENERATION JAMMER (NGJ) .....   | 187,024          | 187,024           |
| 104  | 0604280N        | JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....                                     | 337,480          | 337,480           |
| 105  | 0604307N        | SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....                                      | 260,616          | 260,616           |
| 106  | 0604311N        | LPD-17 CLASS SYSTEMS INTEGRATION .....   | 824              | 824               |
| 107  | 0604329N        | SMALL DIAMETER BOMB (SDB) .....  | 31,064           | 31,064            |
| 108  | 0604366N        | STANDARD MISSILE IMPROVEMENTS .....  | 63,891           | 63,891            |
| 109  | 0604373N        | AIRBORNE MCM .....   | 73,246           | 73,246            |
| 110  | 0604376M        | MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION .....        | 10,568           | 10,568            |
| 111  | 0604378N        | NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....                    | 39,974           | 39,974            |
| 112  | 0604404N        | UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM .....       | 122,481          | 122,481           |
| 113  | 0604501N        | ADVANCED ABOVE WATER SENSORS .....   | 255,516          | 255,516           |
| 114  | 0604503N        | SSN-688 AND TRIDENT MODERNIZATION .....  | 82,620           | 82,620            |
| 115  | 0604504N        | AIR CONTROL .....  | 5,633            | 5,633             |
| 116  | 0604512N        | SHIPBOARD AVIATION SYSTEMS .....   | 55,826           | 55,826            |
| 117  | 0604518N        | COMBAT INFORMATION CENTER CONVERSION .....   | 918              | 918               |
| 118  | 0604558N        | NEW DESIGN SSN .....   | 165,230          | 165,230           |
| 119  | 0604562N        | SUBMARINE TACTICAL WARFARE SYSTEM .....  | 49,141           | 49,141            |
| 120  | 0604567N        | SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....  | 196,737          | 196,737           |
| 121  | 0604574N        | NAVY TACTICAL COMPUTER RESOURCES .....   | 3,889            | 3,889             |
| 122  | 0604601N        | MINE DEVELOPMENT .....   | 8,335            | 8,335             |
| 123  | 0604610N        | LIGHTWEIGHT TORPEDO DEVELOPMENT .....  | 49,818           | 49,818            |
| 124  | 0604654N        | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                                     | 10,099           | 10,099            |
| 125  | 0604703N        | PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....                               | 7,348            | 7,348             |
| 126  | 0604727N        | JOINT STANDOFF WEAPON SYSTEMS .....  | 5,518            | 5,518             |
| 127  | 0604755N        | SHIP SELF DEFENSE (DETECT & CONTROL) .....   | 87,662           | 87,662            |
| 128  | 0604756N        | SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....  | 64,079           | 64,079            |
| 129  | 0604757N        | SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....   | 151,489          | 151,489           |
| 130  | 0604761N        | INTELLIGENCE ENGINEERING .....   | 0                | 0                 |
| 131  | 0604771N        | MEDICAL DEVELOPMENT .....  | 12,707           | 12,707            |
| 132  | 0604777N        | NAVIGATION/ID SYSTEM .....   | 47,764           | 47,764            |
| 133  | 0604800M        | JOINT STRIKE FIGHTER (JSF)—EMD .....   | 737,149          | 737,149           |
| 134  | 0604800N        | JOINT STRIKE FIGHTER (JSF)—EMD .....   | 743,926          | 743,926           |
| 135  | 0605013M        | INFORMATION TECHNOLOGY DEVELOPMENT .....   | 12,143           | 12,143            |
| 136  | 0605013N        | INFORMATION TECHNOLOGY DEVELOPMENT .....   | 72,209           | 72,209            |
| 137  | 0605018N        | NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS) .....                        | 0                | 0                 |
| 138  | 0605212N        | CH-53K RDTE .....  | 606,204          | 606,204           |
| 139  | 0605450N        | JOINT AIR-TO-GROUND MISSILE (JAGM) .....   | 0                | 0                 |
| 140  | 0605500N        | MULTI-MISSION MARITIME AIRCRAFT (MMA) .....  | 421,102          | 421,102           |
| 141  | 0204202N        | DDG-1000 .....   | 124,655          | 124,655           |
| 142  | 0304231N        | TACTICAL COMMAND SYSTEM—MIP .....  | 1,170            | 1,170             |
| 143  | 0304503N        | SSN-688 AND TRIDENT MODERNIZATION—MIP .....  | 0                | 0                 |
| 144  | 0304785N        | TACTICAL CRYPTOLOGIC SYSTEMS .....   | 23,255           | 23,255            |
| 145  | 0305124N        | SPECIAL APPLICATIONS PROGRAM .....   | 0                | 0                 |
|      |                 | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                          | <b>5,747,232</b> | <b>5,747,232</b>  |
|      |                 | <b>RDT&amp;E MANAGEMENT SUPPORT</b>  |                  |                   |
| 146  | 0604256N        | THREAT SIMULATOR DEVELOPMENT .....   | 30,790           | 30,790            |
| 147  | 0604258N        | TARGET SYSTEMS DEVELOPMENT .....   | 59,221           | 59,221            |
| 148  | 0604759N        | MAJOR T&E INVESTMENT .....   | 35,894           | 35,894            |



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item  | FY 2013 Request | Senate Authorized |
|------|-----------------|---|-----------------|-------------------|
| 149  | 0605126N        | JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....                              | 7,573           | 7,573             |
| 150  | 0605152N        | STUDIES AND ANALYSIS SUPPORT—NAVY .....   | 20,963          | 20,963            |
| 151  | 0605154N        | CENTER FOR NAVAL ANALYSES .....   | 46,856          | 46,856            |
| 152  | 0605502N        | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 0               | 0                 |
| 153  | 0605804N        | TECHNICAL INFORMATION SERVICES .....  | 796             | 796               |
| 154  | 0605853N        | MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....                                   | 32,782          | 32,782            |
| 155  | 0605856N        | STRATEGIC TECHNICAL SUPPORT .....   | 3,306           | 3,306             |
| 156  | 0605861N        | RD&E SCIENCE AND TECHNOLOGY MANAGEMENT .....  | 70,302          | 70,302            |
| 157  | 0605863N        | RD&E SHIP AND AIRCRAFT SUPPORT .....  | 144,033         | 144,033           |
| 158  | 0605864N        | TEST AND EVALUATION SUPPORT .....   | 342,298         | 342,298           |
| 159  | 0605865N        | OPERATIONAL TEST AND EVALUATION CAPABILITY .....                                      | 16,399          | 16,399            |
| 160  | 0605866N        | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....                                 | 4,579           | 4,579             |
| 161  | 0605867N        | SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....   | 8,000           | 8,000             |
| 162  | 0605873M        | MARINE CORPS PROGRAM WIDE SUPPORT .....   | 18,490          | 18,490            |
| 163  | 0305885N        | TACTICAL CRYPTOLOGIC ACTIVITIES .....   | 2,795           | 2,795             |
| 164  | 0804758N        | SERVICE SUPPORT TO JFCOM, JNTC .....  | 0               | 0                 |
| 165  | 0909999N        | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                     | 0               | 0                 |
|      |                 | <b>SUBTOTAL, RD&amp;E MANAGEMENT SUPPORT .....</b>                                    | <b>845,077</b>  | <b>845,077</b>    |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                 |                   |
| 167  | 0604402N        | UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT ..... | 142,282         | 142,282           |
| 168  | 0604717M        | MARINE CORPS COMBAT SERVICES SUPPORT .....  | 0               | 0                 |
| 169  | 0604766M        | MARINE CORPS DATA SYSTEMS .....   | 0               | 0                 |
| 170  | 0101221N        | STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....  | 105,892         | 105,892           |
| 171  | 0101224N        | SSBN SECURITY TECHNOLOGY PROGRAM .....  | 34,729          | 34,729            |
| 172  | 0101226N        | SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....  | 1,434           | 1,434             |
| 173  | 0101402N        | NAVY STRATEGIC COMMUNICATIONS .....   | 19,208          | 19,208            |
| 174  | 0203761N        | RAPID TECHNOLOGY TRANSITION (RTT) .....   | 25,566          | 25,566            |
| 175  | 0204136N        | F/A-18 SQUADRONS .....  | 188,299         | 188,299           |
| 176  | 0204152N        | E-2 SQUADRONS .....   | 8,610           | 8,610             |
| 177  | 0204163N        | FLEET TELECOMMUNICATIONS (TACTICAL) .....   | 15,695          | 15,695            |
| 178  | 0204228N        | SURFACE SUPPORT .....   | 4,171           | 4,171             |
| 179  | 0204229N        | TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....                            | 11,265          | 11,265            |
| 180  | 0204311N        | INTEGRATED SURVEILLANCE SYSTEM .....  | 45,922          | 45,922            |
| 181  | 0204413N        | AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....                          | 8,435           | 8,435             |
| 182  | 0204460M        | GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....   | 75,088          | 75,088            |
| 183  | 0204571N        | CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....                                       | 20,229          | 20,229            |
| 184  | 0204574N        | CRYPTOLOGIC DIRECT SUPPORT .....  | 1,756           | 1,756             |
| 185  | 0204575N        | ELECTRONIC WARFARE (EW) READINESS SUPPORT .....                                       | 19,843          | 19,843            |
| 186  | 0205601N        | HARM IMPROVEMENT .....  | 11,477          | 11,477            |
| 187  | 0205604N        | TACTICAL DATA LINKS .....   | 118,818         | 118,818           |
| 188  | 0205620N        | SURFACE ASW COMBAT SYSTEM INTEGRATION .....   | 27,342          | 27,342            |
| 189  | 0205632N        | MK-48 ADCAP .....   | 28,717          | 28,717            |
| 190  | 0205633N        | AVIATION IMPROVEMENTS .....   | 89,157          | 89,157            |
| 191  | 0205658N        | NAVY SCIENCE ASSISTANCE PROGRAM .....   | 3,450           | 3,450             |
| 192  | 0205675N        | OPERATIONAL NUCLEAR POWER SYSTEMS .....   | 86,435          | 86,435            |
| 193  | 0206313M        | MARINE CORPS COMMUNICATIONS SYSTEMS .....   | 219,054         | 219,054           |
| 194  | 0206623M        | MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....                              | 181,693         | 181,693           |
| 195  | 0206624M        | MARINE CORPS COMBAT SERVICES SUPPORT .....  | 58,393          | 58,393            |
| 196  | 0206625M        | USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....                              | 22,966          | 22,966            |
| 197  | 0207161N        | TACTICAL AIM MISSILES .....   | 21,107          | 21,107            |
| 198  | 0207163N        | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....                               | 2,857           | 2,857             |
| 199  | 0208058N        | JOINT HIGH SPEED VESSEL (JHSV) .....  | 1,932           | 1,932             |
| 204  | 0303109N        | SATELLITE COMMUNICATIONS (SPACE) .....  | 188,482         | 188,482           |
| 205  | 0303138N        | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....                         | 16,749          | 16,749            |
| 206  | 0303140N        | INFORMATION SYSTEMS SECURITY PROGRAM .....  | 26,307          | 26,307            |
| 207  | 0303150M        | WMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....   | 500             | 500               |
| 208  | 0303238N        | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP .....                     | 0               | 0                 |
| 210  | 0305149N        | COBRA JUDY .....  | 17,091          | 17,091            |
| 211  | 0305160N        | NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....                             | 810             | 810               |
| 212  | 0305192N        | MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....                                  | 8,617           | 8,617             |
| 213  | 0305204N        | TACTICAL UNMANNED AERIAL VEHICLES .....   | 9,066           | 9,066             |
| 214  | 0305206N        | AIRBORNE RECONNAISSANCE SYSTEMS .....   | 0               | 0                 |
| 215  | 0305207N        | MANNED RECONNAISSANCE SYSTEMS .....   | 30,654          | 30,654            |
| 216  | 0305208M        | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                                       | 25,917          | 25,917            |
| 217  | 0305208N        | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                                       | 14,676          | 14,676            |
| 218  | 0305220N        | RQ-4 UAV .....  | 657,483         | 657,483           |
| 219  | 0305231N        | MQ-8 UAV .....  | 99,600          | 99,600            |
| 220  | 0305232M        | RQ-11 UAV .....   | 495             | 495               |
| 221  | 0305233N        | RQ-7 UAV .....  | 863             | 863               |
| 222  | 0305234M        | SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....  | 0               | 0                 |
| 223  | 0305234N        | SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....  | 9,734           | 9,734             |
| 224  | 0305237N        | MEDIUM RANGE MARITIME UAS .....   | 0               | 0                 |
| 225  | 0305239M        | RQ-21A .....  | 22,343          | 22,343            |
| 226  | 0308601N        | MODELING AND SIMULATION SUPPORT .....   | 5,908           | 5,908             |
| 227  | 0702207N        | DEPOT MAINTENANCE (NON-IF) .....  | 27,391          | 27,391            |
| 228  | 0702239N        | AVIONICS COMPONENT IMPROVEMENT PROGRAM .....  | 0               | 0                 |
| 229  | 0708011N        | INDUSTRIAL PREPAREDNESS .....   | 54,879          | 54,879            |
| 230  | 0708730N        | MARITIME TECHNOLOGY (MARITECH) .....  | 5,000           | 5,000             |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2013 Request   | Senate Authorized |
|------|-----------------|--|-------------------|-------------------|
| 230A | 999999999       | CLASSIFIED PROGRAMS .....  | 1,151,159         | 1,151,159         |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>             | <b>3,975,546</b>  | <b>3,975,546</b>  |
| 230B |                 | PRIOR YEAR SAVINGS .....   |                   | –8,832            |
|      |                 | Medium range maritime UAS cancellation .....                       |                   | [–8,832]          |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>   | <b>16,882,877</b> | <b>16,874,045</b> |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>                  |                   |                   |
|      |                 | <b>BASIC RESEARCH</b>  |                   |                   |
| 001  | 0601102F        | DEFENSE RESEARCH SCIENCES .....                                    | 361,787           | 361,787           |
| 002  | 0601103F        | UNIVERSITY RESEARCH INITIATIVES .....                              | 141,153           | 141,153           |
| 003  | 0601108F        | HIGH ENERGY LASER RESEARCH INITIATIVES .....                       | 13,094            | 13,094            |
|      |                 | <b>SUBTOTAL, BASIC RESEARCH .....</b>                              | <b>516,034</b>    | <b>516,034</b>    |
|      |                 | <b>APPLIED RESEARCH</b>  |                   |                   |
| 004  | 0602102F        | MATERIALS .....  | 114,166           | 114,166           |
| 005  | 0602201F        | AEROSPACE VEHICLE TECHNOLOGIES .....                               | 120,719           | 120,719           |
| 006  | 0602202F        | HUMAN EFFECTIVENESS APPLIED RESEARCH .....                         | 89,319            | 89,319            |
| 007  | 0602203F        | AEROSPACE PROPULSION .....   | 232,547           | 232,547           |
| 008  | 0602204F        | AEROSPACE SENSORS .....  | 127,637           | 127,637           |
| 009  | 0602601F        | SPACE TECHNOLOGY .....   | 98,375            | 98,375            |
| 010  | 0602602F        | CONVENTIONAL MUNITIONS .....                                       | 77,175            | 77,175            |
| 011  | 0602605F        | DIRECTED ENERGY TECHNOLOGY .....                                   | 106,196           | 106,196           |
| 012  | 0602788F        | DOMINANT INFORMATION SCIENCES AND METHODS .....                    | 104,362           | 104,362           |
| 013  | 0602890F        | HIGH ENERGY LASER RESEARCH .....                                   | 38,557            | 38,557            |
|      |                 | <b>SUBTOTAL, APPLIED RESEARCH .....</b>                            | <b>1,109,053</b>  | <b>1,109,053</b>  |
|      |                 | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>                             |                   |                   |
| 014  | 0603112F        | ADVANCED MATERIALS FOR WEAPON SYSTEMS .....                        | 47,890            | 47,890            |
| 015  | 0603199F        | SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....                     | 6,565             | 6,565             |
| 016  | 0603203F        | ADVANCED AEROSPACE SENSORS .....                                   | 37,657            | 37,657            |
| 017  | 0603211F        | AEROSPACE TECHNOLOGY DEV/DEMO .....                                | 81,376            | 81,376            |
| 018  | 0603216F        | AEROSPACE PROPULSION AND POWER TECHNOLOGY .....                    | 151,152           | 151,152           |
| 019  | 0603270F        | ELECTRONIC COMBAT TECHNOLOGY .....                                 | 32,941            | 32,941            |
| 020  | 0603401F        | ADVANCED SPACECRAFT TECHNOLOGY .....                               | 64,557            | 64,557            |
| 021  | 0603444F        | MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....                        | 29,256            | 29,256            |
| 022  | 0603456F        | HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....          | 21,523            | 21,523            |
| 023  | 0603601F        | CONVENTIONAL WEAPONS TECHNOLOGY .....                              | 36,352            | 36,352            |
| 024  | 0603605F        | ADVANCED WEAPONS TECHNOLOGY .....                                  | 19,004            | 19,004            |
| 025  | 0603680F        | MANUFACTURING TECHNOLOGY PROGRAM .....                             | 37,045            | 37,045            |
| 026  | 0603788F        | BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....          | 31,419            | 31,419            |
| 027  | 0603924F        | HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....                | 0                 | 0                 |
|      |                 | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT .....</b>             | <b>596,737</b>    | <b>596,737</b>    |
|      |                 | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>             |                   |                   |
| 028  | 0603260F        | INTELLIGENCE ADVANCED DEVELOPMENT .....                            | 3,866             | 3,866             |
| 029  | 0603287F        | PHYSICAL SECURITY EQUIPMENT .....                                  | 3,704             | 3,704             |
| 030  | 0603430F        | ADVANCED EHF MILSATCOM (SPACE) .....                               | 229,171           | 227,671           |
|      |                 | Excess funding .....   |                   | [–1,500]          |
| 031  | 0603432F        | POLAR MILSATCOM (SPACE) .....                                      | 120,676           | 120,676           |
| 032  | 0603438F        | SPACE CONTROL TECHNOLOGY .....                                     | 25,144            | 23,144            |
|      |                 | Excess funding .....   |                   | [–2,000]          |
| 033  | 0603742F        | COMBAT IDENTIFICATION TECHNOLOGY .....                             | 32,243            | 32,243            |
| 034  | 0603790F        | NATO RESEARCH AND DEVELOPMENT .....                                | 4,507             | 4,507             |
| 035  | 0603791F        | INTERNATIONAL SPACE COOPERATIVE R&D .....                          | 652               | 652               |
| 036  | 0603830F        | SPACE PROTECTION PROGRAM (SPP) .....                               | 10,429            | 10,429            |
| 037  | 0603850F        | INTEGRATED BROADCAST SERVICE—DEM/VAL .....                         | 19,938            | 19,938            |
| 038  | 0603851F        | INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....                   | 71,181            | 71,181            |
| 039  | 0603854F        | WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....                         | 12,027            | 12,027            |
| 040  | 0603859F        | POLLUTION PREVENTION—DEM/VAL .....                                 | 2,054             | 2,054             |
| 041  | 0603860F        | JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....         | 57,975            | 57,975            |
| 042  | 0604015F        | LONG RANGE STRIKE .....  | 291,742           | 291,742           |
| 043  | 0604283F        | BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....                    | 114,417           | 114,417           |
| 044  | 0604317F        | TECHNOLOGY TRANSFER .....  | 2,576             | 2,576             |
| 045  | 0604327F        | HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM ..... | 16,711            | 16,711            |
| 046  | 0604330F        | JOINT DUAL ROLE AIR DOMINANCE MISSILE .....                        | 0                 | 0                 |
| 047  | 0604337F        | REQUIREMENTS ANALYSIS AND MATURATION .....                         | 16,343            | 16,343            |
| 048  | 0604422F        | WEATHER SATELLITE FOLLOW-ON .....                                  | 2,000             | 2,000             |
| 049  | 0604436F        | NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....             | 0                 | 0                 |
| 050  | 0604635F        | GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....                       | 9,423             | 9,423             |
| 051  | 0604775F        | DEFENSE RAPID INNOVATION PROGRAM .....                             | 0                 | 0                 |
| 052  | 0604796F        | ALTERNATIVE FUELS .....  | 0                 | 0                 |
| 053  | 0604830F        | AUTOMATED AIR-TO-AIR REFUELING .....                               | 0                 | 0                 |
| 054  | 0604857F        | OPERATIONALLY RESPONSIVE SPACE .....                               | 0                 | 45,000            |
|      |                 | Restore Operationally Responsive Space .....                       |                   | [45,000]          |
| 055  | 0604858F        | TECH TRANSITION PROGRAM .....                                      | 37,558            | 34,558            |
|      |                 | Excess funding .....   |                   | [–3,000]          |
| 056  | 0305164F        | NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....   | 96,840            | 96,840            |

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

| Line | Program Element | Item  | FY 2013 Request  | Senate Authorized |
|------|-----------------|---|------------------|-------------------|
| 057  | 0305178F        | NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS) ..... | 0                | 0                 |
|      |                 | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....            | <b>1,181,177</b> | <b>1,219,677</b>  |
|      |                 | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                                     |                  |                   |
| 058  | 0603840F        | GLOBAL BROADCAST SERVICE (GBS) .....  | 14,652           | 14,652            |
| 059  | 0604222F        | NUCLEAR WEAPONS SUPPORT .....   | 25,713           | 25,713            |
| 060  | 0604233F        | SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....                                   | 6,583            | 6,583             |
| 061  | 0604270F        | ELECTRONIC WARFARE DEVELOPMENT .....  | 1,975            | 1,975             |
| 062  | 0604280F        | JOINT TACTICAL RADIO .....  | 2,594            | 2,594             |
| 063  | 0604281F        | TACTICAL DATA NETWORKS ENTERPRISE .....   | 24,534           | 24,534            |
| 064  | 0604287F        | PHYSICAL SECURITY EQUIPMENT .....   | 51               | 51                |
| 065  | 0604329F        | SMALL DIAMETER BOMB (SDB)—EMD .....   | 143,000          | 143,000           |
| 066  | 0604421F        | COUNTERSPACE SYSTEMS .....  | 28,797           | 28,797            |
| 067  | 0604425F        | SPACE SITUATION AWARENESS SYSTEMS .....   | 267,252          | 247,252           |
|      |                 | Excess funding .....  |                  | [-20,000]         |
| 068  | 0604429F        | AIRBORNE ELECTRONIC ATTACK .....  | 4,118            | 4,118             |
| 069  | 0604441F        | SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....                                | 448,594          | 446,594           |
|      |                 | Excess funding .....  |                  | [-2,000]          |
| 070  | 0604602F        | ARMAMENT/ORDNANCE DEVELOPMENT .....   | 9,951            | 9,951             |
| 071  | 0604604F        | SUBMUNITIONS .....  | 2,567            | 2,567             |
| 072  | 0604617F        | AGILE COMBAT SUPPORT .....  | 13,059           | 13,059            |
| 073  | 0604706F        | LIFE SUPPORT SYSTEMS .....  | 9,720            | 9,720             |
| 074  | 0604735F        | COMBAT TRAINING RANGES .....  | 9,222            | 9,222             |
| 075  | 0604740F        | INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....                            | 0                | 0                 |
| 076  | 0604750F        | INTELLIGENCE EQUIPMENT .....  | 803              | 803               |
| 077  | 0604800F        | F-35—EMD .....  | 1,210,306        | 1,210,306         |
| 078  | 0604851F        | INTERCONTINENTAL BALLISTIC MISSILE—EMD .....                                      | 135,437          | 135,437           |
| 079  | 0604853F        | EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD .....                       | 7,980            | 7,980             |
| 080  | 0604932F        | LONG RANGE STANDOFF WEAPON .....  | 2,004            | 2,004             |
| 081  | 0604933F        | ICBM FUZE MODERNIZATION .....   | 73,512           | 73,512            |
| 082  | 0605213F        | F-22 MODERNIZATION INCREMENT 3.2B .....   | 140,100          | 140,100           |
| 083  | 0605221F        | NEXT GENERATION AERIAL REFUELING AIRCRAFT .....                                   | 1,815,588        | 1,728,458         |
|      |                 | Excess prior year funds .....   |                  | [-87,130]         |
| 084  | 0605229F        | CSAR HH-60 RECAPITALIZATION .....   | 123,210          | 123,210           |
| 085  | 0605278F        | HC/MC-130 RECAP RDT&E .....   | 19,039           | 19,039            |
| 086  | 0605931F        | B-2 DEFENSIVE MANAGEMENT SYSTEM .....   | 281,056          | 281,056           |
| 087  | 0101125F        | NUCLEAR WEAPONS MODERNIZATION .....   | 80,200           | 80,200            |
| 088  | 0207100F        | LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS .....                          | 0                | 0                 |
| 089  | 0207604F        | READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE .....                       | 310              | 310               |
| 090  | 0207701F        | FULL COMBAT MISSION TRAINING .....  | 14,861           | 14,861            |
| 091  | 0305230F        | MC-12 .....   | 19,949           | 19,949            |
| 092  | 0401138F        | C-27J AIRLIFT SQUADRONS .....   | 0                | 0                 |
| 093  | 0401318F        | CV-22 .....   | 28,027           | 28,027            |
| 094  | 0401845F        | AIRBORNE SENIOR LEADER C3 (SLC3S) .....   | 1,960            | 1,960             |
|      |                 | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> .....                     | <b>4,966,724</b> | <b>4,857,594</b>  |
|      |                 | <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                  |                   |
| 095  | 0604256F        | THREAT SIMULATOR DEVELOPMENT .....  | 22,812           | 22,812            |
| 096  | 0604759F        | MAJOR T&E INVESTMENT .....  | 42,236           | 42,236            |
| 097  | 0605101F        | RAND PROJECT AIR FORCE .....  | 25,579           | 25,579            |
| 098  | 0605502F        | SMALL BUSINESS INNOVATION RESEARCH .....  | 0                | 0                 |
| 099  | 0605712F        | INITIAL OPERATIONAL TEST & EVALUATION .....                                       | 16,197           | 16,197            |
| 100  | 0605807F        | TEST AND EVALUATION SUPPORT .....   | 722,071          | 722,071           |
| 101  | 0605860F        | ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....                                       | 16,200           | 16,200            |
| 102  | 0605864F        | SPACE TEST PROGRAM (STP) .....  | 10,051           | 45,051            |
|      |                 | Restore Space Test Program .....  |                  | [35,000]          |
| 103  | 0605976F        | FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....        | 42,597           | 42,597            |
| 104  | 0605978F        | FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....                          | 27,301           | 27,301            |
| 105  | 0606323F        | MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....                                | 13,964           | 13,964            |
| 106  | 0606392F        | SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....                           | 203,766          | 203,766           |
| 107  | 0702806F        | ACQUISITION AND MANAGEMENT SUPPORT .....  | 42,430           | 42,430            |
| 108  | 0804731F        | GENERAL SKILL TRAINING .....  | 1,294            | 1,294             |
| 109  | 0909980F        | JUDGMENT FUND REIMBURSEMENT .....   | 0                | 0                 |
| 110  | 0909999F        | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                 | 0                | 0                 |
| 111  | 1001004F        | INTERNATIONAL ACTIVITIES .....  | 3,851            | 3,851             |
|      |                 | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT</b> .....                               | <b>1,190,349</b> | <b>1,225,349</b>  |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                  |                   |
| 112  | 0603423F        | GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....                   | 371,595          | 370,095           |
|      |                 | Excess funding .....  |                  | [-1,500]          |
| 113  | 0604263F        | COMMON VERTICAL LIFT SUPPORT PLATFORM .....                                       | 0                | 0                 |
| 114  | 0605018F        | AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....                            | 91,697           | 91,697            |
| 115  | 0605024F        | ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....                                     | 17,037           | 17,037            |
| 117  | 0101113F        | B-52 SQUADRONS .....  | 53,208           | 53,208            |
| 118  | 0101122F        | AIR-LAUNCHED CRUISE MISSILE (ALCM) .....  | 431              | 431               |
| 119  | 0101126F        | B-1B SQUADRONS .....  | 16,265           | 16,265            |
| 120  | 0101127F        | B-2 SQUADRONS .....   | 35,970           | 20,970            |
|      |                 | Efficiencies .....  |                  | [-15,000]         |
| 121  | 0101313F        | STRAT WAR PLANNING SYSTEM—USSTRATCOM .....  | 30,889           | 30,889            |

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(In Thousands of Dollars)

| Line | Program<br>Element | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|--------------------|---|--------------------|----------------------|
| 122  | 0101314F           | NIGHT FIST—USSTRATCOM .....   | 10                 | 10                   |
| 124  | 0102326F           | REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....      | 5,609              | 5,609                |
| 125  | 0102823F           | STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES .....                | 0                  | 0                    |
| 126  | 0203761F           | WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND ..... | 15,098             | 15,098               |
| 127  | 0205219F           | MQ-9 UAV .....  | 147,971            | 147,971              |
| 128  | 0207040F           | MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....                       | 49,848             | 49,848               |
| 129  | 0207131F           | A-10 SQUADRONS .....  | 13,538             | 13,538               |
| 130  | 0207133F           | F-16 SQUADRONS .....  | 190,257            | 190,257              |
| 131  | 0207134F           | F-15E SQUADRONS .....   | 192,677            | 192,677              |
| 132  | 0207136F           | MANNED DESTRUCTIVE SUPPRESSION .....                                    | 13,683             | 13,683               |
| 133  | 0207138F           | F-22A SQUADRONS .....   | 371,667            | 371,667              |
| 134  | 0207142F           | F-35 SQUADRONS .....  | 8,117              | 8,117                |
| 135  | 0207161F           | TACTICAL AIM MISSILES .....   | 8,234              | 8,234                |
| 136  | 0207163F           | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....                 | 87,041             | 87,041               |
| 137  | 0207170F           | JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....                        | 1,472              | 1,472                |
| 138  | 0207224F           | COMBAT RESCUE AND RECOVERY .....  | 2,095              | 2,095                |
| 139  | 0207227F           | COMBAT RESCUE—PARARESCUE .....  | 1,119              | 1,119                |
| 140  | 0207247F           | AF TENCAP .....   | 63,853             | 63,853               |
| 141  | 0207249F           | PRECISION ATTACK SYSTEMS PROCUREMENT .....                              | 1,063              | 1,063                |
| 142  | 0207253F           | COMPASS CALL .....  | 12,094             | 12,094               |
| 143  | 0207268F           | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....                     | 187,984            | 187,984              |
| 144  | 0207277F           | ISR INNOVATIONS .....   | 0                  | 0                    |
| 145  | 0207325F           | JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....                     | 7,950              | 7,950                |
| 146  | 0207410F           | AIR & SPACE OPERATIONS CENTER (AOC) .....                               | 76,315             | 76,315               |
| 147  | 0207412F           | CONTROL AND REPORTING CENTER (CRC) .....                                | 8,653              | 8,653                |
| 148  | 0207417F           | AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....                       | 65,200             | 65,200               |
| 149  | 0207418F           | TACTICAL AIRBORNE CONTROL SYSTEMS .....                                 | 5,767              | 5,767                |
| 150  | 0207423F           | ADVANCED COMMUNICATIONS SYSTEMS .....                                   | 0                  | 0                    |
| 152  | 0207431F           | COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....                         | 5,756              | 5,756                |
| 153  | 0207438F           | THEATER BATTLE MANAGEMENT (TBM) C4I .....                               | 0                  | 0                    |
| 154  | 0207444F           | TACTICAL AIR CONTROL PARTY-MOD .....                                    | 16,226             | 16,226               |
| 155  | 0207445F           | FIGHTER TACTICAL DATA LINK .....  | 0                  | 0                    |
| 156  | 0207448F           | C2ISR TACTICAL DATA LINK .....  | 1,633              | 1,633                |
| 157  | 0207449F           | COMMAND AND CONTROL (C2) CONSTELLATION .....                            | 18,086             | 18,086               |
| 158  | 0207452F           | DCAPES .....  | 15,690             | 15,690               |
| 159  | 0207581F           | JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....            | 24,241             | 24,241               |
| 160  | 0207590F           | SEEK EAGLE .....  | 22,654             | 22,654               |
| 161  | 0207601F           | USAF MODELING AND SIMULATION .....                                      | 15,501             | 15,501               |
| 162  | 0207605F           | WARGAMING AND SIMULATION CENTERS .....                                  | 5,699              | 5,699                |
| 163  | 0207697F           | DISTRIBUTED TRAINING AND EXERCISES .....                                | 4,425              | 4,425                |
| 164  | 0208006F           | MISSION PLANNING SYSTEMS .....  | 69,377             | 69,377               |
| 165  | 0208021F           | INFORMATION WARFARE SUPPORT .....                                       | 7,159              | 7,159                |
| 166  | 0208059F           | CYBER COMMAND ACTIVITIES .....  | 66,888             | 66,888               |
| 174  | 0301400F           | SPACE SUPERIORITY INTELLIGENCE .....                                    | 12,056             | 12,056               |
| 175  | 0302015F           | E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....                   | 4,159              | 4,159                |
| 176  | 0303131F           | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....        | 20,124             | 20,124               |
| 177  | 0303140F           | INFORMATION SYSTEMS SECURITY PROGRAM .....                              | 69,133             | 69,133               |
| 178  | 0303141F           | GLOBAL COMBAT SUPPORT SYSTEM .....                                      | 6,512              | 6,512                |
| 179  | 0303150F           | GLOBAL COMMAND AND CONTROL SYSTEM .....                                 | 4,316              | 4,316                |
| 180  | 0303601F           | MILSATCOM TERMINALS .....   | 107,237            | 107,237              |
| 182  | 0304260F           | AIRBORNE SIGINT ENTERPRISE .....  | 129,106            | 129,106              |
| 185  | 0305099F           | GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....                              | 4,461              | 4,461                |
| 186  | 0305103F           | CYBER SECURITY INITIATIVE .....   | 2,055              | 2,055                |
| 187  | 0305105F           | DOD CYBER CRIME CENTER .....  | 285                | 285                  |
| 188  | 0305110F           | SATELLITE CONTROL NETWORK (SPACE) .....                                 | 33,773             | 33,773               |
| 189  | 0305111F           | WEATHER SERVICE .....   | 29,048             | 29,048               |
| 190  | 0305114F           | AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....        | 43,187             | 43,187               |
| 191  | 0305116F           | AERIAL TARGETS .....  | 50,496             | 50,496               |
| 194  | 0305128F           | SECURITY AND INVESTIGATIVE ACTIVITIES .....                             | 354                | 354                  |
| 195  | 0305145F           | ARMS CONTROL IMPLEMENTATION .....                                       | 4,000              | 4,000                |
| 196  | 0305146F           | DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....                      | 342                | 342                  |
| 198  | 0305164F           | NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....        | 29,621             | 29,621               |
| 199  | 0305165F           | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....    | 14,335             | 14,335               |
| 201  | 0305173F           | SPACE AND MISSILE TEST AND EVALUATION CENTER .....                      | 3,680              | 3,680                |
| 202  | 0305174F           | SPACE INNOVATION AND DEVELOPMENT CENTER .....                           | 2,430              | 2,430                |
| 203  | 0305182F           | SPACELIFT RANGE SYSTEM (SPACE) .....                                    | 8,760              | 8,760                |
| 204  | 0305193F           | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....               | 0                  | 0                    |
| 205  | 0305202F           | DRAGON U-2 .....  | 23,644             | 23,644               |
| 206  | 0305205F           | ENDURANCE UNMANNED AERIAL VEHICLES .....                                | 21,000             | 21,000               |
| 207  | 0305206F           | AIRBORNE RECONNAISSANCE SYSTEMS .....                                   | 96,735             | 96,735               |
| 208  | 0305207F           | MANNED RECONNAISSANCE SYSTEMS .....                                     | 13,316             | 13,316               |
| 209  | 0305208F           | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                         | 63,501             | 63,501               |
| 210  | 0305219F           | MQ-1 PREDATOR A UAV .....   | 9,122              | 9,122                |
| 211  | 0305220F           | RQ-4 UAV .....  | 236,265            | 236,265              |
| 212  | 0305221F           | NETWORK-CENTRIC COLLABORATIVE TARGETING .....                           | 7,367              | 7,367                |
| 213  | 0305236F           | COMMON DATA LINK (CDL) .....  | 38,094             | 38,094               |
| 214  | 0305238F           | NATO AGS .....  | 210,109            | 210,109              |
| 215  | 0305240F           | SUPPORT TO DCGS ENTERPRISE .....  | 24,500             | 24,500               |
| 216  | 0305265F           | GPS III SPACE SEGMENT .....   | 318,992            | 318,992              |

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| Line | Program Element | Item  | FY 2013 Request   | Senate Authorized |
|------|-----------------|---|-------------------|-------------------|
| 217  | 0305614F        | JSPOC MISSION SYSTEM .....  | 54,645            | 54,645            |
| 218  | 0305881F        | RAPID CYBER ACQUISITION .....   | 4,007             | 4,007             |
| 219  | 0305887F        | INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....                         | 13,357            | 13,357            |
| 220  | 0305913F        | NUDET DETECTION SYSTEM (SPACE) .....                                      | 64,965            | 64,965            |
| 221  | 0305940F        | SPACE SITUATION AWARENESS OPERATIONS .....                                | 19,586            | 19,586            |
| 222  | 0307141F        | INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT .....    | 0                 | 0                 |
| 223  | 0308699F        | SHARED EARLY WARNING (SEW) .....  | 1,175             | 1,175             |
| 224  | 0401115F        | C-130 AIRLIFT SQUADRON .....  | 5,000             | 5,000             |
| 225  | 0401119F        | C-5 AIRLIFT SQUADRONS (IF) .....  | 35,115            | 35,115            |
| 226  | 0401130F        | C-17 AIRCRAFT (IF) .....  | 99,225            | 99,225            |
| 227  | 0401132F        | C-130J PROGRAM .....  | 30,652            | 30,652            |
| 228  | 0401134F        | LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....                          | 7,758             | 7,758             |
| 229  | 0401139F        | LIGHT MOBILITY AIRCRAFT (LIMA) .....                                      | 100               | 100               |
| 230  | 0401218F        | KC-135S .....   | 0                 | 0                 |
| 231  | 0401219F        | KC-10S .....  | 24,022            | 24,022            |
| 232  | 0401314F        | OPERATIONAL SUPPORT AIRLIFT .....   | 7,471             | 7,471             |
| 233  | 0401315F        | C-STOL AIRCRAFT .....   | 0                 | 0                 |
| 234  | 0408011F        | SPECIAL TACTICS / COMBAT CONTROL .....                                    | 4,984             | 4,984             |
| 235  | 0702207F        | DEPOT MAINTENANCE (NON-IF) .....  | 1,588             | 1,588             |
| 236  | 0708012F        | LOGISTICS SUPPORT ACTIVITIES .....  | 577               | 577               |
| 237  | 0708610F        | LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....                            | 119,327           | 119,327           |
| 238  | 0708611F        | SUPPORT SYSTEMS DEVELOPMENT .....   | 15,873            | 15,873            |
| 239  | 0801711F        | RECRUITING ACTIVITIES .....   | 0                 | 0                 |
| 240  | 0804743F        | OTHER FLIGHT TRAINING .....   | 349               | 349               |
| 241  | 0804757F        | JOINT NATIONAL TRAINING CENTER .....                                      | 0                 | 0                 |
| 242  | 0808716F        | OTHER PERSONNEL ACTIVITIES .....  | 117               | 117               |
| 243  | 0901202F        | JOINT PERSONNEL RECOVERY AGENCY .....                                     | 2,018             | 2,018             |
| 244  | 0901218F        | CIVILIAN COMPENSATION PROGRAM .....                                       | 1,561             | 1,561             |
| 245  | 0901220F        | PERSONNEL ADMINISTRATION .....  | 7,634             | 7,634             |
| 246  | 0901226F        | AIR FORCE STUDIES AND ANALYSIS AGENCY .....                               | 1,175             | 1,175             |
| 247  | 0901279F        | FACILITIES OPERATION—ADMINISTRATIVE .....                                 | 3,491             | 3,491             |
| 248  | 0901538F        | FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....                | 100,160           | 100,160           |
| 249  | 0902998F        | MANAGEMENT HQ—ADP SUPPORT (AF) .....                                      | 0                 | 0                 |
| 249A | 9999999999      | CLASSIFIED PROGRAMS .....   | 11,172,183        | 11,149,583        |
|      |                 | Classified reduction .....  |                   | [−4,600]          |
|      |                 | Classified reduction .....  |                   | [−18,000]         |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>                    | <b>15,867,972</b> | <b>15,828,872</b> |
| 249B |                 | PRIOR YEAR SAVINGS .....  |                   | −78,426           |
|      |                 | C-130 AMP cancellation .....  |                   | [−6,509]          |
|      |                 | MALD II Cancellation .....  |                   | [−7,917]          |
|      |                 | Global Hawk Block 30 cancellation .....                                   |                   | [−64,000]         |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>            | <b>25,428,046</b> | <b>25,274,890</b> |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>                         |                   |                   |
|      |                 | <b>BASIC RESEARCH</b>   |                   |                   |
| 001  | 0601000BR       | DTRA BASIC RESEARCH INITIATIVE .....                                      | 45,071            | 45,071            |
| 002  | 0601101E        | DEFENSE RESEARCH SCIENCES .....   | 309,051           | 309,051           |
| 003  | 0601110D8Z      | BASIC RESEARCH INITIATIVES .....  | 19,405            | 19,405            |
| 004  | 0601117E        | BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....                          | 39,676            | 39,676            |
| 005  | 0601120D8Z      | NATIONAL DEFENSE EDUCATION PROGRAM .....                                  | 87,979            | 87,979            |
| 006  | 0601384BP       | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....                             | 50,566            | 50,566            |
|      |                 | <b>SUBTOTAL, BASIC RESEARCH .....</b>                                     | <b>551,748</b>    | <b>551,748</b>    |
|      |                 | <b>APPLIED RESEARCH</b>   |                   |                   |
| 007  | 0602000D8Z      | JOINT MUNITIONS TECHNOLOGY .....  | 20,615            | 20,615            |
| 008  | 0602115E        | BIOMEDICAL TECHNOLOGY .....   | 110,900           | 110,900           |
| 009  | 060228D8Z       | HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....         | 0                 | 0                 |
| 010  | 0602234D8Z      | LINCOLN LABORATORY RESEARCH PROGRAM .....                                 | 36,826            | 36,826            |
| 011  | 0602250D8Z      | SYSTEMS 2020 APPLIED RESEARCH .....                                       | 7,898             | 7,898             |
| 012  | 0602303E        | INFORMATION & COMMUNICATIONS TECHNOLOGY .....                             | 392,421           | 392,421           |
| 013  | 0602304E        | COGNITIVE COMPUTING SYSTEMS .....   | 30,424            | 30,424            |
| 014  | 0602305E        | MACHINE INTELLIGENCE .....  | 0                 | 0                 |
| 015  | 0602383E        | BIOLOGICAL WARFARE DEFENSE .....  | 19,236            | 19,236            |
| 016  | 0602384BP       | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....                             | 223,269           | 223,269           |
| 017  | 0602663D8Z      | DATA TO DECISIONS APPLIED RESEARCH .....                                  | 13,753            | 13,753            |
| 018  | 0602668D8Z      | CYBER SECURITY RESEARCH .....   | 18,985            | 18,985            |
| 019  | 0602670D8Z      | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH ..... | 6,771             | 6,771             |
| 020  | 0602702E        | TACTICAL TECHNOLOGY .....   | 233,209           | 233,209           |
| 021  | 0602715E        | MATERIALS AND BIOLOGICAL TECHNOLOGY .....                                 | 166,067           | 166,067           |
| 022  | 0602716E        | ELECTRONICS TECHNOLOGY .....  | 222,416           | 222,416           |
| 023  | 0602718BR       | WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....                     | 172,352           | 172,352           |
| 024  | 1160401BB       | SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....                           | 28,739            | 28,739            |
|      |                 | <b>SUBTOTAL, APPLIED RESEARCH .....</b>                                   | <b>1,703,881</b>  | <b>1,703,881</b>  |
|      |                 | <b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>                              |                   |                   |
| 025  | 0603000D8Z      | JOINT MUNITIONS ADVANCED TECHNOLOGY .....                                 | 25,612            | 25,612            |
| 026  | 0603121D8Z      | SO/LIC ADVANCED DEVELOPMENT .....   | 26,324            | 26,324            |

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| Line | Program Element | Item   | FY 2013 Request  | Senate Authorized |
|------|-----------------|--|------------------|-------------------|
| 027  | 0603122D8Z      | COMBATING TERRORISM TECHNOLOGY SUPPORT .....   | 77,144           | 65,844            |
|      |                 | Reduction due to duplication of effort .....   |                  | [-11,300]         |
| 028  | 0603160BR       | COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....             | 275,022          | 275,022           |
| 029  | 0603175C        | BALLISTIC MISSILE DEFENSE TECHNOLOGY .....   | 79,975           | 79,975            |
| 030  | 0603200D8Z      | JOINT ADVANCED CONCEPTS .....  | 0                | 0                 |
| 031  | 0603225D8Z      | JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....                                   | 20,032           | 20,032            |
| 032  | 0603264S        | AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....              | 3,892            | 3,892             |
| 033  | 0603274C        | SPECIAL PROGRAM—MDA TECHNOLOGY .....   | 36,685           | 36,685            |
| 034  | 0603286E        | ADVANCED AEROSPACE SYSTEMS .....   | 174,316          | 174,316           |
| 035  | 0603287E        | SPACE PROGRAMS AND TECHNOLOGY .....  | 159,704          | 159,704           |
| 036  | 0603384BP       | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....                     | 234,280          | 234,280           |
| 037  | 0603618D8Z      | JOINT ELECTRONIC ADVANCED TECHNOLOGY .....   | 6,983            | 6,983             |
| 038  | 0603648D8Z      | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....                                       | 158,263          | 158,263           |
| 039  | 0603662D8Z      | NETWORKED COMMUNICATIONS CAPABILITIES .....  | 25,393           | 25,393            |
| 040  | 0603663D8Z      | DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....                                | 13,754           | 13,754            |
| 041  | 0603665D8Z      | BIOMETRICS SCIENCE AND TECHNOLOGY .....  | 0                | 0                 |
| 042  | 0603668D8Z      | CYBER SECURITY ADVANCED RESEARCH .....   | 19,935           | 19,935            |
| 043  | 0603670D8Z      | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT .....          | 8,235            | 8,235             |
| 044  | 0603680D8Z      | DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....                        | 21,966           | 51,966            |
|      |                 | Industrial Base Innovation Fund .....  |                  | [30,000]          |
| 045  | 0603699D8Z      | EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....                                     | 24,662           | 24,662            |
| 046  | 0603711D8Z      | JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....  | 0                | 0                 |
| 047  | 0603712S        | GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....                                  | 24,605           | 24,605            |
| 048  | 0603713S        | DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....                                | 30,678           | 30,678            |
| 049  | 0603716D8Z      | STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....   | 65,282           | 65,282            |
| 050  | 0603720S        | MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....                              | 72,234           | 69,234            |
|      |                 | DMEA upgrade reduction .....   |                  | [-3,000]          |
| 051  | 0603727D8Z      | JOINT WARFIGHTING PROGRAM .....  | 8,403            | 8,403             |
| 052  | 0603739E        | ADVANCED ELECTRONICS TECHNOLOGIES .....  | 111,008          | 111,008           |
| 053  | 0603755D8Z      | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....                                 | 0                | 0                 |
| 054  | 0603760E        | COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....                                      | 237,859          | 237,859           |
| 055  | 0603765E        | CLASSIFIED DARPA PROGRAMS .....  | 3,000            | 3,000             |
| 056  | 0603766E        | NETWORK-CENTRIC WARFARE TECHNOLOGY .....   | 236,883          | 236,883           |
| 057  | 0603767E        | SENSOR TECHNOLOGY .....  | 299,438          | 299,438           |
| 058  | 0603769SE       | DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....                             | 12,195           | 12,195            |
| 059  | 0603781D8Z      | SOFTWARE ENGINEERING INSTITUTE .....   | 30,036           | 30,036            |
| 060  | 0603826D8Z      | QUICK REACTION SPECIAL PROJECTS .....  | 107,002          | 107,002           |
| 061  | 0603828D8Z      | JOINT EXPERIMENTATION .....  | 0                | 0                 |
| 062  | 0603828J        | JOINT EXPERIMENTATION .....  | 21,230           | 21,230            |
| 063  | 0603832D8Z      | DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....                                    | 47,433           | 47,433            |
| 064  | 0603901C        | DIRECTED ENERGY RESEARCH .....   | 46,944           | 46,944            |
| 065  | 0603902C        | NEXT GENERATION AEGIS MISSILE .....  | 224,077          | 224,077           |
| 066  | 0603941D8Z      | TEST & EVALUATION SCIENCE & TECHNOLOGY .....   | 92,602           | 92,602            |
| 067  | 0603942D8Z      | TECHNOLOGY TRANSFER .....  | 0                | 0                 |
| 068  | 0604055D8Z      | OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....  | 26,244           | 26,244            |
| 069  | 0303310D8Z      | CWMD SYSTEMS .....   | 53,946           | 53,946            |
| 070  | 1160402BB       | SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....                               | 45,317           | 45,317            |
| 071  | 1160422BB       | AVIATION ENGINEERING ANALYSIS .....  | 861              | 861               |
| 072  | 1160472BB       | SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....                        | 4,959            | 4,959             |
|      |                 | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD) .....</b>                           | <b>3,194,413</b> | <b>3,210,113</b>  |
|      |                 | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>                           | <b>3,194,413</b> | <b>3,210,113</b>  |
| 073  | 0603161D8Z      | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....                 | 33,234           | 33,234            |
| 074  | 0603527D8Z      | RETRACT LARCH .....  | 21,023           | 21,023            |
| 075  | 0603600D8Z      | WALKOFF .....  | 94,624           | 94,624            |
| 076  | 0603709D8Z      | JOINT ROBOTICS PROGRAM .....   | 0                | 0                 |
| 077  | 0603714D8Z      | ADVANCED SENSOR APPLICATIONS PROGRAM .....   | 16,958           | 18,958            |
|      |                 | Reverse cuts to testing .....  |                  | [2,000]           |
| 078  | 0603851D8Z      | ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....                           | 75,941           | 75,941            |
| 079  | 0603881C        | BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....                               | 316,929          | 316,929           |
| 080  | 0603882C        | BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....                              | 903,172          | 903,172           |
| 081  | 0603884BP       | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....                                  | 179,023          | 179,023           |
| 082  | 0603884C        | BALLISTIC MISSILE DEFENSE SENSORS .....  | 347,012          | 347,012           |
| 083  | 0603888C        | BALLISTIC MISSILE DEFENSE TEST & TARGETS .....   | 0                | 0                 |
| 084  | 0603890C        | BMD ENABLING PROGRAMS .....  | 362,711          | 362,711           |
| 085  | 0603891C        | SPECIAL PROGRAMS—MDA .....   | 272,387          | 272,387           |
| 086  | 0603892C        | AEGIS BMD .....  | 992,407          | 992,407           |
| 087  | 0603893C        | SPACE TRACKING & SURVEILLANCE SYSTEM .....   | 51,313           | 51,313            |
| 088  | 0603895C        | BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....                                  | 6,912            | 6,912             |
| 089  | 0603896C        | BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION ..... | 366,552          | 366,552           |
| 090  | 0603898C        | BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....                               | 55,550           | 55,550            |
| 091  | 0603904C        | MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....                          | 63,043           | 63,043            |
| 092  | 0603906C        | REGARDING TRENCH .....   | 11,371           | 11,371            |
| 093  | 0603907C        | SEA BASED X-BAND RADAR (SBX) .....   | 9,730            | 9,730             |
| 094  | 0603913C        | ISRAELI COOPERATIVE PROGRAMS .....   | 99,836           | 409,836           |
|      |                 | Arrow Weapon System improvements .....   |                  | [20,000]          |
|      |                 | Arrow-3 interceptor .....  |                  | [20,000]          |
|      |                 | David's Sling short-range BMD .....  |                  | [60,000]          |
|      |                 | Iron Dome short-range rocket defense .....   |                  | [210,000]         |

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|------|-----------------|---|------------------|-------------------|
| 095  | 0603914C        | BALLISTIC MISSILE DEFENSE TEST .....  | 454,400          | 454,400           |
| 096  | 0603915C        | BALLISTIC MISSILE DEFENSE TARGETS .....   | 435,747          | 435,747           |
| 097  | 0603920D8Z      | HUMANITARIAN DEMINING .....   | 13,231           | 13,231            |
| 098  | 0603923D8Z      | COALITION WARFARE .....   | 11,398           | 11,398            |
| 099  | 0604016D8Z      | DEPARTMENT OF DEFENSE CORROSION PROGRAM .....   | 3,283            | 24,083            |
|      |                 | Increase for requirements shortfall .....   |                  | [20,800]          |
| 100  | 0604400D8Z      | DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....   | 12,368           | 12,368            |
| 101  | 0604670D8Z      | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....     | 5,131            | 5,131             |
| 102  | 0604775D8Z      | DEFENSE RAPID INNOVATION PROGRAM .....  | 0                | 200,000           |
|      |                 | Rapid Innovation Program .....  |                  | [200,000]         |
| 103  | 0604787D8Z      | JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....  | 0                | 0                 |
| 104  | 0604787J        | JOINT SYSTEMS INTEGRATION .....   | 3,273            | 3,273             |
| 105  | 0604828D8Z      | JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....                               | 0                | 0                 |
| 106  | 0604828J        | JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....                               | 7,364            | 7,364             |
| 107  | 0604880C        | LAND-BASED SM-3 (LBSM3) .....   | 276,338          | 276,338           |
| 108  | 0604881C        | AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....   | 420,630          | 420,630           |
| 109  | 0604883C        | PRECISION TRACKING SPACE SENSOR RDT&E .....   | 297,375          | 297,375           |
| 110  | 0604884C        | AIRBORNE INFRARED (ABIR) .....  | 0                | 0                 |
| 111  | 0604886C        | ADVANCED REMOTE SENSOR TECHNOLOGY (ARST) .....  | 58,742           | 58,742            |
| 112  | 0605017D8Z      | REDUCTION OF TOTAL OWNERSHIP COST .....   | 0                | 0                 |
| 113  | 0303191D8Z      | JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....                                  | 3,158            | 3,158             |
|      |                 | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>                | <b>6,282,166</b> | <b>6,814,966</b>  |
|      |                 | <b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>                                     |                  |                   |
| 114  | 0604051D8Z      | DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) .....                                    | 0                | 0                 |
| 115  | 0604161D8Z      | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....                  | 6,817            | 6,817             |
| 116  | 0604165D8Z      | PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....                                     | 110,383          | 110,383           |
| 117  | 0604384BP       | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....                                     | 311,071          | 311,071           |
| 118  | 0604709D8Z      | JOINT ROBOTICS PROGRAM—EMD .....  | 0                | 0                 |
| 119  | 0604764K        | ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....                            | 25,787           | 25,787            |
| 120  | 0604771D8Z      | JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....                          | 20,688           | 20,688            |
| 121  | 0605000BR       | WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....                                 | 5,749            | 5,749             |
| 122  | 0605013BL       | INFORMATION TECHNOLOGY DEVELOPMENT .....  | 12,699           | 12,699            |
| 123  | 0605018BTA      | DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS) .....                     | 0                | 0                 |
| 124  | 0605020BTA      | BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES .....                                   | 0                | 0                 |
| 125  | 0605021SE       | HOMELAND PERSONNEL SECURITY INITIATIVE .....  | 387              | 387               |
| 126  | 0605022D8Z      | DEFENSE EXPORTABILITY PROGRAM .....   | 1,859            | 1,859             |
| 127  | 0605027D8Z      | OUS(D) IT DEVELOPMENT INITIATIVES .....   | 7,010            | 7,010             |
| 128  | 0605070S        | DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....                            | 133,104          | 133,104           |
| 129  | 0605075D8Z      | DCMO POLICY AND INTEGRATION .....   | 25,269           | 25,269            |
| 130  | 0605140D8Z      | TRUSTED FOUNDRY .....   | 0                | 0                 |
| 131  | 0605210D8Z      | DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....                                | 10,238           | 10,238            |
| 132  | 0303141K        | GLOBAL COMBAT SUPPORT SYSTEM .....  | 19,670           | 19,670            |
| 133  | 0305304D8Z      | DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM) .....                              | 3,556            | 3,556             |
| 134  | 0807708D8Z      | WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE .....       | 0                | 0                 |
|      |                 | <b>SUBTOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD) .....</b>                     | <b>694,287</b>   | <b>694,287</b>    |
|      |                 | <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                  |                   |
| 135  | 0604774D8Z      | DEFENSE READINESS REPORTING SYSTEM (DRRS) .....                                       | 6,383            | 6,383             |
| 136  | 0604875D8Z      | JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....  | 3,845            | 3,845             |
| 137  | 0604940D8Z      | CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....                      | 144,109          | 144,109           |
| 138  | 0604942D8Z      | ASSESSMENTS AND EVALUATIONS .....   | 2,419            | 2,419             |
| 139  | 0604943D8Z      | THERMAL VICAR .....   | 8,214            | 8,214             |
| 140  | 0605100D8Z      | JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....                               | 19,380           | 19,380            |
| 141  | 0605104D8Z      | TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....   | 32,266           | 32,266            |
| 142  | 0605110D8Z      | USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....  | 840              | 840               |
| 143  | 0605117D8Z      | FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....                                   | 56,012           | 56,012            |
| 144  | 0605126J        | JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....                  | 55,508           | 55,508            |
| 145  | 0605128D8Z      | CLASSIFIED PROGRAM USD(P) .....   | 0                | 0                 |
| 146  | 0605130D8Z      | FOREIGN COMPARATIVE TESTING .....   | 18,174           | 18,174            |
| 147  | 0605142D8Z      | SYSTEMS ENGINEERING .....   | 43,195           | 43,195            |
| 148  | 0605151D8Z      | STUDIES AND ANALYSIS SUPPORT—OSD .....  | 6,457            | 6,457             |
| 149  | 0605161D8Z      | NUCLEAR MATTERS-PHYSICAL SECURITY .....   | 4,901            | 4,901             |
| 150  | 0605170D8Z      | SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....                                 | 6,307            | 6,307             |
| 151  | 0605200D8Z      | GENERAL SUPPORT TO USD (INTELLIGENCE) .....   | 6,601            | 6,601             |
| 152  | 0605384BP       | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....   | 92,849           | 92,849            |
| 153  | 0605502BR       | SMALL BUSINESS INNOVATION RESEARCH .....  | 0                | 0                 |
| 154  | 0605502C        | SMALL BUSINESS INNOVATIVE RESEARCH—MDA .....  | 0                | 0                 |
| 155  | 0605502D8W      | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 0                | 0                 |
| 156  | 0605502D8Z      | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 0                | 0                 |
| 157  | 0605502E        | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 0                | 0                 |
| 158  | 0605502S        | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 0                | 0                 |
| 159  | 0605790D8Z      | SMALL BUSINESS INNOVATION RESEARCH (SBR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S ..... | 1,857            | 1,857             |
| 160  | 0605798D8Z      | DEFENSE TECHNOLOGY ANALYSIS .....   | 12,056           | 12,056            |
| 161  | 0605799D8Z      | EMERGING CAPABILITIES .....   | 0                | 0                 |
| 162  | 0605801KA       | DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....                                     | 55,454           | 55,454            |
| 163  | 0605803SE       | R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....                        | 16,364           | 16,364            |
| 164  | 0605804D8Z      | DEVELOPMENT TEST AND EVALUATION .....   | 15,110           | 20,110            |
|      |                 | DT&E increase .....   |                  | [5,000]           |



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| 165                                    | 0605897E        | DARPA AGENCY RELOCATION .....  | 0               | 0                 |
| 166                                    | 0605898E        | MANAGEMENT HQ—R&D .....  | 69,767          | 69,767            |
| 167                                    | 0606100D8Z      | BUDGET AND PROGRAM ASSESSMENTS .....   | 4,454           | 4,454             |
| 168                                    | 0606301D8Z      | AVIATION SAFETY TECHNOLOGIES .....   | 0               | 0                 |
| 169                                    | 0203345D8Z      | DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....                                    | 2,637           | 2,637             |
| 170                                    | 0204571J        | JOINT STAFF ANALYTICAL SUPPORT .....   | 0               | 0                 |
| 173                                    | 0303166D8Z      | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....                              | 0               | 0                 |
| 174                                    | 0303166J        | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....                              | 8,238           | 8,238             |
| 175                                    | 0303169D8Z      | INFORMATION TECHNOLOGY RAPID ACQUISITION .....   | 0               | 0                 |
| 176                                    | 0305103E        | CYBER SECURITY INITIATIVE .....  | 1,801           | 1,801             |
| 177                                    | 0305193D8Z      | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....                              | 16,041          | 16,041            |
| 179                                    | 0305400D8Z      | WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....                                     | 0               | 0                 |
| 180                                    | 0804767D8Z      | COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....                    | 77,475          | 77,475            |
| 181                                    | 0901585C        | PENTAGON RESERVATION .....   | 0               | 0                 |
| 182                                    | 0901598C        | MANAGEMENT HQ—MDA .....  | 34,855          | 34,855            |
| 183                                    | 0901598D8W      | MANAGEMENT HEADQUARTERS WHS .....  | 104             | 104               |
| 184                                    | 0909999D8Z      | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                      | 0               | 0                 |
| 184A                                   | 9999999999      | CLASSIFIED PROGRAMS .....  | 64,255          | 64,255            |
|  |                 | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>                                    | <b>887,928</b>  | <b>887,928</b>    |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b> |                 |  |                 |                   |
| 185                                    | 0604130V        | ENTERPRISE SECURITY SYSTEM (ESS) .....   | 8,866           | 8,866             |
| 186                                    | 0605127T        | REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT ..... | 3,238           | 3,238             |
| 187                                    | 0605147T        | OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAISIS) .....             | 288             | 288               |
| 188                                    | 0607384BP       | CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....                | 14,745          | 14,745            |
| 189                                    | 0607828D8Z      | JOINT INTEGRATION AND INTEROPERABILITY .....   | 0               | 0                 |
| 190                                    | 0607828J        | JOINT INTEGRATION AND INTEROPERABILITY .....   | 5,013           | 5,013             |
| 191                                    | 0208043J        | PLANNING AND DECISION AID SYSTEM (PDAS) .....  | 3,922           | 3,922             |
| 192                                    | 0208045K        | C4I INTEROPERABILITY .....   | 72,574          | 72,574            |
| 194                                    | 0301144K        | JOINT/ALLIED COALITION INFORMATION SHARING .....                                       | 6,214           | 6,214             |
| 201                                    | 0302016K        | NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....                                    | 499             | 499               |
| 202                                    | 0302019K        | DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....                          | 14,498          | 14,498            |
| 203                                    | 0303126K        | LONG-HAUL COMMUNICATIONS—DCS .....   | 26,164          | 26,164            |
| 204                                    | 0303131K        | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....                       | 12,931          | 12,931            |
| 205                                    | 0303135G        | PUBLIC KEY INFRASTRUCTURE (PKI) .....  | 6,296           | 6,296             |
| 206                                    | 0303136G        | KEY MANAGEMENT INFRASTRUCTURE (KMI) .....  | 30,948          | 30,948            |
| 207                                    | 0303140D8Z      | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 11,780          | 11,780            |
| 208                                    | 0303140G        | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 191,452         | 191,452           |
| 209                                    | 0303140K        | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 0               | 0                 |
| 210                                    | 0303149J        | C4I FOR THE WARRIOR .....  | 0               | 0                 |
| 211                                    | 0303150K        | GLOBAL COMMAND AND CONTROL SYSTEM .....  | 36,575          | 36,575            |
| 212                                    | 0303153K        | DEFENSE SPECTRUM ORGANIZATION .....  | 24,278          | 24,278            |
| 213                                    | 0303170K        | NET-CENTRIC ENTERPRISE SERVICES (NCES) .....   | 2,924           | 2,924             |
| 214                                    | 0303260D8Z      | DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....                                | 1,294           | 1,294             |
| 215                                    | 0303610K        | TELEPORT PROGRAM .....   | 6,050           | 6,050             |
| 217                                    | 0304210BB       | SPECIAL APPLICATIONS FOR CONTINGENCIES .....   | 17,058          | 17,058            |
| 220                                    | 0305103D8Z      | CYBER SECURITY INITIATIVE .....  | 0               | 0                 |
| 222                                    | 0305103K        | CYBER SECURITY INITIATIVE .....  | 4,189           | 4,189             |
| 223                                    | 0305125D8Z      | CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....   | 10,462          | 10,462            |
| 227                                    | 0305186D8Z      | POLICY R&D PROGRAMS .....  | 6,360           | 6,360             |
| 229                                    | 0305199D8Z      | NET CENTRICITY .....   | 21,190          | 21,190            |
| 232                                    | 0305208BB       | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 7,114           | 7,114             |
|  |                 | USSOCOM UFR .....  |                 | [600]             |
| 235                                    | 0305208K        | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 3,247           | 3,247             |
| 237                                    | 0305219BB       | MQ-1 PREDATOR A UAV .....  | 1,355           | 1,355             |
| 239                                    | 0305231BB       | MQ-8 UAV .....   | 0               | 0                 |
| 240                                    | 0305387D8Z      | HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....                                     | 2,303           | 2,303             |
| 241                                    | 0305600D8Z      | INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....                          | 1,478           | 1,478             |
| 249                                    | 0708011S        | INDUSTRIAL PREPAREDNESS .....  | 27,044          | 27,044            |
| 250                                    | 0708012S        | LOGISTICS SUPPORT ACTIVITIES .....   | 4,711           | 4,711             |
| 251                                    | 0902298J        | MANAGEMENT HQ—OJCS .....   | 4,100           | 4,100             |
| 252                                    | 1001018D8Z      | NATO AGS .....   | 0               | 0                 |
| 253                                    | 1105219BB       | MQ-9 UAV .....   | 3,002           | 3,002             |
| 254                                    | 1105232BB       | RQ-11 UAV .....  | 0               | 0                 |
| 255                                    | 1105233BB       | RQ-7 UAV .....   | 0               | 0                 |
| 256                                    | 1160279BB       | SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG .....            | 0               | 0                 |
| 257                                    | 1160403BB       | SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT .....                         | 97,267          | 97,267            |
| 258                                    | 1160404BB       | SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....                                  | 821             | 821               |
| 259                                    | 1160405BB       | SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....                              | 25,935          | 25,935            |
| 260                                    | 1160408BB       | SOF OPERATIONAL ENHANCEMENTS .....   | 51,700          | 51,700            |
| 261                                    | 1160421BB       | SPECIAL OPERATIONS CV-22 DEVELOPMENT .....   | 1,822           | 1,822             |
| 262                                    | 1160427BB       | MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....                                  | 10,131          | 10,131            |
| 263                                    | 1160429BB       | AC/MC-130J .....   | 19,647          | 19,647            |
| 264                                    | 1160474BB       | SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....                             | 2,225           | 2,225             |
| 265                                    | 1160476BB       | SOF TACTICAL RADIO SYSTEMS .....   | 3,036           | 3,036             |
| 266                                    | 1160477BB       | SOF WEAPONS SYSTEMS .....  | 1,511           | 1,511             |
| 267                                    | 1160478BB       | SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....                                      | 4,263           | 4,263             |
| 268                                    | 1160479BB       | SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....                               | 4,448           | 4,448             |
| 269                                    | 1160480BB       | SOF TACTICAL VEHICLES .....  | 11,325          | 11,325            |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2013 Request   | Senate Authorized |
|------|-----------------|--|-------------------|-------------------|
| 270  | 1160481BB       | SOF MUNITIONS .....  | 1,515             | 1,515             |
| 271  | 1160482BB       | SOF ROTARY WING AVIATION .....                                 | 24,430            | 24,430            |
| 272  | 1160483BB       | SOF UNDERWATER SYSTEMS .....                                   | 26,405            | 34,405            |
|      |                 | Transfer from PDW Line 64 at USSOCOM request .....             |                   | [8,000]           |
| 273  | 1160484BB       | SOF SURFACE CRAFT .....  | 8,573             | 8,573             |
| 274  | 1160488BB       | SOF MILITARY INFORMATION SUPPORT OPERATIONS .....              | 0                 | 0                 |
| 275  | 1160489BB       | SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....                 | 7,620             | 7,620             |
| 276  | 1160490BB       | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....                | 16,386            | 16,386            |
| 276A | 9999999999      | CLASSIFIED PROGRAMS .....                                      | 3,754,516         | 3,754,516         |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....         | <b>4,667,738</b>  | <b>4,676,338</b>  |
|      |                 | <b>UNDISTRIBUTED</b>   |                   |                   |
|      |                 | <b>UNDISTRIBUTED</b> .....                                     |                   | <b>-100,000</b>   |
|      |                 | DARPA undistributed reduction .....                            |                   | [-75,000]         |
|      |                 | DARPA classified programs reduction .....                      |                   | [-25,000]         |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> ..... | <b>17,982,161</b> | <b>18,444,261</b> |
|      |                 | <b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>                    |                   |                   |
|      |                 | <b>ROD&amp;E MANAGEMENT SUPPORT</b>                            |                   |                   |
| 001  | 0605118OTE      | OPERATIONAL TEST AND EVALUATION .....                          | 72,501            | 76,501            |
|      |                 | NCR transition .....   |                   | [4,000]           |
| 002  | 0605131OTE      | LIVE FIRE TEST AND EVALUATION .....                            | 49,201            | 49,201            |
| 003  | 0605814OTE      | OPERATIONAL TEST ACTIVITIES AND ANALYSES .....                 | 63,566            | 63,566            |
|      |                 | <b>TOTAL, OPERATIONAL TEST &amp; EVAL, DEFENSE</b> .....       | <b>185,268</b>    | <b>189,268</b>    |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL</b> .....     | <b>69,407,767</b> | <b>69,286,218</b> |

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
**FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2013 Request | Senate Authorized |
|------|-----------------|--|-----------------|-------------------|
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>                    |                 |                   |
|      |                 | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                 |                 |                   |
| 060  | 0603747A        | SOLDIER SUPPORT AND SURVIVABILITY .....                                | 19,860          | 19,860            |
|      |                 | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> ..... | <b>19,860</b>   | <b>19,860</b>     |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....       | <b>19,860</b>   | <b>19,860</b>     |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>                    |                 |                   |
|      |                 | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                 |                 |                   |
| 056  | 0603654N        | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                     | 4,600           | 4,600             |
|      |                 | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> ..... | <b>4,600</b>    | <b>4,600</b>      |
|      |                 | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                          |                 |                   |
| 131  | 0604771N        | MEDICAL DEVELOPMENT .....  | 2,173           | 2,173             |
|      |                 | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> .....          | <b>2,173</b>    | <b>2,173</b>      |
|      |                 | <b>ROD&amp;E MANAGEMENT SUPPORT</b>                                    |                 |                   |
| 160  | 0605866N        | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....                  | 5,200           | 5,200             |
|      |                 | <b>SUBTOTAL, ROD&amp;E MANAGEMENT SUPPORT</b> .....                    | <b>5,200</b>    | <b>5,200</b>      |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>                                 |                 |                   |
| 195  | 0206624M        | MARINE CORPS COMBAT SERVICES SUPPORT .....                             | 6,762           | 6,762             |
| 221  | 0305233N        | RQ-7 UAV .....   | 7,600           | 7,600             |
| 230A | 9999999999      | CLASSIFIED PROGRAMS .....  | 33,784          | 33,784            |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                 | <b>48,146</b>   | <b>48,146</b>     |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....       | <b>60,119</b>   | <b>60,119</b>     |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>                      |                 |                   |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>                                 |                 |                   |
| 249A | 9999999999      | CLASSIFIED PROGRAMS .....  | 53,150          | 53,150            |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                 | <b>53,150</b>   | <b>53,150</b>     |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....         | <b>53,150</b>   | <b>53,150</b>     |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>                      |                 |                   |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>                                 |                 |                   |
| 239  | 0305231BB       | MQ-8 UAV .....   | 5,000           | 5,000             |
| 276A | 9999999999      | CLASSIFIED PROGRAMS .....  | 107,387         | 107,387           |
|      |                 | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                 | <b>112,387</b>  | <b>112,387</b>    |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....         | <b>112,387</b>  | <b>112,387</b>    |
|      |                 | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL</b> .....             | <b>245,516</b>  | <b>245,516</b>    |

**TITLE XLIII—OPERATION AND  
MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

| SEC. 4301. OPERATION AND MAINTENANCE<br>(In Thousands of Dollars) |   |                    |                      |  |
|---|---|--------------------|----------------------|--|
| Line  | Item  | FY 2013<br>Request | Senate<br>Authorized |  |
|   | OPERATION & MAINTENANCE, ARMY                             |                    |                      |  |
|   | OPERATING FORCES  |                    |                      |  |
| 010   | MANEUVER UNITS .....                                      | 1,223,087          | 1,223,087            |  |
| 020   | MODULAR SUPPORT BRIGADES .....                            | 80,574             | 80,574               |  |
| 030   | ECHELONS ABOVE BRIGADE .....                              | 723,039            | 723,039              |  |
| 040   | THEATER LEVEL ASSETS .....                                | 706,974            | 706,974              |  |
| 050   | LAND FORCES OPERATIONS SUPPORT .....                      | 1,226,650          | 1,226,650            |  |
| 060   | AVIATION ASSETS .....                                     | 1,319,832          | 1,319,832            |  |
| 070   | FORCE READINESS OPERATIONS SUPPORT .....                  | 3,447,174          | 3,447,174            |  |
| 080   | LAND FORCES SYSTEMS READINESS .....                       | 454,774            | 454,774              |  |
| 090   | LAND FORCES DEPOT MAINTENANCE .....                       | 1,762,757          | 1,762,757            |  |
| 100   | BASE OPERATIONS SUPPORT .....                             | 7,401,613          | 7,401,613            |  |
| 110   | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 3,041,074          | 3,041,074            |  |
| 120   | MANAGEMENT AND OPERATIONAL HQ'S .....                     | 410,171            | 410,171              |  |
| 130   | COMBATANT COMMANDERS CORE OPERATIONS .....                | 177,819            | 177,819              |  |
| 140   | ADDITIONAL ACTIVITIES .....                               | 0                  | 0                    |  |
| 150   | COMMANDERS EMERGENCY RESPONSE PROGRAM .....               | 0                  | 0                    |  |
| 160   | RESET .....   | 0                  | 0                    |  |
| 170   | COMBATANT COMMANDERS ANCILLARY MISSIONS .....             | 461,333            | 461,333              |  |
|   | SUBTOTAL, OPERATING FORCES .....                          | 22,436,871         | 22,436,871           |  |
|   | MOBILIZATION  |                    |                      |  |
| 180   | STRATEGIC MOBILITY .....                                  | 405,496            | 405,496              |  |
| 190   | ARMY PREPOSITIONING STOCKS .....                          | 195,349            | 195,349              |  |
| 200   | INDUSTRIAL PREPAREDNESS .....                             | 6,379              | 6,379                |  |
|   | SUBTOTAL, MOBILIZATION .....                              | 607,224            | 607,224              |  |
|   | TRAINING AND RECRUITING                                   |                    |                      |  |
| 210   | OFFICER ACQUISITION .....                                 | 112,866            | 112,866              |  |
| 220   | RECRUIT TRAINING .....                                    | 73,265             | 73,265               |  |
| 230   | ONE STATION UNIT TRAINING .....                           | 51,227             | 51,227               |  |
| 240   | SENIOR RESERVE OFFICERS TRAINING CORPS .....              | 443,306            | 443,306              |  |
| 250   | SPECIALIZED SKILL TRAINING .....                          | 1,099,556          | 1,099,556            |  |
| 260   | FLIGHT TRAINING .....                                     | 1,130,627          | 1,130,627            |  |
| 270   | PROFESSIONAL DEVELOPMENT EDUCATION .....                  | 191,683            | 191,683              |  |
| 280   | TRAINING SUPPORT .....                                    | 652,095            | 652,095              |  |
| 290   | RECRUITING AND ADVERTISING .....                          | 507,510            | 507,510              |  |
| 300   | EXAMINING .....   | 156,964            | 156,964              |  |
| 310   | OFF-DUTY AND VOLUNTARY EDUCATION .....                    | 244,343            | 244,343              |  |
| 320   | CIVILIAN EDUCATION AND TRAINING .....                     | 212,477            | 212,477              |  |
| 330   | JUNIOR ROTC .....   | 182,691            | 182,691              |  |
|   | SUBTOTAL, TRAINING AND RECRUITING .....                   | 5,058,610          | 5,058,610            |  |
|   | ADMIN & SRVWIDE ACTIVITIES                                |                    |                      |  |
| 350   | SERVICEWIDE TRANSPORTATION .....                          | 601,331            | 601,331              |  |
| 360   | CENTRAL SUPPLY ACTIVITIES .....                           | 741,324            | 741,324              |  |
| 370   | LOGISTIC SUPPORT ACTIVITIES .....                         | 610,136            | 610,136              |  |
| 380   | AMMUNITION MANAGEMENT .....                               | 478,707            | 478,707              |  |
| 390   | ADMINISTRATION .....                                      | 556,307            | 539,107              |  |
|   | GFEBS realignment per Army request .....                  |                    | [-17,200]            |  |
| 400   | SERVICEWIDE COMMUNICATIONS .....                          | 1,547,925          | 1,547,925            |  |
| 410   | MANPOWER MANAGEMENT .....                                 | 362,205            | 362,205              |  |
| 420   | OTHER PERSONNEL SUPPORT .....                             | 220,754            | 220,754              |  |
| 430   | OTHER SERVICE SUPPORT .....                               | 1,153,556          | 1,145,456            |  |
|   | Decrease for ahead of need request .....                  |                    | [-8,100]             |  |
| 440   | ARMY CLAIMS ACTIVITIES .....                              | 250,970            | 250,970              |  |
| 450   | REAL ESTATE MANAGEMENT .....                              | 222,351            | 222,351              |  |
| 460   | BASE OPERATIONS SUPPORT .....                             | 222,379            | 222,379              |  |
| 470   | SUPPORT OF NATO OPERATIONS .....                          | 459,710            | 459,710              |  |
| 480   | MISC. SUPPORT OF OTHER NATIONS .....                      | 25,637             | 25,637               |  |
| 490   | CLASSIFIED PROGRAMS .....                                 | 1,052,595          | 1,052,595            |  |
|   | SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES .....                | 8,505,887          | 8,480,587            |  |
|   | UNDISTRIBUTED   |                    |                      |  |
|   | UNDISTRIBUTED .....                                       |                    | -120,000             |  |
|   | Unobligated balances .....                                |                    | [-120,000]           |  |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| Line | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|---|--------------------|----------------------|
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY .....</b> | <b>36,608,592</b>  | <b>36,463,292</b>    |
|      | <b>OPERATION &amp; MAINTENANCE, NAVY</b>              |                    |                      |
|      | <b>OPERATING FORCES</b>                               |                    |                      |
| 010  | MISSION AND OTHER FLIGHT OPERATIONS .....             | 4,918,144          | 4,918,144            |
| 020  | FLEET AIR TRAINING .....                              | 1,886,825          | 1,886,825            |
| 030  | AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....  | 44,032             | 44,032               |
| 040  | AIR OPERATIONS AND SAFETY SUPPORT .....               | 101,565            | 101,565              |
| 050  | AIR SYSTEMS SUPPORT .....                             | 374,827            | 374,827              |
| 060  | AIRCRAFT DEPOT MAINTENANCE .....                      | 960,802            | 960,802              |
| 070  | AIRCRAFT DEPOT OPERATIONS SUPPORT .....               | 37,545             | 37,545               |
| 080  | AVIATION LOGISTICS .....                              | 328,805            | 328,805              |
| 090  | MISSION AND OTHER SHIP OPERATIONS .....               | 4,686,535          | 4,686,535            |
| 100  | SHIP OPERATIONS SUPPORT & TRAINING .....              | 769,204            | 769,204              |
| 110  | SHIP DEPOT MAINTENANCE .....                          | 5,089,981          | 5,089,981            |
| 120  | SHIP DEPOT OPERATIONS SUPPORT .....                   | 1,315,366          | 1,315,366            |
| 130  | COMBAT COMMUNICATIONS .....                           | 619,909            | 619,909              |
| 140  | ELECTRONIC WARFARE .....                              | 92,364             | 92,364               |
| 150  | SPACE SYSTEMS AND SURVEILLANCE .....                  | 174,437            | 174,437              |
| 160  | WARFARE TACTICS .....                                 | 441,035            | 441,035              |
| 170  | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....        | 333,554            | 333,554              |
| 180  | COMBAT SUPPORT FORCES .....                           | 910,087            | 910,087              |
| 190  | EQUIPMENT MAINTENANCE .....                           | 167,158            | 167,158              |
| 200  | DEPOT OPERATIONS SUPPORT .....                        | 4,183              | 4,183                |
| 210  | COMBATANT COMMANDERS CORE OPERATIONS .....            | 95,528             | 95,528               |
| 220  | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....     | 204,569            | 204,569              |
| 230  | CRUISE MISSILE .....                                  | 111,884            | 111,884              |
| 240  | FLEET BALLISTIC MISSILE .....                         | 1,181,038          | 1,181,038            |
| 250  | IN-SERVICE WEAPONS SYSTEMS SUPPORT .....              | 87,606             | 87,606               |
| 260  | WEAPONS MAINTENANCE .....                             | 519,583            | 519,583              |
| 270  | OTHER WEAPON SYSTEMS SUPPORT .....                    | 300,435            | 300,435              |
| 280  | ENTERPRISE INFORMATION .....                          | 1,077,924          | 1,077,924            |
| 290  | SUSTAINMENT, RESTORATION AND MODERNIZATION .....      | 2,101,279          | 2,101,279            |
| 300  | BASE OPERATING SUPPORT .....                          | 4,822,093          | 4,822,093            |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>               | <b>33,758,297</b>  | <b>33,758,297</b>    |
|      | <b>MOBILIZATION</b>                                   |                    |                      |
| 310  | SHIP PREPOSITIONING AND SURGE .....                   | 334,659            | 334,659              |
| 320  | AIRCRAFT ACTIVATIONS/INACTIVATIONS .....              | 6,562              | 6,562                |
| 330  | SHIP ACTIVATIONS/INACTIVATIONS .....                  | 1,066,329          | 1,066,329            |
| 340  | EXPEDITIONARY HEALTH SERVICES SYSTEMS .....           | 83,901             | 83,901               |
| 350  | INDUSTRIAL READINESS .....                            | 2,695              | 2,695                |
| 360  | COAST GUARD SUPPORT .....                             | 23,502             | 23,502               |
|      | <b>SUBTOTAL, MOBILIZATION .....</b>                   | <b>1,517,648</b>   | <b>1,517,648</b>     |
|      | <b>TRAINING AND RECRUITING</b>                        |                    |                      |
| 370  | OFFICER ACQUISITION .....                             | 147,807            | 147,807              |
| 380  | RECRUIT TRAINING .....                                | 10,473             | 10,473               |
| 390  | RESERVE OFFICERS TRAINING CORPS .....                 | 139,220            | 139,220              |
| 400  | SPECIALIZED SKILL TRAINING .....                      | 582,177            | 582,177              |
| 410  | FLIGHT TRAINING .....                                 | 5,456              | 5,456                |
| 420  | PROFESSIONAL DEVELOPMENT EDUCATION .....              | 170,746            | 170,746              |
| 430  | TRAINING SUPPORT .....                                | 153,403            | 153,403              |
| 440  | RECRUITING AND ADVERTISING .....                      | 241,329            | 241,329              |
| 450  | OFF-DUTY AND VOLUNTARY EDUCATION .....                | 108,226            | 108,226              |
| 460  | CIVILIAN EDUCATION AND TRAINING .....                 | 105,776            | 105,776              |
| 470  | JUNIOR ROTC .....                                     | 51,817             | 51,817               |
|      | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>        | <b>1,716,430</b>   | <b>1,716,430</b>     |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                   |                    |                      |
| 480  | ADMINISTRATION .....                                  | 797,177            | 797,177              |
| 490  | EXTERNAL RELATIONS .....                              | 12,872             | 12,872               |
| 500  | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....      | 120,181            | 120,181              |
| 510  | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....      | 235,753            | 235,753              |
| 520  | OTHER PERSONNEL SUPPORT .....                         | 263,060            | 263,060              |
| 530  | SERVICEWIDE COMMUNICATIONS .....                      | 363,213            | 363,213              |
| 540  | MEDICAL ACTIVITIES .....                              | 0                  | 0                    |
| 550  | SERVICEWIDE TRANSPORTATION .....                      | 182,343            | 182,343              |
| 560  | ENVIRONMENTAL PROGRAMS .....                          | 0                  | 0                    |
| 570  | PLANNING, ENGINEERING AND DESIGN .....                | 282,464            | 282,464              |
| 580  | ACQUISITION AND PROGRAM MANAGEMENT .....              | 1,092,123          | 1,092,123            |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| Line | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|---|--------------------|----------------------|
| 590  | HULL, MECHANICAL AND ELECTRICAL SUPPORT .....                 | 53,560             | 53,560               |
| 600  | COMBAT/WEAPONS SYSTEMS .....                                  | 25,299             | 25,299               |
| 610  | SPACE AND ELECTRONIC WARFARE SYSTEMS .....                    | 64,418             | 64,418               |
| 620  | NAVAL INVESTIGATIVE SERVICE .....                             | 580,042            | 580,042              |
| 680  | INTERNATIONAL HEADQUARTERS AND AGENCIES .....                 | 4,984              | 4,984                |
| 690  | CANCELLED ACCOUNT ADJUSTMENTS .....                           | 0                  | 0                    |
| 700  | JUDGEMENT FUND .....  | 0                  | 0                    |
| 710  | CLASSIFIED PROGRAMS .....                                     | 537,079            | 537,079              |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>4,614,568</b>   | <b>4,614,568</b>     |
|      | <b>UNDISTRIBUTED</b>  |                    |                      |
|      | <b>UNDISTRIBUTED .....</b>                                    |                    | <b>-23,000</b>       |
|      | Unobligated balances .....                                    |                    | [-23,000]            |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY .....</b>         | <b>41,606,943</b>  | <b>41,583,943</b>    |
|      | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>              |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | OPERATIONAL FORCES .....                                      | 788,055            | 788,055              |
| 020  | FIELD LOGISTICS .....   | 762,614            | 762,614              |
| 030  | DEPOT MAINTENANCE .....                                       | 168,447            | 168,447              |
| 040  | MARITIME PREPOSITIONING .....                                 | 100,374            | 100,374              |
| 050  | SUSTAINMENT, RESTORATION & MODERNIZATION .....                | 825,039            | 825,039              |
| 060  | BASE OPERATING SUPPORT .....                                  | 2,188,883          | 2,188,883            |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>4,833,412</b>   | <b>4,833,412</b>     |
|      | <b>TRAINING AND RECRUITING</b>                                |                    |                      |
| 070  | RECRUIT TRAINING .....  | 18,251             | 18,251               |
| 080  | OFFICER ACQUISITION .....                                     | 869                | 869                  |
| 090  | SPECIALIZED SKILL TRAINING .....                              | 80,914             | 80,914               |
| 100  | PROFESSIONAL DEVELOPMENT EDUCATION .....                      | 42,744             | 42,744               |
| 110  | TRAINING SUPPORT .....  | 292,150            | 292,150              |
| 120  | RECRUITING AND ADVERTISING .....                              | 168,609            | 168,609              |
| 130  | OFF-DUTY AND VOLUNTARY EDUCATION .....                        | 56,865             | 56,865               |
| 140  | JUNIOR ROTC .....   | 19,912             | 19,912               |
|      | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>680,314</b>     | <b>680,314</b>       |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                    |                      |
| 150  | SERVICEWIDE TRANSPORTATION .....                              | 39,962             | 39,962               |
| 170  | ACQUISITION AND PROGRAM MANAGEMENT .....                      | 83,404             | 83,404               |
| 180  | CANCELLED ACCOUNT ADJUSTMENT .....                            | 0                  | 0                    |
| 190  | CLASSIFIED PROGRAMS .....                                     | 346,071            | 346,071              |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>469,437</b>     | <b>469,437</b>       |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b> | <b>5,983,163</b>   | <b>5,983,163</b>     |
|      | <b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>                 |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | PRIMARY COMBAT FORCES .....                                   | 2,973,141          | 2,973,141            |
| 020  | COMBAT ENHANCEMENT FORCES .....                               | 1,611,032          | 1,611,032            |
| 030  | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....          | 1,472,806          | 1,472,806            |
| 040  | DEPOT MAINTENANCE .....                                       | 5,545,470          | 5,545,470            |
| 050  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 1,353,987          | 1,353,987            |
| 060  | BASE SUPPORT .....  | 2,595,032          | 2,595,032            |
| 070  | GLOBAL C3I AND EARLY WARNING .....                            | 957,040            | 957,040              |
| 080  | OTHER COMBAT OPS SPT PROGRAMS .....                           | 916,200            | 916,200              |
| 090  | JCS EXERCISES .....   | 0                  | 0                    |
| 100  | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....             | 733,716            | 733,716              |
| 110  | LAUNCH FACILITIES .....                                       | 314,490            | 314,490              |
| 120  | SPACE CONTROL SYSTEMS .....                                   | 488,762            | 488,762              |
| 130  | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....             | 862,979            | 862,979              |
| 140  | COMBATANT COMMANDERS CORE OPERATIONS .....                    | 222,429            | 222,429              |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>20,047,084</b>  | <b>20,047,084</b>    |
|      | <b>MOBILIZATION</b>   |                    |                      |
| 150  | AIRLIFT OPERATIONS .....                                      | 1,785,379          | 1,785,379            |
| 160  | MOBILIZATION PREPAREDNESS .....                               | 154,049            | 154,049              |
| 170  | DEPOT MAINTENANCE .....                                       | 1,477,396          | 1,477,396            |
| 180  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 309,699            | 309,699              |
| 190  | BASE SUPPORT .....  | 707,574            | 707,574              |
|      | <b>SUBTOTAL, MOBILIZATION .....</b>                           | <b>4,434,097</b>   | <b>4,434,097</b>     |

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(In Thousands of Dollars)

| Line   | Item   | FY 2013 Request   | Senate Authorized |
|--|--|-------------------|-------------------|
| <b>TRAINING AND RECRUITING</b>                   |  |                   |                   |
| 200  | OFFICER ACQUISITION .....                                  | 115,427           | 115,427           |
| 210  | RECRUIT TRAINING .....                                     | 17,619            | 17,619            |
| 220  | RESERVE OFFICERS TRAINING CORPS (ROTC) .....               | 92,949            | 92,949            |
| 230  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....  | 336,433           | 336,433           |
| 240  | BASE SUPPORT .....   | 842,441           | 842,441           |
| 250  | SPECIALIZED SKILL TRAINING .....                           | 482,634           | 482,634           |
| 260  | FLIGHT TRAINING .....                                      | 750,609           | 750,609           |
| 270  | PROFESSIONAL DEVELOPMENT EDUCATION .....                   | 235,114           | 235,114           |
| 280  | TRAINING SUPPORT .....                                     | 101,231           | 101,231           |
| 290  | DEPOT MAINTENANCE .....                                    | 233,330           | 233,330           |
| 300  | JUDGEMENT FUND .....                                       | 0                 | 0                 |
| 310  | RECRUITING AND ADVERTISING .....                           | 130,217           | 130,217           |
| 320  | EXAMINING .....  | 2,738             | 2,738             |
| 330  | OFF-DUTY AND VOLUNTARY EDUCATION .....                     | 155,170           | 155,170           |
| 340  | CIVILIAN EDUCATION AND TRAINING .....                      | 175,147           | 175,147           |
| 350  | JUNIOR ROTC .....  | 74,809            | 74,809            |
|  | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>             | <b>3,745,868</b>  | <b>3,745,868</b>  |
| <b>ADMIN &amp; SRVWD ACTIVITIES</b>              |  |                   |                   |
| 360  | LOGISTICS OPERATIONS .....                                 | 1,029,734         | 1,029,734         |
| 370  | TECHNICAL SUPPORT ACTIVITIES .....                         | 913,843           | 913,843           |
| 390  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....  | 303,610           | 303,610           |
| 400  | BASE SUPPORT .....   | 1,266,800         | 1,266,800         |
| 410  | ADMINISTRATION .....                                       | 587,654           | 587,654           |
| 420  | SERVICEWIDE COMMUNICATIONS .....                           | 667,910           | 667,910           |
| 430  | OTHER SERVICEWIDE ACTIVITIES .....                         | 1,094,509         | 1,094,509         |
| 440  | CIVIL AIR PATROL .....                                     | 23,904            | 23,904            |
| 450  | JUDGEMENT FUND REIMBURSEMENT .....                         | 0                 | 0                 |
| 470  | INTERNATIONAL SUPPORT .....                                | 81,307            | 81,307            |
| 480  | CLASSIFIED PROGRAMS .....                                  | 1,239,040         | 1,239,040         |
|  | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>        | <b>7,208,311</b>  | <b>7,208,311</b>  |
| <b>UNDISTRIBUTED</b>                             |  |                   |                   |
|  | <b>UNDISTRIBUTED .....</b>                                 |                   | <b>–32,000</b>    |
|  | Unobligated balances .....                                 |                   | [–32,000]         |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, AIR FORCE .....</b> | <b>35,435,360</b> | <b>35,403,360</b> |
| <b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> |  |                   |                   |
| <b>OPERATING FORCES</b>                          |  |                   |                   |
| 010  | JOINT CHIEFS OF STAFF .....                                | 485,708           | 485,708           |
| 020  | SPECIAL OPERATIONS COMMAND .....                           | 0                 | 5,107,501         |
|  | Transfer from Line 025 .....                               |                   | [5,091,001]       |
|  | USSOCOM UFR .....  |                   | [16,500]          |
| 025  | CLASSIFIED PROGRAMS .....                                  | 5,091,001         | 0                 |
|  | Transfer to Line 020 .....                                 |                   | [–5,091,001]      |
|  | <b>SUBTOTAL, OPERATING FORCES .....</b>                    | <b>5,576,709</b>  | <b>5,593,209</b>  |
| <b>TRAINING AND RECRUITING</b>                   |  |                   |                   |
| 030  | DEFENSE ACQUISITION UNIVERSITY .....                       | 147,210           | 147,210           |
| 040  | NATIONAL DEFENSE UNIVERSITY .....                          | 84,999            | 84,999            |
|  | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>             | <b>232,209</b>    | <b>232,209</b>    |
| <b>ADMIN &amp; SRVWD ACTIVITIES</b>              |  |                   |                   |
| 050  | CIVIL MILITARY PROGRAMS .....                              | 161,294           | 161,294           |
| 070  | DEFENSE BUSINESS TRANSFORMATION AGENCY .....               | 0                 | 0                 |
| 080  | DEFENSE CONTRACT AUDIT AGENCY .....                        | 573,973           | 573,973           |
| 090  | DEFENSE CONTRACT MANAGEMENT AGENCY .....                   | 1,293,196         | 1,293,196         |
| 100  | DEFENSE FINANCE AND ACCOUNTING SERVICE .....               | 17,513            | 17,513            |
| 110  | DEFENSE HUMAN RESOURCES ACTIVITY .....                     | 676,186           | 676,186           |
| 120  | DEFENSE INFORMATION SYSTEMS AGENCY .....                   | 1,346,847         | 1,346,847         |
| 140  | DEFENSE LEGAL SERVICES AGENCY .....                        | 35,137            | 35,137            |
| 150  | DEFENSE LOGISTICS AGENCY .....                             | 431,893           | 431,893           |
| 160  | DEFENSE MEDIA ACTIVITY .....                               | 224,013           | 224,013           |
| 170  | DEFENSE POW/MIA OFFICE .....                               | 21,964            | 21,964            |
| 180  | DEFENSE SECURITY COOPERATION AGENCY .....                  | 557,917           | 540,317           |
|  | Program decrease—Defense Security Assessment .....         |                   | [–2,600]          |
|  | Program decrease—Global Train and Equip .....              |                   | [–15,000]         |
| 190  | DEFENSE SECURITY SERVICE .....                             |                   | 506,662           |

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(In Thousands of Dollars)

| Line | Item  | FY 2013 Request   | Senate Authorized |
|------|---|-------------------|-------------------|
|      | Transfer from Line 280 .....                                  |                   | [506,662]         |
| 200  | DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....              | 35,319            | 35,319            |
| 210  | DEFENSE THREAT REDUCTION AGENCY .....                         |                   | 443,382           |
|      | Transfer from Line 280 .....                                  |                   | [443,382]         |
| 220  | DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....                | 2,744,971         | 2,744,971         |
| 230  | MISSILE DEFENSE AGENCY .....                                  | 259,975           | 259,975           |
| 250  | OFFICE OF ECONOMIC ADJUSTMENT .....                           | 253,437           | 114,037           |
|      | Decrease for ahead of need request .....                      |                   | [-139,400]        |
| 260  | OFFICE OF THE SECRETARY OF DEFENSE .....                      | 2,095,362         | 2,095,362         |
| 270  | WASHINGTON HEADQUARTERS SERVICE .....                         | 521,297           | 521,297           |
| 280  | CLASSIFIED PROGRAMS .....                                     | 14,933,801        | 14,158,757        |
|      | Transfer to Line 190 .....                                    |                   | [-506,662]        |
|      | Transfer to Line 210 .....                                    |                   | [-443,382]        |
|      | Commercial imagery service level agreement .....              |                   | [125,000]         |
|      | Additional ISR Support to Operation Observant Compass .....   |                   | [50,000]          |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b> .....           | <b>26,184,095</b> | <b>26,202,095</b> |
|      | <b>UNDISTRIBUTED</b> .....                                    |                   |                   |
|      | <b>UNDISTRIBUTED</b> .....                                    |                   | <b>5,000</b>      |
|      | Unobligated balances .....                                    |                   | [-25,000]         |
|      | Impact aid for schools with military dependent students ..... |                   | [25,000]          |
|      | Impact aid for children with severe disabilities .....        |                   | [5,000]           |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> ..... | <b>31,993,013</b> | <b>32,032,513</b> |
|      | <b>OPERATION &amp; MAINTENANCE, ARMY RES</b>                  |                   |                   |
|      | <b>OPERATING FORCES</b>                                       |                   |                   |
| 010  | MANEUVER UNITS .....  | 1,391             | 1,391             |
| 020  | MODULAR SUPPORT BRIGADES .....                                | 20,889            | 20,889            |
| 030  | ECHELONS ABOVE BRIGADE .....                                  | 592,724           | 592,724           |
| 040  | THEATER LEVEL ASSETS .....                                    | 114,983           | 114,983           |
| 050  | LAND FORCES OPERATIONS SUPPORT .....                          | 633,091           | 633,091           |
| 060  | AVIATION ASSETS .....   | 76,823            | 76,823            |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                      | 481,997           | 481,997           |
| 080  | LAND FORCES SYSTEMS READINESS .....                           | 70,118            | 70,118            |
| 090  | LAND FORCES DEPOT MAINTENANCE .....                           | 141,205           | 141,205           |
| 100  | BASE OPERATIONS SUPPORT .....                                 | 561,878           | 561,878           |
| 110  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 287,399           | 287,399           |
| 120  | MANAGEMENT AND OPERATIONAL HQ'S .....                         | 52,431            | 52,431            |
| 130  | ADDITIONAL ACTIVITIES .....                                   | 0                 | 0                 |
|      | <b>SUBTOTAL, OPERATING FORCES</b> .....                       | <b>3,034,929</b>  | <b>3,034,929</b>  |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                   |                   |
| 140  | SERVICEWIDE TRANSPORTATION .....                              | 12,995            | 12,995            |
| 150  | ADMINISTRATION .....  | 32,432            | 32,432            |
| 160  | SERVICEWIDE COMMUNICATIONS .....                              | 4,895             | 4,895             |
| 170  | MANPOWER MANAGEMENT .....                                     | 16,074            | 16,074            |
| 180  | RECRUITING AND ADVERTISING .....                              | 60,683            | 60,683            |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b> .....           | <b>127,079</b>    | <b>127,079</b>    |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY RES</b> .....     | <b>3,162,008</b>  | <b>3,162,008</b>  |
|      | <b>OPERATION &amp; MAINTENANCE, NAVY RES</b>                  |                   |                   |
|      | <b>OPERATING FORCES</b>                                       |                   |                   |
| 010  | MISSION AND OTHER FLIGHT OPERATIONS .....                     | 616,776           | 616,776           |
| 020  | INTERMEDIATE MAINTENANCE .....                                | 15,076            | 15,076            |
| 030  | AIR OPERATIONS AND SAFETY SUPPORT .....                       | 1,479             | 1,479             |
| 040  | AIRCRAFT DEPOT MAINTENANCE .....                              | 107,251           | 107,251           |
| 050  | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                       | 355               | 355               |
| 060  | MISSION AND OTHER SHIP OPERATIONS .....                       | 82,186            | 82,186            |
| 070  | SHIP OPERATIONS SUPPORT & TRAINING .....                      | 589               | 589               |
| 080  | SHIP DEPOT MAINTENANCE .....                                  | 48,593            | 48,593            |
| 090  | COMBAT COMMUNICATIONS .....                                   | 15,274            | 15,274            |
| 100  | COMBAT SUPPORT FORCES .....                                   | 124,917           | 124,917           |
| 110  | WEAPONS MAINTENANCE .....                                     | 1,978             | 1,978             |
| 120  | ENTERPRISE INFORMATION .....                                  | 43,699            | 43,699            |
| 130  | SUSTAINMENT, RESTORATION AND MODERNIZATION .....              | 60,646            | 60,646            |
| 140  | BASE OPERATING SUPPORT .....                                  | 105,227           | 105,227           |
|      | <b>SUBTOTAL, OPERATING FORCES</b> .....                       | <b>1,224,046</b>  | <b>1,224,046</b>  |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                   |                   |
| 150  | ADMINISTRATION .....  | 3,117             | 3,117             |



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| Line | Item  | FY 2013 Request  | Senate Authorized |
|------|---|------------------|-------------------|
| 160  | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....            | 14,337           | 14,337            |
| 170  | SERVICEWIDE COMMUNICATIONS .....                            | 2,392            | 2,392             |
| 180  | ACQUISITION AND PROGRAM MANAGEMENT .....                    | 3,090            | 3,090             |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>22,936</b>    | <b>22,936</b>     |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY RES .....</b>   | <b>1,246,982</b> | <b>1,246,982</b>  |
|      | <b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>              |                  |                   |
|      | <b>OPERATING FORCES</b>                                     |                  |                   |
| 010  | OPERATING FORCES .....                                      | 89,690           | 89,690            |
| 020  | DEPOT MAINTENANCE .....                                     | 16,735           | 16,735            |
| 030  | SUSTAINMENT, RESTORATION AND MODERNIZATION .....            | 37,913           | 37,913            |
| 040  | BASE OPERATING SUPPORT .....                                | 103,746          | 103,746           |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>248,084</b>   | <b>248,084</b>    |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                  |                   |
| 050  | SERVICEWIDE TRANSPORTATION .....                            | 873              | 873               |
| 060  | ADMINISTRATION .....  | 14,330           | 14,330            |
| 070  | RECRUITING AND ADVERTISING .....                            | 8,998            | 8,998             |
| 080  | CANCELLED ACCOUNT ADJUSTMENT .....                          | 0                | 0                 |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>24,201</b>    | <b>24,201</b>     |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, MC RESERVE .....</b> | <b>272,285</b>   | <b>272,285</b>    |
|      | <b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>              |                  |                   |
|      | <b>OPERATING FORCES</b>                                     |                  |                   |
| 010  | PRIMARY COMBAT FORCES .....                                 | 2,089,326        | 2,089,326         |
| 020  | MISSION SUPPORT OPERATIONS .....                            | 112,992          | 112,992           |
| 030  | DEPOT MAINTENANCE .....                                     | 406,101          | 406,101           |
| 040  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....   | 71,564           | 71,564            |
| 050  | BASE SUPPORT .....  | 364,862          | 364,862           |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>3,044,845</b> | <b>3,044,845</b>  |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                  |                   |
| 060  | ADMINISTRATION .....  | 78,824           | 78,824            |
| 070  | RECRUITING AND ADVERTISING .....                            | 16,020           | 16,020            |
| 080  | MILITARY MANPOWER AND PERS MGMT (ARPC) .....                | 19,496           | 19,496            |
| 090  | OTHER PERS SUPPORT (DISABILITY COMP) .....                  | 6,489            | 6,489             |
| 100  | AUDIOVISUAL .....   | 808              | 808               |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>121,637</b>   | <b>121,637</b>    |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, AF RESERVE .....</b> | <b>3,166,482</b> | <b>3,166,482</b>  |
|      | <b>OPERATION &amp; MAINTENANCE, ARNG</b>                    |                  |                   |
|      | <b>OPERATING FORCES</b>                                     |                  |                   |
| 010  | MANEUVER UNITS .....  | 680,206          | 680,206           |
| 020  | MODULAR SUPPORT BRIGADES .....                              | 186,408          | 186,408           |
| 030  | ECHELONS ABOVE BRIGADE .....                                | 865,628          | 865,628           |
| 040  | THEATER LEVEL ASSETS .....                                  | 112,651          | 112,651           |
| 050  | LAND FORCES OPERATIONS SUPPORT .....                        | 36,091           | 36,091            |
| 060  | AVIATION ASSETS .....                                       | 907,011          | 907,011           |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                    | 751,606          | 751,606           |
| 080  | LAND FORCES SYSTEMS READINESS .....                         | 60,043           | 60,043            |
| 090  | LAND FORCES DEPOT MAINTENANCE .....                         | 411,940          | 411,940           |
| 100  | BASE OPERATIONS SUPPORT .....                               | 995,423          | 995,423           |
| 110  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....   | 688,189          | 688,189           |
| 120  | MANAGEMENT AND OPERATIONAL HQ'S .....                       | 953,716          | 953,716           |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>6,648,912</b> | <b>6,648,912</b>  |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                  |                   |
| 130  | SERVICEWIDE TRANSPORTATION .....                            | 11,806           | 11,806            |
| 140  | REAL ESTATE MANAGEMENT .....                                | 1,656            | 1,656             |
| 150  | ADMINISTRATION .....  | 89,358           | 89,358            |
| 160  | SERVICEWIDE COMMUNICATIONS .....                            | 39,513           | 39,513            |
| 170  | MANPOWER MANAGEMENT .....                                   | 7,224            | 7,224             |
| 180  | RECRUITING AND ADVERTISING .....                            | 310,143          | 310,143           |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>459,700</b>   | <b>459,700</b>    |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARNG .....</b>       | <b>7,108,612</b> | <b>7,108,612</b>  |
|      | <b>OPERATION &amp; MAINTENANCE, ANG</b>                     |                  |                   |
|      | <b>OPERATING FORCES</b>                                     |                  |                   |
| 010  | AIRCRAFT OPERATIONS .....                                   | 3,559,824        | 3,559,824         |
| 020  | MISSION SUPPORT OPERATIONS .....                            | 721,225          | 721,225           |
| 030  | DEPOT MAINTENANCE .....                                     | 774,875          | 774,875           |

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

| Line | Item  | FY 2013 Request    | Senate Authorized  |
|------|---|--------------------|--------------------|
| 040  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 270,709            | 270,709            |
| 050  | BASE SUPPORT .....  | 624,443            | 624,443            |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                   | <b>5,951,076</b>   | <b>5,951,076</b>   |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                       |                    |                    |
| 060  | ADMINISTRATION .....                                      | 32,358             | 32,358             |
| 070  | RECRUITING AND ADVERTISING .....                          | 32,021             | 32,021             |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>       | <b>64,379</b>      | <b>64,379</b>      |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ANG .....</b>      | <b>6,015,455</b>   | <b>6,015,455</b>   |
|      | <b>MISCELLANEOUS APPROPRIATIONS</b>                       |                    |                    |
| 010  | US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....   | 13,516             | 13,516             |
| 040  | ACQ WORKFORCE DEV FD .....                                | 274,198            | 274,198            |
| 020  | OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....       | 108,759            | 108,759            |
| 030  | COOPERATIVE THREAT REDUCTION .....                        | 519,111            | 519,111            |
| 050  | ENVIRONMENTAL RESTORATION, ARMY .....                     | 335,921            | 335,921            |
| 060  | ENVIRONMENTAL RESTORATION, NAVY .....                     | 310,594            | 310,594            |
| 070  | ENVIRONMENTAL RESTORATION, AIR FORCE .....                | 529,263            | 529,263            |
| 080  | ENVIRONMENTAL RESTORATION, DEFENSE .....                  | 11,133             | 11,133             |
| 090  | ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....       | 237,543            | 237,543            |
|      | <b>TOTAL, MISCELLANEOUS APPROPRIATIONS .....</b>          | <b>2,340,038</b>   | <b>2,340,038</b>   |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE .....</b>           | <b>174,938,933</b> | <b>174,778,133</b> |

SEC. 4302. OPERATION AND MAINTENANCE FOR  
OVERSEAS CONTINGENCY OPERATIONS.SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

| Line | Item  | FY 2013 Request   | Senate Authorized |
|------|---|-------------------|-------------------|
|      | <b>OPERATION &amp; MAINTENANCE, ARMY</b>                  |                   |                   |
|      | <b>OPERATING FORCES</b>                                   |                   |                   |
| 040  | THEATER LEVEL ASSETS .....                                | 2,758,162         | 2,758,162         |
| 050  | LAND FORCES OPERATIONS SUPPORT .....                      | 991,396           | 991,396           |
| 060  | AVIATION ASSETS .....                                     | 40,300            | 40,300            |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                  | 1,755,445         | 1,755,445         |
| 080  | LAND FORCES SYSTEMS READINESS .....                       | 307,244           | 307,244           |
| 100  | BASE OPERATIONS SUPPORT .....                             | 393,165           | 393,165           |
| 110  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 250,000           | 250,000           |
| 140  | ADDITIONAL ACTIVITIES .....                               | 12,524,137        | 12,524,137        |
| 150  | COMMANDER'S EMERGENCY RESPONSE PROGRAM .....              | 400,000           | 200,000           |
|      | Program decrease .....                                    |                   | [-200,000]        |
| 160  | RESET .....   | 3,687,973         | 3,687,973         |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                   | <b>23,107,822</b> | <b>22,907,822</b> |
|      | <b>ADMIN &amp; SRVWIDE ACTIVITIES</b>                     |                   |                   |
| 350  | SERVICEMAN TRANSPORTATION .....                           | 3,238,310         | 3,238,310         |
| 360  | CENTRAL SUPPLY ACTIVITIES .....                           | 129,000           | 129,000           |
| 380  | AMMUNITION MANAGEMENT .....                               | 78,022            | 78,022            |
| 420  | OTHER PERSONNEL SUPPORT .....                             | 137,277           | 97,277            |
|      | Transfer to OPA OCO Line 061 at SOUTHCOM request .....    |                   | [-40,000]         |
| 430  | OTHER SERVICE SUPPORT .....                               | 72,293            | 72,293            |
| 490  | CLASSIFIED PROGRAMS .....                                 | 1,828,717         | 1,828,717         |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWIDE ACTIVITIES .....</b>     | <b>5,483,619</b>  | <b>5,443,619</b>  |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY .....</b>     | <b>28,591,441</b> | <b>28,351,441</b> |
|      | <b>OPERATION &amp; MAINTENANCE, NAVY</b>                  |                   |                   |
|      | <b>OPERATING FORCES</b>                                   |                   |                   |
| 010  | MISSION AND OTHER FLIGHT OPERATIONS .....                 | 937,098           | 937,098           |
| 030  | AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....      | 1,000             | 1,000             |
| 040  | AIR OPERATIONS AND SAFETY SUPPORT .....                   | 15,794            | 15,794            |
| 050  | AIR SYSTEMS SUPPORT .....                                 | 19,013            | 19,013            |
| 060  | AIRCRAFT DEPOT MAINTENANCE .....                          | 201,912           | 201,912           |
| 070  | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                   | 3,000             | 3,000             |
| 080  | AVIATION LOGISTICS .....                                  | 44,150            | 44,150            |
| 090  | MISSION AND OTHER SHIP OPERATIONS .....                   | 463,738           | 463,738           |
| 100  | SHIP OPERATIONS SUPPORT & TRAINING .....                  | 24,774            | 24,774            |
| 110  | SHIP DEPOT MAINTENANCE .....                              | 1,310,010         | 1,310,010         |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|---|--------------------|----------------------|
| 130  | COMBAT COMMUNICATIONS .....                                   | 42,965             | 42,965               |
| 160  | WARFARE TACTICS .....   | 25,970             | 25,970               |
| 170  | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....                | 19,226             | 19,226               |
| 180  | COMBAT SUPPORT FORCES .....                                   | 1,668,359          | 1,668,359            |
| 190  | EQUIPMENT MAINTENANCE .....                                   | 7,954              | 7,954                |
| 250  | IN-SERVICE WEAPONS SYSTEMS SUPPORT .....                      | 94,655             | 94,655               |
| 260  | WEAPONS MAINTENANCE .....                                     | 303,087            | 303,087              |
| 290  | SUSTAINMENT, RESTORATION AND MODERNIZATION .....              | 3,218              | 3,218                |
| 300  | BASE OPERATING SUPPORT .....                                  | 143,442            | 143,442              |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>5,329,365</b>   | <b>5,329,365</b>     |
|      | <b>MOBILIZATION</b>   |                    |                      |
| 340  | EXPEDITIONARY HEALTH SERVICES SYSTEMS .....                   | 31,395             | 31,395               |
| 360  | COAST GUARD SUPPORT .....                                     | 254,461            | 254,461              |
|      | <b>SUBTOTAL, MOBILIZATION .....</b>                           | <b>285,856</b>     | <b>285,856</b>       |
|      | <b>TRAINING AND RECRUITING</b>                                |                    |                      |
| 400  | SPECIALIZED SKILL TRAINING .....                              | 50,903             | 50,903               |
|      | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>50,903</b>      | <b>50,903</b>        |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                    |                      |
| 480  | ADMINISTRATION .....  | 1,377              | 1,377                |
| 490  | EXTERNAL RELATIONS .....                                      | 487                | 487                  |
| 510  | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....              | 6,022              | 6,022                |
| 520  | OTHER PERSONNEL SUPPORT .....                                 | 3,514              | 3,514                |
| 550  | SERVICEWIDE TRANSPORTATION .....                              | 184,864            | 184,864              |
| 580  | ACQUISITION AND PROGRAM MANAGEMENT .....                      | 2,026              | 2,026                |
| 620  | NAVAL INVESTIGATIVE SERVICE .....                             | 1,425              | 1,425                |
| 710  | CLASSIFIED PROGRAMS .....                                     | 14,556             | 14,556               |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>214,271</b>     | <b>214,271</b>       |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY .....</b>         | <b>5,880,395</b>   | <b>5,880,395</b>     |
|      | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>              |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | OPERATIONAL FORCES .....                                      | 1,921,258          | 1,921,258            |
| 020  | FIELD LOGISTICS .....   | 1,094,028          | 1,094,028            |
| 030  | DEPOT MAINTENANCE .....                                       | 222,824            | 222,824              |
| 060  | BASE OPERATING SUPPORT .....                                  | 88,690             | 88,690               |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>3,326,800</b>   | <b>3,326,800</b>     |
|      | <b>TRAINING AND RECRUITING</b>                                |                    |                      |
| 110  | TRAINING SUPPORT .....  | 215,212            | 215,212              |
|      | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>215,212</b>     | <b>215,212</b>       |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                    |                      |
| 150  | SERVICEWIDE TRANSPORTATION .....                              | 512,627            | 512,627              |
| 190  | CLASSIFIED PROGRAMS .....                                     | 11,701             | 11,701               |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>524,328</b>     | <b>524,328</b>       |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b> | <b>4,066,340</b>   | <b>4,066,340</b>     |
|      | <b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>                 |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | PRIMARY COMBAT FORCES .....                                   | 1,494,144          | 1,494,144            |
| 020  | COMBAT ENHANCEMENT FORCES .....                               | 809,531            | 809,531              |
| 030  | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....          | 13,095             | 13,095               |
| 040  | DEPOT MAINTENANCE .....                                       | 1,403,238          | 1,403,238            |
| 050  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 155,954            | 155,954              |
| 060  | BASE SUPPORT .....  | 342,226            | 342,226              |
| 070  | GLOBAL C3I AND EARLY WARNING .....                            | 15,108             | 15,108               |
| 080  | OTHER COMBAT OPS SPT PROGRAMS .....                           | 271,390            | 271,390              |
| 100  | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....             | 25,400             | 25,400               |
| 120  | SPACE CONTROL SYSTEMS .....                                   | 5,110              | 5,110                |
| 130  | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....             | 52,173             | 52,173               |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>4,587,369</b>   | <b>4,587,369</b>     |
|      | <b>MOBILIZATION</b>   |                    |                      |
| 150  | AIRLIFT OPERATIONS .....                                      | 3,187,211          | 3,187,211            |
| 160  | MOBILIZATION PREPAREDNESS .....                               | 43,509             | 43,509               |
| 170  | DEPOT MAINTENANCE .....                                       | 554,943            | 554,943              |
| 180  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 4,431              | 4,431                |
| 190  | BASE SUPPORT .....  | 9,256              | 9,256                |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|---|--------------------|----------------------|
|      | <b>SUBTOTAL, MOBILIZATION .....</b>                           | <b>3,799,350</b>   | <b>3,799,350</b>     |
|      | <b>TRAINING AND RECRUITING</b>                                |                    |                      |
| 230  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 424                | 424                  |
| 240  | BASE SUPPORT .....  | 1,036              | 1,036                |
| 250  | SPECIALIZED SKILL TRAINING .....                              | 10,923             | 10,923               |
| 260  | FLIGHT TRAINING .....   | 72                 | 72                   |
| 270  | PROFESSIONAL DEVELOPMENT EDUCATION .....                      | 323                | 323                  |
| 280  | TRAINING SUPPORT .....  | 352                | 352                  |
|      | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>13,130</b>      | <b>13,130</b>        |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                    |                      |
| 360  | LOGISTICS OPERATIONS .....                                    | 100,429            | 100,429              |
| 390  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 47,200             | 47,200               |
| 400  | BASE SUPPORT .....  | 7,242              | 7,242                |
| 410  | ADMINISTRATION .....  | 1,552              | 1,552                |
| 420  | SERVICEWIDE COMMUNICATIONS .....                              | 82,094             | 82,094               |
| 430  | OTHER SERVICEWIDE ACTIVITIES .....                            | 582,977            | 582,977              |
| 480  | CLASSIFIED PROGRAMS .....                                     | 20,270             | 20,270               |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>841,764</b>     | <b>841,764</b>       |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>    | <b>9,241,613</b>   | <b>9,241,613</b>     |
|      | <b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>              |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | JOINT CHIEFS OF STAFF .....                                   | 2,000              | 2,000                |
| 020  | SPECIAL OPERATIONS COMMAND .....                              | 2,503,060          | 2,503,060            |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>2,505,060</b>   | <b>2,505,060</b>     |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                    |                      |
| 080  | DEFENSE CONTRACT AUDIT AGENCY .....                           | 30,674             | 30,674               |
| 090  | DEFENSE CONTRACT MANAGEMENT AGENCY .....                      | 69,803             | 69,803               |
| 110  | DEFENSE HUMAN RESOURCES ACTIVITY .....                        | 3,334              | 3,334                |
| 120  | DEFENSE INFORMATION SYSTEMS AGENCY .....                      | 152,925            | 152,925              |
| 140  | DEFENSE LEGAL SERVICES AGENCY .....                           | 102,322            | 102,322              |
| 160  | DEFENSE MEDIA ACTIVITY .....                                  | 10,823             | 10,823               |
| 180  | DEFENSE SECURITY COOPERATION AGENCY .....                     | 2,200,000          | 2,200,000            |
| 220  | DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....                | 139,830            | 139,830              |
| 260  | OFFICE OF THE SECRETARY OF DEFENSE .....                      | 87,805             | 87,805               |
| 280  | CLASSIFIED PROGRAMS .....                                     | 2,522,003          | 2,522,003            |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>5,319,519</b>   | <b>5,319,519</b>     |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b> | <b>7,824,579</b>   | <b>7,824,579</b>     |
|      | <b>OPERATION &amp; MAINTENANCE, ARMY RES</b>                  |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 030  | ECHELONS ABOVE BRIGADE .....                                  | 78,600             | 78,600               |
| 050  | LAND FORCES OPERATIONS SUPPORT .....                          | 20,811             | 20,811               |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                      | 20,726             | 20,726               |
| 100  | BASE OPERATIONS SUPPORT .....                                 | 34,400             | 34,400               |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>154,537</b>     | <b>154,537</b>       |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY RES .....</b>     | <b>154,537</b>     | <b>154,537</b>       |
|      | <b>OPERATION &amp; MAINTENANCE, NAVY RES</b>                  |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | MISSION AND OTHER FLIGHT OPERATIONS .....                     | 24,834             | 24,834               |
| 020  | INTERMEDIATE MAINTENANCE .....                                | 300                | 300                  |
| 040  | AIRCRAFT DEPOT MAINTENANCE .....                              | 13,364             | 13,364               |
| 060  | MISSION AND OTHER SHIP OPERATIONS .....                       | 8,213              | 8,213                |
| 080  | SHIP DEPOT MAINTENANCE .....                                  | 929                | 929                  |
| 100  | COMBAT SUPPORT FORCES .....                                   | 8,244              | 8,244                |
| 140  | BASE OPERATING SUPPORT .....                                  | 40                 | 40                   |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>55,924</b>      | <b>55,924</b>        |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY RES .....</b>     | <b>55,924</b>      | <b>55,924</b>        |
|      | <b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>                |                    |                      |
|      | <b>OPERATING FORCES</b>                                       |                    |                      |
| 010  | OPERATING FORCES .....  | 22,657             | 22,657               |
| 040  | BASE OPERATING SUPPORT .....                                  | 2,820              | 2,820                |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>25,477</b>      | <b>25,477</b>        |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>   | <b>25,477</b>      | <b>25,477</b>        |

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

| Line | Item  | FY 2013 Request   | Senate Authorized |
|------|---|-------------------|-------------------|
|      | <b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>              |                   |                   |
|      | <b>OPERATING FORCES</b>                                     |                   |                   |
| 010  | PRIMARY COMBAT FORCES .....                                 | 7,600             | 7,600             |
| 030  | DEPOT MAINTENANCE .....                                     | 106,768           | 106,768           |
| 050  | BASE SUPPORT .....  | 6,250             | 6,250             |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>120,618</b>    | <b>120,618</b>    |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, AF RESERVE .....</b> | <b>120,618</b>    | <b>120,618</b>    |
|      | <b>OPERATION &amp; MAINTENANCE, ARNG</b>                    |                   |                   |
|      | <b>OPERATING FORCES</b>                                     |                   |                   |
| 010  | MANEUVER UNITS .....  | 38,485            | 38,485            |
| 020  | MODULAR SUPPORT BRIGADES .....                              | 1,959             | 1,959             |
| 030  | ECHELONS ABOVE BRIGADE .....                                | 20,076            | 20,076            |
| 040  | THEATER LEVEL ASSETS .....                                  | 2,028             | 2,028             |
| 060  | AVIATION ASSETS .....                                       | 183,811           | 183,811           |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                    | 43,780            | 43,780            |
| 100  | BASE OPERATIONS SUPPORT .....                               | 70,237            | 70,237            |
| 120  | MANAGEMENT AND OPERATIONAL HQ'S .....                       | 20,072            | 20,072            |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>380,448</b>    | <b>380,448</b>    |
|      | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                   |                   |
| 160  | SERVICEWIDE COMMUNICATIONS .....                            | 2,000             | 2,000             |
|      | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>2,000</b>      | <b>2,000</b>      |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARNG .....</b>       | <b>382,448</b>    | <b>382,448</b>    |
|      | <b>OPERATION &amp; MAINTENANCE, ANG</b>                     |                   |                   |
|      | <b>OPERATING FORCES</b>                                     |                   |                   |
| 020  | MISSION SUPPORT OPERATIONS .....                            | 19,975            | 19,975            |
|      | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>19,975</b>     | <b>19,975</b>     |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE, ANG .....</b>        | <b>19,975</b>     | <b>19,975</b>     |
|      | <b>AFGHANISTAN SECURITY FORCES FUND</b>                     |                   |                   |
|      | <b>MINISTRY OF DEFENSE</b>                                  |                   |                   |
| 010  | SUSTAINMENT .....   | 2,523,825         | 2,523,825         |
| 020  | INFRASTRUCTURE .....  | 190,000           | 190,000           |
| 030  | EQUIPMENT AND TRANSPORTATION .....                          | 241,521           | 241,521           |
| 040  | TRAINING AND OPERATIONS .....                               | 758,380           | 758,380           |
|      | <b>SUBTOTAL, MINISTRY OF DEFENSE .....</b>                  | <b>3,713,726</b>  | <b>3,713,726</b>  |
|      | <b>MINISTRY OF INTERIOR</b>                                 |                   |                   |
| 050  | SUSTAINMENT .....   | 1,305,950         | 1,305,950         |
| 060  | INFRASTRUCTURE .....  | 50,000            | 50,000            |
| 070  | EQUIPMENT AND TRANSPORTATION .....                          | 84,859            | 84,859            |
| 080  | TRAINING AND OPERATIONS .....                               | 569,868           | 569,868           |
|      | <b>SUBTOTAL, MINISTRY OF INTERIOR .....</b>                 | <b>2,010,677</b>  | <b>2,010,677</b>  |
|      | <b>RELATED ACTIVITIES</b>                                   |                   |                   |
| 090  | SUSTAINMENT .....   | 18,325            | 18,325            |
| 100  | INFRASTRUCTURE .....  | 1,200             | 1,200             |
| 110  | EQUIPMENT & TRANSPORTATION .....                            | 1,239             | 1,239             |
| 120  | TRAINING AND OPERATIONS .....                               | 4,000             | 4,000             |
|      | <b>SUBTOTAL, RELATED ACTIVITIES .....</b>                   | <b>24,764</b>     | <b>24,764</b>     |
|      | <b>TOTAL, AFGHANISTAN SECURITY FORCES FUND .....</b>        | <b>5,749,167</b>  | <b>5,749,167</b>  |
|      | <b>AFGHANISTAN INFRASTRUCTURE FUND</b>                      |                   |                   |
| 010  | POWER .....   | 400,000           | 350,000           |
|      | Program decrease .....                                      |                   | [-50,000]         |
|      | <b>TOTAL, AFGHANISTAN INFRASTRUCTURE FUND .....</b>         | <b>400,000</b>    | <b>350,000</b>    |
|      | <b>TOTAL, OPERATION &amp; MAINTENANCE .....</b>             | <b>62,512,514</b> | <b>62,222,514</b> |

## TITLE XLIV—MILITARY PERSONNEL

## SEC. 4401. MILITARY PERSONNEL.

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

| Item  | FY 2013<br>Request | Senate<br>Authorized |
|---|--------------------|----------------------|
| MILITARY PERSONNEL .....                                | 135,111,799        | 135,117,799          |
| BAH for Full-time Guard Transition to Active Duty ..... |                    | [6,000]              |
| <b>TOTAL, MILITARY PERSONNEL</b> .....                  | <b>135,111,799</b> | <b>135,117,799</b>   |

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS  
CONTINGENCY OPERATIONS.**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Item                                   | FY 2013<br>Request | Senate<br>Authorized |
|--|--------------------|----------------------|
| MILITARY PERSONNEL .....               | 14,060,094         | 14,060,094           |
| <b>TOTAL, MILITARY PERSONNEL</b> ..... | <b>14,060,094</b>  | <b>14,060,094</b>    |

**TITLE XLV—OTHER AUTHORIZATIONS**

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

| Line | Item  | FY 2013<br>Request | Senate<br>Authorized |
|------|---|--------------------|----------------------|
|      | <b>WORKING CAPITAL FUND, ARMY</b>                       |                    |                      |
| 010  | PREPOSITIONED WAR RESERVE STOCKS .....                  | 60,037             | 60,037               |
|      | <b>TOTAL, WORKING CAPITAL FUND, ARMY</b> .....          | <b>60,037</b>      | <b>60,037</b>        |
|      | <b>WORKING CAPITAL FUND, AIR FORCE</b>                  |                    |                      |
| 010  | C-17 CLS ENGINE REPAIR .....                            | 0                  | 0                    |
| 020  | TRANSPORTATION FALLEN HEROES .....                      | 0                  | 0                    |
| 040  | SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....           | 45,452             | 45,452               |
|      | <b>TOTAL, WORKING CAPITAL FUND, AIR FORCE</b> .....     | <b>45,452</b>      | <b>45,452</b>        |
|      | <b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>               |                    |                      |
| 010  | DEFENSE LOGISTICS AGENCY (DLA) .....                    | 39,135             | 39,135               |
|      | <b>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....  | <b>39,135</b>      | <b>39,135</b>        |
|      | <b>WORKING CAPITAL FUND, DECA</b>                       |                    |                      |
| 010  | WORKING CAPITAL FUND, DECA .....                        | 1,371,560          | 1,371,560            |
|      | <b>TOTAL, WORKING CAPITAL FUND, DECA</b> .....          | <b>1,371,560</b>   | <b>1,371,560</b>     |
|      | <b>NATIONAL DEFENSE SEALIFT FUND</b>                    |                    |                      |
| 010  | T-AKE .....   | 0                  | 0                    |
| 020  | MPF MLP .....   | 38,000             | 38,000               |
| 030  | POST DELIVERY AND OUTFITTING .....                      | 39,386             | 39,386               |
| 040  | NATIONAL DEF SEALIFT VESSEL .....                       | 0                  | 0                    |
| 050  | LG MED SPD RO/RO MAINTENANCE .....                      | 128,819            | 128,819              |
| 060  | DOD MOBILIZATION ALTERATIONS .....                      | 26,598             | 26,598               |
| 070  | TAH MAINTENANCE .....                                   | 29,199             | 29,199               |
| 080  | RESEARCH AND DEVELOPMENT .....                          | 42,811             | 42,811               |
| 090  | READY RESERVE FORCE .....                               | 303,323            | 303,323              |
| 100  | MARAD SHIP FINANCING GUARANTEE PROGRAM .....            | 0                  | 0                    |
|      | <b>TOTAL, NATIONAL DEFENSE SEALIFT FUND</b> .....       | <b>608,136</b>     | <b>608,136</b>       |
|      | <b>DEFENSE HEALTH PROGRAM</b>                           |                    |                      |
|      | <b>DHP, OPERATION &amp; MAINTENANCE</b>                 |                    |                      |
| 010  | IN-HOUSE CARE .....                                     | 8,625,507          | 8,625,507            |
| 020  | PRIVATE SECTOR CARE .....                               | 16,148,263         | 16,148,263           |
| 030  | CONSOLIDATED HEALTH SUPPORT .....                       | 2,309,185          | 2,309,185            |
| 040  | INFORMATION MANAGEMENT .....                            | 1,465,328          | 1,465,328            |
| 050  | MANAGEMENT ACTIVITIES .....                             | 332,121            | 332,121              |
| 060  | EDUCATION AND TRAINING .....                            | 722,081            | 722,081              |
| 070  | BASE OPERATIONS/COMMUNICATIONS .....                    | 1,746,794          | 1,746,794            |
| 070A | UNDISTRIBUTED .....                                     |                    | 452,000              |
|      | Restore DOD assumed Savings for TRICARE Proposals ..... |                    | [452,000]            |
|      | <b>SUBTOTAL, DHP, OPERATION &amp; MAINTENANCE</b> ..... | <b>31,349,279</b>  | <b>31,801,279</b>    |

| SEC. 4501. OTHER AUTHORIZATIONS<br>(In Thousands of Dollars) |  |                    |                      |  |
|--|--|--------------------|----------------------|--|
| Line   | Item   | FY 2013<br>Request | Senate<br>Authorized |  |
|  | <b>DHP, RDT&amp;E</b>  |                    |                      |  |
| 080  | DEFENSE HEALTH PROGRAM .....   | 672,977            | 672,977              |  |
|  | <b>SUBTOTAL, DHP, RDT&amp;E .....</b>                                | <b>672,977</b>     | <b>672,977</b>       |  |
|  | <b>DHP, PROCUREMENT</b>  |                    |                      |  |
| 090  | DEFENSE HEALTH PROGRAM .....   | 506,462            | 506,462              |  |
|  | <b>SUBTOTAL, DHP, PROCUREMENT</b>                                    |                    |                      |  |
|  | <b>TOTAL, DEFENSE HEALTH PROGRAM .....</b>                           | <b>32,528,718</b>  | <b>32,980,718</b>    |  |
|  | <b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>                       |                    |                      |  |
| 001  | OPERATION & MAINTENANCE .....  | 635,843            | 635,843              |  |
| 002  | RDT&E .....  | 647,351            | 647,351              |  |
| 003  | PROCUREMENT .....  | 18,592             | 18,592               |  |
|  | <b>TOTAL, CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>          | <b>1,301,786</b>   | <b>1,301,786</b>     |  |
|  | <b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>              |                    |                      |  |
| 010  | DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF .....                   | 889,545            | 863,645              |  |
|  | Transfer to Demand Reduction Program .....                           |                    | [-25,900]            |  |
| 020  | DRUG DEMAND REDUCTION PROGRAM .....                                  | 109,818            | 135,718              |  |
|  | Expanded drug testing .....  |                    | [25,900]             |  |
|  | <b>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b> | <b>999,363</b>     | <b>999,363</b>       |  |
|  | <b>OFFICE OF THE INSPECTOR GENERAL</b>                               |                    |                      |  |
| 010  | OPERATION & MAINTENANCE .....  | 272,821            | 331,921              |  |
|  | DoD IG growth plan .....   |                    | [59,100]             |  |
| 020  | RDT&E .....  | 0                  | 0                    |  |
| 030  | PROCUREMENT .....  | 1,000              | 1,000                |  |
|  | <b>TOTAL, OFFICE OF THE INSPECTOR GENERAL .....</b>                  | <b>273,821</b>     | <b>332,921</b>       |  |
|  | <b>TOTAL, OTHER AUTHORIZATIONS .....</b>                             | <b>37,228,008</b>  | <b>37,739,108</b>    |  |

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVER-  
SEAS CONTINGENCY OPERATIONS.**

| SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS<br>(In Thousands of Dollars) |  |                    |                      |  |
|--|--|--------------------|----------------------|--|
| Line   | Item   | FY 2013<br>Request | Senate<br>Authorized |  |
|  | <b>WORKING CAPITAL FUND, ARMY</b>                                    |                    |                      |  |
| 010  | PREPOSITIONED WAR RESERVE STOCKS .....                               | 42,600             | 42,600               |  |
|  | <b>TOTAL, WORKING CAPITAL FUND, ARMY .....</b>                       | <b>42,600</b>      | <b>42,600</b>        |  |
|  | <b>WORKING CAPITAL FUND, AIR FORCE</b>                               |                    |                      |  |
| 010  | C-17 CLS ENGINE REPAIR .....   | 230,400            | 230,400              |  |
| 020  | TRANSPORTATION FALLEN HEROES .....                                   | 10,000             | 10,000               |  |
|  | <b>TOTAL, WORKING CAPITAL FUND, AIR FORCE .....</b>                  | <b>240,400</b>     | <b>240,400</b>       |  |
|  | <b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>                            |                    |                      |  |
| 010  | DEFENSE LOGISTICS AGENCY (DLA) .....                                 | 220,364            | 220,364              |  |
|  | <b>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>               | <b>220,364</b>     | <b>220,364</b>       |  |
|  | <b>DEFENSE HEALTH PROGRAM</b>  |                    |                      |  |
|  | <b>DHP, OPERATION &amp; MAINTENANCE</b>                              |                    |                      |  |
| 010  | IN-HOUSE CARE .....  | 483,326            | 483,326              |  |
| 020  | PRIVATE SECTOR CARE .....  | 376,982            | 376,982              |  |
| 030  | CONSOLIDATED HEALTH SUPPORT .....                                    | 111,675            | 111,675              |  |
| 040  | INFORMATION MANAGEMENT .....   | 4,773              | 4,773                |  |
| 050  | MANAGEMENT ACTIVITIES .....  | 660                | 660                  |  |
| 060  | EDUCATION AND TRAINING .....   | 15,370             | 15,370               |  |
| 070  | BASE OPERATIONS/COMMUNICATIONS .....                                 | 1,112              | 1,112                |  |
|  | <b>SUBTOTAL, DHP, OPERATION &amp; MAINTENANCE</b>                    |                    |                      |  |
|  | <b>TOTAL, DEFENSE HEALTH PROGRAM .....</b>                           | <b>993,898</b>     | <b>993,898</b>       |  |
|  | <b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>              |                    |                      |  |
| 010  | DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF .....                   | 469,025            | 469,025              |  |
|  | <b>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b> | <b>469,025</b>     | <b>469,025</b>       |  |
|  | <b>OFFICE OF THE INSPECTOR GENERAL</b>                               |                    |                      |  |
| 010  | OPERATION & MAINTENANCE .....  | 10,766             | 10,766               |  |



**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| Line | Item  | FY 2013 Request  | Senate Authorized |
|------|---|------------------|-------------------|
|      | <b>TOTAL, OFFICE OF THE INSPECTOR GENERAL .....</b> | <b>10,766</b>    | <b>10,766</b>     |
|      | <b>TOTAL, OTHER AUTHORIZATIONS .....</b>            | <b>1,977,053</b> | <b>1,977,053</b>  |

**TITLE XLVI—MILITARY CONSTRUCTION**  
**SEC. 4601. MILITARY CONSTRUCTION.**

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| Account            | State or Country and Installation | Project Title                                    | Budget Request | Senate Agreement |
|--------------------|-----------------------------------|--|----------------|------------------|
| <b>ARMY Milcon</b> |                                   |  |                |                  |
|                    | Alaska                            |  |                |                  |
| ARMY               | Fort Wainwright                   | Modified Record Fire Range .....                 | 10,400         | 10,400           |
| ARMY               | Joint Base Elmendorf-Richardson   | Modified Record Fire Range .....                 | 7,900          | 7,900            |
|                    | California                        |  |                |                  |
| ARMY               | Concord                           | Lightning Protection System .....                | 5,800          | 5,800            |
| ARMY               | Concord                           | Engineering/Housing Maintenance Shop .....       | 3,100          | 3,100            |
|                    | Colorado                          |  |                |                  |
| ARMY               | Fort Carson, Colorado             | Digital Multipurpose Training Range .....        | 18,000         | 18,000           |
|                    | District of Columbia              |  |                |                  |
| ARMY               | Fort McNair                       | Vehicle Storage Building, Installation .....     | 7,200          | 7,200            |
|                    | Georgia                           |  |                |                  |
| ARMY               | Fort Benning                      | Ground Source Heat Transfer System .....         | 16,000         | 16,000           |
| ARMY               | Fort Gordon                       | Modified Record Fire Range .....                 | 4,000          | 4,000            |
| ARMY               | Fort Gordon                       | Multipurpose Machine Gun Range .....             | 7,100          | 7,100            |
| ARMY               | Fort Gordon                       | Ground Source Heat Transfer System .....         | 12,200         | 12,200           |
| ARMY               | Fort Stewart, Georgia             | Digital Multipurpose Training Range .....        | 22,000         | 22,000           |
| ARMY               | Fort Stewart, Georgia             | Automated Combat Pistol Qual Crse .....          | 3,650          | 3,650            |
| ARMY               | Fort Stewart, Georgia             | Unmanned Aerial Vehicle Complex .....            | 24,000         | 24,000           |
|                    | Hawaii                            |  |                |                  |
| ARMY               | Pohakuloa Training Area           | Automated Infantry Platoon Battle Course .....   | 29,000         | 29,000           |
| ARMY               | Schofield Barracks                | Barracks .....                                   | 41,000         | 41,000           |
| ARMY               | Schofield Barracks                | Barracks .....                                   | 55,000         | 55,000           |
| ARMY               | Wheeler Army Air Field            | Combat Aviation Brigade Barracks .....           | 85,000         | 85,000           |
|                    | Kansas                            |  |                |                  |
| ARMY               | Fort Riley, Kansas                | Unmanned Aerial Vehicle Complex .....            | 12,200         | 12,200           |
|                    | Kentucky                          |  |                |                  |
| ARMY               | Fort Campbell, Kentucky           | Battalion Headquarters Complex .....             | 55,000         | 55,000           |
| ARMY               | Fort Campbell, Kentucky           | Live Fire Exercise Shoothouse .....              | 3,800          | 3,800            |
| ARMY               | Fort Campbell, Kentucky           | Unmanned Aerial Vehicle Complex .....            | 23,000         | 23,000           |
| ARMY               | Fort Knox                         | Automated Infantry Squad Battle Course .....     | 6,000          | 6,000            |
|                    | Missouri                          |  |                |                  |
| ARMY               | Fort Leonard Wood                 | Trainee Barracks Complex 3, Ph 2 .....           | 58,000         | 58,000           |
| ARMY               | Fort Leonard Wood                 | Vehicle Maintenance Shop .....                   | 39,000         | 39,000           |
| ARMY               | Fort Leonard Wood                 | Battalion Complex Facilities .....               | 26,000         | 26,000           |
|                    | New Jersey                        |  |                |                  |
| ARMY               | Picatinny Arsenal                 | Ballistic Evaluation Center .....                | 10,200         | 10,200           |
| ARMY               | Joint Base McGuire-Dix-Lakehurst  | Flight Equipment Complex .....                   | 47,000         | 47,000           |
|                    | New York                          |  |                |                  |
| ARMY               | Fort Drum, New York               | Aircraft Maintenance Hangar .....                | 95,000         | 95,000           |
| ARMY               | U.S. Military Academy             | Cadet Barracks .....                             | 192,000        | 0                |
|                    | North Carolina                    |  |                |                  |
| ARMY               | Fort Bragg                        | Aerial Gunnery Range .....                       | 42,000         | 42,000           |
| ARMY               | Fort Bragg                        | Infrastructure .....                             | 30,000         | 0                |
| ARMY               | Fort Bragg                        | Unmanned Aerial Vehicle Complex .....            | 26,000         | 26,000           |
|                    | Oklahoma                          |  |                |                  |
| ARMY               | Fort Sill                         | Modified Record Fire Range .....                 | 4,900          | 4,900            |
|                    | South Carolina                    |  |                |                  |
| ARMY               | Fort Jackson                      | Trainee Barracks Complex 2, Ph 2 .....           | 24,000         | 24,000           |
|                    | Texas                             |  |                |                  |
| ARMY               | Corpus Christi                    | Aircraft Component Maintenance Shop .....        | 13,200         | 13,200           |
| ARMY               | Corpus Christi                    | Aircraft Paint Shop .....                        | 24,000         | 24,000           |
| ARMY               | Fort Bliss                        | Multipurpose Machine Gun Range .....             | 7,200          | 7,200            |
| ARMY               | Fort Hood, Texas                  | Modified Record Fire Range .....                 | 4,200          | 4,200            |
| ARMY               | Fort Hood, Texas                  | Training Aids Center .....                       | 25,000         | 25,000           |
| ARMY               | Fort Hood, Texas                  | Unmanned Aerial Vehicle Complex .....            | 22,000         | 22,000           |
| ARMY               | Joint Base San Antonio            | Barracks .....                                   | 21,000         | 21,000           |
|                    | Virginia                          |  |                |                  |
| ARMY               | Arlington                         | Cemetery Expansion Millennium Site .....         | 84,000         | 0                |
| ARMY               | Fort Belvoir                      | Secure Admin/Operations Facility .....           | 94,000         | 94,000           |
| ARMY               | Fort Lee                          | Adv Individual Training Barracks Cplx, Ph2 ..... | 81,000         | 81,000           |
|                    | Washington                        |  |                |                  |
| ARMY               | Yakima                            | Convoy Live Fire Range .....                     | 5,100          | 5,100            |
| ARMY               | Joint Base Lewis-McChord          | Battalion Complex .....                          | 73,000         | 73,000           |
| ARMY               | Joint Base Lewis-McChord          | Waste Water Treatment Plant .....                | 91,000         | 91,000           |
|                    | Italy                             |  |                |                  |

| SEC. 4601. MILITARY CONSTRUCTION<br>(In Thousands of Dollars) |                                       |   |                  |                  |
|---|---------------------------------------|---|------------------|------------------|
| Account   | State or Country and Installation     | Project Title                                     | Budget Request   | Senate Agreement |
| ARMY  | Camp Ederle                           | Barracks .....                                    | 36,000           | 36,000           |
| ARMY  | Vicenza                               | Simulations Center .....                          | 32,000           | 32,000           |
|   | Japan                                 |   |                  |                  |
| ARMY  | Okinawa                               | Satellite Communications Facility .....           | 78,000           | 78,000           |
| ARMY  | Sagami                                | Vehicle Maintenance Shop .....                    | 18,000           | 18,000           |
|   | Korea                                 |   |                  |                  |
| ARMY  | Camp Humphreys                        | Battalion Headquarters Complex .....              | 45,000           | 45,000           |
|   | Worldwide Unspec                      |   |                  |                  |
| ARMY  | Unspecified Worldwide Locations       | Minor Construction FY 13 .....                    | 25,000           | 25,000           |
| ARMY  | Unspecified Worldwide Locations       | Host Nation Support FY 13 .....                   | 34,000           | 34,000           |
| ARMY  | Unspecified Worldwide Locations       | Planning and Design FY13 .....                    | 65,173           | 46,173           |
| <b>Milcon, A—SUBTOTAL .....</b>                               |                                       |   | <b>1,923,323</b> | <b>1,598,323</b> |
| <b>NAVY Milcon</b>  |                                       |   |                  |                  |
|   | Arizona                               |   |                  |                  |
| NAVY  | Yuma                                  | Security Operations Complex .....                 | 13,300           | 13,300           |
| NAVY  | Yuma                                  | Combat Aircraft Loading Apron .....               | 15,985           | 15,985           |
|   | California                            |   |                  |                  |
| NAVY  | Camp Pendleton, California            | Comm. Information Systems Ops Complex .....       | 78,897           | 78,897           |
| NAVY  | Camp Pendleton, California            | San Jacinto Road Extension .....                  | 5,074            | 5,074            |
| NAVY  | Camp Pendleton, California            | MV22 Aviation Simulator Building .....            | 4,139            | 4,139            |
| NAVY  | Ventura County                        | BAMS Maintenance Training Facility .....          | 14,843           | 12,790           |
| NAVY  | Miramar                               | Hangar 5 Renovations & Addition .....             | 27,897           | 27,897           |
| NAVY  | San Diego                             | Entry Control Point (Gate Five) .....             | 11,752           | 11,752           |
| NAVY  | San Diego                             | LCS Training Facility .....                       | 59,436           | 59,436           |
| NAVY  | Seal Beach                            | Strategic Systems Weapons Eval. Test Lab .....    | 30,594           | 30,594           |
| NAVY  | Twentynine Palms, California          | Land Expansion Phase 2 .....                      | 47,270           | 47,270           |
| NAVY  | Coronado                              | Bachelor Quarters .....                           | 76,063           | 76,063           |
| NAVY  | Coronado                              | H-60S Simulator Training Facility .....           | 2,478            | 2,478            |
|   | Florida                               |   |                  |                  |
| NAVY  | Jacksonville                          | BAMS Mission Control Complex .....                | 21,980           | 21,980           |
|   | Hawaii                                |   |                  |                  |
| NAVY  | Kaneohe Bay                           | MV-22 Hangar and Infrastructure .....             | 82,630           | 82,630           |
| NAVY  | Kaneohe Bay                           | Aircraft Staging Area .....                       | 14,680           | 14,680           |
|   | Mississippi                           |   |                  |                  |
| NAVY  | Meridian                              | Dining Facility .....                             | 10,926           | 10,926           |
|   | New Jersey                            |   |                  |                  |
| NAVY  | Earle                                 | Combat System Engineering Building Addition ..... | 33,498           | 33,498           |
|   | North Carolina                        |   |                  |                  |
| NAVY  | Camp Lejeune, North Carolina          | Staff NCO Academy Facilities .....                | 28,986           | 28,986           |
| NAVY  | Camp Lejeune, North Carolina          | Base Access and Road—Phase 3 .....                | 40,904           | 40,904           |
| NAVY  | Cherry Point Marine Corps Air Station | Marine Air Support Squadron Compound .....        | 34,310           | 34,310           |
| NAVY  | Cherry Point Marine Corps Air Station | Armory .....                                      | 11,581           | 11,581           |
| NAVY  | New River                             | Personnel Administration Center .....             | 8,525            | 8,525            |
|   | South Carolina                        |   |                  |                  |
| NAVY  | Beaufort                              | Ground Support Equipment Shop .....               | 9,465            | 9,465            |
| NAVY  | Beaufort                              | Simulated LHD Flight Deck .....                   | 12,887           | 12,887           |
| NAVY  | Beaufort                              | Recycling/Hazardous Waste Facility .....          | 3,743            | 3,743            |
| NAVY  | Beaufort                              | Aircraft Maintenance Hangar .....                 | 42,010           | 42,010           |
| NAVY  | Beaufort                              | Airfield Security Upgrades .....                  | 13,675           | 13,675           |
| NAVY  | Parris Island                         | Front Gate ATPF Improvements .....                | 10,135           | 10,135           |
|   | Virginia                              |   |                  |                  |
| NAVY  | Dahlgren                              | Cruiser/Destroyer Upgrade Training Facility ..... | 16,494           | 16,494           |
| NAVY  | Dahlgren                              | Physical Fitness Center .....                     | 11,734           | 11,734           |
| NAVY  | Oceana Naval Air Station              | A School Barracks .....                           | 39,086           | 39,086           |
| NAVY  | Portsmouth                            | Drydock 8 Electrical Distribution Upgrade .....   | 32,706           | 32,706           |
| NAVY  | Quantico                              | The Basic School Student Quarters—Phase 7 .....   | 31,012           | 31,012           |
| NAVY  | Quantico                              | Infrastructure—Widen Russell Road .....           | 14,826           | 14,826           |
| NAVY  | Quantico                              | Weapons Training Battalion Mess Hall .....        | 12,876           | 12,876           |
| NAVY  | Yorktown                              | Regimental Headquarters .....                     | 11,015           | 11,015           |
| NAVY  | Yorktown                              | Bachelor Enlisted Quarters .....                  | 18,422           | 18,422           |
| NAVY  | Yorktown                              | Motor Transportation Facility .....               | 6,188            | 6,188            |
| NAVY  | Yorktown                              | Supply Warehouse Facility .....                   | 8,939            | 8,939            |
| NAVY  | Yorktown                              | Armory .....                                      | 4,259            | 4,259            |
|   | Washington                            |   |                  |                  |
| NAVY  | Whidbey Island                        | EA-18G Flight Simulator Facility .....            | 6,272            | 6,272            |
| NAVY  | Kitsap                                | Explosives Handling Wharf #2 (INC) .....          | 280,041          | 254,241          |
|   | Bahrain Island                        |   |                  |                  |
| NAVY  | SW Asia                               | Transient Quarters .....                          | 41,529           | 41,529           |
| NAVY  | SW Asia                               | Combined Dining Facility .....                    | 9,819            | 9,819            |
|   | Diego Garcia                          |   |                  |                  |
| NAVY  | Diego Garcia                          | Communications Infrastructure .....               | 1,691            | 1,691            |
|   | Greece                                |   |                  |                  |
| NAVY  | Souda Bay                             | Aircraft Parking Apron Expansion .....            | 20,493           | 20,493           |
| NAVY  | Souda Bay                             | Intermodal Access Road .....                      | 4,630            | 4,630            |
|   | Guam                                  |   |                  |                  |
| NAVY  | Joint Region Marianas                 | North Ramp Parking (Andersen AFB)—INC 2 .....     | 25,904           | 0                |
|   | Japan                                 |   |                  |                  |

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| Account                          | State or Country and Installation | Project Title                                       | Budget Request   | Senate Agreement |
|----------------------------------|-----------------------------------|---|------------------|------------------|
| NAVY                             | Iwakuni                           | Maintenance Hangar Improvements .....               | 5,722            | 5,722            |
| NAVY                             | Iwakuni                           | Vertical Take-Off and Landing Pad North .....       | 7,416            | 7,416            |
| NAVY                             | Okinawa                           | Bachelor Quarters .....                             | 8,206            | 8,206            |
|                                  | Romania                           |   |                  |                  |
| NAVY                             | Deveselu, Romania                 | AEGIS Ashore Missile Defense Complex .....          | 45,205           | 45,205           |
|                                  | Spain                             |   |                  |                  |
| NAVY                             | Rota                              | General Purpose Warehouse .....                     | 3,378            | 3,378            |
| NAVY                             | Rota                              | High Explosive Magazine .....                       | 13,837           | 13,837           |
|                                  | Worldwide Unspec                  |   |                  |                  |
| NAVY                             | Various Worldwide Locations       | BAMS Operational Facilities .....                   | 34,048           | 34,048           |
|                                  | Djibouti                          |   |                  |                  |
| NAVY                             | Camp Lemonier, Djibouti           | Containerized Living and Work Units .....           | 7,510            | 7,510            |
| NAVY                             | Camp Lemonier, Djibouti           | Galley Addition and Warehouse .....                 | 22,220           | 22,220           |
| NAVY                             | Camp Lemonier, Djibouti           | Joint HQ/Joint Operations Center Facility .....     | 42,730           | 42,730           |
| NAVY                             | Camp Lemonier, Djibouti           | Fitness Center .....                                | 26,960           | 26,960           |
|                                  | Worldwide Unspec                  |   |                  |                  |
| NAVY                             | Unspecified Worldwide Locations   | Unspecified Minor Construction .....                | 16,535           | 16,535           |
| NAVY                             | Unspecified Worldwide Locations   | MCON Design Funds .....                             | 102,619          | 102,619          |
| <b>Milcon, N—SUBTOTAL .....</b>  |                                   |   | <b>1,701,985</b> | <b>1,648,228</b> |
| <b>AF Milcon</b>                 |                                   |   |                  |                  |
|                                  | Arkansas                          |   |                  |                  |
| AF                               | Little Rock AFB                   | C-130J Fuel Systems Maintenance Hangar .....        | 26,000           | 26,000           |
| AF                               | Little Rock AFB                   | C-130J Flight Simulator Addition .....              | 4,178            | 4,178            |
|                                  | Florida                           |   |                  |                  |
| AF                               | Tyndall AFB                       | F-22 ADAL Hangar for Low Observable/Composite ..... | 14,750           | 14,750           |
|                                  | Georgia                           |   |                  |                  |
| AF                               | Fort Stewart, Georgia             | Air Support Operations Center (ASOC) .....          | 7,250            | 7,250            |
| AF                               | Moody AFB                         | HC-130J Simulator Facility .....                    | 8,500            | 8,500            |
|                                  | Nebraska                          |   |                  |                  |
| AF                               | Offutt AFB                        | US STRATCOM Replacement Facility, Incr 2 .....      | 161,000          | 128,000          |
|                                  | New Mexico                        |   |                  |                  |
| AF                               | Holloman AFB                      | MQ-9 Maintenance Hangar .....                       | 25,000           | 25,000           |
|                                  | North Dakota                      |   |                  |                  |
| AF                               | Minot AFB                         | B-52 Add/Alter Munitions AGE Facility .....         | 4,600            | 4,600            |
|                                  | Texas                             |   |                  |                  |
| AF                               | Joint Base San Antonio            | Dormitory (144 Rm) .....                            | 18,000           | 18,000           |
|                                  | Utah                              |   |                  |                  |
| AF                               | Hill AFB                          | F-35 ADAL Hangar 45W/AMU .....                      | 7,250            | 7,250            |
| AF                               | Hill AFB                          | F-35 Modular Storage Magazines .....                | 2,280            | 2,280            |
| AF                               | Hill AFB                          | F-35 ADAL Building 118 for Flight Simulator .....   | 4,000            | 4,000            |
|                                  | Greenland                         |   |                  |                  |
| AF                               | Thule Ab                          | Dormitory (48 PN) .....                             | 24,500           | 24,500           |
|                                  | Italy                             |   |                  |                  |
| AF                               | Aviano Ab                         | F-16 Mission Training Center .....                  | 9,400            | 9,400            |
|                                  | Worldwide Unspec                  |   |                  |                  |
| AF                               | Unspecified Worldwide Locations   | Transient Contingency Dormitory—100 Rm .....        | 17,625           | 0                |
| AF                               | Unspecified Worldwide Locations   | Transient Aircraft Hangars .....                    | 15,032           | 0                |
| AF                               | Unspecified Worldwide Locations   | Sanitary Sewer Lift/Pump Station .....              | 2,000            | 2,000            |
| AF                               | Various Worldwide Locations       | Unspecified Minor Construction .....                | 18,200           | 18,200           |
| AF                               | Unspecified Worldwide Locations   | Planning and Design .....                           | 18,635           | 18,635           |
| <b>Milcon, AF—SUBTOTAL .....</b> |                                   |   | <b>388,200</b>   | <b>322,543</b>   |
| <b>DEF-WIDE Milcon</b>           |                                   |   |                  |                  |
|                                  | Belgium                           |   |                  |                  |
| DEFW                             | Brussels                          | NATO Headquarters Facility .....                    | 26,969           | 26,969           |
|                                  | Worldwide Unspec                  |   |                  |                  |
| DEFW                             | Unspecified Worldwide Locations   | Energy Conservation Investment Program .....        | 150,000          | 150,000          |
| DEFW                             | Unspecified Worldwide Locations   | Contingency Construction .....                      | 10,000           | 10,000           |
|                                  | Texas                             |   |                  |                  |
| DFAS                             | Red River Army Depot              | DFAS Facility .....                                 | 16,715           | 16,715           |
|                                  | Illinois                          |   |                  |                  |
| DISA                             | Scott AFB                         | DISA Facility Upgrades .....                        | 84,111           | 84,111           |
|                                  | Germany                           |   |                  |                  |
| DISA                             | Stuttgart-Patch Barracks          | DISA Europe Facility Upgrades .....                 | 2,413            | 2,413            |
|                                  | Arizona                           |   |                  |                  |
| DLA                              | Yuma                              | Truck Unload Facility .....                         | 1,300            | 1,300            |
|                                  | California                        |   |                  |                  |
| DLA                              | Def Fuel Support Point—San Diego  | Replace Fuel Pier .....                             | 91,563           | 91,563           |
| DLA                              | Edwards Air Force Base            | Replace Fuel Storage .....                          | 27,500           | 27,500           |
|                                  | Delaware                          |   |                  |                  |
| DLA                              | Dover AFB                         | Replace Truck Off-Load Facility .....               | 2,000            | 2,000            |
|                                  | Florida                           |   |                  |                  |
| DLA                              | Hurlburt Field                    | Construct Fuel Storage Facility .....               | 16,000           | 16,000           |
|                                  | Indiana                           |   |                  |                  |
| DLA                              | Grissom ARB                       | Replace Hydrant Fuel System .....                   | 26,800           | 26,800           |
|                                  | Louisiana                         |   |                  |                  |

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| Account | State or Country and Installation | Project Title                                      | Budget Request | Senate Agreement |
|---------|-----------------------------------|--|----------------|------------------|
| DLA     | Barksdale AFB                     | Upgrade Pumphouse .....                            | 11,700         | 11,700           |
|         | North Carolina                    |  |                |                  |
| DLA     | Seymour Johnson AFB               | Replace Pipeline .....                             | 1,850          | 1,850            |
|         | Pennsylvania                      |  |                |                  |
| DLA     | Def Dist Depot New Cumberland     | Replace Sewage Treatment Plant .....               | 6,300          | 6,300            |
| DLA     | Def Dist Depot New Cumberland     | Replace Communications Building .....              | 6,800          | 6,800            |
| DLA     | Def Dist Depot New Cumberland     | Replace Reservoir .....                            | 4,300          | 4,300            |
|         | Guam                              |  |                |                  |
| DLA     | Andersen AFB                      | Upgrade Fuel Pipeline .....                        | 67,500         | 0                |
|         | Guantanamo Bay, Cuba              |  |                |                  |
| DLA     | Guantanamo Bay                    | Replace Truck Load Facility .....                  | 2,600          | 2,600            |
| DLA     | Guantanamo Bay                    | Replace Fuel Pier .....                            | 37,600         | 37,600           |
|         | Kentucky                          |  |                |                  |
| DODEA   | Fort Campbell, Kentucky           | Replace Barkley Elementary School .....            | 41,767         | 41,767           |
|         | Germany                           |  |                |                  |
| DODEA   | Vogelweh                          | Replace Vogelweh Elementary School .....           | 61,415         | 61,415           |
| DODEA   | Weisbaden                         | Weisbaden High School Addition .....               | 52,178         | 52,178           |
|         | Japan                             |  |                |                  |
| DODEA   | Camp Zama                         | Renovate Zama High School .....                    | 13,273         | 13,273           |
| DODEA   | Kadena AB                         | Replace Elementary School .....                    | 71,772         | 71,772           |
| DODEA   | Kadena AB                         | Replace Stearley Heights Elementary School .....   | 71,773         | 71,773           |
| DODEA   | Zukeran                           | Replace Zukeran Elementary School .....            | 79,036         | 79,036           |
| DODEA   | Sasebo                            | Replace Sasebo Elementary School .....             | 35,733         | 35,733           |
|         | Korea                             |  |                |                  |
| DODEA   | Osan AFB                          | Replace Osan Elementary School .....               | 42,692         | 42,692           |
|         | United Kingdom                    |  |                |                  |
| DODEA   | RAF Feltwell                      | Feltwell Elementary School Addition .....          | 30,811         | 30,811           |
| DODEA   | Menwith Hill Station              | Replace Menwith Hill Elementary/High School .....  | 46,488         | 46,488           |
|         | New York                          |  |                |                  |
| MDA     | Fort Drum, New York               | IDT Complex .....                                  | 25,900         | 25,900           |
|         | Romania                           |  |                |                  |
| MDA     | Deveselu, Romania                 | Aegis Ashore Missile Defense System Complex .....  | 157,900        | 157,900          |
|         | Colorado                          |  |                |                  |
| NSA     | Buckley Air Force Base            | Denver Power House .....                           | 30,000         | 30,000           |
|         | Maryland                          |  |                |                  |
| NSA     | Fort Meade                        | NSAW Recapitalize Building #1/Site M Inc 1 .....   | 25,000         | 25,000           |
| NSA     | Fort Meade                        | High Performance Computing Center Inc 2 .....      | 300,521        | 225,521          |
|         | Utah                              |  |                |                  |
| NSA     | Camp Williams                     | IC CNCI Data Center 1 Inc 4 .....                  | 191,414        | 191,414          |
|         | United Kingdom                    |  |                |                  |
| NSA     | Menwith Hill Station              | MHS Utilities and Roads .....                      | 3,795          | 3,795            |
|         | California                        |  |                |                  |
| SOCOM   | Coronado                          | SOF Indoor Dynamic Shooting Facility .....         | 31,170         | 31,170           |
| SOCOM   | Coronado                          | SOF Close Quarters Combat/Dynamic Shoot Fac .....  | 13,969         | 13,969           |
| SOCOM   | Coronado                          | SOF Mobile Comm Detachment Support Facility .....  | 10,120         | 10,120           |
|         | Colorado                          |  |                |                  |
| SOCOM   | Fort Carson, Colorado             | SOF Battalion Operations Complex .....             | 56,673         | 56,673           |
|         | Florida                           |  |                |                  |
| SOCOM   | Eglin AFB                         | SOF AVFID Ops and Maintenance Facilities .....     | 41,695         | 41,695           |
| SOCOM   | Macdill AFB                       | SOF Joint Special Ops University Fac (JSOU) .....  | 34,409         | 34,409           |
|         | Hawaii                            |  |                |                  |
| SOCOM   | Joint Base Pearl Harbor-Hickam    | SOF SDVT-1 Waterfront Operations Facility .....    | 24,289         | 24,289           |
|         | Kentucky                          |  |                |                  |
| SOCOM   | Fort Campbell, Kentucky           | SOF Landgraf Hangar Extension .....                | 3,559          | 3,559            |
| SOCOM   | Fort Campbell, Kentucky           | SOF Ground Support Battalion .....                 | 26,313         | 26,313           |
|         | New Mexico                        |  |                |                  |
| SOCOM   | Cannon AFB                        | SOF AC-130J Combat Parking Apron .....             | 22,062         | 22,062           |
|         | North Carolina                    |  |                |                  |
| SOCOM   | Camp Lejeune, North Carolina      | SOF Marine Battalion Company/Team Facilities ..... | 53,399         | 53,399           |
| SOCOM   | Camp Lejeune, North Carolina      | SOF Survival Evasion Resist. Escape Tng Fac .....  | 5,465          | 5,465            |
| SOCOM   | Fort Bragg                        | SOF Support Addition .....                         | 3,875          | 3,875            |
| SOCOM   | Fort Bragg                        | SOF Battalion Operations Facility .....            | 40,481         | 50,481           |
| SOCOM   | Fort Bragg                        | SOF Civil Affairs Battalion Complex .....          | 31,373         | 41,373           |
| SOCOM   | Fort Bragg                        | SOF Sustainment Brigade Complex .....              | 24,693         | 34,693           |
|         | Virginia                          |  |                |                  |
| SOCOM   | Joint Exp Base Little Creek—Story | SOF Combat Services Support Facility—East .....    | 11,132         | 11,132           |
|         | Washington                        |  |                |                  |
| SOCOM   | Fort Lewis                        | SOF Military Working Dog Kennel .....              | 3,967          | 3,967            |
| SOCOM   | Fort Lewis                        | SOF Battalion Operations Facility .....            | 46,553         | 46,553           |
|         | Conus Classified                  |  |                |                  |
| SOCOM   | Classified Location               | SOF Parachute Training Facility .....              | 6,477          | 6,477            |
|         | United Kingdom                    |  |                |                  |
| SOCOM   | RAF Mildenhall                    | SOF CV-22 Simulator Facility .....                 | 6,490          | 6,490            |
|         | California                        |  |                |                  |
| TMA     | Twentynine Palms, California      | Medical Clinic Replacement .....                   | 27,400         | 27,400           |
|         | Colorado                          |  |                |                  |
| TMA     | Pikes Peak                        | High Altitude Medical Research Lab .....           | 3,600          | 3,600            |
|         | Illinois                          |  |                |                  |
| TMA     | Great Lakes                       | Drug Laboratory Replacement .....                  | 28,700         | 28,700           |

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|---------------------------------------|-----------------------------------|---|------------------|------------------|
| TMA                                   | Scott AFB                         | Medical Logistics Warehouse .....                 | 2,600            | 2,600            |
|                                       | Maryland                          |   |                  |                  |
| TMA                                   | Annapolis                         | Health Clinic Replacement .....                   | 66,500           | 66,500           |
| TMA                                   | Bethesda Naval Hospital           | Temporary Medical Facilities .....                | 26,600           | 26,600           |
| TMA                                   | Bethesda Naval Hospital           | Base Installation Access/Appearance Plan .....    | 7,000            | 0                |
| TMA                                   | Bethesda Naval Hospital           | Electrical Capacity and Cooling Towers .....      | 35,600           | 35,600           |
| TMA                                   | Fort Detrick                      | USAMRIID Stage I, Incr 7 .....                    | 19,000           | 19,000           |
|                                       | Missouri                          |   |                  |                  |
| TMA                                   | Fort Leonard Wood                 | Dental Clinic .....                               | 18,100           | 18,100           |
|                                       | New Mexico                        |   |                  |                  |
| TMA                                   | Cannon AFB                        | Medical/Dental Clinic Replacement .....           | 71,023           | 71,023           |
|                                       | New York                          |   |                  |                  |
| TMA                                   | Fort Drum, New York               | Soldier Specialty Care Clinic .....               | 17,300           | 17,300           |
|                                       | North Carolina                    |   |                  |                  |
| TMA                                   | Camp Lejeune, North Carolina      | Medical Clinic Replacement .....                  | 21,200           | 21,200           |
| TMA                                   | Seymour Johnson AFB               | Medical Clinic Replacement .....                  | 53,600           | 53,600           |
|                                       | South Carolina                    |   |                  |                  |
| TMA                                   | Shaw AFB                          | Medical Clinic Replacement .....                  | 57,200           | 57,200           |
|                                       | Texas                             |   |                  |                  |
| TMA                                   | Fort Bliss                        | Hospital Replacement Incr 4 .....                 | 207,400          | 107,400          |
| TMA                                   | Joint Base San Antonio            | Ambulatory Care Center Phase 3 Incr .....         | 80,700           | 80,700           |
|                                       | Virginia                          |   |                  |                  |
| TMA                                   | Norfolk                           | Veterinary Facility Replacement .....             | 8,500            | 8,500            |
|                                       | Germany                           |   |                  |                  |
| TMA                                   | Rhine Ordnance Barracks           | Medical Center Replacement Incr 2 .....           | 127,000          | 127,000          |
|                                       | Korea                             |   |                  |                  |
| TMA                                   | Kunsan Air Base                   | Medical/Dental Clinic Addition .....              | 13,000           | 13,000           |
| TMA                                   | Osan AFB                          | Hospital Addition/Alteration .....                | 34,600           | 34,600           |
|                                       | Worldwide Unspec                  |   |                  |                  |
| DEFW                                  | Unspecified Worldwide Locations   | Unspecified Minor Construction .....              | 3,000            | 3,000            |
| DLA                                   | Unspecified Worldwide Locations   | Unspecified Minor Construction .....              | 7,254            | 7,254            |
| DODEA                                 | Unspecified Worldwide Locations   | Unspecified Minor Construction .....              | 4,091            | 4,091            |
| NSA                                   | Unspecified Worldwide Locations   | Unspecified Minor Milcon .....                    | 3,000            | 3,000            |
| SOCOM                                 | Unspecified Worldwide Locations   | Unspecified Minor Const .....                     | 10,000           | 10,000           |
| TJS                                   | Unspecified Worldwide Locations   | Exercise Related Minor Construction .....         | 6,440            | 6,440            |
| TMA                                   | Unspecified Worldwide Locations   | Minor Construction .....                          | 5,000            | 5,000            |
| DEFW                                  | Unspecified Worldwide Locations   | Planning and Design .....                         | 47,978           | 47,978           |
| DIA                                   | Unspecified Worldwide Locations   | Planning and Design .....                         | 2,919            | 2,919            |
| DLA                                   | Unspecified Worldwide Locations   | Planning & Design .....                           | 5,000            | 5,000            |
| DODEA                                 | Unspecified Worldwide Locations   | Planning and Design .....                         | 105,569          | 105,569          |
| MDA                                   | Unspecified Worldwide Locations   | Planning and Design .....                         | 4,548            | 4,548            |
| NSA                                   | Unspecified Worldwide Locations   | Planning and Design .....                         | 8,300            | 8,300            |
| SOCOM                                 | Unspecified Worldwide Locations   | Planning and Design .....                         | 27,620           | 27,620           |
| TMA                                   | Unspecified Worldwide Locations   | Planning and Design .....                         | 105,700          | 105,700          |
| WHS                                   | Unspecified Worldwide Locations   | Planning and Design .....                         | 7,928            | 7,928            |
| <b>Milcon,Def-Wide—SUBTOTAL .....</b> |                                   |   | <b>3,654,623</b> | <b>3,435,123</b> |
| <b>Services MILCON—TOTAL .....</b>    |                                   |   | <b>7,668,131</b> | <b>7,004,217</b> |
| <b>MCon,Army NG</b>                   |                                   |   |                  |                  |
|                                       | Alabama                           |   |                  |                  |
| ARMY, NG                              | Fort McClellan                    | Live Fire Shoot House .....                       | 5,400            | 5,400            |
|                                       | Arkansas                          |   |                  |                  |
| ARMY, NG                              | Searcy                            | Field Maintenance Shop .....                      | 6,800            | 6,800            |
|                                       | California                        |   |                  |                  |
| ARMY, NG                              | Fort Irwin                        | Maneuver Area Training & Equipment Site Ph3 ..... | 25,000           | 25,000           |
|                                       | Connecticut                       |   |                  |                  |
| ARMY, NG                              | Camp Hartell                      | Combined Support Maintenance Shop .....           | 32,000           | 32,000           |
|                                       | Delaware                          |   |                  |                  |
| ARMY, NG                              | Bethany Beach                     | Regional Training Institute Ph1 .....             | 5,500            | 5,500            |
|                                       | Florida                           |   |                  |                  |
| ARMY, NG                              | Camp Blanding                     | Combined Arms Collective Training Fac .....       | 9,000            | 9,000            |
| ARMY, NG                              | Miramar                           | Readiness Center .....                            | 20,000           | 20,000           |
|                                       | Hawaii                            |   |                  |                  |
| ARMY, NG                              | Kapolei                           | Army Aviation Support Facility Ph1 .....          | 28,000           | 28,000           |
|                                       | Idaho                             |   |                  |                  |
| ARMY, NG                              | Orchard Training Area             | ORTC(Barracks)Ph2 .....                           | 40,000           | 40,000           |
|                                       | Indiana                           |   |                  |                  |
| ARMY, NG                              | South Bend                        | Armed Forces Reserve Center Add/Ait .....         | 21,000           | 21,000           |
| ARMY, NG                              | Terre Haute                       | Field Maintenance Shop .....                      | 9,000            | 9,000            |
|                                       | Iowa                              |   |                  |                  |
| ARMY, NG                              | Camp Dodge                        | Urban Assault Course .....                        | 3,000            | 3,000            |
|                                       | Kansas                            |   |                  |                  |
| ARMY, NG                              | Topeka                            | Taxiway, Ramp & Hangar Alterations .....          | 9,500            | 9,500            |
|                                       | Kentucky                          |   |                  |                  |
| ARMY, NG                              | Frankfort                         | Army Aviation Support Facility .....              | 32,000           | 32,000           |
|                                       | Massachusetts                     |   |                  |                  |
| ARMY, NG                              | Camp Edwards                      | Unit Training Equipment Site .....                | 22,000           | 22,000           |
|                                       | Minnesota                         |   |                  |                  |

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| Account                            | State or Country and Installation   | Project Title                                    | Budget Request | Senate Agreement |
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| ARMY, NG                           | Camp Ripley                         | Scout Reconnaissance Range .....                 | 17,000         | 17,000           |
| ARMY, NG                           | St Paul                             | Readiness Center .....                           | 17,000         | 17,000           |
|                                    | Missouri                            |  |                |                  |
| ARMY, NG                           | Fort Leonard Wood                   | Regional Training Institute .....                | 18,000         | 18,000           |
| ARMY, NG                           | Kansas City                         | Readiness Center Add/Alt .....                   | 1,900          | 1,900            |
| ARMY, NG                           | Monett                              | Readiness Center Add/Alt .....                   | 820            | 820              |
| ARMY, NG                           | Perryville                          | Readiness Center Add/Alt .....                   | 700            | 700              |
|                                    | Montana                             |  |                |                  |
| ARMY, NG                           | Miles City                          | Readiness Center .....                           | 11,000         | 11,000           |
|                                    | New Jersey                          |  |                |                  |
| ARMY, NG                           | Sea Girt                            | Regional Training Institute .....                | 34,000         | 34,000           |
|                                    | New York                            |  |                |                  |
| ARMY, NG                           | Stormville                          | Combined Support Maint Shop Ph1 .....            | 24,000         | 24,000           |
|                                    | Ohio                                |  |                |                  |
| ARMY, NG                           | Chillicothe                         | Field Maintenance Shop Add/Alt .....             | 3,100          | 3,100            |
| ARMY, NG                           | Delaware                            | Readiness Center .....                           | 12,000         | 12,000           |
|                                    | Oklahoma                            |  |                |                  |
| ARMY, NG                           | Camp Gruber                         | Operations Readiness Training Complex .....      | 25,000         | 25,000           |
|                                    | Utah                                |  |                |                  |
| ARMY, NG                           | Camp Williams                       | BEQ Facility (Regional Training Institute) ..... | 15,000         | 15,000           |
| ARMY, NG                           | Camp Williams                       | Regional Training Institute Ph2 .....            | 21,000         | 21,000           |
|                                    | Washington                          |  |                |                  |
| ARMY, NG                           | Fort Lewis                          | Readiness Center .....                           | 35,000         | 35,000           |
|                                    | West Virginia                       |  |                |                  |
| ARMY, NG                           | Logan                               | Readiness Center .....                           | 14,200         | 14,200           |
|                                    | Wisconsin                           |  |                |                  |
| ARMY, NG                           | Wausau                              | Field Maintenance Shop .....                     | 10,000         | 10,000           |
|                                    | Guam                                |  |                |                  |
| ARMY, NG                           | Barrigada                           | JFHQ Ph4 .....                                   | 8,500          | 8,500            |
|                                    | Puerto Rico                         |  |                |                  |
| ARMY, NG                           | Camp Santiago                       | Readiness Center .....                           | 3,800          | 3,800            |
| ARMY, NG                           | Ceiba                               | Refill Station Building .....                    | 2,200          | 2,200            |
| ARMY, NG                           | Guaynabo                            | Readiness Center (JFHQ) .....                    | 15,000         | 15,000           |
| ARMY, NG                           | Gurabo                              | Readiness Center .....                           | 14,700         | 14,700           |
|                                    | Worldwide Unspec                    |  |                |                  |
| ARMY, NG                           | Unspecified Worldwide Locations     | Unspecified Minor Construction .....             | 15,057         | 15,057           |
| ARMY, NG                           | Unspecified Worldwide Locations     | Planning and Design .....                        | 26,622         | 26,622           |
| <b>MCon,Army NG—Subtotal .....</b> |                                     |  | <b>613,799</b> | <b>613,799</b>   |
| <b>MCon,Air NG</b>                 |                                     |  |                |                  |
|                                    | California                          |  |                |                  |
| AF, NG                             | Fresno Yosemite IAP ANG             | F-15 Conversion .....                            | 11,000         | 11,000           |
|                                    | Hawaii                              |  |                |                  |
| AF, NG                             | Joint Base Pearl Harbor-Hickam      | TFI—F-22 Combat Apron Addition .....             | 6,500          | 6,500            |
|                                    | New Mexico                          |  |                |                  |
| AF, NG                             | Kirtland AFB                        | Alter Target Intelligence Facility .....         | 8,500          | 8,500            |
|                                    | Wyoming                             |  |                |                  |
| AF, NG                             | Cheyenne Map                        | C-130 Flight Simulator Training Facility .....   | 6,486          | 6,486            |
|                                    | Worldwide Unspec                    |  |                |                  |
| AF, NG                             | Various Worldwide Locations         | Unspecified Minor Construction .....             | 5,900          | 5,900            |
| AF, NG                             | Various Worldwide Locations         | Planning and Design .....                        | 4,000          | 4,000            |
| <b>MCon,Air NG—Subtotal .....</b>  |                                     |  | <b>42,386</b>  | <b>42,386</b>    |
| <b>NG MILCON—TOTAL .....</b>       |                                     |  | <b>656,185</b> | <b>656,185</b>   |
| <b>MCon,A Res</b>                  |                                     |  |                |                  |
|                                    | California                          |  |                |                  |
| ARMY, RESERVE                      | Fort Hunter Liggett                 | ORTC .....                                       | 64,000         | 64,000           |
| ARMY, RESERVE                      | Fort Hunter Liggett                 | UPH Barracks .....                               | 4,300          | 4,300            |
| ARMY, RESERVE                      | Tustin                              | Army Reserve Center .....                        | 27,000         | 27,000           |
|                                    | Illinois                            |  |                |                  |
| ARMY, RESERVE                      | Fort Sheridan                       | Army Reserve Center .....                        | 28,000         | 28,000           |
|                                    | Maryland                            |  |                |                  |
| ARMY, RESERVE                      | Aberdeen Proving Ground             | Army Reserve Center .....                        | 21,000         | 21,000           |
| ARMY, RESERVE                      | Baltimore                           | Add/Alt Army Reserve Center .....                | 10,000         | 10,000           |
|                                    | Massachusetts                       |  |                |                  |
| ARMY, RESERVE                      | Devens Reserve Forces Training Area | Automatic Record Fire Range .....                | 4,800          | 4,800            |
| ARMY, RESERVE                      | Devens Reserve Forces Training Area | Combat Pistol/MP Firearms Qualification .....    | 3,700          | 3,700            |
|                                    | Nevada                              |  |                |                  |
| ARMY, RESERVE                      | Las Vegas                           | Army Reserve Center/AMSA .....                   | 21,000         | 21,000           |
|                                    | New Jersey                          |  |                |                  |
| ARMY, RESERVE                      | Joint Base McGuire-Dix-Lakehurst    | Automated Infantry Squad Battle Course .....     | 7,400          | 7,400            |
|                                    | Washington                          |  |                |                  |
| ARMY, RESERVE                      | Joint Base Lewis-McChord            | Army Reserve Center .....                        | 40,000         | 40,000           |
|                                    | Wisconsin                           |  |                |                  |
| ARMY, RESERVE                      | Fort McCoy                          | Central Issue Facility .....                     | 12,200         | 12,200           |
| ARMY, RESERVE                      | Fort McCoy                          | Dining Facility .....                            | 8,600          | 8,600            |
| ARMY, RESERVE                      | Fort McCoy                          | ECS Tactical Equip. Maint. Facility (TEMF) ..... | 27,000         | 27,000           |

| SEC. 4601. MILITARY CONSTRUCTION<br>(In Thousands of Dollars) |                                   |  |                  |                  |
|---|-----------------------------------|--|------------------|------------------|
| Account   | State or Country and Installation | Project Title                                      | Budget Request   | Senate Agreement |
| ARMY, RESERVE   | Worldwide Unspec                  |  |                  |                  |
| ARMY, RESERVE   | Unspecified Worldwide Locations   | Unspecified Minor Construction .....               | 10,895           | 10,895           |
| ARMY, RESERVE   | Unspecified Worldwide Locations   | Planning and Design .....                          | 15,951           | 15,951           |
| <b>MCon,A Res—Subtotal .....</b>                              |                                   |  | <b>305,846</b>   | <b>305,846</b>   |
| <b>Milcon, Naval Res</b>                                      |                                   |  |                  |                  |
| NAVY, RESERVE   | Arizona                           |  |                  |                  |
| NAVY, RESERVE   | Yuma                              | Reserve Training Facility—Yuma AZ .....            | 5,379            | 5,379            |
| NAVY, RESERVE   | Iowa                              |  |                  |                  |
| NAVY, RESERVE   | Fort Des Moines                   | Joint Reserve Center—Des Moines IA .....           | 19,162           | 19,162           |
| NAVY, RESERVE   | Louisiana                         |  |                  |                  |
| NAVY, RESERVE   | New Orleans                       | Transient Quarters .....                           | 7,187            | 7,187            |
| NAVY, RESERVE   | New York                          |  |                  |                  |
| NAVY, RESERVE   | Brooklyn                          | Vehicle Maint. Fac.—Brooklyn NY .....              | 4,430            | 4,430            |
| NAVY, RESERVE   | Texas                             |  |                  |                  |
| NAVY, RESERVE   | Fort Worth                        | Commercial Vehicle Inspection Site .....           | 11,256           | 11,256           |
| NAVY, RESERVE   | Worldwide Unspec                  |  |                  |                  |
| NAVY, RESERVE   | Unspecified Worldwide Locations   | Planning and Design .....                          | 2,118            | 2,118            |
| <b>Milcon, Naval Res—Subtotal .....</b>                       |                                   |  | <b>49,532</b>    | <b>49,532</b>    |
| <b>MCon,AF Res</b>  |                                   |  |                  |                  |
| AF, RESERVE   | New York                          |  |                  |                  |
| AF, RESERVE   | Niagara Falls IAP                 | Flight Simulator Facility .....                    | 6,100            | 6,100            |
| AF, RESERVE   | Worldwide Unspec                  |  |                  |                  |
| AF, RESERVE   | Various Worldwide Locations       | Unspecified Minor Construction .....               | 2,000            | 2,000            |
| AF, RESERVE   | Various Worldwide Locations       | Planning and Design .....                          | 2,879            | 2,879            |
| <b>MCon,AF Res—Subtotal .....</b>                             |                                   |  | <b>10,979</b>    | <b>10,979</b>    |
| <b>Reserve Milcon—TOTAL .....</b>                             |                                   |  | <b>366,357</b>   | <b>366,357</b>   |
| <b>MILCON Major Accounts—TOTAL .....</b>                      |                                   |  | <b>8,690,673</b> | <b>8,026,759</b> |
| <b>Chem-Demil</b>   |                                   |  |                  |                  |
| Chem Demil  | Colorado                          |  |                  |                  |
| Chem Demil  | Pueblo Depot                      | Ammunition Demilitarization Facility, Ph XIV ..... | 36,000           | 36,000           |
| Chem Demil  | Kentucky                          |  |                  |                  |
| Chem Demil  | Blue Grass Army Depot             | Ammunition Demilitarization Ph XIII .....          | 115,000          | 115,000          |
| <b>ChemDemil / NSIP—Total .....</b>                           |                                   |  | <b>151,000</b>   | <b>151,000</b>   |
| <b>NSIP</b>   |                                   |  |                  |                  |
| NSIP  | Worldwide Unspec                  |  |                  |                  |
| NSIP  | NATO Security Investment Program  | NATO Security Investment Program .....             | 254,163          | 254,163          |
| <b>NATO Security Investment Program .....</b>                 |                                   |  | <b>254,163</b>   | <b>254,163</b>   |
| <b>Army Fam Housing</b>                                       |                                   |  |                  |                  |
| FH Const,A  | Worldwide Unspec                  |  |                  |                  |
| FH Const,A  | Unspecified Worldwide Locations   | Family Housing P&D .....                           | 4,641            | 4,641            |
| <b>Army Fam Hsg Construction—Subtotal .....</b>               |                                   |  | <b>4,641</b>     | <b>4,641</b>     |
| FH Op&Dt,A  | Worldwide Unspec                  |  |                  |                  |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Utilities Account .....                            | 88,112           | 88,112           |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Services Account .....                             | 13,487           | 13,487           |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Management Account .....                           | 56,970           | 56,970           |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Miscellaneous Account .....                        | 620              | 620              |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Furnishings Account .....                          | 31,785           | 31,785           |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Leasing .....                                      | 203,533          | 203,533          |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Maintenance of Real Property .....                 | 109,534          | 109,534          |
| FH Op&Dt,A  | Unspecified Worldwide Locations   | Privatization Support Costs .....                  | 26,010           | 26,010           |
| <b>Army Fam Hsg O&amp;M—Subtotal .....</b>                    |                                   |  | <b>530,051</b>   | <b>530,051</b>   |
| <b>Army Fam Hsg—TOTAL .....</b>                               |                                   |  | <b>534,692</b>   | <b>534,692</b>   |
| <b>Navy Fam Housing</b>                                       |                                   |  |                  |                  |
| FH Const,N  | Worldwide Unspec                  |  |                  |                  |
| FH Const,N  | Unspecified Worldwide Locations   | Improvements .....                                 | 97,655           | 97,655           |
| FH Const,N  | Unspecified Worldwide Locations   | Design .....                                       | 4,527            | 4,527            |
| <b>Navy Fam Hsg Construction—Subtotal .....</b>               |                                   |  | <b>102,182</b>   | <b>102,182</b>   |
| FH Op&Dt,N  | Worldwide Unspec                  |  |                  |                  |
| FH Op&Dt,N  | Unspecified Worldwide Locations   | Utilities Account .....                            | 80,860           | 80,860           |
| FH Op&Dt,N  | Unspecified Worldwide Locations   | Furnishings Account .....                          | 17,697           | 17,697           |
| FH Op&Dt,N  | Unspecified Worldwide Locations   | Management Account .....                           | 62,741           | 62,741           |



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(In Thousands of Dollars)

| Account                                       | State or Country and Installation | Project Title                                   | Budget Request   | Senate Agreement |
|---|-----------------------------------|---|------------------|------------------|
| FH Op&Dt,N                                    | Unspecified Worldwide Locations   | Miscellaneous Account .....                     | 491              | 491              |
| FH Op&Dt,N                                    | Unspecified Worldwide Locations   | Services Account .....                          | 19,615           | 19,615           |
| FH Op&Dt,N                                    | Unspecified Worldwide Locations   | Leasing .....                                   | 83,774           | 83,774           |
| FH Op&Dt,N                                    | Unspecified Worldwide Locations   | Maintenance of Real Property .....              | 85,254           | 85,254           |
| FH Op&Dt,N                                    | Unspecified Worldwide Locations   | Privatization Support Costs .....               | 27,798           | 27,798           |
| <b>Navy Fam Hsg O&amp;M—Subtotal .....</b>    |                                   |   | <b>378,230</b>   | <b>378,230</b>   |
| <b>Navy Fam Hsg—TOTAL .....</b>               |                                   |   | <b>480,412</b>   | <b>480,412</b>   |
| <b>AF Fam Housing</b>                         |                                   |   |                  |                  |
|   | Worldwide Unspec                  |   |                  |                  |
| FH Con,AF                                     | Unspecified Worldwide Locations   | Improvements .....                              | 79,571           | 79,571           |
| FH Con,AF                                     | Unspecified Worldwide Locations   | Planning and Design .....                       | 4,253            | 4,253            |
| <b>AF Fam Hsg Construction—Subtotal .....</b> |                                   |   | <b>83,824</b>    | <b>83,824</b>    |
|   | Worldwide Unspec                  |   |                  |                  |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Utilities Account .....                         | 75,662           | 75,662           |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Management Account .....                        | 55,002           | 55,002           |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Services Account .....                          | 16,550           | 16,550           |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Furnishings Account .....                       | 37,878           | 37,878           |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Miscellaneous Account .....                     | 1,943            | 1,943            |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Leasing .....                                   | 62,730           | 62,730           |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Maintenance (RPMA RPMC) .....                   | 201,937          | 201,937          |
| FH Op&Dt,AF                                   | Unspecified Worldwide Locations   | Housing Privatization .....                     | 46,127           | 46,127           |
| <b>AF Fam Hsg O&amp;M—Subtotal .....</b>      |                                   |   | <b>497,829</b>   | <b>497,829</b>   |
| <b>AF Fam Hsg—TOTAL .....</b>                 |                                   |   | <b>581,653</b>   | <b>581,653</b>   |
| <b>Def-Wide Fam Housing</b>                   |                                   |   |                  |                  |
|   | Worldwide Unspec                  |   |                  |                  |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Utilities Account .....                         | 283              | 283              |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Utilities Account .....                         | 12               | 12               |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Furnishings Account .....                       | 4,660            | 4,660            |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Furnishings Account .....                       | 20               | 20               |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Services Account .....                          | 31               | 31               |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Management Account .....                        | 371              | 371              |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Furnishings Account .....                       | 66               | 66               |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Leasing .....                                   | 35,333           | 35,333           |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Leasing .....                                   | 10,822           | 10,822           |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Maintenance of Real Property .....              | 567              | 567              |
| FH Op&Dt,D-W                                  | Unspecified Worldwide Locations   | Maintenance of Real Property .....              | 73               | 73               |
| <b>DefWide Fam Hsg O&amp;M—Subtotal .....</b> |                                   |   | <b>52,238</b>    | <b>52,238</b>    |
| <b>DoD FH Imprv Fd</b>                        |                                   |   |                  |                  |
|   | Worldwide Unspec                  |   |                  |                  |
| DoD FH Imprv Fd                               | Unspecified Worldwide Locations   | Family Housing Improvement Fund .....           | 1,786            | 1,786            |
| <b>DoD Fam Hsg Imprv Fd—Subtotal .....</b>    |                                   |   | <b>1,786</b>     | <b>1,786</b>     |
| <b>FAM HSG—TOTAL .....</b>                    |                                   |   | <b>1,650,781</b> | <b>1,650,781</b> |
| <b>BRAC IV</b>                                |                                   |   |                  |                  |
|   | Worldwide Unspec                  |   |                  |                  |
| BRAC, A                                       | Base Realignment & Closure, Army  | Base Realignment & Closure .....                | 79,893           | 79,893           |
| BRAC, N                                       | Base Realignment & Closure, Navy  | Base Realignment & Closure .....                | 146,951          | 146,951          |
| BRAC, AF                                      | Base Realignment & Closure, AF    | Base Realignment & Closure .....                | 122,552          | 122,552          |
| <b>BRAC IV—TOTAL .....</b>                    |                                   |   | <b>349,396</b>   | <b>349,396</b>   |
| <b>2005 BRAC</b>                              |                                   |   |                  |                  |
| <b>ARMY BRAC</b>                              |                                   |   |                  |                  |
|   | Worldwide Unspec                  |   |                  |                  |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—121: Fort Gillem, GA .....                  | 4,976            | 4,976            |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—222: Fort McPherson, GA .....               | 6,772            | 6,772            |
| BRAC—Army                                     | Unspecified Worldwide Locations   | Program Management Various Locations .....      | 20,453           | 20,453           |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—223: Fort Monmouth, NJ .....                | 9,989            | 9,989            |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—36: Red River Army Depot .....              | 1,385            | 1,385            |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—113: Fort Monroe, VA .....                  | 12,184           | 12,184           |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—236: RC Transformation in CT .....          | 557              | 557              |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—242: RC Transformation in NY .....          | 172              | 172              |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—253: RC Transformation in PA .....          | 100              | 100              |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—212: USAR Cmd & Cntrl—New England .....     | 222              | 222              |
| BRAC—Army                                     | Unspecified Worldwide Locations   | USA—167: USAR Command and Control—NE .....      | 175              | 175              |
| BRAC—Army                                     | Unspecified Worldwide Locations   | IND—112: River Bank Army Ammo Plant, CA .....   | 22,431           | 22,431           |
| BRAC—Army                                     | Unspecified Worldwide Locations   | IND—119: Newport Chemical Depot, IN .....       | 197              | 197              |
| BRAC—Army                                     | Unspecified Worldwide Locations   | IND—106: Kansas Army Ammunition Plant, KS ..... | 7,280            | 7,280            |
| BRAC—Army                                     | Unspecified Worldwide Locations   | IND—110: Mississippi Army Ammo Plant, MS .....  | 160              | 160              |

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(In Thousands of Dollars)

| Account                                | State or Country and Installation | Project Title                                   | Budget Request    | Senate Agreement  |
|--|-----------------------------------|---|-------------------|-------------------|
| BRAC—Army                              | Unspecified Worldwide Locations   | IND-122: Lone Star Army Ammo Plant, TX .....    | 11,379            | 11,379            |
| BRAC—Army                              | Unspecified Worldwide Locations   | MED-2: Walter Reed NMMC, Bethesda, MD .....     | 7,787             | 7,787             |
| <b>BRAC—Army—Subtotal</b> .....        |                                   |   | <b>106,219</b>    | <b>106,219</b>    |
| <b>NAVY BRAC</b>                       |                                   |   |                   |                   |
|  | Worldwide Unspec                  |   |                   |                   |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-172: NWS Seal Beach, Concord, CA .....      | 2,129             | 2,129             |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-138: NAS Brunswick, ME .....                | 4,897             | 4,897             |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-157: MCSA Kansas City, MO .....             | 39                | 39                |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-84: JRB Willow Grove & Cambria Reg AP ..... | 189               | 189               |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-168: NS Newport, RI .....                   | 1,742             | 1,742             |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-100: Planning, Design and Management .....  | 5,038             | 5,038             |
| BRAC—Navy                              | Unspecified Worldwide Locations   | DON-101: Various Locations .....                | 4,176             | 4,176             |
| <b>BRAC—Navy—Subtotal</b> .....        |                                   |   | <b>18,210</b>     | <b>18,210</b>     |
| <b>AF BRAC</b>                         |                                   |   |                   |                   |
|  | Worldwide Unspec                  |   |                   |                   |
| BRAC—Air Force                         | Unspecified Worldwide Locations   | Program Management Various Locations .....      | 605               | 605               |
| BRAC—Air Force                         | Unspecified Worldwide Locations   | MED-57: Brooks City Base, TX .....              | 326               | 326               |
| BRAC—Air Force                         | Unspecified Worldwide Locations   | Comm Add 3: Galena Fol, AK .....                | 1,337             | 1,337             |
| <b>BRAC—Air Force—Subtotal</b> .....   |                                   |   | <b>2,268</b>      | <b>2,268</b>      |
| <b>BRAC 2005—TOTAL</b> .....           |                                   |   | <b>126,697</b>    | <b>126,697</b>    |
| <b>BRAC IV + BRAC 2005—TOTAL</b> ..... |                                   |   | <b>476,093</b>    | <b>476,093</b>    |
| <b>MILCON GRAND TOTAL</b> .....        |                                   |   | <b>11,222,710</b> | <b>10,558,796</b> |

**TITLE XLVII—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| Program  | FY 2013 Request   | Senate Authorized |
|--|-------------------|-------------------|
| <b>Discretionary Summary By Appropriation</b>                    |                   |                   |
| <b>Energy And Water Development, And Related Agencies</b>        |                   |                   |
| <b>Appropriation Summary:</b>                                    |                   |                   |
| <b>Energy Programs</b>   |                   |                   |
| Electricity delivery and energy reliability .....                | 6,000             | 0                 |
| <b>Atomic Energy Defense Activities</b>                          |                   |                   |
| <b>National nuclear security administration:</b>                 |                   |                   |
| Weapons activities .....   | 7,577,341         | 7,602,341         |
| Defense nuclear nonproliferation .....                           | 2,458,631         | 2,458,631         |
| Naval reactors .....   | 1,088,635         | 1,126,621         |
| Office of the administrator .....                                | 411,279           | 386,279           |
| <b>Total, National nuclear security administration</b> .....     | <b>11,535,886</b> | <b>11,573,872</b> |
| <b>Environmental and other defense activities:</b>               |                   |                   |
| Defense environmental cleanup .....                              | 5,472,001         | 5,009,001         |
| Other defense activities .....                                   | 735,702           | 735,702           |
| <b>Total, Environmental &amp; other defense activities</b> ..... | <b>6,207,703</b>  | <b>5,744,703</b>  |
| <b>Total, Atomic Energy Defense Activities</b> .....             | <b>17,743,589</b> | <b>17,318,575</b> |
| <b>Total, Discretionary Funding</b> .....                        | <b>17,749,589</b> | <b>17,318,575</b> |
| <b>Electricity Delivery &amp; Energy Reliability</b>             |                   |                   |
| <b>Electricity Delivery &amp; Energy Reliability</b>             |                   |                   |
| Infrastructure security & energy restoration .....               | 6,000             | 0                 |
| <b>Weapons Activities</b>  |                   |                   |
| <b>Directed stockpile work</b>                                   |                   |                   |
| <b>Life extension programs</b>                                   |                   |                   |
| B61 Life extension program .....                                 | 369,000           | 369,000           |
| W76 Life extension program .....                                 | 174,931           | 174,931           |
| <b>Total, Life extension programs</b> .....                      | <b>543,931</b>    | <b>543,931</b>    |
| <b>Stockpile systems</b>   |                   |                   |
| B61 Stockpile systems .....                                      | 72,364            | 72,364            |

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| Program   | FY 2013<br>Request | Senate<br>Authorized |
|---|--------------------|----------------------|
| W76 Stockpile systems .....   | 65,445             | 90,445               |
| W78 Stockpile systems .....   | 139,207            | 139,207              |
| W80 Stockpile systems .....   | 46,540             | 46,540               |
| B83 Stockpile systems .....   | 57,947             | 57,947               |
| W87 Stockpile systems .....   | 85,689             | 85,689               |
| W88 Stockpile systems .....   | 123,217            | 123,217              |
| <b>Total, Stockpile systems .....</b>                                   | <b>590,409</b>     | <b>615,409</b>       |
| <b>Weapons dismantlement and disposition</b>                            |                    |                      |
| Operations and maintenance .....  | 51,265             | 51,265               |
| <b>Stockpile services</b>   |                    |                      |
| Production support .....  | 365,405            | 365,405              |
| Research and development support .....                                  | 28,103             | 28,103               |
| R&D certification and safety .....                                      | 191,632            | 191,632              |
| Management, technology, and production .....                            | 175,844            | 175,844              |
| Plutonium sustainment .....   | 141,685            | 141,685              |
| <b>Total, Stockpile services .....</b>                                  | <b>902,669</b>     | <b>902,669</b>       |
| <b>Total, Directed stockpile work .....</b>                             | <b>2,088,274</b>   | <b>2,113,274</b>     |
| <b>Campaigns:</b>   |                    |                      |
| <b>Science campaign</b>   |                    |                      |
| Advanced certification .....  | 44,104             | 44,104               |
| Primary assessment technologies .....                                   | 94,000             | 94,000               |
| Dynamic materials properties .....                                      | 97,000             | 97,000               |
| Advanced radiography .....  | 30,000             | 30,000               |
| Secondary assessment technologies .....                                 | 85,000             | 85,000               |
| <b>Total, Science campaign .....</b>                                    | <b>350,104</b>     | <b>350,104</b>       |
| <b>Engineering campaign</b>   |                    |                      |
| Enhanced surety .....   | 46,421             | 46,421               |
| Weapon systems engineering assessment technology .....                  | 18,983             | 18,983               |
| Nuclear survivability .....   | 21,788             | 21,788               |
| Enhanced surveillance .....   | 63,379             | 63,379               |
| <b>Total, Engineering campaign .....</b>                                | <b>150,571</b>     | <b>150,571</b>       |
| <b>Inertial confinement fusion ignition and high yield campaign</b>     |                    |                      |
| Diagnostics, cryogenics and experimental support .....                  | 81,942             | 81,942               |
| Ignition .....  | 84,172             | 84,172               |
| Support of other stockpile programs .....                               | 14,817             | 14,817               |
| Pulsed power inertial confinement fusion .....                          | 6,044              | 6,044                |
| Joint program in high energy density laboratory plasmas .....           | 8,334              | 8,334                |
| Facility operations and target production .....                         | 264,691            | 264,691              |
| <b>Total, Inertial confinement fusion and high yield campaign .....</b> | <b>460,000</b>     | <b>460,000</b>       |
| Advanced simulation and computing campaign .....                        | 600,000            | 600,000              |
| <b>Readiness Campaign</b>   |                    |                      |
| Nonnuclear readiness .....  | 64,681             | 64,681               |
| Tritium readiness .....   | 65,414             | 65,414               |
| <b>Total, Readiness campaign .....</b>                                  | <b>130,095</b>     | <b>130,095</b>       |
| <b>Total, Campaigns .....</b>   | <b>1,690,770</b>   | <b>1,690,770</b>     |
| <b>Readiness in technical base and facilities (RTBF)</b>                |                    |                      |
| <b>Operations of facilities</b>   |                    |                      |
| Kansas City Plant .....   | 163,602            | 163,602              |
| Lawrence Livermore National Laboratory .....                            | 89,048             | 89,048               |
| Los Alamos National Laboratory .....                                    | 335,978            | 335,978              |
| Nevada National Security Site .....                                     | 115,697            | 115,697              |
| Pantex .....  | 172,020            | 172,020              |
| Sandia National Laboratory .....  | 167,384            | 167,384              |
| Savannah River Site .....   | 120,577            | 120,577              |
| Y-12 National security complex .....                                    | 255,097            | 255,097              |
| <b>Total, Operations of facilities .....</b>                            | <b>1,419,403</b>   | <b>1,419,403</b>     |
| Science, technology and engineering capability support .....            | 166,945            | 166,945              |
| Nuclear operations capability support .....                             | 203,346            | 203,346              |
| <b>Subtotal, Readiness in technical base and facilities .....</b>       | <b>1,789,694</b>   | <b>1,789,694</b>     |
| <b>Construction:</b>  |                    |                      |
| 13-D-301 Electrical infrastructure upgrades, LANL/LLNL .....            | 23,000             | 23,000               |
| 12-D-301 TRU waste facilities, LANL .....                               | 24,204             | 24,204               |

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| Program   | FY 2013<br>Request | Senate<br>Authorized |
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| 11-D-801 TA-55 Reinvestment project, LANL .....   | 8,889              | 8,889                |
| 10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....     | 17,909             | 17,909               |
| 09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM ..... | 11,332             | 11,332               |
| 08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX .....                        | 24,800             | 24,800               |
| 06-D-141 PED/Construction, UPFY-12, Oak Ridge, TN .....   | 340,000            | 0                    |
| 06-D-141 PED/Construction, UPFY-12, Phase I, Oak Ridge, TN .....                                  | 0                  | 340,000              |
| <b>Total, Construction .....</b>  | <b>450,134</b>     | <b>450,134</b>       |
| <b>Total, Readiness in technical base and facilities .....</b>                                    | <b>2,239,828</b>   | <b>2,239,828</b>     |
| <b>Secure transportation asset</b>  |                    |                      |
| Operations and equipment .....  | 114,965            | 114,965              |
| Program direction .....   | 104,396            | 104,396              |
| <b>Total, Secure transportation asset .....</b>   | <b>219,361</b>     | <b>219,361</b>       |
| Nuclear counterterrorism incident response .....  | 247,552            | 247,552              |
| <b>Site stewardship</b>   |                    |                      |
| Operations and maintenance .....  | 90,001             | 90,001               |
| <b>Total, Site stewardship .....</b>  | <b>90,001</b>      | <b>90,001</b>        |
| <b>Defense nuclear security</b>   |                    |                      |
| Operations and maintenance .....  | 643,285            | 643,285              |
| NNSA CIO activities .....   | 155,022            | 155,022              |
| Legacy contractor pensions .....  | 185,000            | 185,000              |
| National security applications .....  | 18,248             | 18,248               |
| <b>Subtotal, Weapons activities .....</b>   | <b>7,577,341</b>   | <b>7,602,341</b>     |
| <b>Total, Weapons Activities .....</b>  | <b>7,577,341</b>   | <b>7,602,341</b>     |
| <b>Defense Nuclear Nonproliferation</b>   |                    |                      |
| <b>Nonproliferation and verification R&amp;D</b>  |                    |                      |
| Operations and maintenance .....  | 398,186            | 398,186              |
| Domestic Enrichment R&D .....   | 150,000            | 150,000              |
| <b>Subtotal, Nonproliferation and verification R&amp;D .....</b>                                  | <b>548,186</b>     | <b>548,186</b>       |
| <b>Nonproliferation and international security .....</b>  | <b>150,119</b>     | <b>150,119</b>       |
| <b>International nuclear materials protection and cooperation .....</b>                           | <b>311,000</b>     | <b>311,000</b>       |
| <b>Fissile materials disposition</b>  |                    |                      |
| <b>U.S. surplus fissile materials disposition</b>   |                    |                      |
| <b>Operations and maintenance</b>   |                    |                      |
| U.S. plutonium disposition .....  | 498,979            | 498,979              |
| U.S. uranium disposition .....  | 29,736             | 29,736               |
| <b>Total, Operations and maintenance .....</b>  | <b>528,715</b>     | <b>528,715</b>       |
| <b>Construction:</b>  |                    |                      |
| 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....                          | 388,802            | 388,802              |
| <b>Total, Construction .....</b>  | <b>388,802</b>     | <b>388,802</b>       |
| <b>Total, U.S. surplus fissile materials disposition .....</b>                                    | <b>917,517</b>     | <b>917,517</b>       |
| Russian surplus fissile materials disposition .....   | 3,788              | 3,788                |
| <b>Total, Fissile materials disposition .....</b>   | <b>921,305</b>     | <b>921,305</b>       |
| Global threat reduction initiative .....  | 466,021            | 466,021              |
| Legacy contractor pensions .....  | 62,000             | 62,000               |
| <b>Subtotal, Defense Nuclear Nonproliferation .....</b>   | <b>2,458,631</b>   | <b>2,458,631</b>     |
| <b>Total, Defense Nuclear Nonproliferation .....</b>  | <b>2,458,631</b>   | <b>2,458,631</b>     |
| <b>Naval Reactors</b>   |                    |                      |
| Naval reactors development .....  | 418,072            | 418,072              |
| Ohio replacement reactor systems development .....  | 89,700             | 127,686              |
| S8G Prototype refueling .....   | 121,100            | 121,100              |
| Naval reactors operations and infrastructure .....  | 366,961            | 366,961              |
| <b>Construction:</b>  |                    |                      |
| 13-D-905 Remote-handled low-level waste facility, INL .....                                       | 8,890              | 8,890                |
| 13-D-904 KS Radiological work and storage building, KSO .....                                     | 2,000              | 2,000                |

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|---|--------------------|----------------------|
| 13-D-903, KS Prototype Staff Building, KSO .....  | 14,000             | 14,000               |
| 10-D-903, Security upgrades, KAPL .....   | 19,000             | 19,000               |
| 08-D-190 Expanded Core Facility M-290 recovering discharge station,Naval Reactor Facility, ID ..... | 5,700              | 5,700                |
| <b>Total, Construction</b> .....  | <b>49,590</b>      | <b>49,590</b>        |
| Program direction .....   | 43,212             | 43,212               |
| <b>Subtotal, Naval Reactors</b> .....   | <b>1,088,635</b>   | <b>1,126,621</b>     |
| <b>Total, Naval Reactors</b> .....  | <b>1,088,635</b>   | <b>1,126,621</b>     |
| <b>Office Of The Administrator</b>  |                    |                      |
| Office of the administrator .....   | 411,279            | 386,279              |
| <b>Total, Office Of The Administrator</b> .....   | <b>411,279</b>     | <b>386,279</b>       |
| <b>Defense Environmental Cleanup</b>  |                    |                      |
| <b>Closure sites:</b>   |                    |                      |
| Closure sites administration .....  | 1,990              | 1,990                |
| <b>Hanford site:</b>  |                    |                      |
| River corridor and other cleanup operations .....   | 389,347            | 389,347              |
| Central plateau remediation .....   | 558,820            | 558,820              |
| Richland community and regulatory support .....   | 15,156             | 15,156               |
| <b>Total, Hanford site</b> .....  | <b>963,323</b>     | <b>963,323</b>       |
| <b>Idaho National Laboratory:</b>   |                    |                      |
| Idaho cleanup and waste disposition .....   | 396,607            | 396,607              |
| Idaho community and regulatory support .....  | 3,000              | 3,000                |
| <b>Total, Idaho National Laboratory</b> .....   | <b>399,607</b>     | <b>399,607</b>       |
| <b>NNSA sites</b>   |                    |                      |
| Lawrence Livermore National Laboratory .....  | 1,484              | 1,484                |
| Nuclear facility D&D Separations Process Research Unit .....  | 24,000             | 24,000               |
| Nevada .....  | 64,641             | 64,641               |
| Sandia National Laboratories .....  | 5,000              | 5,000                |
| Los Alamos National Laboratory .....  | 239,143            | 239,143              |
| <b>Total, NNSA sites and Nevada off-sites</b> .....   | <b>334,268</b>     | <b>334,268</b>       |
| <b>Oak Ridge Reservation:</b>   |                    |                      |
| Building 3019 .....   | 67,525             | 67,525               |
| OR cleanup and disposition .....  | 109,470            | 109,470              |
| OR reservation community and regulatory support .....   | 4,500              | 4,500                |
| <b>Total, Oak Ridge Reservation</b> .....   | <b>181,495</b>     | <b>181,495</b>       |
| <b>Office of River Protection:</b>  |                    |                      |
| <b>Waste treatment and immobilization plant</b>   |                    |                      |
| 01-D-416 A-E/ORP-0060/Major construction .....  | 690,000            | 690,000              |
| <b>Tank farm activities</b>   |                    |                      |
| Rad liquid tank waste stabilization and disposition .....   | 482,113            | 482,113              |
| <b>Total, Office of River protection</b> .....  | <b>1,172,113</b>   | <b>1,172,113</b>     |
| <b>Savannah River sites:</b>  |                    |                      |
| Savannah River risk management operations .....   | 444,089            | 444,089              |
| SR community and regulatory support .....   | 16,584             | 16,584               |
| <b>Radioactive liquid tank waste:</b>   |                    |                      |
| Radioactive liquid tank waste stabilization and disposition .....                                   | 698,294            | 698,294              |
| <b>Construction:</b>  |                    |                      |
| 05-D-405 Salt waste processing facility, Savannah River .....                                       | 22,549             | 22,549               |
| <b>Total, Radioactive liquid tank waste</b> .....   | <b>720,843</b>     | <b>720,843</b>       |
| <b>Total, Savannah River site</b> .....   | <b>1,181,516</b>   | <b>1,181,516</b>     |
| <b>Waste Isolation Pilot Plant</b>  |                    |                      |
| Waste isolation pilot plant .....   | 198,010            | 198,010              |
| <b>Total, Waste Isolation Pilot Plant</b> .....   | <b>198,010</b>     | <b>198,010</b>       |
| Program direction .....   | 323,504            | 323,504              |
| Program support .....   | 18,279             | 18,279               |

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| Program  | FY 2013<br>Request | Senate<br>Authorized |
|--|--------------------|----------------------|
| <b>Safeguards and Security:</b>                      |                    |                      |
| Oak Ridge Reservation .....                          | 18,817             | 18,817               |
| Paducah .....  | 8,909              | 8,909                |
| Portsmouth .....                                     | 8,578              | 8,578                |
| Richland/Hanford Site .....                          | 71,746             | 71,746               |
| Savannah River Site .....                            | 121,977            | 121,977              |
| Waste Isolation Pilot Project .....                  | 4,977              | 4,977                |
| West Valley .....                                    | 2,015              | 2,015                |
| <b>Total, Safeguards and Security .....</b>          | <b>237,019</b>     | <b>237,019</b>       |
| <br>Technology development .....                     | <br>20,000         | <br>20,000           |
| Uranium enrichment D&D fund contribution .....       | 463,000            | 0                    |
| <b>Subtotal, Defense environmental cleanup .....</b> | <b>5,494,124</b>   | <b>5,031,124</b>     |
| <br><b>Adjustments</b>                               |                    |                      |
| Use of prior year balances .....                     | -12,123            | -12,123              |
| Use of unobligated balances .....                    | -10,000            | -10,000              |
| <b>Total, Adjustments .....</b>                      | <b>-22,123</b>     | <b>-22,123</b>       |
| <b>Total, Defense Environmental Cleanup .....</b>    | <b>5,472,001</b>   | <b>5,009,001</b>     |
| <br><b>Other Defense Activities</b>                  |                    |                      |
| <b>Health, safety and security</b>                   |                    |                      |
| Health, safety and security .....                    | 139,325            | 139,325              |
| Program direction .....                              | 106,175            | 106,175              |
| <b>Total, Health, safety and security .....</b>      | <b>245,500</b>     | <b>245,500</b>       |
| <br>Specialized security activities .....            | <br>188,619        | <br>188,619          |
| <br><b>Office of Legacy Management</b>               |                    |                      |
| Legacy management .....                              | 164,477            | 164,477              |
| Program direction .....                              | 13,469             | 13,469               |
| <b>Total, Office of Legacy Management .....</b>      | <b>177,946</b>     | <b>177,946</b>       |
| <br><b>Defense-related activities</b>                |                    |                      |
| Defense related administrative support .....         | 118,836            | 118,836              |
| Office of hearings and appeals .....                 | 4,801              | 4,801                |
| <b>Subtotal, Other defense activities .....</b>      | <b>735,702</b>     | <b>735,702</b>       |
| <b>Total, Other Defense Activities .....</b>         | <b>735,702</b>     | <b>735,702</b>       |

**DIVISION E—HOUSING ASSISTANCE FOR VETERANS**

**TITLE L—HOUSING ASSISTANCE FOR VETERANS**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Housing Assistance for Veterans Act of 2012” or the “HAVEN Act”.

**SEC. 5002. DEFINITIONS.**

In this division:

(1) **DISABLED.**—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) **ELIGIBLE VETERAN.**—The term “eligible veteran” means a disabled or low-income veteran.

(3) **ENERGY EFFICIENT FEATURES OR EQUIPMENT.**—The term “energy efficient features or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) **LOW-INCOME VETERAN.**—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) **PRIMARY RESIDENCE.**—

(A) **IN GENERAL.**—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran’s principal dwelling and is owned by such veteran or a family member of such veteran.

(B) **FAMILY MEMBER DEFINED.**—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) **QUALIFIED ORGANIZATION.**—The term “qualified organization” means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) **VETERAN.**—The term “veteran” has the same meaning as given such term in section 101 of title 38, United States Code.

(10) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.**

(a) **GRANT.**—

(1) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) **MAXIMUM GRANT.**—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) **APPLICATION.**—

(1) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) PREFERENCES.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term “rural areas”).

(c) CRITERIA.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) USE OF FUNDS.—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances

that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot program,

the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this division \$4,000,000 for each of fiscal years 2013 through 2017.

#### **DIVISION F—STOLEN VALOR ACT TITLE LI—STOLEN VALOR ACT**

##### **SEC. 5011. SHORT TITLE.**

This division may be cited as the “Stolen Valor Act of 2012”.

##### **SEC. 5012. FINDINGS.**

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

##### **SEC. 5013. MILITARY MEDALS OR DECORATIONS.**

Section 704 of title 18, United States Code, is amended to read as follows:

##### **“§ 704. Military medals or decorations**

“(a) IN GENERAL.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for



anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

“(1) IN GENERAL.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) DEFINITION.—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”.

#### SEC. 5014. SEVERABILITY.

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

### DIVISION G—MISCELLANEOUS

#### TITLE LII—MISCELLANEOUS

#### SEC. 5021. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Dale Long Public Safety Officers' Benefits Improvements Act of 2012”.

(b) BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(ii) in subsection (b)—

(I) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;

(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(aa) by striking “, to such officer”;

(V) by striking “the total” and all that follows through “For” and inserting “for”; and

(VI) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(bb) by striking the period at the end and inserting “; or”;

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a-1)—

(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(i) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking “post-mortem” each place it appears and inserting “post-injury”;

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(iv) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;” and (v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d-1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—

(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d-2(b)), by striking “dependent’s” each place it appears and inserting “person’s”;

(J) in section 1216 (42 U.S.C. 3796d-5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing

Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”; and

(B) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

(c) AUTHORIZATION OF APPROPRIATIONS; TERMINATIONS; APPEALS.—The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending);” and

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

*Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

#### SEC. 5022. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

#### “SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

“(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

“(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

“(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) CURRENT STATUS.—

“(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

“(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

“(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

“(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

“(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

“(3) TIMING.—

“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

“(ii) review and update the scientific framework not later than 5 years after its initial development.

“(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

“(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

“(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT CANCER.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and

“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”.

#### SEC. 5023. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

“(d) REPORTS.—

“(1) COMPREHENSIVE ANNUAL REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and

“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and inter-

national broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(iii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed; and

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead; and

“(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2014”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

#### SEC. 5024. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

#### **TITLE LIII—GAO MANDATES REVISION ACT**

##### **Subtitle A—GAO Mandates Revision Act**

##### **SEC. 5301. SHORT TITLE.**

This subtitle may be cited as the “GAO Mandates Revision Act of 2012”.

##### **SEC. 5302. REPEALS AND MODIFICATIONS.**

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.”.

(b) JUDICIAL SURVIVORS’ ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter.”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans’ Benefits Act of 2010 (Public Law 111-275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted.”.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106-253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION’S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”;

(2) in paragraph (1), by striking “(1)”;

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date.”.

##### **Subtitle B—Improper Payments Elimination and Recovery Improvement Act**

##### **SEC. 5311. SHORT TITLE.**

This subtitle may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

##### **SEC. 5312. DEFINITIONS.**

In this subtitle—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 303(a)(1) of this subtitle.

##### **SEC. 5313. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-

annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”.

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111-204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”

**SEC. 5314. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

**SEC. 5315. DO NOT PAY INITIATIVE.**

(a) **PREPAYMENT AND PREAWARD PROCEDURES.**—

(1) **IN GENERAL.**—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) **DATABASES.**—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) **DO NOT PAY INITIATIVE.**—

(1) **ESTABLISHMENT.**—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) **OTHER DATABASES.**—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) **ACCESS AND REVIEW BY AGENCIES.**—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) **PAYMENT OTHERWISE REQUIRED.**—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) **ANNUAL REPORT.**—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) **DATABASE INTEGRATION PLAN.**—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) **INITIAL WORKING SYSTEM.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) **WORKING SYSTEM.**—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) **APPLICATION TO ALL AGENCIES.**—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) **FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GEN-**

**ERAL FOR PURPOSES OF PROGRAM INTEGRITY.**—

(1) **DEFINITION.**—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.**—

(A) **IN GENERAL.**—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) **REVIEW.**—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) **TERMINATION DATE.**—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) **MULTIPLE AGENCIES.**—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) **COST-BENEFIT ANALYSIS.**—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on

the plan established under this subsection, including recommended legislation.

#### SEC. 5316. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

#### Subtitle C—Sense of Congress Regarding Spectrum

#### SEC. 5317. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation’s mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106-65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability; and

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balance the private sector’s demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between in-

dustry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

#### ORDER OF PROCEDURE

Mr. CARDIN. Mr. President, I ask unanimous consent that on Thursday, December 6, 2012, at 11:45 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 761 and 828; that there be 15 minutes for debate equally divided in the usual form; that following the period of debate on the nominations, the Senate proceed to legislative session to resume consideration of H.R. 6156, as provided under the previous order, and following the disposition of H.R. 6156, the Senate resume executive session and proceed to vote without intervening action or debate on Calendar Nos. 761 and 828 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 3331.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARDIN. I further ask unanimous consent that the Kerry amendment, which is at the desk, be agreed to, and the Senate proceed to a voice vote on passage of the bill, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3310) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Inter-country Adoption Universal Accreditation Act of 2012”.

#### SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption



Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) **EFFECTIVE DATE.**—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) **TRANSITION RULE.**—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

### SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) **REPORT REQUIREMENT.**—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

“(5) **REPORT ON USE OF FEDERAL FUNDING.**—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

“(A) the amount of such funding the entity received; and

“(B) how such funding was, or will be, used by the entity.”

### SEC. 4. DEFINITIONS.

In this Act, the terms “accrediting entity”, “adoption service”, “Convention adoption”, and “person” have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3331), as amended, was passed.

Mr. CARDIN. I further ask unanimous consent that the motion to re-

consider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IMMEDIATE AND UNCONDITIONAL RELEASE OF UNITED STATES CITIZEN ALAN PHILLIP GROSS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 609, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 609) calling for the immediate and unconditional release of United States citizen Alan Phillip Gross from detention in Cuba and urging the Government of Cuba to address his medical issues.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, 2 days ago—December 3, 2012—marked the third anniversary of Alan Gross' arrest by the Cuban Government. Over the past 3 years, Alan's case has been of deep personal concern to me and many in my State. Alan, an American citizen and Marylander, was in Cuba to help the small Jewish community there establish improved access to the Internet, which would allow the community to go online without fear of censorship or monitoring. After being held for 14 months without charge and then a cursory 2-day trial, he was convicted and sentenced to 15 years in prison. In August 2012, a petition to the United Nations Working Group on Arbitrary Detention was filed on his behalf.

Last week, officials with the Cuban Ministry for Foreign Affairs claimed that Alan Gross is in good health. But the Cuban Government has not allowed Mr. Gross to receive an independent medical evaluation. To date, Alan has lost 105 pounds, suffers from degenerative arthritis, and has a mass behind his shoulder. Alan also suffers from severe mental anguish because of the separation from his family.

To say that the Gross family has been on a rollercoaster would be an understatement. His mother and daughter are both battling cancer. His wife Judy is struggling to make ends meet. Judy Gross has fought for Alan's release every day for the last 3 years. Judy has called, e-mailed, and met with everyone imaginable. She has been on news programs and written letters. Judy has never given up hope; she has remained strong for her family and for Alan. As many of our colleagues will attest, she will stop at nothing to see Alan return home. Due in no small part to Judy's perseverance, the U.S. Senate has been actively involved in this matter.

Over the past 3 years, U.S. officials have traveled to Cuba, we have written to numerous Cuban dignitaries, and we have employed other creative means to encourage Mr. Gross' release. In September, my colleague Senator MORAN and I, along with a bipartisan group of 44 Senators, sent a letter to Raul Castro urging the Cuban Government in the strongest possible terms to release Alan Gross immediately and unconditionally. But these attempts have been futile. Alan Gross remains in prison, caught in the middle of a conflict between two nations with a complex, often frustrating relationship.

Tonight, the Senate is adopting a resolution unanimously, a resolution Senator MORAN and I have submitted with a long list of bipartisan sponsors. The resolution calls for Mr. Gross' immediate and unconditional release and urges the Cuban Government to address his medical issues, including allowing an independent medical examination to be completed. Alan's personal freedoms are being violated every day that he continues to be incarcerated, and we can no longer tolerate his being denied an independent medical evaluation. Alan Gross should no longer be forced to suffer the consequences of political gamesmanship. Enough is enough.

Today the Senate has spoken once again. Alan Gross is a husband, a father, a son, and an American. We call on the Cuban Government to release Alan Gross immediately.

Mr. President, I know of no further debate on this measure.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 609) was agreed to.

Mr. CARDIN. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 609

Whereas, Alan Phillip Gross, a citizen of the United States, was born in New York on May 2, 1949, and is a resident of the State of Maryland;

Whereas Mr. Gross has devoted his professional life to helping others through his work in international development and has served in more than 50 countries and territories worldwide;

Whereas, in 2001, Mr. Gross founded JBDC, LLC to support Internet connectivity in locations with little or no access;

Whereas, on February 10, 2009, JBDC, LLC received a subcontract with the United States Agency for International Development (USAID);

Whereas, working as a subcontractor for the United States Agency for International



Development, Mr. Gross sought to establish wireless networks and improve Internet and Intranet access and connectivity for a small, peaceful, non-dissident, Cuban Jewish community;

Whereas Mr. Gross made 5 trips to Cuba in furtherance of the United States Agency for International Development project he was subcontracted to support;

Whereas the last time Mr. Gross was in the United States was on November 24, 2009;

Whereas Mr. Gross was arrested on December 3, 2009, in Havana, Cuba;

Whereas Mr. Gross was detained without charge for 14 months;

Whereas Mr. Gross was charged in February 2011 with "actions against the independence or the territorial integrity of the state";

Whereas Mr. Gross's trial lasted only 2 days, after which he was sentenced to 15 years in prison;

Whereas Mr. Gross and his wife Judy have 2 daughters, one of which was diagnosed with breast cancer in 2010;

Whereas Mr. Gross's 90-year old mother was diagnosed with inoperable cancer in February 2011;

Whereas, in 2011, Mr. Gross's wife Judy underwent surgery, causing her to miss considerable time from work and putting further financial strain on their family;

Whereas Mr. Gross is 63 years old and has lost more than 105 pounds since being detained in Cuba;

Whereas Mr. Gross has developed degenerative arthritis in his leg and a mass behind his shoulder;

Whereas the Government of Cuba has denied requests by Mr. Gross for an independent medical examination;

Whereas Mr. Gross's legal representative filed an appeal to the Working Group on Arbitrary Detention of the United Nations in August 2012; and

Whereas, since Mr. Gross was detained by the Government of Cuba on December 3, 2009, his health has severely deteriorated and his family members have suffered health and financial problems: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls for the immediate and unconditional release of United States citizen Alan Phillip Gross; and

(2) urges the Government of Cuba in the meantime to provide all appropriate diagnostic and medical treatment to address the full range of medical issues facing Mr. Gross and to allow him to choose a doctor to provide him with an independent medical assessment.

#### TEEN CANCER AWARENESS WEEK

Mr. CARDIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 573 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 573) designating the third week of January 2013 as "Teen Cancer Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, I ask unanimous consent the resolution be

agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 573

Whereas cancer among adolescents is rare, but is still the leading cause of death from disease for teenagers between the ages of 15 and 19;

Whereas teenage cancer patients receive treatment at various types of medical establishments, including pediatric hospitals, pediatric oncology centers, and adult cancer facilities;

Whereas teenage cancer patients may feel out of place in any of these settings if their clinical and psychosocial needs are not met;

Whereas 40 percent of cancer patients aged 14 and younger are enrolled in clinical trials, compared with only 9 percent of cancer patients between the ages of 15 and 24;

Whereas teenagers with cancer have unique concerns about their education, social lives, body image, and infertility, among other concerns, and their needs may be misunderstood or unacknowledged;

Whereas many adolescent cancer survivors have difficulty readjusting to school and social settings, experience anxiety, and in some cases face increased learning difficulties; and

Whereas it is important to understand the biological and clinical needs of teenagers with cancer, seek the prevention of cancer in teenagers, and increase awareness in the general public of the unique challenges facing teenagers with cancer: Now, therefore, be it

*Resolved*, That the Senate designates the third week of January 2013 as "Teen Cancer Awareness Week" to promote awareness of teenage cancer and the unique medical and social needs of teenagers with cancer.

#### NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 595 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 595) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. I ask unanimous consent that the resolution be agreed to,

the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 595) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 595

Whereas there are millions of unparented children in the world, including 400,540 children in the foster care system in the United States, approximately 104,000 of whom are waiting for families to adopt them;

Whereas 59 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2011, nearly 26,000 youth "aged out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas family reunification, kinship care, and domestic and inter-county adoption promote permanency and stability to a far greater degree than long-term institutionalization and long-term, often disrupted foster care;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, nearly 40,000 children have joined forever families during National Adoption Day;

Whereas in 2011, a total of 365 events were held in 47 States and the District of Columbia, finalizing the adoptions of 4,187 children from foster care and celebrating an additional 1,030 adoptions finalized during November or earlier in the year; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 17, 2012: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

#### COMMEMORATING THE 60TH ANNIVERSARY OF THE GRADUATE RESEARCH FELLOWSHIP PROGRAM

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 610 submitted earlier today by Senators ROCKEFELLER and HUTCHISON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 610) commemorating the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 610

Whereas the United States is a world leader in science, technology, engineering, and mathematics (STEM) fundamental research and related education;

Whereas an excellent STEM higher-education system is critical to the development of a robust and inclusive U.S. STEM workforce and to U.S. global science and engineering preeminence;

Whereas Congress and President Harry S. Truman created the National Science Foundation (NSF), an independent Federal agency, 62 years ago specifically to advance scientific discovery and innovation through the Nation's basic research and STEM education infrastructure;

Whereas fundamental research supported by NSF across all scientific disciplines have resulted in many significant contributions to Americans' health and security, as well as to

technological innovation and U.S. economic prosperity;

Whereas advances in knowledge are made possible by researchers who focus on the fundamental properties of nature, and who mentor and educate the next generation of scientists and engineers;

Whereas 60 years ago, NSF purposefully created the Graduate Research Fellowship Program (GRFP) as an instrument to prepare the Nation's reservoir of science and engineering talent;

Whereas the GRFP, the country's oldest graduate fellowship program, supports outstanding graduate students pursuing masters and doctoral degrees in research at accredited U.S. institutions;

Whereas the GRFP has contributed to the development of outstanding U.S. scholars, entrepreneurs, teachers, mentors, and inventors who continue to support and promote the Nation's science and engineering enterprise and the next generation of scientists and engineers;

Whereas this flagship program helps maintain high-quality and highly skilled graduates who enter the Nation's STEM workforce prepared to innovate and collaborate in the global scientific arena;

Whereas NSF has funded more than 46,500 competitive graduate research fellows with selection criteria based on the intellectual merit of their research and its potential broader impacts for society;

Whereas of the more than 200 NSF-supported Nobel laureates, 40 were selected as graduate research fellows, and more than 440 graduate research fellows have become members of the National Academy of Sciences;

Whereas graduate research fellows have an exceptionally high rate of doctorate completion;

Whereas since 2001, graduate research fellows have filed more than 1,000 patents while working toward their graduate degrees, thus contributing directly to scientific advancement and discovery;

Whereas since 2007, 1145 graduate research fellows were selected from Experimental Program to Stimulate Competitive Research jurisdictions; and

Whereas NSF's GRFP continues to be an essential component of the Nation's discovery and innovation ecosystem, and is instrumental in STEM workforce development: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation; and

(2) continues to recognize U.S. STEM graduate education as central to U.S. workforce competitiveness and our country's international leadership and economic prosperity.

#### ORDERS FOR THURSDAY, DECEMBER 6, 2012

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 6, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following the leader remarks, the Senate be in a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10

minutes each, with the previous order regarding retirement speeches remaining in effect; and that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. CARDIN. Mr. President, the time from 10 a.m. until 11 a.m. tomorrow will be for speeches by our retiring Senators. At approximately 12:10 p.m., there will be two rollcall votes, the first on the passage of H.R. 6156, the Russia trade bill and the Magnitsky bill, and the second on confirmation of the Walker nomination.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CARDIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Thursday, December 6, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### COAST GUARD RESERVE

PURSUANT TO TITLE 10, U.S. CODE, SECTION 12203, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE:

##### *To be captain*

ROBERT T. HANLEY  
GARY W. JONES  
DIRK A. STRINGER

##### IN THE COAST GUARD

PURSUANT TO TITLE 14, U.S.C., SECTION 271(E), THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

##### *To be lieutenant commander*

AUSTIN L. ADCOCK  
LAWRENCE F. AHLIN  
ANTONE S. ALONGI  
MONICA F. ANDERSEN  
MIKAEL D. ANDERSON  
JENNIFER J. ANDREW  
AUDIE J. ANDRY  
EDWARD S. APONTE  
MATTHEW S. AUSTIN  
BERNARD C. AUTH  
SAMUEL H. BABBITT  
BRIAN D. BACHTEL  
ENGRID A. BACKSTROM  
MICHAEL W. BAIRD  
JOHN E. BANNON  
ROGER B. BARR  
STEPHEN T. BAXTER  
TODD M. BEHNEY  
JAMES R. BENDLE  
PATRICIA M. BENNETT  
TORREY H. BERTHEAU  
ROBERT A. BIXLER  
KELLY C. BLACKBURN  
JULIE E. BLANCHFIELD  
RONALD D. BLEDSOE  
BRIAN T. BOLAND  
JEFFREY M. BOLLING  
ERIN M. BOYLE  
TOMMY J. BRACKINS  
COREY A. BRADDOCK  
ADAM C. BRENNELL  
MICHAEL D. BRIMBLECOM  
COLLIN R. BRONSON  
MARY D. BROOKS  
MEAGHAN H. BROSNAN  
CODY L. BROWN

KATHERINE L. BROWN  
 STACI K. BROWN  
 BRADLEY A. BRUNAUGH  
 CHRISTOPHER D. BRUNCLIK  
 MARTIN J. BRYANT  
 ELIZABETH A. BUENDIA  
 KENNETH J. BURGESS  
 NICOLE S. BURGESS  
 ADAM N. BURKLEY  
 ERIC S. BURLEY  
 KARA L. BURNS  
 WILLIAM R. CAHILL  
 MICHAEL J. CALDERONE  
 JAMES J. CAMP  
 JAMES M. CARABIN  
 LUIS O. CARMONA  
 JOEL B. CARSE  
 CHRISTOPHER L. CARTER  
 AARON J. CASAVANT  
 CHRISTY S. CASEY  
 DAVID K. CHAPMAN  
 JEFFREY J. CHONKO  
 GREGORY A. CLAYTON  
 BRYAN J. COFFMAN  
 BRADLEY D. CONWAY  
 ADAM J. COOLEY  
 JAMES R. COOLEY  
 GEORGE H. COTTRELL  
 JEREMY A. COURTADE  
 MICHAEL T. COURTNEY  
 ALLISON B. COX  
 JONATHAN W. COX  
 BROOKS C. CRAWFORD  
 BYRON A. CREECH  
 DANIEL A. CRUZ  
 DAVID B. CRUZ  
 WALTER L. DANIEL  
 MICHAEL R. DARRAH  
 ARTHUR M. DEHNZ  
 PHILLIP A. DELISLE  
 JEREMY R. DENNING  
 JARROD M. DEWITZ  
 JENNIFER R. DOHERTY  
 DOUGLAS M. DOLL  
 SCOT R. DRUCKREY  
 LAUREN F. DUFRENE  
 CHRISTOPHER P. DUFRESNE  
 FRANCISCO A. ESTEVEZ  
 PATRICIA L. FERRELL  
 STANLEY P. FIELDS  
 JASON M. FINISON  
 BRANDON C. FISHER  
 MATTHEW L. FITZGIBBONS  
 JASON S. FRANZ  
 MICHAEL FRIEND  
 TRACY D. FUNCK  
 MATTHEW A. GANS  
 LISA L. GARCEZ  
 KEVIN E. GARCIA  
 JESSE J. GARRANT  
 GREG S. GEDEMER  
 LACRESHA A. GETTER  
 JAMES A. GIBSON JR  
 MICHAEL R. GILLHAM  
 ERIN K. GILSON  
 GERROD C. GLAUNER  
 JEROD A. GLOVER  
 IAN A. HALL  
 ANDREW P. HALVORSON  
 KENT D. HAMMACK  
 ANDERS J. HAMMERSBORG  
 JAMES J. HANNAM  
 GREGORY A. HAYES  
 JUAN M. HERNANDEZ  
 REYNA E. HERNANDEZ  
 GERALD J. HEWES  
 ANTHONY S. HILLENBRAND  
 JAMES E. HILTZ  
 MARCUS T. HIRSCHBERG  
 MATTHEW M. HOBBIE  
 MARY D. HOFFMAN  
 CRIST M. HOLVECK  
 DANIEL J. HUELSMAN  
 DONALD E. HUNLEY  
 MICHAEL J. HUNT  
 DANIEL G. HURD  
 IAN T. HURST  
 MARCUS A. IVERY  
 RAYMOND D. JACKSON  
 JAMES A. JENKS  
 BRIANA N. JEWczyn  
 NATHANIEL K. JOHNSON  
 THOMAS D. JONES  
 MARK C. JORGENSEN  
 KEVIN L. KAMMETER  
 KEVIN T. KAROW  
 ANTHONY J. KENNE  
 MARGARET D. KENNEDY  
 JAMES R. KENSHALO  
 COREY M. KERNS  
 GREGORY J. KNOLL  
 MATTHEW R. KOLODICA  
 MICHAEL A. KOPS  
 SCOTT C. KRAMER  
 RICHARD E. KUZAK  
 RYAN B. LAMB  
 KARA M. LAVIN  
 AMANDA M. LEE  
 ALMERICK C. LIM  
 BRANDON M. LINK  
 CHRISTOPHER D. LUCERO  
 BETH A. MAGER

KRISSY A. MARLIN  
 RODNEY G. MARTINEZ  
 MATTHEW K. MATSUOKA  
 GREGG J. MAYE  
 KEVIN J. MCDONALD  
 CLAY D. MCKINNEY  
 JOHN M. MCWILLIAMS  
 CHRISTOPHER D. MEIK  
 NATHAN S. MENEFEE  
 GEORGE F. MENZE  
 BRADLEY W. MIDDLETON  
 DAVID A. MIDDLETON  
 BROOKE A. MILLARD  
 JESSE M. MILLARD  
 JONATHAN D. MILLER  
 KENNETH R. MILLSON  
 BORIS MONTATSKY  
 COMMANDER K. MOORE  
 MICHAEL C. MOREFIELD  
 KATHRYN A. MORETTI  
 ROBERT S. MORRIS  
 KELLY J. MOYERS  
 ERNESTO MUNIZTIRADO  
 GARY C. MURPHY  
 SCOTT C. MURPHY  
 STEVEN M. MYERS  
 RONALD T. NAKAMOTO  
 SAMUEL R. NASSAR  
 BRANDON J. NATTEAL  
 JOSHUA B. NELSON  
 IAN S. NEVILLE-NEIL  
 MICHAEL D. NEWELL  
 MICHAEL C. NORRIS  
 CHARLES S. NOVAK  
 STEPHEN P. NUTTING  
 JEREMY R. OBENCHAIN  
 JANNA M. OTT  
 DANIEL G. OWEN  
 TINA D. OWEN  
 NICHOLAS W. PARKER  
 THOMAS T. PEQUIGNOT  
 LUKE R. PETERSEN  
 MICHAEL C. PETTA  
 MARK A. PIBER  
 SEAN P. PLANKEY  
 JASON T. PLUMLEY  
 BEAU G. POWERS  
 CLAYTON S. PREBLE  
 KRISTEN M. PREBLE  
 RANDY L. PRESTON  
 CHRISTOPHER C. PUTNAM  
 MILES R. RANDALL  
 KEVIN J. RAPP  
 KENT R. REINHOLD  
 EMILY P. REUTER  
 JONATHAN P. RICE  
 CHRISTIAN P. RIGNEY  
 STANLEY L. ROBINSON  
 CHAD J. ROBUCK  
 KENNETH H. ROCKHOLD  
 THOMAS C. RODZEWICZ  
 KJELL C. ROMMERDAHL  
 ELIZABETH M. ROSCOE  
 JEFFREY H. RUBINI  
 ERIC S. RUNYON  
 CATHARINE L. RYAN  
 MICHAEL K. SAFFOLD  
 JAIME SALINAS  
 RICHARD C. SANSONE  
 ANDREW G. SCHANNO  
 MATTHEW A. SCHIBLER  
 BRIAN C. SCHMIDT  
 WILLIAM A. SCHRADE  
 DAVID P. SHEPPARD  
 BRENDAN C. SHIELDS  
 LUKE M. SLIVINSKI  
 FRANCES M. SMITH  
 PABLO V. SMITH  
 PAUL D. SMITH  
 SCOTT R. SMITH  
 WILLIAM M. SNYDER  
 BENJAMIN J. SPECTOR  
 DONALD S. STIKER  
 CHRISTOPHER S. STOECKLER  
 STEVEN D. STOWERS  
 KEVIN J. SULLIVAN  
 ROBERT J. TENETYLO  
 PHILIP D. THISSE  
 JOSEPH G. THOMAS  
 KEITH O. THOMAS  
 STEPHEN G. THOMPSON  
 JAROD S. TOCZKO  
 MIGUEL E. TORREZ  
 DOUGLAS M. TRENT  
 ROBERTO N. TREVINO  
 KRISTOFER A. TSAIRIS  
 CHRISTOPHER B. TUCKEY  
 MATTHEW S. TUOHY  
 JORGE L. VALENTE  
 BENJAMIN J. VELAZQUEZ  
 DAVID B. VICKS  
 BRETT R. WALTER  
 MATTHEW J. WALTER  
 BENJAMIN M. WALTON  
 MOLLY K. WATERS  
 RYAN A. WATERS  
 DOUGLAS D. WATSON  
 JUSTIN L. WESTMILLER  
 SHANNON M. WHITTAKER  
 NEIL A. WHITE  
 ROBERT S. WHITESIDE  
 CARL A. WILSON

CHARLES K. WILSON  
 ERIC J. WILSON  
 CHRISTOPHER WOLFER  
 DANA L. WOODALL  
 NICHOLAS S. WORST  
 DAMIAN YEMMA  
 ISRAEL J. YOUNG  
 RUSSELL R. ZUCKERMAN

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. GREGORY A. BISCONI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. LISA A. NAFTZGER-KANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be major general*

BRIGADIER GENERAL WILLIAM B. BINGER  
 BRIGADIER GENERAL KEITH D. KRIES  
 BRIGADIER GENERAL MARYANNE MILLER  
 BRIGADIER GENERAL JANE C. ROHR  
 BRIGADIER GENERAL PATRICIA A. ROSE  
 BRIGADIER GENERAL JOCELYN M. SENG  
 BRIGADIER GENERAL SHEILA ZUEHLKE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be major general*

BRIGADIER GENERAL PAUL L. AYERS  
 BRIGADIER GENERAL JIM C. CHOW  
 BRIGADIER GENERAL GREGORY L. FERGUSON  
 BRIGADIER GENERAL ANTHONY P. GERMAN  
 BRIGADIER GENERAL RICKIE B. MATTSO  
 BRIGADIER GENERAL JOHN E. MCCOY  
 BRIGADIER GENERAL JOHN E. MURPHY  
 BRIGADIER GENERAL BRIAN G. NEAL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COLONEL STEPHANIE A. GASS  
 COLONEL MARY H. HITTMEIER  
 COLONEL TIMOTHY P. KELLY  
 COLONEL THOMAS E. KITTLER  
 COLONEL KENNETH R. LAPIERRE  
 COLONEL MARK L. LOEBEN  
 COLONEL JAMES F. MACKAY  
 COLONEL WALTER J. SAMS  
 COLONEL CHRISTOPHER F. SKOMARS  
 COLONEL WADE R. SMITH  
 COLONEL MARK D. STILLWAGON  
 COLONEL CURTIS L. WILLIAMS

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. BERNARD S. CHAMPOUX

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. STEVEN A. HUMMER

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be lieutenant colonel*

JOHAN K. AHN  
 JOHN D. MCELROY

##### *To be major*

JEFFREY S. WILLIAMS

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### *To be major*

MICHAEL D. SHORTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

DELNORA L. ERICKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

RONALD D. LAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MATTHEW J. BURINSKAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

RONALD G. COOK

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

DAVID A. CORTESE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

CHARLES J. ROMERO

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

MICHAEL D. DO  
GREGORY S. SEESE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JOHN T. VOLPE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TAMARA M. SORENSEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

JOSEPH N. KENANS

CONFIRMATION

Executive nomination confirmed by  
the Senate Wednesday, December 5,  
2012:

THE JUDICIARY

MICHAEL P. SHEA, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

## EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. VISCLOSKY. Mr. Speaker, on November 30, 2012, I was absent from the House and missed rollcall vote 613.

Had I been present for rollcall vote 613, on passage of H.R. 6429, to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes, I would have voted "no."

## CONGRATULATING STUDIO 3 DESIGNS, ORLANDO BUSINESS JOURNAL'S 2012 OUTSTANDING SMALL BUSINESS FINALIST

## HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Studio 3 Designs on being named one of Orlando Business Journal's 2012 Outstanding Small Business finalists. The award is intended to recognize small businesses which have shown significant community service and excellence in their field of work. Of 90 nominees, Studio 3 Designs was selected as one of three small businesses in the 1–25 employees category.

The Orlando Business Journal's selections for Outstanding Small Business are based on individual firms' revenue, job growth, and community service. Since 2010, Studio 3 Designs has grown its annual revenue 122% and its number of employees has increased by 40%. Studio 3 Designs is also active in the Central Florida community, volunteering with the Make-A-Wish Foundation and the Orlando Historic Preservation Board, and donating design services to the Boys and Girls Clubs of Central Florida.

Studio 3 Design's work has been heralded on several occasions. Most recently, Studio 3 Design's Eola Eyes project in the Mills 50 District received Acoustical Interior Construction Magazine's Bronze Medal for Construction Excellence. The project had previously been recognized by the City of Orlando and Downtown Orlando Partnership.

On behalf of the people of Central Florida, I am pleased to recognize and congratulate Studio 3 Design's achievements and hard work. They are most deserving of being named Outstanding Small Business by the Orlando Business Journal.

## HONORING FIREFIGHTER RONALD MORRISON

## HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize one of my constituents, Mr. Ronald Morrison. Mr. Morrison has dedicated an incredible 50 years of his life to his community and, specifically, to the Felicity-Franklin Fire Department, located in Clermont County, Ohio.

Mr. Morrison began his tenure with the Felicity-Franklin Fire Department in 1962 as a firefighter and engineer. For 25 years he served as Assistant Fire Chief, followed by five years as Fire Chief.

Despite retiring from his job at the American Laundry Machine Company, Mr. Morrison has remained an active volunteer member of the Felicity-Franklin Fire Department, where he currently serves as a primary engineer.

Mr. Morrison's dedicated service to his community has undoubtedly made the Village of Felicity, Franklin Township, and Clermont County, Ohio a safer place to live, work, and play. He serves as a role model to his friends and neighbors and is undeniably deserving of the praise he receives. He is the epitome of public service.

Mr. Speaker, I urge my colleagues to join me in honoring and thanking Mr. Ronald Morrison for his unwavering commitment to his community and to the Felicity-Franklin Fire Department.

## HONORING GARDNER WRIGHT

## HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in recognition of honoring Gardner Wright, a community leader who has served Rome and Floyd County throughout his entire lifetime.

Gardner is affectionately known as the Grandfather of Floyd County, a name befitting the man whose great-great-grandfather, Colonel Daniel R. Mitchell, gave Rome its name.

Gardner served 23 years in the armed services, rising from a private in the U.S. Marine Reserves all the way to the rank of captain in the Army Reserves. He ultimately retired as a sergeant in the Army National Guard.

Mr. Speaker, Gardner exemplifies service and leadership in his community through his work for the American Cancer Society, Boy Scouts of America, and countless local philanthropies.

I am proud to call him a fellow Georgian, but more importantly, a friend.

## CONGRATULATING THE OHIO STATE UNIVERSITY FOOTBALL TEAM

## HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate The Ohio State University football team on a perfect record during the 2012 season. The Buckeyes have now recorded six undefeated seasons in a 123-year history. The determination of this team to win, despite the fact that a postseason was not possible, is truly inspiring.

I would also like to commend Head Coach Urban Meyer on his success with the Buckeyes in his first season with the team. Coach Meyer has shown Ohio State fans that he means business and I look forward to many more perfect seasons under Coach Meyer's watch.

In Columbus, football is a tradition and we take it very seriously—the Buckeyes' perfect season proves that once again. The football team at Ohio State means so much to the people of Ohio and we are truly proud of their perfect season this year. Go Bucks!

## HONORING THE LIFE OF MR. TALMADGE "TAL" JOHNSON

## HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WEBSTER. Mr. Speaker, I rise today to honor the life and service of a dear friend, Mr. Talmadge "Tal" Johnson. Mr. Johnson passed away at the age of 87 in Orlando, Florida on November 28, 2012.

Mr. Johnson was born in Bonny Blue, Virginia on February 5, 1925 to the late Ralph and Edrie Johnson. He was a man of great character who honorably served his country in the United States Navy. After his military service, he moved to the private sector where he dedicated 35 years of hard work to AT&T and also worked at Transglobal Communications as a courier for some time.

The numerous contributions that Mr. Johnson made to his community will not be forgotten. He was a charter member of First Baptist Church of Central Florida, previously known as First Baptist Church of Pine Hills, where he was a faithful and active member for 58 years.

He was a loving and dedicated father, son, brother, grandfather, and great-grandfather. On behalf of the citizens of Central Florida, my prayers and condolences go out to his loving wife of 65 years Anna, his daughter Ruth, sister Dorothy, his four grandchildren, and one great-grandchild. May God bless them through this time of remembrance.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

GRATEFUL APPRECIATION TO THE  
PEOPLE OF TAIWAN

**HON. TOM REED**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. REED. Mr. Speaker, I speak today in grateful appreciation for the strong gesture of generosity and humanity by the people and government of the Republic of China, Taiwan, for their donation of \$1.3 million for the Hurricane Sandy recovery efforts. The Taiwanese donation will be received by the States of New York, New Jersey and Connecticut, as well as Habitat for Humanity and United Way International.

Although a small amount compared to the damage from the storm, it is a symbol of the true friendship and solidarity between the Taiwanese and American people. My sincere thanks and appreciation to the people and government of the Republic of China, Taiwan for this aid in our time of need.

IN RECOGNITION OF JEANETTE  
HUTCHINSON

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. GINGREY of Georgia. Mr. Speaker, I stand before you today to recognize the retirement of a wonderful woman and true champion of constituent service, Jeanette Hutchinson. For more than 30 years, Jeanette Hutchinson has worked tirelessly assisting constituents from both Georgia and Iowa. As many of you know, we would not be able to accomplish nearly half as much as we do without the help of our congressional staff—especially employees like Jeanette. Her career in constituent services spans 2 states and includes three Congressmen, two Senators, and thousands of grateful constituents.

Jeanette launched her congressional career in the Hawkeye State with the offices of Congressman Cooper Evans and Senator CHUCK GRASSLEY. Following years of service to the people of Iowa, Jeanette moved to Atlanta and began serving the people of Georgia with Senator Paul Coverdell's office. Former Congressman Bob Barr claims he "stole" Jeanette from Senator Coverdell's office in 1995, and upon his retirement I was fortunate to have Jeanette join my staff. For the past 10 years, Jeanette thoroughly managed my constituent case work and my case work staff.

Jeanette's job is not for the light hearted. It requires great attention to detail, an immeasurable amount of patience, and the determination to cut through bureaucratic red tape. But this did not dissuade Jeanette. She approached each constituent case as if it were her own, providing Georgians with service that was second to none. Whatever the case may be, Jeanette knows who to ask for, which form to complete, and each deadline she must comply with. I doubt there is a government agency Jeanette has not called.

Public service has always been a staple in Jeanette's life. Her late husband, Thomas

Sellner, to whom she was married for 28 years, served our country as a pilot for the U.S. Navy. Jeanette and Thomas raised six children together, and as many selfless military families do, lived in numerous States and foreign countries fighting for our freedoms. Her ability to adapt to different environments and handle a variety of situations with ease has been reflected throughout her career. Following the loss of her husband, Jeanette wed Marion Hutchinson and began her congressional career.

Jeanette has been an instrumental member of my staff and we will miss her dearly. Mr. Speaker, I wish Jeanette Hutchinson the best of luck in her retirement and thank her for her hard work over her extensive career.

HONORING SHERIFF DWIGHT E.  
RADCLIFF

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. AUSTRIA. Mr. Speaker, I rise today to recognize Sheriff Dwight E. Radcliff on the celebration of his retirement and for his outstanding years of service to Pickaway County and the state of Ohio.

It is an honor to congratulate Sheriff Radcliff on this momentous occasion as the longest-serving sheriff in the United States of America. Serving as Pickaway County Sheriff since 1965, Radcliff has been committed to the citizens of Pickaway County by protecting life and property, preventing and solving crime and responding to all requests for assistance.

Following in his father's footsteps, Radcliff became the second Radcliff to be sheriff for Pickaway County and the family name has held the position for 66 of the past 70 years. Over the past several decades, Radcliff has had trying and memorable moments—living in the county jail with his family to apprehending the rarest of criminals. Because of his great dedication and reputation for law enforcement, Pickaway County is also referred to as "Putaway Pickaway" by local and state-wide residents.

Beyond his commitment to public service, Radcliff is the husband of 51 years to Betty, the father of 3 and grandfather of 8.

Thus, I join the people of Ohio's Seventh Congressional District in congratulating and honoring Sheriff Dwight E. Radcliff for his many years of dedication and exemplary service to Pickaway County and the state of Ohio, and extend best wishes to he and his family for much success in the future.

CONGRATULATING DR. MICHAEL S.  
GORDON, M.D., PH.D. ON HIS RE-  
TIREMENT

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to take this opportunity to recognize a close

friend of mine and a highly accomplished leader in American medical education. Dr. Michael S. Gordon, M.D., Ph.D. is the founder and Professor Emeritus at the Gordon Center for Research in Medical Education and is a Professor of Cardiology at the University of Miami's Miller School of Medicine.

Known internationally for his pioneering work in medical simulation, Dr. Gordon has dedicated his life's work to incorporating advanced technology and simulation into medical education. In 1968, Dr. Gordon presented to the medical community a simulator known as "Harvey." Harvey is a Cardiopulmonary Patient Simulator, a life-sized mannequin able to simulate venous, carotid, and precordial pulsations as well as heart sounds of 27 different cardiac diseases. Since Harvey's introduction in 1968, he has been used to effectively train medical students worldwide and is currently used in over 300 medical schools.

In 2007, the University of Miami established the state-of-the-art Michael S. Gordon Center for Research in Medical Education (GCRME) with the mission of developing training curricula for health professionals, applying advanced technology to medical education, and serving as a resource for medical centers in Florida and throughout the world. GCRME is today the home of an "All-New Harvey," capable of simulating additional diseases and conditions and possessing the ability to talk.

Under Dr. Gordon's leadership, curricula and instructional materials developed by the GCRME are in use in over 1,800 medical centers and agencies worldwide. For over 40 years, the center has pioneered and pursued the center's mission statement: "Saving Lives Through Simulation Technology." They have accomplished this through their dedication to incorporating simulation and technology into medical education.

American medicine and the University of Miami are fortunate to have such dedicated and innovative medical professionals and educators as Dr. Gordon. His commitment to excellence, leadership and service is to be admired, and may it inspire others to follow in his footsteps.

THANKING TAIWAN FOR RELIEF  
FUNDS DONATED TOWARD RE-  
COVERY AFTER SUPERSTORM  
SANDY

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mrs. MCCARTHY of New York. Mr. Speaker, I wish to extend my sincere gratitude for the relief funds donated by Taiwan which have been designated to aid in the United States' recovery after Superstorm Sandy. This generous donation comes at a time when collaboration and unity among people is the most important step toward recovery, and it is humbling to witness a global effort for relief.

As my colleagues may know, many citizens, including many of my own constituents in Long Island, are still struggling to rebuild their lives after the devastation caused by Superstorm Sandy. The aid offered by Taiwan

will directly assist in repairing the coastal region and our nation, both in short term and long term efforts. From a pledge of \$1.3 million, \$100,000 will be given to New York City, New York State and New Jersey each. The additional \$1 million will be split between Washington charities the United Way and Habitat for Humanity, which have been working tirelessly to aid and rebuild the hardest hit areas.

Again, I thank Taiwan for the generosity they have shown to the United States during these difficult times. Relief funds are one of the most important ways in which help can be brought to the storm-stricken areas. I stand alongside the victims of this storm, as well as those who have already dedicated so much time and effort to rebuilding the region, in thanking Taiwan. These resilient people, with the assistance of the relief funds, will see a steady, efficient, and full recovery.

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CELEBRATING THE 100TH ANNIVERSARY OF THE ARKANSAS NURSES ASSOCIATION

**HON. TIM GRIFFIN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to recognize and congratulate the Arkansas Nurses Association (ARNA) on their 100 years of continued leadership in and dedication to the nursing profession in Arkansas.

Nurses play a vital role in our health care system, providing essential patient care and improving the quality of their patients' lives. Nearly all—if not all—Americans have been or will be cared for by a nurse at some point in their lives. And, according to a recent survey by Gallup, nursing was recognized as the most trusted profession in the United States.

For their centennial celebration, ARNA has built their anniversary year around a celebration of "The Year of the Nurse," which has included a celebration of their past, their present, and their future. For the past 100 years, it has been the mission of Arkansas nurses to ensure a healthy Arkansas population and a stronger nursing profession, and with ARNA's service, education, and advocacy, the nursing profession has continued to improve the quality of care delivered throughout Arkansas's 75 counties.

Even after the centennial celebration has concluded, ARNA will continue their efforts in promoting and ensuring developments in advanced education, clinical competency, nursing research, and patient and nurse advocacy.

As ARNA celebrates its centennial anniversary, I honor the efforts of Arkansas nurses who have created a professional organization that continues to advance the nursing profession in Arkansas and throughout the country, and I look forward to another 100 years of their success.

PERSONAL EXPLANATION

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. FRELINGHUYSEN. Mr. Speaker, I missed two votes on Tuesday, November 27, 2012. While I was unable to cast recorded votes on legislation considered by the House, I ask that the record reflect my intentions.

On Tuesday, November 27, the House considered the Senate amendment to H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act. On rollcall vote No. 609, final passage of H.R. 915 under suspension of the rules, I would have voted "yes."

The House also considered H.R. 5997, the Medical Preparedness Allowable Use Act. On rollcall vote No. 610, final passage of H.R. 5997 under suspension of the rules, I would have voted "yes."

Further, on November 30, 2012, the House considered H.R. 6429, the STEM Jobs Act. Unfortunately, I failed to cast a vote on final passage and I would like the record to reflect that I would have voted "aye" on rollcall vote No. 613, final passage of H.R. 6429.

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CONGRATULATING BIGEYE CREATIVE, ORLANDO BUSINESS JOURNAL'S 2012 OUTSTANDING SMALL BUSINESS FINALIST

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate BigEye Creative on being named one of Orlando Business Journal's 2012 Outstanding Small Business finalists. The award is intended to recognize small businesses which have shown significant community service and excellence in their field of work. Of 90 nominees, BigEye Creative was selected as one of three small businesses in the 1–25 employees category.

Founded in 2002, BigEye Creative is a full-service Orlando-based advertising agency, specializing in brand development, marketing and advertising, media buying, web design, social media management, search engine optimization, and video production.

The Orlando Business Journal's selections for Outstanding Small Business are based on individual firms' revenue, job growth, and community service. Celebrating its tenth year of business in Central Florida, BigEye Creative was recently named by Forbes as one of the Top 100 Global Ad Agencies that Know Social Media and Google. BigEye Creative, through a program called BigHeart, is also active in the Central Florida community, volunteering with organizations such as The Mustard Seed Furniture and Clothing Bank, Give Kids the World, and Christian Service Center for Central Florida.

On behalf of the people of Central Florida, I am pleased to recognize and congratulate BigEye Creative's achievements and hard work. They are most deserving of being

named Outstanding Small Business by the Orlando Business Journal.

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IN RECOGNITION OF THE PLYMOUTH COUNCIL ON AGING SENIOR CENTER

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the Plymouth Council on Aging as the organization opens its new Senior Center.

The Plymouth Council on Aging first opened its doors in July 1973 following the passage of the Older Americans Act, a landmark piece of legislation which allowed local communities to fund supportive services for their senior citizens. The Plymouth Senior Center was an instant success, and before long the organization began to see over 2,500 residents each month. The Center provided such vital services as health and wellness programs, legal assistance, community meals, and assistance with Social Security and Medicare benefits, to name a few. While the Council's board members were thrilled with this success, they realized that the organization was quickly outgrowing its facility on Court Street. After several decades of use, it became clear to both the Council's directors and its patrons that it was time to start planning a new facility that could better serve the needs of the town. Following more than a dozen years of working toward this goal, the Plymouth Council on Aging is proud to officially open its new facility this December.

This new Plymouth Senior Center will be better equipped to handle the needs of a large and diverse population of senior citizens. As Plymouth is home to more than 12,000 individuals over the age of sixty, this is certainly no easy task. The new building is conveniently situated next to Plymouth North High School, and students are excited to be able to more easily volunteer at the Senior Center. The Council on Aging will continue to provide many necessary services to Plymouth senior citizens, and all who are connected with this organization are excited to see its continued growth in the future.

Mr. Speaker, please join me in thanking the Plymouth Council on Aging for its many years of dedicated service to the citizens of Plymouth. I ask that my colleagues join me in recognizing this accomplishment, and in congratulating the organization upon the opening of its new Senior Center.

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IN HONOR OF MAJOR JOHN SHIPE AND HIS SERVICE TO OUR COUNTRY

**HON. TIMOTHY J. WALZ**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. WALZ of Minnesota. Mr. Speaker, I rise to pay tribute to Major John Shipe, of the United States Army for his extraordinary dedication to duty and service to our Nation. Major



Shipe will be moving on from his present assignment as a Congressional Liaison for the Army to Office of the Secretary of Defense to work on Reserve Affairs.

A native of Jacksonville, Florida, Major Shipe graduated from Jacksonville University and earned his Bachelor's Degree in Business Administration. He later earned a Master's in Legislative Affairs from George Washington University. His awards and decorations include: Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal (1 Oak Leaf Cluster), Army Achievement Medal (1 Oak Leaf Cluster), the Parachutist Badge, and the German Armed Forces Proficiency Badge (Gold).

Following his graduation from Jacksonville University in May 2001, Major Shipe was commissioned in the Army Reserve as a Military Police Officer. His first assignment was with 351st Military Police Company in Ocala, FL where he served as a Platoon Leader and Company Commander. He left his job as an Account manager for the General Electric Company to deploy in support of Operation Iraqi Freedom from May 2003 to June 2004. During his time in the combat zone, he was responsible for training Iraqi Security Forces and providing security to convoys throughout Southern Iraq. After returning from his tour in Iraq, John choose to go onto active duty as an Army Reserve Officer and move to Lubbock, Texas where he served in the 413th Civil Affairs Battalion from 2006 to 2008. In 2008, John moved to Columbus, Ohio to take command of the 342nd Military Police Company. As its commander, Major Shipe deployed to Iraq for a second time in 2008. This time John served in Tikrit and was partnered with the Iraqi Security Forces for more twelve months. Upon completion of his second combat tour, John was selected for the prestigious Army Congressional Fellowship Program. During his fellowship he was chosen to serve on my staff where he utilized his extensive military experience to provide expert advice on military and veterans' issues. In May 2011, he arrived in the House Army Liaison Division where he assumed his role as a Legislative Liaison and continued to honorably serve as a conduit between the Army and Congress.

Mr. Speaker, it has been a pleasure to work closely with Major Shipe over the last few years of his decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Major Shipe for dedicating his life in service to his country. For all he and his family, have given and continue to give to our country; we are in their debt. We wish him, his wife Kelli, and their three children Jacob, John and Kinsley all the best as they continue their journey to his next assignment in the United States Army.

#### HONORING THE HARD TIMES CAFÉ

##### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. ELLISON. Mr. Speaker, I rise today in honor of the Hard Times Cafe on the occasion of their 20th anniversary to recognize its con-

tribution to the culture and economy of the great state of Minnesota.

Founded in 1992 as a 24-hour restaurant, the Hard Times Cafe has become a staple of the Cedar-Riverside neighborhood of Minneapolis. The Cafe was started by eight employees out of the vestiges of a failing restaurant in the same location, The Urban Peasant. They came together to form a new cooperatively owned business that has become known for its gritty ambiance, affordable prices, and large selection of vegan and vegetarian food. The Cafe is open 22 hours a day, only closing between the hours of 4 am and 6 am.

After closing in August 2007 for required maintenance that was meant to last a few weeks, the Hard Times Cafe was forced to remain closed for a matter of months. With some assistance from a fellow Minneapolis worker cooperative, the Seward Community Cafe, they were able to reopen their doors at midnight on December 16, 2007 with many new improvements. The resilience of the workers at the Hard Times Cafe is a testament to the vitality of the American entrepreneurial spirit and the ingenuity of Minnesotans. I applaud them for taking the initiative and creating an atmosphere that is truly unique to Minneapolis.

The Hard Times Cafe also contributes to the civic engagement of the city of Minneapolis; Cam Gordon, the Minneapolis Second Ward City Council Member, holds his open office hours in the Cafe on the first Tuesday morning of each month.

I truly appreciate everything that the Hard Times Cafe has contributed to Minneapolis, and I thank them for their contributions.

#### HONORING BARBARA KOIRTYOHANN

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Barbara Koirtyohann upon her retirement and to reflect on her years of service to her community.

Barbara has served as the longtime Director of Public Affairs at Hallmark Cards, Ltd. Her influential leadership has extended beyond Hallmark as well, lending her talents as co-chair of the Postal Affairs Committee with the Greeting Card Association and as a member of the Board of Directors for the Public Affairs Council. Beyond her profession, Barbara has also contributed to her community through many civic and charitable organizations in Kansas City. She has served on the Board of Directors for the Truman Heartland Community Foundation, supporting the efforts of the Truman Medical System; as an Advisory Board member for the Hope House, a domestic violence shelter in Lee's Summit; and as a member of the Missouri Mansion Preservation Board, working to preserve and maintain the Missouri Governor's mansion in Jefferson City.

Mr. Speaker, I proudly ask you to join me, her daughter Cindy and grandson Lucas, and all her friends and family in commending Bar-

bara Koirtyohann for her accomplishments and her leadership professionally and her dedication to her community.

#### A TRIBUTE TO DINA MANFREDINI

##### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize Iowan and supercentenarian Dina Manfredini on being named the most senior person in the world by the Gerontology Research Group. Dina is 115 years, 244 days young and resides in Johnston, Iowa.

Dina was born in April of 1897 in Italy before moving to the United States at age 23 where she would go on to marry and have four children. Ms. Manfredini has worked in Iowa to support her family since the 1940's when her husband was injured in Des Moines' coal mine, even cleaning houses for additional income well into her tenth decade of life.

Our world has changed a great deal during the course of Dina's 115 years. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Dina has lived in three separate centuries through twenty U.S. Presidents and twenty-six Governors of Iowa. In her lifetime, the population of the United States has more than tripled and, as of today, none can claim to be older than Dina.

Mr. Speaker, it is my distinct pleasure to honor Dina's amazing life. I invite my colleagues in the House to join me in congratulating Dina on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

#### IN HONOR OF THE CONNECTICUT VETERANS HALL OF FAME INDUCTEES

##### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. COURTNEY. Mr. Speaker, on November 28th twelve new members were inducted into the Connecticut Veterans Hall of Fame. I am happy to represent three of them in Congress. Manuel Michael Cardoza Jr. of Preston, Paul Francis Dillon of Gales Ferry, and Herbert Thomas Schacht of Quaker Hill have all served their country with distinction both in and out of uniform and each is well-deserving of their recent induction.

Manuel Cardoza served in the United States Army from 1951 to 1953, including eight months stationed in Korea. Since returning home over fifty years ago, Manuel has actively assisted his fellow veterans. He served as a commander of the Veterans of Foreign Wars posts in Norwich and Preston, as well as the American Legion Post 4. As a corporal medical technician in Korea, Manuel showed his

commitment to public health through the organization of numerous health screenings throughout the state. He also served as President of the Connecticut Sickle Cell and New London Chapter Disease Research Foundation and sat on the Backus Hospital Board of Directors.

Paul Dillon is a retired Navy master chief radioman who served from 1956 to 1980. During his service in the Vietnam War, Dillon and many of his shipmates fell ill with diseases related to Agent Orange. Paul was troubled by the treatment and lack of care received for some of his colleagues. This inspired him to devote countless volunteer hours with veteran and military groups and to become a leader in the National Association for Uniformed Services. Even while he was battling prostate cancer, Paul worked hard to ensure that other Vietnam veterans received the benefits and treatments that they needed. He continues to assist retired service members and their families each Wednesday at the Retired Activities Office on the submarine base in Groton.

Herbert Schacht spent three years as a medical/surgical tech in during World War II, working stateside in Army hospitals. Upon leaving the military in 1946, Herbert returned home to work at the Waterford Country School. Although he intended to stay for a few short months, Herbert spent the next forty years aiding children with special needs and mental health issues. After retiring as the school's director, Herbert continued to dedicate much of his free time to volunteer work. He worked as a SCORE counselor where he assisted small businesses get off the ground, participated in AIDS work in Africa, and assisted an adoption service in Guatemala.

As veterans return home from serving abroad, they bring valuable skills and strength back to their communities and continue their services to the country. Their induction into the Connecticut Veterans Hall of Fame is a powerful statement of their service to our country both in active duty and as veterans. It is a small elite who receive this honor, and they will be forever remembered at the State Capitol in Hartford as true leaders and examples for future generations. I ask my colleagues to join with me in recognizing and congratulating these extraordinary veterans.

HONORING SALVATORE  
CIARAMITARO

HON. JANICE HAHN  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Ms. HAHN. Mr. Speaker. I rise today to honor the memory of Salvatore "Sam" Ciaramitaro, who passed away on November 27, 2012, at 73 years of age. Sam was born on March 22, 1939, in his native town of Terrasini, Sicily. He was a long-term resident of San Pedro, where he was married and raised his children. During his time in San Pedro, he worked as a commercial fisherman and was known for having the sharpest eyes on the ocean.

Sam was a master of many trades. He poured his heart into any task and completed

each and every one with perfection and precision. He was his happiest when spending time with his children and grandchildren who were his pride and joy.

Sam Ciaramitaro is survived by his wife Grace; his daughter GERALYN and her husband, the recently elected Los Angeles Councilman Joe Buscaino who represents the 15th Council District in the City of Los Angeles; his daughter Mary Cammareri and her husband Mike Cammareri; his son Donny Ciaramitaro and his wife Sandra Ciaramitaro; his daughter Anna Moore; and his seven grandchildren, Paola, Gracelyn, Sammy, Brandon, Matteo, Gia, and Lucas. He will be truly missed by his friends and loved ones.

HONORING FORMER  
CONGRESSMAN JACK BROOKS

HON. EDDIE BERNICE JOHNSON  
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of former Congressman Jack Brooks, the renowned Member of Congress from Beaumont, Texas. Congressman Brooks served the American people in the U.S. Congress for 42 years of his life. He was 89 years of age when he passed away last night.

Congressman Brooks was first elected to the U.S. House of Representatives in 1952. Almost immediately, Congressman Brooks turned his attention to increasing government transparency and efficiency, and this devotion became a guiding principle of his career. Congressman Brooks was pivotal in the passing of legislation that established the independent Offices of Inspector General, which oversee federal agencies in an effort to prevent fraud and waste. Congressman Brooks also crafted the standard by which the government must award federal contracts in an openly competitive process. By the end of his career, he was attributed with saving the American taxpayer billions of dollars by curbing government excess, and streamlining operations within the Executive and Legislative branches of the U.S. Government.

Congressman Brooks was also a renowned leader of social justice. Defying most of his colleagues in the Texas delegation, Congressman Brooks saw a greater future for America through equality, and helped draft the Civil Rights Act of 1964 and the Voting Rights Act of 1965. As a true public servant devoted to the pursuit of the greater good, Congressman Brooks earned the support of labor unions, minorities, and pro-choice activists in a region that otherwise lacked the unified support for such progressive views at the time.

Mr. Speaker, Congressman Brooks was a leader among leaders, and was well regarded for his uncompromising character and integrity. As a fierce advocate for the American people, Congressman Brooks has left a lasting legacy and the indelible mark of progress in U.S. history. A true statesman, he set the bar to which all Members of Congress should aspire. I wish to extend my appreciation for his contributions to this body and to his country.

CONGRATULATING PROFESSOR  
TODD PAGANO OF THE NA-  
TIONAL TECHNICAL INSTITUTE  
FOR THE DEAF ON BEING  
NAMED U.S. PROFESSOR OF THE  
YEAR

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor to congratulate Dr. Todd Pagano, an associate professor and director of the Laboratory Science Technology program at Rochester Institute of Technology's (RIT) National Technical Institute for the Deaf (NTID), for being named the 2012 U.S. Professor of the Year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. The U.S. Professors of the Year Awards Program, created in 1981, is the only national initiative specifically designed to recognize excellence in undergraduate teaching and mentoring. Todd was selected from more than 300 applicants for this award. He is the first RIT faculty member to receive this award.

The world's first technological college for deaf students, NTID provides a world-class college education leading to jobs and career advancement for deaf and hard-of-hearing students from all 50 states. Though not deaf or hard-of-hearing, Professor Pagano's conviction to learn American Sign Language (ASL) in record time after receiving his Doctorate in Chemistry from Tufts University was already a feat in itself. His ability to effectively communicate with and inspire his students—who have a near 100 percent employment rate after graduation—is unparalleled.

While serving as Director of the Laboratory Science Technology Program and teaching a full-time class load, Professor Pagano has made it his personal mission to provide mentorship and opportunities for deaf and hard-of-hearing students to excel in the study of chemistry. He has championed the advancement of deaf and hard-of-hearing students attending NTID and witnessed the betterment and employment of countless students. As Dr. Pagano has said, "Knowing my students have acquired knowledge that can make a difference in their lives by helping them obtain a job is truly rewarding."

I am so proud of Professor Pagano and NTID and am grateful to have had the privilege to congratulate Todd and his wife—also an educator at Rochester Institute of Technology (RIT)—personally for this prestigious recognition when they came to Washington, DC last month to accept the award.

Today, on the floor of the U.S. House of Representatives, I congratulate Professor Todd Pagano of the Rochester Institute of Technology's National Technical Institute for winning the highly celebrated 2012 U.S. Professor of the Year Award. I ask my colleagues to join me in celebration of this momentous honor.

## PERSONAL EXPLANATION

**HON. CHARLES F. BASS**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. BASS of New Hampshire. Mr. Speaker, on rollcall Nos. 614, 615, 617, 618, and 619, had I been present, I would have voted "yea."

## WAYNE ROBERTS

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. OWENS. Mr. Speaker, I rise today to recognize one of my constituents, Wayne Roberts, for his 50 years of service in Upper Jay, NY.

In his various capacities with the Upper Jay Volunteer Fire Department, Mr. Roberts served his community with dedication and tireless effort. Last year when the Town of Jay was severely affected by Hurricane Irene, Mr. Roberts spent countless hours toward the relief and recovery effort. Currently, as the Fire Department's Commissioner, he serves Upper Jay and remains integral in the rebuilding effort from Hurricane Irene.

Again, I congratulate Mr. Roberts on his 50 years of service. I cannot thank him enough for his commitment to his community and wish him all the best in the years to come.

## PERSONAL EXPLANATION

**HON. JEFF FORTENBERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. FORTENBERRY. Mr. Speaker, on Tuesday, December 4, 2012, I was inadvertently detained and thus missed rollcall votes Nos. 614, 615, and 616. Had I been present, I would have voted "aye" on all rollcall Nos. 614 and 615 and "nay" on rollcall No. 616.

## RECOGNITION OF TAIWAN'S SUPPORT FOR HURRICANE SANDY VICTIMS

**HON. ALBIO SIRE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. SIRE. Mr. Speaker, Hurricane Sandy was an unprecedented storm that left a devastating impact on our communities in New Jersey—damaging homes, businesses, and leaving millions without power. Hudson, Essex, Middlesex, and Union counties, were hit particularly hard by Sandy. We have been fortunate to have a large team of federal, state, and local responders to assist in recovery efforts.

Beyond the recovery and assistance efforts led by federal, state, and local responders, fel-

low American citizens from all over the country donated their time and money to aid Sandy victims. In addition, international aid also poured into our communities. Worthy of particular mention is the assistance provided by the government of The Republic of China (Taiwan).

On November 16, Taiwan announced that it had decided to donate \$1.3 million in relief and reconstruction aid to the United States. One million dollars will be given to United Way International and Habitat for Humanity International, charities based in Washington, D.C. These two organizations are addressing near term and long term recovery needs of communities most affected by Sandy. The rest of the funds will be distributed to the states of New Jersey and New York. A special ceremony marking the transfer of the funds to those organizations will be held in Washington, D.C. on December 6.

We are grateful to the people of Taiwan and the ROC government for extending a helping hand during this difficult time. The people of Taiwan and their government have always been charitable and generous during our times of need. Taiwan gave generously in the aftermath of Hurricane Katrina in 2005 and it was a major international donor to the Twin Towers Fund, as well as the Pentagon Memorial Fund. Taiwan was also a heavy contributor to humanitarian aid in Iraq and Afghanistan.

On behalf of my constituents and fellow Americans, I say "thank you" to our friends in Taiwan.

## PERSONAL EXPLANATION

**HON. KATHLEEN C. HOCHUL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Ms. HOCHUL. Mr. Speaker, I was detained and missed rollcall vote No. 610, H.R. 915. Had I been present, I would have voted "aye" on rollcall vote No. 610.

## TRIBUTE TO: MRS. PETRA "PAT" PENA

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Petra "Pat" Pena who is retiring after a 34 year career with the United States Marshals Service.

Throughout her tenure with the Marshals Service, Mrs. Pena worked as a member of the finance department. As a result of her exceptional work, she received the distinguished honor of serving as Administrative Officer Mentor for Guam. Throughout her tenure with the Marshals Service, she displayed leadership, professionalism and dedication.

She ends her career as a public servant, while continuing the chapter of her personal life as a loving wife, mother and grandmother. She has been married to her husband Daniel for 31 years, and they have three children and

two grandchildren. Please join me in recognizing her career of distinguished service and contribution to our great country.

## HONORING LAWRENCE THOMAS GUYOT, JR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to Mr. Lawrence Thomas Guyot who stood as the ideal example of a politically-engaged activist with a relentless desire to change history. Mr. Guyot's noble contributions to the Civil Rights movement gained him notoriety as one of the great champions for justice and equality in this country.

Born July 17, 1939 in Pass Christian, Mississippi, Mr. Lawrence Thomas Guyot Jr. earned his high school diploma in 1957 from Randolph High School where he was a member of the debate and basketball teams. He later attended Tougaloo College, where he earned his Bachelor of Science degree in Biology and Philosophy in 1964.

Mr. Guyot's interest in social justice issues developed while he was a student at Tougaloo College which, at that time, stood for many as a safe haven during the Civil Rights movement. Mr. Guyot, along with several other students took an active role in combating the mistreatment and exclusion of African Americans who were pursuing their right to vote; demonstrating their adamant objection to these social ills.

Mr. Guyot became an original member of the Student Nonviolent Coordinating Committee (SNCC) where he served as a field secretary working on voter education and registration throughout Mississippi. Mr. Guyot was repeatedly challenged, jailed and often beaten as he helped lead fellow members of the SNCC and student volunteers from around the nation in organizing African Americans to vote. His works impacted many of the state's counties where no African Americans were ever registered.

Through the difficult times and constant opposition, Mr. Guyot courageously continued his work in civil rights. In 1964, Mr. Guyot served as director of the 1964 Freedom Summer Project which brought thousands of young people to the state to register African Americans to vote in opposition to the state's traditional habits of excluding most African Americans from voting through acts of violence and intimidation by authorities. In the same year, Mr. Guyot further pushed the campaign for greater African American participation in politics by serving as chairman of the integrated Mississippi Freedom Democratic Party. It lost its challenge to the established Mississippi party at the Democratic National Convention in 1964, but its efforts were seen as paving the way for the landmark passage of the Voting Rights Act of 1965. Later that year, Guyot was elected as delegate to the 1964 Democratic National Convention (DNC) in Atlantic City, New Jersey which he was unable to attend due to having been jailed following a meeting

held to register a group of African American voters. However, the Mississippi Freedom Democratic Party's actions and involvement at the convention would charter in the desegregation of future conventions and an expansion on the inclusion of minorities within the Democratic Party.

After serving as a delegate of Mississippi's first integrated delegation to the Democratic National Convention in 1968, Guyot graduated from Rutgers Law School in Newark, New Jersey, served as an Advisory Neighborhood Commissions' (ANC) Commissioner in Washington, District of Columbia, and continued his efforts as a Civil Rights activist working tirelessly to educate numerous young people about the importance of voting and voting rights up until his death on November 23, 2012.

Mr. Guyot was a soldier of the people and a mentor of the youth. He spent a lifetime vigorously fighting to increase access to the voting booth and the rights of all to have their voice heard in the electoral process.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the outstanding life time achievements and legacy of Mr. Lawrence Thomas Guyot, Jr. His dedication and unwavering service to the underserved, underprivileged and the youths of tomorrow is laudable and more than worthy of our recognition.

**PAYING TRIBUTE TO COLONEL  
(RETIRED) HERBERT A. COLEY  
FOR EXCEPTIONAL SERVICE TO  
THE UNITED STATES ARMY AND  
TO OUR NATION**

**HON. JOHN R. CARTER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. CARTER. Mr. Speaker, I rise to pay tribute to Colonel (Retired) Herbert A. Coley, a member of the Senior Executive Service, for his exceptional dedication to duty and service to the United States Army and to the United States of America. On December 31st, Colonel (Retired) Herbert Coley will be leaving Federal Service after a total of 39 years of selfless and dedicated service to our Nation as an Army Officer and as a government civilian. His distinguished career is culminating as the Chief of Staff of the Army Medical Command where he ensured that Army Medicine met the needs of our Soldiers, their Families, and others entrusted to the Army's care.

The son of an Army Medic and an Army Nurse and a native of San Antonio, Texas, Colonel (Retired) Coley had more than 28 assignments over his 39 years of government service. He entered active duty in 1970 commissioned as a Second Lieutenant in the Army Medical Service Corps after graduating from Trinity University. He served 28 years as an Army Officer as an aero medical evacuation pilot, healthcare administrator and commander. His active duty Army assignments included: Air Ambulance Section Leader at Fort Stewart, Georgia and Camp Mosier, Korea; Operations Officer and Platoon Leader for the 507th Medical Company (Air Ambulance); Commander, Headquarters and Support Com-

pany, 25th Medical Battalion, 25th Infantry Division; Commander, 507th Medical Company (Air Ambulance); Commander, 41st Combat Support Hospital; Chief of Manpower Programming and Analysis, Office of The Army Surgeon General; and, Director, Program Analysis and Evaluation, Army Medical Command. While on active duty he received a Master of Health Administration from Baylor University, graduated from the Armed Forces Staff College and was a fellow at the RAND Arroyo Center. Herbert Coley returned to government service shortly after retiring from the military and provided another 11 years of service. He had served as the Chief of Manpower Division, Army Medical Command and in 2009 he entered the Senior Executive Service as the Chief of Staff, Army Medical Command.

Colonel (Retired) Herbert A. Coley has devoted his life to the Army and our Nation's men and women in uniform. As the Chief of Staff of the U.S. Army Medical Command his skilled leadership was essential to improving the care of our Wounded Warriors and the readiness of our Army. He led this global organization with unwavering energy and compassion that endeared him to all, inspired trust and improved millions of lives. Herb Coley is one of the main reasons that Army Medicine is a preeminent system for health care in America.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in recognizing and commending Mr. Herbert Coley for a lifetime of service to his country. We wish Herb and his wife Stephanie all the best as they continue their journey in retirement.

**HONORING COUNCILMEMBER  
NANCY PYLE UPON HER RETIREMENT FROM THE SAN JOSE CITY  
COUNCIL**

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise with my colleagues, Congresswoman ANNA ESHOO and Congressman MIKE HONDA, to acknowledge and honor Councilmember Nancy Pyle upon her retirement from the San Jose City Council.

Nancy has been the San Jose City Councilmember for District 10 since 2005, representing approximately 100,000 residents from Almaden and Blossom Valley. She graduated from LeMoyne College in Syracuse, New York, where she majored in French. She received her Masters Degree in Educational Administration from the U.S. International University in San Diego. In 1960, Nancy moved to San Jose with her family where she served as a teacher, Community Relations Manager, and Legislative Analyst for San Jose Unified School District. Nancy is a former San Jose/ Evergreen Community College Board Trustee.

On the City Council, Nancy worked hard to maintain our streets and parks, keep our neighborhoods safe, invest resources in youth and senior programs, and make city government more accountable. When the City's general fund deficit threatened to eliminate the

Domestic Violence Prevention Program, Nancy pledged \$20,000 from her office budget to help temporarily fund the City's Domestic Violence Prevention Coordinator position. When San Jose Family Camp was struggling to meet the cost-recovery requirements set by the City Council, she sought the help of Congresswoman ESHOO, Congressman HONDA, and myself. At her request, we sent a letter to the National Forest Service for a special five-year permit for San Jose's Family Camp at Yosemite. In November 2010, in order to increase public safety, Nancy proposed that San Jose adopt a Social Host Ordinance to hold adults accountable for underage drinking on private property. After advocating for nearly a year and a half, the City Council passed the ordinance last spring.

In 2010, Nancy worked with the San Jose Redevelopment Agency to open the first Whole Foods in San Jose. The opening brought new life and energy to the area and paved the way for many other businesses to successfully open their doors in the same shopping center. Nancy was honored this spring to accept the City's largest gift to date, \$4.2 million dollars privately donated to help fund a City partnership with the San Jose Unified School District for two more turf fields at Allen at Steinbeck School.

Councilmember Nancy Pyle is retiring and we wish her all the best in the years to come. We commend Nancy for her valuable service. The community is very fortunate to have benefited from her advocacy, passion, and commitment. She has left her mark in San Jose and we know she will continue to play a positive role in our community during her retirement.

**REMARKS CELEBRATING THE 85TH  
BIRTHDAY OF HIS MAJESTY  
KING BHUMIBOL ADULYADEJ**

**HON. EDWARD R. ROYCE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. ROYCE. Mr. Speaker, on December 5th, His Majesty King Bhumibol Adulyadej of Thailand celebrated his 85th birthday. I would like to take this opportunity to express my well wishes and best regards to him and to the people of Thailand.

Throughout his 66-year reign, King Bhumibol—currently the world's longest reigning monarch—has been a strong proponent for Thailand's development. Since the 1950s, he has initiated more than 4,000 development projects throughout Thailand, ranging from public health, agriculture productivity, environment, flood and drought, education and job creation.

These activities have helped raise the standard of living of Thais, particularly those in rural and difficult-to-reach areas.

King Bhumibol's hard work and contributions have earned him admiration worldwide. In 2006, the United Nations Development Programme awarded King Bhumibol its first-ever Human Development Lifetime Achievement Award.

Born in Cambridge, Massachusetts on December 5th, 1927, King Bhumibol has played

an important role in promoting Thai-U.S. friendship, including his two state visits to the United States in 1960 and 1967.

As we celebrate King Bhumibol's birthday, it is an opportunity to look forward to next year's celebration of the 180th Anniversary of the U.S.-Thailand treaty alliance. Thailand is our longest standing ally in Asia, and has been a reliable partner and friend in the region.

The United States and Thailand's partnership is wide ranging; we are economic partners, we participate in military training exercises together, and our cultural and people-to-people exchanges are on the rise. The two countries have cooperated on counterterrorism.

As our relationship continues to strengthen, we are delighted to join our friends in Thailand in celebrating the 85th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2012.

#### PERSONAL EXPLANATION

#### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. BASS of New Hampshire. Mr. Speaker, on rollcall No. 616, had I been present, I would have voted "nay."

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint commit-

tees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 6, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

DECEMBER 10

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the state-sanctioned marginalization of Christians in Western Europe, focusing on the origins, methods, and implications of such a movement and its relation to religious freedom rights as they are protected in major international human rights agreements.

TBA

DECEMBER 11

10:30 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine streamlining and strengthening Housing and Urban Development's (HUD) rental housing assistance programs, part II.

SD-538

2:30 p.m.

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

DECEMBER 12

10 a.m.

Committee on Finance

Subcommittee on Energy, Natural Resources, and Infrastructure

To hold hearings to examine tax reform and Federal energy policy, focusing on incentives to promote energy efficiency.

SD-215

Committee on Veterans' Affairs

To hold hearings to examine the nomination of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training.

SR-418

Committee on the Judiciary

To hold hearings to examine certain nominations.

SD-226

2 p.m.

Committee on the Judiciary

Subcommittee on the Constitution, Civil Rights and Human Rights

To hold hearings to examine ending the school-to-prison pipeline.

SD-226

DECEMBER 13

10 a.m.

Committee on Finance

To hold hearings to examine improving care for dually-eligible beneficiaries, focusing on a progress update.

SD-215

2:30 p.m.

Select Committee on Intelligence

To hold a closed business meeting to consider certain intelligence matters.

SH-219

**SENATE—Thursday, December 6, 2012**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of wonder, beyond all majesty, You alone are worthy of our praise. Stay with us, bringing Your grace and gladness to brighten our lives. Lord, remove our sins from us and cleanse us with Your spirit, emancipating us from fears about what tomorrow may hold.

Continue to direct the steps of our lawmakers, keeping them from eleventh-hour decisions that bring unintended negative consequences. Remind them that the cost of indecision may be much higher than they anticipate.

Purge them of the things that increase discord, that in unity they may serve You with faithfulness. We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 11:45 today. During that period of time, Senators will be allowed to speak up to 10 minutes each. It is certainly not mandatory, but we would like that time to be used for speeches of our retiring Senators.

At 11:45 a.m., the Senate will move to executive session to consider the Walker and Berg nominations, both district judges from Florida and Michigan, respectively.

At approximately 12:10 p.m., there will be up to three rollcall votes: first on passage of the Russia trade bill, and then on confirmation of the Walker and Berg nominations. We expect only two rollcall votes as we hope the Berg nomination will be confirmed by voice.

**MIDDLE-CLASS TAX CUT**

Mr. REID. Mr. President, we Democrats have been saying for more than 4 months it is time for the House to pass a middle-class tax cut, which we approved here in the Senate in July. As the days until the country goes over the fiscal cliff tick by, more and more Republicans have joined our chorus. They realize the Republican leaders' unwillingness to compromise sooner has put them in a real bind. So reasonable Republicans are asking their House leadership to allow a vote on the Senate-passed legislation. What was once a trickle has become more of a flood.

Last week, Republican Representative TOM COLE said it was time to give middle-class families certainty that taxes won't go up by \$2,200, on average, on January 1.

Then TIM SCOTT, Republican, a conservative Republican from South Carolina, admitted the Senate's middle-class tax cut would surely pass the House since it will take only 26 moderate Republican votes to ensure passage.

I don't agree with columnist David Brooks—on occasion I don't agree with him, perhaps most of the time I don't agree with him—but no one can ever dispute the brilliance in writing of this columnist for the New York Times. He is a great journalist. He writes so well and explains things so well. I have great admiration for him.

He wrote yesterday, "Republicans have to realize that they are going to have to cave on tax rates." That is the way it is, "they are going to have to cave on tax rates."

Then on Tuesday, the day before yesterday, the senior Senator from Maine, OLYMPIA SNOWE, urged House Republican leaders to end the suspense for

middle-class taxpayers. They shouldn't have to wonder, Senator SNOWE said, whether "we will ultimately raise taxes on low- to middle-income people." I assure them, we won't raise taxes on the middle class and the poor. That is what OLYMPIA SNOWE said.

On Wednesday, Senator SUSAN COLLINS joined her colleague from Maine, agreeing the idea of ending the suspense for the middle class "has merit."

Yesterday it seemed every practical Republican left in Washington was suddenly willing to say out loud what we have known for weeks: The only remaining option is for the House to pass the Senate bill. Dozens of House Republicans signed onto a letter urging Speaker BOEHNER to take the last exit before the cliff.

Neither President Obama nor Democrats in Congress have been ambiguous about our proposal to provide economic security for 98 percent of American families and 97 percent of small businesses, while asking the wealthiest 2 percent to contribute a little more to stop this runaway debt.

Now even a dyed-in-the-wool conservative such as Senator COBURN from Oklahoma has endorsed the Democratic approach. Here is what he said:

I know we have to raise revenue. I would rather see the rates go up than eliminate tax credits and deductions that benefit the middle class.

He has been heavily involved in everything that has happened the last several years in Washington dealing with what to do with the debt. When he joins in, that is significant, so it is apparent how this will end. The only question is when will it end. How long will Speaker BOEHNER make middle-class families wait for relief, and how long will he force the financial markets to wait for certainty? The longer he delays, the greater the risk to our economy.

So, JOHN BOEHNER, who is my friend, I urge you, you don't have to listen to me. Listen to your own caucus. Listen to prudent members of your own party and around the country. We can argue whether to give more unnecessary tax breaks to the wealthy tomorrow. We can discuss responsible ways to reduce our deficit next week. We can reform our Tax Code next year, but we must give economic certainty to the middle class now, today. Democrats agree, Independents agree, the majority of Republicans agree, and the American public agrees by a huge margin. Even dozens of CEOs from major corporations, whose personal taxes would go up under our plan, emphatically agree. I have been saying for weeks the only

people who aren't on board are the Republicans in Congress, but now even they are crying out for compromise. I only hope my friend JOHN BOEHNER is listening.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE FISCAL CLIFF

Mr. MCCONNELL. Yesterday afternoon I came to the floor and offered President Obama's proposal on the fiscal cliff to show that neither he nor Democrats in Congress are acting in good faith in these negotiations.

With just a few weeks to go before a potentially devastating and entirely avoidable blow to the economy, the President proposed a plan that members of his own party won't even vote for. So I think it is safe to say at this point that the President actually isn't interested in a balanced agreement, he is not particularly interested in avoiding the fiscal cliff, and he is clearly not interested at all in cutting any spending.

What the President is interested in, as we learned yesterday, is getting as much taxpayer money as he can, first by raising taxes on small businesses that he believes are making too much money, and then on everybody else. This is not so he can lower the debt or the deficit but so he can spend to his heart's content. For months the President has been saying all he wants is to raise taxes on the top 2 percent so he can tackle the debt and the deficit.

However, yesterday he finally revealed that is not his true intent. By demanding the power to raise the debt limit whenever he wants by as much as he wants, he showed what he is after is assuming unprecedented power to spend their dollars without any limit at all.

This isn't about getting a handle on deficits or debt for him. It is about spending even more than he already has. Why else would he demand the power to raise the debt limit on his own? And by the way, why on Earth would we ever consider giving a Presi-

dent who has brought us 4 years of trillion-dollar unchecked deficits the authority to borrow? He is the last person who should have limitless borrowing power.

Look, the only way we ever cut spending around here is by using the debate over the debt limit to do it. Now the President wants to remove that spur to cut altogether. Of course, it gets in the way of his spending plans. Well, I assure you it is not going to happen. The American people want Washington to get spending under control, and the debt limit is the best tool we have to make the President take that demand seriously. The American people want us to fight to cut spending. It is a fight they deserve and a fight we are happy to have.

#### UNANIMOUS CONSENT REQUEST

Mr. President, I indicated to the majority leader that I was going to propound the following consent. I am prepared to ask for consent to allow the Senate to vote on the President's debt limit proposal. I would ask this either as an amendment to the Russia PNTR measure we will vote on this afternoon or as a freestanding bill, if that is preferred. Therefore, I now ask unanimous consent that it be in order to vote on an amendment, which is the President's debt limit extension proposal that I just described, prior to the passage of the Russia PNTR bill today.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader.

Mr. REID. Reserving the right to object, I have been thinking how best to describe what has been going on here on Capitol Hill the last couple of weeks.

Every morning I get up, the first thing I read is the sports page. I am disappointed in the sports page from the Washington Post. It is not nearly as good as it used to be, and the New York Times is not very good either, but I read them. There is always some good news on the sports page. Then I go to the front page to get some of the bad news. I follow sports no matter what it is—basketball, football, baseball, whatever it is—and I have watched very closely.

It is not one of my favorite teams, but it is really fun to watch the New York Jets. Coach Ryan has a problem. He has three quarterbacks: Sanchez, Tim Tebow, and he has a guy by the name of McElroy. He can't decide who their quarterback is going to be. That is the same problem the Republicans are having. Romney is gone, but he is still in the background. We have MCCONNELL and we have BOEHNER. Who is the quarterback, Mr. President? Who is the quarterback?

My friend talks about the trillions of dollars of debt. We just had an election. The people overwhelmingly know why we have this debt. The polling right before the election showed that the vast

majority of the American people realized the debt was caused by George Bush. That is a fact.

We will have another jobs report out tomorrow. We had a little problem because of what happened with Hurricane Sandy, but we still have created about 100,000 new jobs. Private sector job growth has been significant. We are approaching—let's see, it must be about 4 million jobs now that have been created. That doesn't nearly make up for what was lost during the Bush years, but we are making progress.

People in America realize we can no longer have the top-down economy the Republicans so loved during the Bush years and what they wanted to create again with Governor Romney.

I would be happy to take a look at the proposal my friend the Republican leader has shown us if we could come up with something like we did when they created this other furor by refusing to increase the debt, where we had an ability to come here and have a couple of votes to determine if we were going to increase it. If that is what they want to do again, I would be happy to seriously take a look at that and report to the White House and my caucus, but until then I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The minority leader.

Mr. MCCONNELL. Mr. President, my friend indicates that there is some confusion about who the quarterback is on the Republican side. Of course, that is quite common when you don't have a White House. But there is no doubt about who the quarterback is on the Democratic side. The quarterback on the Democratic side is the President of the United States. Unfortunately, he keeps throwing interceptions, and we are moving backward and backward and backward away from the goal line. We have \$4 trillion in annual deficits, and my friend from Nevada still wants to blame that on George Bush? And now the President is asking for unlimited—unlimited—authority to borrow whenever he wants to for whatever amount he wants? If the majority leader supports that proposal, I would hope we could work together and get a vote on it to give his Members a chance to express themselves as to whether they think that is a good way forward for our country—to give this President or any other President unlimited authority to borrow as much as he wants at any time he wants from the Chinese or anybody else. That is the question.

Mr. REID. Mr. President, of course, as I said, I will be happy to look at the proposal by my friend, but the President doesn't want to do anything other than what we have done before, and that is where we are now, and that is why I would be happy to take a look at his proposal, because if it is what we did last summer, I would be happy to take a look at that and move forward.



Mr. President, it is not only we Democrats, but we have a long line of Republicans who, as I outlined early on, are recognizing that we need to immediately make sure the middle class and the poor are taken care of without their taxes being increased. We have Representatives COLE, SCOTT; David Brooks, a columnist from the New York Times; Senators SNOWE, COLLINS, and COBURN; and a long list of Republicans saying let's move on.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time from 10 a.m. to 11 a.m. reserved for speeches by retiring Senators.

The Senator from Colorado.

#### EXTENDING TAX CUTS

Mr. UDALL of Colorado. Mr. President, I would like to associate myself with the majority leader's remarks. We do need to extend the tax cuts for the middle class as soon as possible. That is clearly the message the American people sent on November 6 in the nationwide election we held.

I also wish to respond to the comments and the conversation between the two leaders over the debt ceiling limit. It is important to recognize that when we raise the debt ceiling, all we are doing is keeping faith with what Congress has already appropriated, what Congress has already made clear we would spend on behalf of our country in all the various ways the Federal Government operates. We cannot afford to have a situation such as we had August before last where we dallied and literally shot our economy and ourselves in the foot by not extending the debt ceiling. We saw the rating agencies lower our national rating for the first time in history. There is a way to do this, to have a mechanism in place so we never again get in a situation where the debt ceiling becomes a point of contention and literally hurts our economy.

So, again, I want to say that the majority leader is on track. Let's extend these middle-class tax cuts right now and bring some certainty and help our economy grow. The majority leader is on point when he shared the numbers. I think we have seen about 5 million jobs created after approaching literally the great recession when President Obama first took office. So let's get that job done.

#### WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I have come to the floor this morning, as I have for many mornings, to talk about the wind energy industry and the importance of tax credits. And this is another job I want to see us get done as soon as possible—to extend the wind production tax credit. It expires in less than a month.

This tax credit has been vital for job creation and for our American manufacturing. Literally, the PTC—the production tax credit—has encouraged the creation of tens of thousands of good-paying middle-class jobs, and it has led to millions in capital investment in States such as Colorado. In fact, 48 States have a wind energy industry presence. Along with the capital investments, what we have seen is the development of thousands of megawatts of clean renewable wind power. And if we let this PTC expire, the stakes are very high.

I have come to the floor 24 times to speak to the importance of the PTC and the benefits it provides for families and businesses in every State across the Nation. I am here because the wind PTC is a critical investment in and a downpayment toward a clean energy future—a future at risk if we don't act and act soon. It is not too late to act. It truly isn't. And to give us more motivation, to point out what is at risk, I wish to focus today on the State of Minnesota and direct my remarks to their wind energy industry.

Minnesota, as we know, is the Land of 10,000 Lakes. Although Minnesota's namesake may be its water, it has become a leader in the wind energy industry and a compelling example of the positive effects the PTC can have in a State. Let me share some numbers to make the point.

As of 2011, Minnesota ranks fifth nationally for the most installed wind capacity, with over 2,700 megawatts, and it trails only Illinois, Iowa, California, and Texas. You can see all the blue areas on the map. Those are areas in which there is installed wind operations. In fact, wind energy meets 12.7—I will round that up to 13 percent of the State's energy needs. This ranks fourth among all States. That means they are powering through the wind energy industry the equivalent of 770,000 Minnesota homes, and that number is going up. It is growing.

We know through our two colleagues from Minnesota that Minnesotans take pride in everything having to do with Minnesota, and well they should. And they are taking pride in being in the forefront of wind power growth. Since 2003 Minnesotans have purchased 1 billion kilowatt hours of energy through Windsourse, which is Minnesota's voluntary green power program. It means over 20,000 residents and about 240 businesses pay a little extra on their electric bill to support wind energy and

show their commitment to a clean energy economy. I know this works because we have a similar program in Colorado. Excel also has a presence in Colorado, and they offer Windsourse to Coloradans.

Now, Minnesota's prominence as a wind power State has been aided by the fact that it also has a successful wind manufacturing industry, and those manufacturing facilities in Minnesota have created hundreds of good-paying jobs and new investments. Federal incentives, including the PTC, have played a crucial role in making Minnesota the wind leader it is today.

If that isn't enough, I want to highlight further the substantial benefits this crucial industry has had on Minnesota.

No. 1, the wind industry accounts for 3,000 good-paying jobs for hard-working Minnesotans, including jobs at the State's 16 wind manufacturing facilities. You can see all these green circles, and those green circles are where those manufacturing facilities are located. The workers at these plants and the facilities themselves help supply and maintain wind projects that contribute \$7.6 million annually in property taxes. Those projects, in fact, provide local communities with funds to help improve schools, roads, and all the other crucial services local governments provide.

Furthermore, Minnesota's strong manufacturing industry has supported rapid growth in the wind capacity of the State. Let me share those numbers with you. In 2011 the State added 542 megawatts of wind power capacity, the fourth-most of any State. So extending the PTC is crucial to continuing Minnesota's growth in wind energy and making progress toward a clean energy economy. In fact, the Minnesota utility, Northern States Power, will have close to 1,900 megawatts of wind in their energy portfolio by the end of 2012. And listen to this: In 2011 the utility got more electricity from wind than it did from natural gas.

I know many of us understand what the future could hold, based on what experts are telling us, and we know that wind and natural gas will be partners going forward.

There is a synergy between wind and natural gas. This stands out as an important milestone for Northern States Power. This company's investment in wind energy has helped reduce carbon dioxide emissions by an estimated 3.1 million tons. So the leadership of companies such as Northern States Power demonstrates that when we invest in clean energy, we are creating jobs and strengthening our energy security at the same time.

I want to close with a couple of comments more broadly. Minnesota is not alone in its success, but these gains and the thousands of jobs that the PTC supports are at risk if we don't act.

During the summer and the fall work period, we saw the effects of not extending the production tax credit. Companies such as Vestas in Colorado announced layoffs and pulled back capital investments.

It is pretty simple. Production tax credit equals jobs. We need to pass it as soon as possible. Enough is enough. If we don't extend it, we are going to see a very significant continuation of these job losses.

So let's find a way forward. Let's work together. Let's extend the PTC. The longer this extension is delayed, the quicker success stories from States such as Colorado and Minnesota could disappear. We simply cannot let this happen. Let's extend the PTC as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

#### RUSSIA PNTR

Mr. BLUNT. Mr. President, I am pleased the Senate is considering a critical bill this week to establish permanent normal trade relations with Russia. I should have borrowed my friend's sign that says "PTC Creates Jobs," which may very well be an accurate equation, but PNTR also will equal jobs. We can compete given the opportunity to compete, and that is what these trade relationships are all about. This legislation overwhelmingly has passed the House. It is going to have strong bipartisan support in the Senate, and I believe it will pass today and needs to pass today.

Russia joined the World Trade Organization in August of 2012. Since that time, our exporters—U.S. companies—have not been able to take full advantage of the fact that they have this new way to get to the Russian market because we haven't granted permanent normal trade relationships to Russia.

Since all the other major WTO members already have that permanent relationship, they have had a real advantage since August of last year, as they can move forward immediately and compete and make agreements that American companies can't make. American companies are the only companies losing market share after Russia joined the World Trade Organization—and not because they are not as competitive. But until we do what we need to do here today, they will be working at a real disadvantage.

In addition to securing a level playing field for American companies, we also need to replace the Jackson-Vanik policy with something that, frankly, has now more real-world potential and real-world understanding. Russia is clearly not the Russia of Soviet days, but we still have reasons to be concerned about individual freedom of expression in Russia. We need to express that concern. That is why I am in sup-

port of a portion of this bill that Senator CARDIN and Senator KYL have fought for during this whole discussion and now have in this bill, in the House bill—the portion where we look at the terrible treatment and ultimate death of Sergei Magnitsky.

This provision will ensure that those who were complicit in those activities and in his ill-treatment and death don't get a free pass. It sends messages to other countries that while we want to trade with them, we also want to continue to speak strongly for the rights of individuals, no matter where they are, to speak up against their government.

Normalizing trade relations with Russia is also an important move to my State and, I assume, all our States. I know in Missouri we exported \$86 million to Russia in 2011, and exports are up 6 percent already from that year since we started 2012. Worldwide, Missouri exports more than \$12.3 billion in goods and services—or at least we did in 2010—and almost half of that was exported to countries where we have free-trade agreements. We need to continue to do that. Nearly 300 Missouri companies supported 32,000 jobs that were driven by exports. So 32,000 people in Missouri have jobs because of trade, and a lot of that trade is in our hemisphere.

I want to come back to that in a minute. I am concerned on the Russian agreement that Russia has failed to agree to bring its animal health and food safety measures in line with the WTO agreement on the application of sanitary and phyto-sanitary measures, called the SPS agreement. I am going to continue to monitor this situation to ensure that American agricultural exports—and pork would be a good example of this—don't face market access barriers in Russia.

Free trade has to be fair trade. Free trade doesn't work if it is not fair trade. If it is fair trade and free trade, American workers and American companies can and do actively and positively compete all over the world. In fact, we have a little bit of trade imbalance these days, and I think we should be concerned that 57 percent of it is in energy. If we become more energy self-sufficient, we could easily reduce our trade imbalance by 50 percent. If we just got North American energy as our focus for energy, we could only be more secure, and we would also have a better trade relationship.

This legislation we are dealing with today, the Russia PNTR, builds on the progress we made last year with the passage of the three free-trade amendments. Many of us on this side worked closely with our friends on the other side and the White House to get these long negotiated deals passed. In the 6 months since our free-trade agreement with South Korea took effect, trade between our two countries has increased

by over \$30 billion—a \$30 billion increase in 6 months.

As we are trying to figure how to grow our economy, the export world and free trade is one of the places we can have the most speedy application of what we do to grow our economy. Thirty billion dollars in Korea alone.

American exports to Colombia have increased 20 percent since that free-trade agreement took effect. The ratification of the Panama Free Trade Agreement just went into effect a few weeks ago, but that enables American firms to fully participate in the economic opportunities that will occur with the expansion of the Panama Canal and the continued growth of that economy. What happens there is critical to us.

This agreement, I have said already, has passed the House and I think it will pass the Senate today. There are other things we can and should do. We need to work with the President, and the President should be working with Republicans and Democrats who are friends of trade to do several things. One would be trade promotion authority. We used to call this fast track. This is where the administration can negotiate an agreement, and then the House and Senate either vote yes or no on that agreement. It is the only way to get agreements done in the world we live in today.

Right now, the administration has no realistic way of passing trade agreements through the Congress. The President needs to work with Congress so that we will give him the authority. He needs to ask for it, and he needs to want it so we can have these agreements. This gives our trading partners the confidence they need to make the concessions that you make in negotiation and know that the agreement is going to be the agreement. It is either going to be that agreement or no agreement at all.

Since the TPA lapsed in 2006, we haven't negotiated a single new free-trade agreement. If that doesn't tell us how important it is that we move back to a way to get these agreements done, I don't know what would.

Second, the Trans-Pacific Partnership. These negotiations seem to me to be languishing right now and need senior administration attention in order to gather the steam they need. A strong Trans-Pacific Partnership is the most effective way to consolidate our leadership in that part of the world.

At a time when China is aggressively moving into east Asia, we also need to look at the Philippines. Senator INOUE and I have a bill that would strengthen our relationship with the Philippines called the SAVE Act. I would like to see the administration work with the two of us to see what we could get done to have that relationship that has been so strong and has lasted so long become even closer as we

figure out how to trade with that economy in a way that makes them more stable and closer friends of the United States. Frankly, we will benefit, our workforce will benefit from that agreement.

There is a Trans-Atlantic Free Trade Agreement that puts us in a better situation to trade with the European Union. This should be one of the easiest agreements we have ever done because we have two mature economies trying to trade with each other. The normal negotiations about labor and environment and other things that sometimes take so long in these agreements, frankly, shouldn't take long. The Presiding Officer has spent a lot of time with our NATO partners, and they would be the same partners that would be our EU trading partners if we will move forward there.

Finally, we need fresh trade policies with the Americas. We now have trade agreements with six countries that were part of the Dominican Republic CAFTA agreement with Mexico, Canada, Panama, Colombia, Chile, and Peru, and we have a trading preferences agreement with Haiti. But we really need to look to see what we can do to trade in this hemisphere, improve our economic relationship with the South American giant country and giant economy of Brazil.

Your best trading partners should be your neighbors. Certainly, Canada and Mexico have proved that. When we send Canada \$1, they traditionally send us back somewhere in the neighborhood of \$1. Right now it is about 91 cents. In our trade with Mexico, Mexico now sends us back, a year ago probably—and this number continues to grow—75 cents. That is why on the energy front, when we deal with them, it makes a difference. So they have proven that your neighbors should be your best trading partners.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BLUNT. I ask unanimous consent for an additional 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLUNT. We need to expand the economic partnerships to our neighborhood. The Western Hemisphere needs more attention. Trade makes sense for America. Trade creates jobs. Trade creates opportunity. I am glad we are voting on this trade agreement today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

#### TRIBUTES TO DEPARTING SENATORS

OLYMPIA SNOWE

Ms. COLLINS. Mr. President, many of our colleagues will be leaving us at the end of this Congress, and I wish to take time this morning to pay tribute

to some of my colleagues, particularly those with whom I have worked most closely. Of course, I must start with my colleague and friend from Maine, OLYMPIA SNOWE.

In ancient Sparta, there was a saying that roughly translated as this: It seems all the world knows what is the right thing to do, but it is only the Spartans who will do anything about it.

As my friend, colleague, and senior Senator from Maine, OLYMPIA SNOWE, ends her service in the Senate, I rise to pay tribute to this descendent of that legendary civilization. OLYMPIA is a true leader who has always devoted her considerable intellect, energy, and commitment to doing what was right for Maine and for America. OLYMPIA SNOWE has dedicated her life to public service: 18 years in the Senate, preceded by 16 representing Maine's Second Congressional District, plus 5 in the Maine legislature adds up to a remarkable record of commitment to our Nation and the great State of Maine.

But that span of nearly four decades tells us only part of the story, for OLYMPIA has truly set the gold standard for public service. From the State house to the U.S. Capitol, OLYMPIA has built an outstanding reputation as an informed, thoughtful, and effective legislator. She can always be counted on as a leader with integrity who pursued solutions and who had no interest in just scoring partisan political points. It is OLYMPIA's character that has made all the difference.

The private acts of public figures can tell us a lot about their character, so I wish to share with my colleagues this morning a story about OLYMPIA SNOWE that I witnessed personally. There was a Republican fundraiser going on one night and I was arriving late, driving up in a car. People were streaming out of the fundraiser and each of them was passing by a man who was on crutches, with only one leg, clearly destitute, clearly down on his luck, who was asking for money. Everybody but OLYMPIA SNOWE passed him by without a word, as if he were invisible. OLYMPIA went over to this destitute man on crutches, with one leg, and she not only handed him some money but she took the time to talk with him. I think that tells us so much about who OLYMPIA SNOWE is—her kindness to this individual, when everyone else was passing him by, her kindness to him when no one was watching, her kindness to him was a private act that told all of us so much about her character.

With her retirement from the Senate, OLYMPIA SNOWE will join the pantheon of great leaders our State has produced: Margaret Chase Smith, Ed Muskie, George Mitchell, and Bill Cohen. All of them, similar to OLYMPIA, exemplify the principle that public office is a sacred trust.

OLYMPIA's inspiring record of service is but part of an even more inspiring

life story. Several times, from childhood on, OLYMPIA has been visited by tragedy that would have caused most people to become discouraged, disheartened, and negative. But each time OLYMPIA rose, transcended her personal tragedy, and was more determined than before to succeed and to contribute to a better life for others. Her well-deserved popularity among Maine people transcends party lines and is testament to her strength and her spirit.

The people of Maine and America are grateful for her many years of service. I am grateful for her leadership and her friendship. I know OLYMPIA SNOWE will continue to influence national policy for many years to come.

JOE LIEBERMAN

Mr. President, we have a tradition in the Senate of referring to our colleagues on the Senate floor during debate as "my friend from this State" or "my friend from that State," and oftentimes the word friend just means colleague. But there is a fellow Senator whom I call friend in the truest sense of the word. That person is the senior Senator from Connecticut, my dear friend Senator JOE LIEBERMAN.

When JOE LIEBERMAN announced earlier last year that he would not seek reelection to the Senate, he called himself a lucky guy for having had the opportunity to serve his State and his country. I would contend it is we in this Chamber and the people throughout Connecticut and across our Nation who are the ones who are truly fortunate for JOE LIEBERMAN's lifelong commitment to public service, including his 24 years in the Senate.

For more than a decade, it has been my privilege to serve with JOE as the leaders of the Senate Homeland Security and Governmental Affairs Committee. Regardless of who has been chairman and who has been ranking member, ours has been a partnership. Indeed, I will never forget when I was losing the chairmanship because of the change in control, JOE leaning over to me and saying: Don't worry, SUSAN, all that will change is that you will pass me the gavel.

It was typical of his thoughtfulness and generosity, and it is not coincidental that ours is the only committee in the Senate where we do not sit with Republicans on one side and Democrats on the other but instead are interspersed because we recognize, given our important mandate, that we must work together in a bipartisan and, indeed, a nonpartisan way.

During the time JOE has been the chairman and that we have worked together, the committee has established a well-deserved reputation for bipartisanship, for thoroughness, and—most important—for getting things done. I know the American people have been so frustrated with the gridlock that has prevented action on so many issues

facing our Nation. For the most part, we do not see that kind of stalemate on our committee and that is a tribute to the leadership of JOE LIEBERMAN. That reputation for our committee—of accomplishment and bipartisanship—is the work of many hands, but JOE LIEBERMAN's fingerprints are all over it. JOE has always based his leadership on his unwavering belief that the great challenges America faces—such as combating terrorism, putting our fiscal house in order, and defending freedom—transcend party lines.

The success our committee has achieved in helping to safeguard our Nation is the result of that non-partisan—some might say independent—spirit that guides him. Those successes are many, from the landmark Intelligence Reform and Terrorism Prevention Act to providing the tools that strengthen our first responders, to our extensive investigations into the flawed response to Hurricane Katrina, the fatal communication failures in the Fort Hood terrorism case, and our current scrutiny of the attacks in Benghazi, JOE LIEBERMAN has always put country first. His actions are guided by deeply held principles and aim toward progress. He has demonstrated his willingness, time and again, to risk his political career to do what he believes is right for America.

JOE brings the same dedication to everything he does. Working with him on the Armed Services Committee, I know firsthand how devoted he is to our men and women in uniform and the deep respect he has for their service and their sacrifice. His leadership in bringing about the repeal of the discriminatory don't ask, don't tell law was nothing short of extraordinary, and it gives me great personal pride to have assisted him in achieving that important victory for justice. It was vintage JOE LIEBERMAN. He did what was right. He never gave up. He got the job done.

Throughout his many years of dedicated service, JOE has demonstrated the kind of character America needs and the American people deserve. It is not by coincidence that the PowerPoint slide show I present to students throughout Maine includes a photograph of Senator JOE LIEBERMAN at work. The young pupils of today who will be the leaders of tomorrow could have no better role model than this leader of intelligence and integrity.

A wonderful fringe benefit of working so closely with JOE for so many years has been the opportunity I have had to get to know his wonderful wife Hadasah. She is a person who also demonstrates remarkable strength and compassion. Her devotion to community service spans a range of issues, from advocating for women's health and breast cancer research to providing women with opportunity through microfinance programs.

The integrity and decency JOE brings to public service stands on the

unshakable foundation of his deep faith. It is telling that his retirement announcement included these wise words from Ecclesiastes: "To everything there is a season, and a time to every purpose under heaven."

In closing, I offer my dear friend this traditional Jewish blessing: "May you live 120 years."

While none of us expects to attain the longevity achieved by the prophet Moses, I am confident the gratitude of the American people for the service of Senator JOE LIEBERMAN will be everlasting.

JON KYL

Mr. President, in reflecting on Senator JON KYL's service to this institution and to our Nation, I am reminded of these words by Abraham Lincoln. He said:

Character is like a tree and reputation like a shadow. The shadow is what we think of, the tree is the real thing.

JON KYL is the real thing. During 18 years in the Senate, preceded by 8 in the House, JON has built a reputation that is a perfect image of his character. National magazines have named him one of America's 10 best Senators, one of the world's most influential people, and one of our Nation's hardest working lawmakers.

His unanimous election in 2008 as our Republican whip and his recognized leadership on the great challenges of our time throughout the Senate reflect the esteem in which he is held on both sides of the aisle. These accolades confirm what we who have had the privilege of working closely with JON know from experience. He is intelligent, he is informed, and he is fair. He is dedicated to the people of Arizona and exemplifies the principles that are the foundation of our Constitution and of our country.

Of all the words that have been used to describe JON KYL, these five describe him best: As good as his word. JON has been an invaluable ally in the great challenge of defending America against terrorism, a challenge he recognized and worked hard to address long before the terrorist attacks of more than a decade ago.

As the leader of the Judiciary Committee, he worked hard to strengthen our intelligence capabilities and was at the forefront of one of the most crucial antiterrorism issues, tracking, exposing, and cutting off financial networks that bankrolled terrorism. Combating this financing was one of our earliest and greatest antiterrorism successes, although work continues today, and it was JON KYL who played a key role.

Arizona, similar to Maine, has a long international border. The American people fully understand the importance of borders that are close to our enemies as they remain always open to our friends. JON is dedicated to providing those who protect our borders with the personnel, the training, and the tech-

nology so America can continue to welcome with compassion those seeking a better way of life while turning away those who would do us harm.

As a member of the Finance Committee, JON KYL has been one of the Senate's most diligent fiscal watchdogs. He has a sharp eye for wasteful spending. He is dedicated to reining in deficit spending, reforming our Tax Code, and making government more accountable.

JON KYL understands the challenges that confront America, and he also empathizes with the challenges that confront American families. His record is one of strong advocacy for our most vulnerable citizens, including victims of crime, children, and our seniors.

JON often compares his work in the Senate to that of a teacher. Whether addressing constituents or colleagues, he strives to educate with facts, with evidence, and with the truth. None of us has ever heard JON try to win an argument by belittling or berating an opponent. It is simply not in his character to do so.

It has been said that a politician thinks of the next election and a statesman thinks of the next generation. This statesman from Arizona expresses his philosophy of government and the obligation of government leaders this way:

We owe future generations the chance to live their dreams, to be successful, and—most important—to achieve true happiness by their own efforts.

Senator JON KYL's commitment to the security of our Nation, to fiscal responsibility, and to helping those in need have earned him a reputation that is worthy of his character.

The people of Arizona and America are grateful for his service. I am thankful for his guidance over the years and for his friendship. We wish him all the best in the years to come.

Mr. President, there is one more tribute I would like to give this morning if there is time remaining. Could the Chair inform me if we are under a time agreement.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

RICHARD LUGAR

Ms. COLLINS. Mr. President, in his 36 years of service in the Senate, RICHARD LUGAR has established a reputation as an extraordinary leader on such issues as foreign relations, national security, energy policy, agriculture, and economic growth. He is the Senate's most senior Republican and the longest serving Member of Congress in Indiana's history.

Senator LUGAR has established a well-deserved reputation as a true statesman. At a time when the coarsening political discourse across our Nation and in Congress is a growing concern, DICK LUGAR is a shining example of civility and mutual respect we must regain if our Nation is to meet the challenges that lie ahead.

Thirty-six years in the Senate is a part of DICK LUGAR's long time of service. After attending Oxford University as a Rhodes Scholar, DICK volunteered for the U.S. Navy in 1957, eventually serving as an intelligence briefer for the Chief of Naval Operations. As the two-term mayor of Indianapolis, beginning in 1968, he was a trailblazer in unifying local government, setting his city on a remarkable path of economic growth and prosperity as well as efficiency. As mayor, he served three terms on the U.S. Advisory Commission on Intergovernmental Relations and as president of the National League of Cities. It is evident DICK LUGAR always rises to the top of any organization because his colleagues recognize his extraordinary capability and his outstanding leadership.

DICK's life experiences and character have served the people of Indiana and our country so well. He has been the leader in reducing the threat of nuclear, chemical, and biological weapons. What better tribute or legacy could anyone leave the world than to reduce the inventory of these dangerous weapons. The bipartisan partnership he forged in 1991 to destroy these weapons of mass destruction in the former Soviet Union has resulted in the deactivation of more than 7,500 nuclear warheads that once were aimed at the United States.

As chairman of the Agriculture Committee, DICK LUGAR has led the way for reforming our Federal farm programs and has promoted research advancements and increased export opportunities that have generated higher net income for America's family farms. Through the Lugar Energy Initiative, he has combined his foreign policy and agricultural expertise to promote policies to spur economic growth.

In the dark days following the attacks of September 11, 2001, Senator LUGAR set forth a set of principles to guide our Nation in these difficult times. The Lugar doctrine calls upon the United States to "use all of its military, diplomatic and economic power—without question—to ensure that life threatening weapons of mass destruction everywhere are accounted, contained and hopefully destroyed."

In addition, the Lugar doctrine asserts that America should encourage democratic institutions and decrease reliance on foreign energy sources.

These accomplishments, and so many more, stem from a profound intellect combined with character. There is nothing I love more than to hear DICK LUGAR give a tutorial on any country in the world, and he can talk knowledgeably and teach us about any country in the world. That is the depth of his experience, his knowledge, and his expertise.

DICK has also always been a voice of reason in the Senate. No matter how bitter the debate, he has always stood

by his values and engaged in thoughtful discussions that result in solutions. That is why his advice has so often been sought by Presidents, military leaders, Cabinet Secretaries, Governors, and so many of his colleagues, including me.

As DICK LUGAR returns to the private life he left behind so many years ago, his advice will continue to be sought after and I hope heeded. His knowledge and insight will still be valued, and the example of his decency and civility he has set throughout his life should guide us all. The people of Indiana and America are grateful for his service, and I am so grateful for his friendship and guidance over the years we have served together.

The PRESIDING OFFICER. The Senator from Virginia.

#### FAREWELL TO THE SENATE

Mr. WEBB. Mr. President, as our office is winding down from my Senate term beginning this week, the field offices in Virginia ceased their functioning, and it is going to be my pleasure later on today to host a lunch for all my staff and to thank them for the work they have done. I just want to take this opportunity to talk about why I have said so many times since I came to the Senate that my greatest legacy will be the work of our staff.

When I first came to the Senate, people were asking: Will you be remembered for the GI bill if you get it done—which we did—or maybe some great transportation project or something of that sort? I said: No, the most important thing a leader can do is to bring good people around him or her and to work them to the full extent of their capacity and then to provide them the opportunity to grow professionally in the spirit in which we have worked together.

It is not going to surprise the Presiding Officer or anyone else when I say the greatest learning experience for me in that regard was when I served as a rifle platoon and company commander in the U.S. Marine Corps. When we were in training to go to Vietnam, we got a lecture from a battle-hardened lieutenant colonel who fought as an enlisted marine in World War II, rifle platoon commander in Korea, and then as a battalion commander in Vietnam.

One of the things he said to us was, You may carry a side arm, you may carry a 45 pistol, you may carry an M-16 rifle, but a Marine officer is only successful if he fights with his marines. It is the same concept here. A person is no better as a leader than the people he or she leads. We worked hard on our staff for 6 years to find the most talented people in America, to work them to their full capacity, to instill in them my personal views of the principles of leadership and the philosophy of governance which are at the core of what

I wanted to bring to the Senate, and I believe we did that.

We started with Paul Reagan and Kathy Wilmoth. Paul Reagan, my chief of staff, is a veteran with 25 years of Democratic politics and governance inside Virginia. He worked for Congressman Rick Boucher. He worked for JIM MORAN as his chief of staff. He worked for two other Members of Congress, and he had been the communications director with MARK WARNER when he was Governor. We were what some people would call the political odd couple early on. Paul was a master of every detail inside Virginia politics. My experience for many years had been on the national level of policy. We worked very hard to screen every single applicant to make sure these were people who met the standards we were trying to put into place.

Kathy Wilmoth, in my view, is something of a legend here. She became our office director. She knows every Capitol Hill policeman. She probably knows every person sitting here working on the Senate floor. She is an absolute gold star administrator. Before she came to work for us, she worked for Senators John and Lincoln Chafee. When I was a 25-year-old marine, I worked on Senator John Chafee's staff when he was Secretary of the Navy. I know I am biased, but I would challenge anyone to rebut that we have had the best run staff on Capitol Hill.

We set up a communications shop. We had Jessica Smith and Kimberly Hunter, two very talented and invaluable communicators, who understood the job was not simply to respond to media requests but to proactively explain what we were doing, what our purposes were, what our goals were, and what the philosophical approach we were taking happened to be to local and national media rather than simply entertaining interview requests and those sorts of things.

On the State level, we were able to have Conaway Haskins and Louise Ware. They set up the State administrative structure. We were constantly able to listen and respond to the needs and to the opinions of people throughout this extraordinarily complex demographic jurisdiction that is the Commonwealth of Virginia.

Sometimes we forget about what happens on these phones in our offices when we are off in our meetings. The people who have run our phones and have done our casework at times have astounded me. We go back to the votes on health care reform. We know all the debates that were going on here. We took a count in our office, and we received—just in our office—226,000 pieces of advice just on health care reform; in fact, a total of 300,000 pieces of communication on that debate of which approximately 50.1 percent of the people who called in to us may have been happy with the eventual vote that I

took. But I could walk out of the office when that was going on and I could see the young people on those phones and see how battered they often were, from the advice which, quite frankly, wasn't always pleasantly given.

With respect to casework, I had the great pleasure and unique experience when I was 25 years old, on the Secretary of the Navy's staff, of how to do casework. It opened my eyes to how many people there are in this country who simply don't know how to open the door to get their needs solved by the government that has set its requirements on them. I did this for John Chafee when he was Secretary of the Navy, and I did it for John Warner when he was Secretary of the Navy. I strongly emphasized to the people who handled our casework what an important job it was they were doing.

In the time we have been in the Senate, our staff has resolved more than 40,000 personal cases. More than 40,000 people who had not known, in many cases, even how to approach their government have received personal assistance that has helped them solve other problems in their lives. In fact, Andrea Trotter, JoAnn Pulliam, Debra Lawton, Gwen Sigda, and Debby Burroughs are on our staff, and each one of them resolved more than 3,000 cases during the time I have been in the Senate.

On legislative and political issues I would say that before I came to the Senate, I made promises on the campaign trail and we kept those promises. The greatest achievements, in my view, during this term were made right out of our office, not because we were responding to the suggestions of some committee work or from the executive branch saying they wanted something, but because we continually made suggestions to those committees and to the executive branch about what we thought needed to be done.

My first day in office I introduced a new GI bill. I had talked about it for years. The logic was very simple. These people who had been serving since 9/11 deserved the same chance at a first class future as those who had served during World War II. Within 16 months, with the strong support, by the way, of Leader REID, we were able to pass this legislation, the most important piece of veterans legislation since World War II.

Most of that effort, again, came directly out of our office from the work of people on our personal staff, led by Mike Sozan, who at that time was our legislative director and has since moved on to be the chief of staff for Senator MARK UDALL.

We said during my campaign and after I got here that the United States desperately needs to reform its criminal justice system. We have 5 percent of the world's population and 25 percent of the world's prison population. If

we ask the average American, two-thirds of them will tell us they feel less safe in their own community than they did a year ago. It is not a political issue. To me, it has always been a personal issue, a leadership issue. I was warned when I first started raising this issue in Virginia 7 years ago that this could actually kill my political campaign. It didn't. People responded.

So since I was not on the Judiciary Committee, we worked on this legislation to create a national commission to examine all the aspects of the criminal justice system, and we did it right out of our office, with Doug Ierley being the point person for the entire country to get this debate going in a way that it hadn't been debated before. We met in our own office with more than 100 different organizations in our conference room. We had a bill a little more than a year ago that reached the floor of this Senate.

I would ask the Presiding Officer or any of my other colleagues when is the last time they have seen a criminal justice bill endorsed by—I have two pages of organizational endorsements—the National Sheriffs Association, the Marijuana Project, the Fraternal Order of Police, the International Association of Chiefs of Police, the ACLU, and the Sentencing Project. We got a buy-in from across the philosophical spectrum for a mere \$14 million commission where we could receive the advice from the experts in this country on an issue that we have not received their advice on since the 1960s.

One of the great disappointments of my time here has been the fact that this simple, sensible piece of legislation was filibustered. We got 57 votes on it. For some reason, the people on the other side of the aisle decided this shouldn't happen. We did get four votes from the other side of the aisle. Even the National Review, which is one of the most conservative magazines in the country, said filibustering this piece of legislation was "insane."

I ask unanimous consent to have printed in the RECORD at this time the endorsers of that legislation for the historical record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CRIMINAL JUSTICE BILL ENDORSEMENTS

Innocence Project; National Sheriffs' Association; NAACP; ACLU; Fraternal Order of Police; American Bar Association; International Association of Chiefs of Police; Sentencing Project; Families Against Mandatory Minimums; National Association of VOCA Assistance Administrators; American Probation and Parole Association; National Association of Evangelicals; American Society of Victimology; Colorado Organization for Victim Assistance; International Community Corrections Association; International Organization for Victim Assistance; Mothers Against Drunk Driving (MADD); National Association of Crime Victim Compensation Boards; National Center for Victims of Crime; National Children's Alliance.

National Crime Victims Research and Treatment Center; National Organization for Victim Assistance; The Renée Olubunmi Rondeau Peace Foundation; Legal Action Center; Correctional Education Association; Middle Atlantic States Correctional Association; Mennonite Central Committee; Safer Foundation; Just Detention International; Justice Policy Institute; Law Enforcement Against Prohibition; Union for Reform Judaism; Lawyers' Committee for Civil Rights; Church of Scientology; United Methodist Church, General Board of Church and Society; American Humanist Association; National Advocacy Center of the Sisters of the Good Shepherd; Healing Communities Prison Ministry and Prisoner Reentry Project; Marijuana Policy Project; Citizens United for the Rehabilitation of Errants (CURE).

National Organization for the Reform of Marijuana Laws; Corporation for Supportive Housing; National Employment Law Project; United Church of Christ/Justice and Witness Ministries; National African American Drug Policy Coalition, Inc.; American Probation and Parole Association; Women of Reform Judaism; Students for Sensible Drug Policy; The Fortune Society; Black Law Enforcement in America; Therapeutic Communities of America; National Treatment Accountability for Safer Communities; National Association of Criminal Defense Lawyers; The Leadership Conference on Civil and Human Rights; National Association for the Advancement of Colored People; National Association of Social Workers; NETWORK—A National Catholic Social Justice Lobby; Community Action Partnership; Safe Streets Arts Foundation; November Coalition; TASH—Equity, Opportunity and Inclusion for People with Disabilities; Drug Policy Alliance; American Civil Liberties Union; National Council of La Raza; National Association of Evangelicals; National Alliance of Faith and Justice; The Episcopal Church; National Gay and Lesbian Task Force Action Fund.

We have had a lot of discussion over the last 6 years about the so-called pivot to Asia. I will say as someone who has spent a great deal of time in and out of east Asia that this pivot was heavily influenced by the actions, again, taken directly out of our office. We looked for people to come and work with us who had expertise and the intellect to work not only on the Hill, not only with Members of Congress, and not only with the State Department, but with our embassies around the world, with foreign leaders, with validators, to take a different approach and to refocus the energy of the United States on this most vital part of the world. David Bonine, Marta McLellan Ross, Gordon Peterson, and Philip Brady were among them.

Our many visits to this part of the world sometimes included five countries in 2 weeks, traveling solely via commercial air rather than with military codel support, and included repeated meetings with the top leadership of countries such as Japan, Korea, Vietnam, Thailand, Singapore, Indonesia, and Burma, all of which represent the future of the United States in terms of trade, security, and cultural growth in the coming decades.

With respect to Burma, it was a great moment for me to be able to sit down



with and see Aung San Suu Kyi, recognized by the Congress a month or so ago, coming to this country as an elected member of their Parliament. We began the change in that relationship directly from our office based on work I had begun and become interested in over a period of 6 years before I was elected to the Senate.

I am very proud to say we laid the groundwork for a historic visit in 2009 from inside our office—often, I would say, against the will and against the advice of our own State Department. We used validators. We talked to people we knew in the region. I became the only American leader ever to meet with GEN Than Shwe, the leader of the military junta, to express my belief that we could work forward and have a different relationship. We met with Aung San Suu Kyi. I hope those who had some doubts about the wisdom of opening this relationship now can see the benefits as we are seeing the political situation beginning to truly change in Burma.

We worked heavily with Japan. This is a critical yet often overlooked relationship. It involved an effort to resolve basing issues on Okinawa that don't always get the attention they deserve in the Congress but have at times absolutely paralyzed the political debate inside Japan. Ironically, I first began working on these issues as a military planner in 1974 after I left the Marine Corps and was in law school. Our staff has met—and I have been a part of most of these meetings—with more than 70 delegations from Japan, in our office, organized and conducted by our staff.

In Korea, we led an effort to bring Democratic Senators onboard to support the critical free-trade agreement that is so important not only to our bilateral relations but to the signals of the United States in that part of the world, and we began what I believe is something of a pioneering effort to get Korea and Japan to come together at the table to realize their common security interests.

As to Vietnam, I have visited and worked inside Vietnam for 18 out of the last 21 years in addition to having served there as a marine, I would say.

I fought in Vietnam because I believed in the importance of that country to our relationships in Asia. I have spent a great deal of energy for more than 30 years now in an effort to heal the final wound of that war, which is the relationship between our Vietnamese community here in the United States and the government inside Vietnam.

We have worked in Thailand, Singapore, Laos. I was the first American Senator to visit Laos in 7 years, the first Member of Congress to visit Cambodia in 2 years when we visited Indonesia. We worked hard on the sovereignty and maritime issues in the

South China Sea. We initiated and sponsored two important Senate resolutions regarding China's recent aggression in the South China Sea. Again, we initiated this from the staff members in our office.

I could go on. Let me just say that the other areas—important areas—that our staff has worked on in the past 6 years include our pioneering work in economic fairness, the need for stronger programs in the area of adult education, the efforts from inside our office to encourage a full spectrum of energy development, the preservation of Civil War battlefields, and the vital need to rebalance the constitutional relationship between the Congress and the Presidency, which I have pursued in both administrations that have been in office while I have been a Member of the U.S. Senate.

Mr. President, at this point, because I really will not have time to list all of the contributions by my staff members, I ask unanimous consent that the names and the positions of my staff members be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Kathryn M. Wilmoth, Administrative Director  
Staff Arthur B. Scott Assistant to the Chief of Staff  
Colin MacDermott, Assistant to the Chief of the Staff  
Will Jenkins, Communications Director  
Heather Fluit, Communications Director  
Jessica A. Smith, Communications Director  
Rafael Anderson, Constituent Correspondence Manager  
Verna (Tina) Graham, Danville Caseworker  
Lisa Marie Stark, Director of Scheduling  
Melissa Bruns, Director of Scheduling  
Carolyn D. Walser, Executive Assistant  
Nadia S. Naviwala, Legislative Aide  
Ann M. Vallandingham, Legislative Assistant on Veterans Affairs  
Doug Ierley, Legislative Assistant and Counsel on Economic Issues  
Gordon I. Peterson, Legislative Assistant for Defense  
Ali Nouri, Legislative Assistant for Energy  
Trent D. Bauserman, Legislative Assistant for Energy and Environment  
Juliet M. Beyler, Legislative Assistant for Veterans Affairs  
Courtney L. Weaver, Legislative Assistant on Energy  
Trevor L. Dean, Legislative Assistant on Environment-Transportation  
Marta McLellan Ross, Legislative Assistant on Foreign Relations  
Jennifer Park Stout, Legislative Assistant on Foreign Relations  
Ann M. Vallandingham, Legislative Assistant on Veterans Affairs  
William Edwards, Legislative Assistant on Veterans Affairs  
Maribel Ramos, Legislative Assistant on Women's Issues, Indian Affairs, Immigration  
Patrick Day, Legislative Correspondent  
Amy E. Hensley, Legislative Correspondent  
Ashleigh Owens, Legislative Correspondent  
Jacob E. Terrell, Legislative Correspondent  
Jacqueline R. Ball, Legislative Correspondent

Jennifer Ann Bryant, Legislative Correspondent

John L. (Luke) Principato, Legislative Correspondent

Kyle Grantier, Legislative Correspondent  
Nathan D. Buniva, Legislative Correspondent

Olivia N. Marshall, Legislative Correspondent

Sara Brown, Legislative Correspondent  
Will Rosenthal, Legislative Correspondent  
Nelson M. Jones, III, Legislative Director and Counsel on Judiciary

David N. Bonine, Legislative Director  
Michael L. Sozan, Legislative Director  
Regan Gwyn Dutton, Norton Caseworker Director

Gwen Sidga, NOVA Casework Director  
Matthew Scott Lucas, NOVA Casework  
Barrett Kinsella, NOVA Caseworker  
Kali A. Matalon, NOVA Caseworker  
Tuy Q. Le, Outreach Staff  
Anne Elizabeth Hughes, Press Assistant  
S. Logan Gibson, Press Assistant  
Allison H. Jaslow, Press Secretary  
Kimberly Hunter, Press Secretary  
A. Nicholas Cohen, Richmond Caseworker  
Hope L. Elliott-Murphy, Richmond Caseworker

Justin Jennings, Richmond Caseworker  
Joann B. Pulliam, Richmond-Deputy State Director

Deborah R. Burroughs, Richmond-Director of Casework

Conaway B. Haskins, III, Richmond-State Office Director

Louise F. Ware, Richmond-State Office Director

Linda C. Williams, Richmond-State Office Manager

Frederick W. Hutchins, Jr, Roanoke Caseworker

Brittany A. Brown, Scheduler  
Jessica Vandenberg, Staff Assistant  
Martin Mash, Special Projects Manager  
Cody Huffman, Staff Assistant  
Erin Raymond, Staff Assistant  
Gregory Willett, Staff Assistant  
Hope W. Hurley, Staff Assistant  
Jada Greenhowe, Staff Assistant  
Jonathan Shields, Staff Assistant  
Kevin Franklin, Staff Assistant  
Liza Bray, Staff Assistant  
Mary E. Humphreys, Staff Assistant  
Russell M. Rivers, Staff Assistant  
Sarah Broadwater, Staff Assistant  
Daniel L. Gonzales, Systems Administrator

Joe G. Gallo, Systems Administrator

Andrea R. Trotter, Virginia Beach Caseworker

Charles F. Stanton, Virginia Beach Caseworker

Emily V. Mazich, Virginia Beach Caseworker

Jeanne S. Evans, Virginia Beach Field Representative

Joel R. Alvarenga, Staff Assistant

Michael (Mack) McGarvey, Legislative Assistant on Veterans Affairs

Amy Reiter, Strategic Planning Coordinator

Phillip F. Thompson, Executive Assistant

Debra T. Lawson, Roanoke Casework Director

Evan Chapman, Staff Assistant

Michael Mazzuto, Staff Assistant

Steven D. Le, Staff Assistant

Darryl Holt, Richmond Caseworker  
Kimberly A. Hunter, Press Secretary  
Philip O. Brady, Counselor  
Emily Zuelzer, Legislative Aide  
Will Wyche, Staff Assistant  
Ryan Kennedy, Staff Assistant



McKenzie Bennett, Legislative Aide  
Adam Schiff, Legislative Aide

Mr. WEBB. So to my staff, a heartfelt thanks, and to each of those who have served with us, I say again, thank you for your contributions to our staff and, most importantly, to our country. And I say also again that I will continue to expect great things from you in the future. You are my legacy. Never forget that the people you might have the honor of leading as you move forward in your careers, wherever you end up, will someday become your legacy.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I want to first, of course, commend the Senator from Virginia for his great leadership here in the Senate on a whole range of issues. He has served with great distinction here, and it has been an honor for me to serve with him. So I congratulate him on the various issues he discussed and the various issues he has worked on. I have had the good fortune to work and support his efforts on many of those issues.

#### WORK TO BE DONE

Mr. BINGAMAN. Mr. President, I wish to take a few minutes to speak about what needs to be done before we leave town, before we shut down this session of the Congress. In my view, Congress needs to do five things before the end of the year to head off difficulties for our economy.

First, as many have said, the House needs to take up and pass the middle-class tax cut—a bill that was already passed here in the Senate. That is the first item. That has been given a lot of attention.

Second, both Houses of Congress need to head off most if not all of the scheduled sequester. I hope we are able to do that.

Third, Congress should pass the tax extenders bill that was reported out of the Senate Finance Committee this summer, and that is going to be the subject of most of my comments this morning.

Fourth, the Congress should repeal the SGR. This is the law that governs the rates of reimbursement to providers under the Medicare Program. Unless we repeal that law, we will have to once again patch the law, as we have done for many years now, with a so-called Medicare doc fix. I think the time has come to go ahead and repeal the law.

The fifth item I want to mention is that Congress needs to give the President the power to raise the debt ceiling. At the same time, Congress should retain Congress's right to disapprove of that increase. But Secretary Geithner has made a proposal to the Congress

that I believe makes good sense. It is based upon the arrangement that was agreed to that Senator McConnell had put forward in the 2011 debt ceiling crisis that we all lived through.

Obviously, this is a significant to-do list. I do not intend to speak about all of these items. I would like to focus my remarks on the need for Congress to pass the extenders package of tax provisions. I think this has gotten too little attention. It deserves to be dealt with as a major component of the response to the so-called fiscal cliff. This is, in fact, the Family and Business Tax Cut Certainty Act of 2012.

While I hope the negotiations to avert the fiscal cliff are successful, in my view, we should not wait for a grand bargain in order to finish our work on this important tax extender legislation.

Tax extenders are different from the other fiscal cliff issues for three basic reasons. Let me describe those reasons.

First, tax extenders are much less contentious than the other end-of-year problems that need to be resolved. The tax extender bill on the Senate calendar has strong bipartisan support. In August the Finance Committee approved it by a large margin. We had support from six Republicans, including the ranking member, Senator HATCH. All 13 Democrats supported it. I believe many more Republicans will vote for this legislation if it is brought up for consideration here in the Senate.

The bill consists entirely of tax cuts. It should not be difficult to get Senators to vote for tax cuts, right before Christmases especially. Most of these tax cuts have solid bipartisan support. Many of these tax cuts will help the economy and will help the middle class. For example, the bill includes the deduction for tuition expenses, which is a \$4.2 billion tax cut for college students and their families. It includes the deduction for State and local sales taxes. This is a \$4.4 billion tax cut, mainly for people who live in States that do not have an income tax, States such as Alaska and Florida and Nevada and Tennessee and Texas and South Dakota and Washington and Wyoming. It includes an increase in the section 179 expensing limits. This is a \$2.4 billion tax cut for small businesses. And it includes an extension of the production tax credit for wind energy. This is a tax credit which has bipartisan support. It has helped create thousands of jobs.

The production tax credit for wind energy is a vital component of our Nation's energy policy. Its extension is crucial to taking advantage of our domestic energy resources and fostering a vibrant and globally competitive industry.

In just the several short years the wind industry has enjoyed this production tax credit, wind installations have

grown immensely and manufacturing facilities have grown to where today we have over 400 of these manufacturing facilities that have sprung up around the country. The United States now has over 50,000 megawatts of wind capacity and the wind resources to grow that industry substantially more.

My home State of New Mexico has the 10th best wind resources in the country, and has built close to 800 megawatts of capacity. While traditional fossil fuel plants use significant amounts of water to generate electricity, wind facilities use almost none—meaning that by promoting the development of wind power, we can conserve even more of that precious resource.

The production tax credit for wind is set to expire in 3 weeks, as these other provisions are as well. With it, tens of thousands of jobs will be lost. In fact, most wind-related companies have already begun to lay off employees. Orders for new turbines and gearboxes have fallen off significantly, and new wind installations are expected to decline dramatically in 2013 unless Congress takes action.

Uncertainty comes from many places for those who are in the business world. Congress should not continue to add to that uncertainty. Instead, we should extend the production tax credit for wind and extend the other expiring provisions passed by the Senate Finance Committee on a bipartisan basis.

A second reason the tax extenders are different from other issues related to the fiscal cliff is that we have a tax extenders bill that has already been voted on in committee. By contrast, none of us know how the disagreements about the Bush tax cuts or sequestration will be resolved. Those negotiations are yet to conclude. But the tax extenders bill has already been negotiated in the Finance Committee. The committee agreed to omit provisions costing billions of dollars. It modified other provisions to make them work better or to scale back on them. The Finance Committee approved this bill by a vote of 19 to 5.

That level of support means the Family and Business Tax Cut Certainty Act, or something close to it, is the tax extender bill the Senate is likely to pass this year. Six Republicans voted for it in committee. We would need just one more Republican vote to overcome a filibuster.

Some Senators believe tax extenders should only be approved as part of a plan to do comprehensive tax reform. I would agree that each tax extender and each tax expenditure should be examined again during comprehensive tax reform. Each should be made permanent or phased out based on that review. But realistically, the Congress will not make those decisions before the end of this year. Tax reform will take the better part of a year to accomplish or perhaps even longer. We

will need to pass an extenders bill before then, and we have one before us today that is worthy of being passed.

A third reason we should pass the tax extenders package now and not wait until the eleventh hour is that waiting could force the IRS to delay the tax filing season by 10 weeks or more for millions of Americans. In fact, we are at the eleventh hour. I should amend my comments to make that point very clear. This need for the IRS to delay the tax filing season is because the bill extends many provisions that expired at the end of 2011. They need to be extended for 2012 before people file their tax returns beginning in January of 2013. After Congress acts—if it acts—the IRS needs weeks to finalize tax forms and instruction books and to program computers to process the returns.

The IRS tells us that the alternative minimum tax, which is part of this tax extender package, would cause the biggest delay in the filing of new returns because of the number of tax credits and deductions that interact with the alternative minimum tax.

In 2010, when Congress waited until December to patch the alternative minimum tax, 10 million taxpayers had to delay their filings the next year. In 2007, after another eleventh-hour patch, 13 million taxpayers were delayed. Both the patches in 2007 and 2010 were enacted in December. So if we do not patch the AMT—alternative minimum tax—until January, the consequences will be even more severe.

At some point, IRS would have to choose between two options.

Its first option is to postpone the filing season for anyone who could be subject to the AMT and hope that Congress enacts a patch. Between 30 million and 60 million people would have to wait to learn how much tax they owe or whether they will get a refund.

The second option is for IRS to proceed with the filing season without the AMT patch. This option is even worse. It would mean 28 million more taxpayers would be subject to the AMT, and they would have to pay \$98 billion more in tax for 2012. These are middle-class Americans. Without the patch, the AMT will apply to individuals who earn more than \$33,750 in 2012 and couples who earn more than \$45,000. Without the patch, 46 percent of couples filing joint returns would owe alternative minimum tax, instead of six percent if we enact the patch.

This would be a disaster for the middle class. This is the risk we are taking if we delay passing tax extenders.

I urge my colleagues to take up and pass this important legislation, send it to the House so they can do the same, and send it to the President before this Congress finishes its work.

The PRESIDING OFFICER. The senior Senator from Iowa is recognized.

#### RUSSIA AND MOLDOVA PNTR

Mr. GRASSLEY. Mr. President, in this day and age, there is simply no denying that our economy is very much a part of a global economy and affected by it. Gone are the days when businesses relied solely on growing their customer base for domestic markets. Today, 95 percent of the world's consumers live outside the United States, and we are producing for those consumers as well as domestic ones.

One action that would help our economy improve at a faster rate would be to increase trade opportunities overseas for American businesses and farmers. Increased trade helps create jobs, increase incomes, and expand opportunities for innovation.

As we have seen over the course of history and also repeating what President John F. Kennedy often spoke about, free and fair trade helps all boats rise.

That is to say, countries willing to lower their trade barriers and allow fair and competitive trade will see growth in their economies.

However, history also shows even among nations with good relations, trade disputes still arise. That is why we need a forum to settle international disputes such as the World Trade Organization does. The WTO allows American businesses a place to take complaints against unfair trade barriers and have a judicial result.

For 19 years Russia has worked toward entry into the World Trade Organization. Now they are in the World Trade Organization. I support Russia being in the World Trade Organization. As the world's eleventh largest economy with over 140 million citizens, it is obviously an important market for U.S. businesses and farmers looking to expand their overseas markets.

Some of Iowa's heavy equipment manufacturers are already exporting millions of dollars of equipment to Russia.

Agricultural equipment manufactured in facilities all around Iowa is being used by Russian farmers as they look to increase their agricultural efficiency and productivity.

The World Trade Organization accession process afforded us an opportunity to address Russian tariffs against our products. In the accession agreement, Russia has agreed to lower its tariffs for these construction and agricultural equipment products. That obviously means increased exports and an increase in good American jobs.

By far the largest percentage of Iowa exports to Russia consists of grains, meats, and other agricultural products being produced by Iowa's farmers. Russia's accession into the WTO has been an important issue for our pork producers, for our cattlemen, and for our grain farmers. Iowa's farmers are some of the best in the world. They are truly helping to feed the world. Expanding

opportunities in overseas markets is vital to the future of American agriculture. Russia has been and I think will continue to be an important market for our farmers. But it does not come without its challenges.

Russia has repeatedly raised barriers to the U.S. imports based upon restrictions not supported by sound science. So now I am going to tell you about some problems I have with Russia, even though I want Russia to be in the WTO and I want this legislation to pass so it can be fully implemented.

I will share some things we have problems with regarding Russia. Let us take pork exports as an example. In 2008, U.S. pork sales to Russia totaled over 200,000 metric tons. Since that time exports have fallen nearly 60 percent due to Russia's reduced import quota and questionable sanitary and phytosanitary restrictions. I am pleased our trade negotiators were able to negotiate a satisfactory tariff rate quota for our pork. But this administration under President Obama has fallen short in its obligations to stand with U.S. farmers on these sanitary and phytosanitary standards; in other words, standing up for using sound science instead of some illegitimate reason for keeping our products out of Russia.

I have communicated time and again what I expected of this administration because they have to negotiate for us. In June 2011, I led a bipartisan letter with Senator NELSON of Nebraska and 26 other Senators to Ambassador Kirk requesting his negotiators follow the steps we have taken during consideration of past WTO accessions. I referred to China and Vietnam as examples for this administration to follow. When these countries joined the WTO, we used these opportunities to obtain firm sanitary-phytosanitary commitments from those countries that went beyond the WTO sanitary-phytosanitary agreement. In particular, we obtained further commitments in areas of meat inspection equivalence.

In addition, in June of this year, I sent another bipartisan letter with Senator NELSON of Nebraska and 32 other Senate colleagues to President Obama again laying out our request that he stand for American farmers and demand more of the Russian Government on sanitary-phytosanitary issues which would very much benefit our agriculture products going into Russia.

As we know, this administration did not use the accession process to fully address these crucial issues so they have to be addressed outside of this process where we do not quite have the leverage we would otherwise have. That is why I requested language that is in this legislation to require our trade negotiators to keep working with these unfair trade barriers and report

to Congress on their progress. Our farmers are some of the very best in the world. We cannot allow their products to be discriminated against based upon arbitrary nonscientific and unjustifiable reasons.

In addition to the concerns I repeatedly raised on sanitary-phytosanitary issues, there are other issues at stake with Russia. It is a shame that we are handling this bill in a lameduck session when time is so limited. This bill should have been debated at a time when the Senate could more fully evaluate the current course of our relationship with Russia.

Russia continues to cause challenges in regard to Syria, Iran, and other regions of the world where the United States and our allies are trying to do what is right in the name of human dignity and also in the name of national security. I am concerned with Russia's own human rights issues. That is why I am very glad the Magnitsky provisions are in this bill.

As ranking member of the Senate Judiciary Committee, I remain troubled by the lack of progress Russia has made on protecting intellectual property rights. Furthermore, Russian officials need to step up their efforts in combating cyber crimes. There continues to be a large number of cyber attacks that originate from within Russia's borders.

All that being said, I realize having Russia in the WTO is a very positive step. One of the goals of international trade is to build upon relationships between nations. Having Russia in the WTO fold will hopefully benefit our nations as we work together on so many issues that concern us, plus, as I have stated before, having the WTO forum available to help our businesses and farmers when disputes arise is important.

I have said I want Russia in the WTO. I have said there are good opportunities for us there. I just spoke as to why I think there are problems with Russia that need to be worked out. President Putin is not going to pay any attention to what I say, but I want him to know these are issues of the re-Sovietization of the country and I do not like it. I favor this bill; I favor working with Russia. But they are becoming more of a problem. I look forward to hearing from our trade negotiators in the not too distant future on their progress in getting Russia to remove the unjustifiable barriers to our agricultural products.

Furthermore, as President Obama looks toward other trade initiatives in the future, I hope this accession process will be a lesson. This process could have been better, in other words, using the leverage the United States has during these accession negotiations to get a lot of these disputes settled as we did with China and Vietnam that we have not fully done with Russia.

The President has called on Congress to pass this legislation for some time. But his lack of consultation with Congress and disregard for the concerns raised by this Senator and other Members has only served to delay this whole process. We cannot keep approaching trade issues in this fashion. This administration needs to have real and substantive consultation with Congress.

Furthermore, when there are opportunities to stand for American businesses and farmers against unfair trade barriers such as the sanitary and phytosanitary issues in Russia, the President needs to seize that opportunity the same way it was seized in the case of Vietnam and in the case of China's accession.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. NELSON of Florida. I want to speak to the issue that is beginning to considerably irritate the American people, and that is they cannot believe that in Washington the two parties cannot get together to come to an agreement on avoiding the fiscal cliff. It is as if some are in denial that there was an election and the President won reelection, and that a whole bunch of us won reelection to the Senate and to the House. It is as if the ideological rigidity is still as rigid and doctrinaire and that the lessons people were telling us about bipartisanship, that they demand bipartisanship—it is as if the parties and their leaders did not understand that is what the American people were demanding.

And here as the drumbeat grows louder, we approach December 31 and falling off the fiscal cliff. There is an easy fix, whatever your ideology and your approach. It can be hammered out next year when we are doing major things such as a rewrite of the IRS Tax Code, and all that that can portend in producing revenue, by making the Code more streamlined and in the process get rid of a lot of the underbrush and loopholes, and utilize that revenue to lower rates. But that is for another day after long deliberation on reforming an issue that has gotten so complicated it is out of control, and that is the Tax Code. You cannot do that in the next few days. That is what needs to be done in the committee process of the Congress.

What easily can be done is recognize that the President won, produce revenue with the upper 2 percent paying a little more, and eliminate the seques-

tration, which is \$1 trillion of cuts over the next 10 years that were never intended to go into effect after the original \$1 trillion which a year-and-a-half ago went into effect. This sequestration was intended to be the meat cleaver hanging over the heads of the supercommittee to get them to come to a bipartisan agreement.

Of course, a year-and-a-quarter ago, they deadlocked six to six and thus that is why we are facing this sequestration—\$½ trillion of cuts in defense, \$½ trillion of cuts in nondefense discretionary spending. Most everybody thinks they should not go into effect. So let us, for right now, before December 31, help eliminate the sequestration. Let's reintroduce all of the tax cuts for 98 percent of the American people, and then let's prepare, in a deliberative way, to reform the Tax Code and go about the process of streamlining and cutting spending as the new Congress unfolds. That is what I wanted to share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to address the same subject and I certainly share the views of the Senator from Florida that we have got to solve this so-called sequester problem because, as the Secretary of Defense has said, it would be disastrous for the Defense Department to take another \$½ trillion hit to its budget after already committing to do so.

We have required under our Budget Act that the Defense Department reduce spending by about \$487 billion over the next 10 years. To add another ½ trillion to that would, in fact, as Secretary Panetta said, be disastrous. So I appreciate the comments of my colleague.

Let me speak to the President's proposal specifically that was made at the beginning of the so-called negotiations here. His offer would increase taxes by more than \$1.6 trillion on individuals, on investment income, small businesses, under the estate tax, farms and estates, and American energy producers.

As President Reagan said many years ago, if you tax something, you get less of it. When you have to pay more taxes to engage in certain activities, you tend not to engage in those activities.

What is happening now in the market is a perfect example. A lot of people are of the view that capital gains taxes are going to go up, so they are selling their shares of stock or property now in order to pay the tax on the gain at the lower rate this year rather than the higher rate next year.

Tax rates should not be a factor in business decisions that are made. At least, raising taxes, as we will see in a moment, is a very big wet blanket on economic activity and economic growth. When we are in a situation

where economic growth is clearly less than 2 percent, it is not the time to raise taxes. As the President himself said almost exactly 2 years ago, when we decided to extend the tax policy that is currently in effect and had been for many years before that, to allow tax rates to go up would be—and this is his quotation—“a blow to the economy.”

So if it was true then, it is even more true today because the GDP growth is less today than it was 2 years ago when he made that correct comment. But the result of his proposal here to raise taxes by \$1.6 trillion would, in fact, reduce the economic growth, would result in fewer jobs, would result in less investment and, therefore, slower growth in many major sectors of the economy.

To show you how unserious his offer was, when the Republican leader yesterday asked unanimous consent to have a vote on it, he said, well, the President made his offer. I have put it into legislative language. Let us have a vote on it. The Democratic leader said, no, we don't want to do that and he objected, and it is clear why, because not only would it not receive Republican votes, it wouldn't receive Democratic votes.

In particular, let us understand why. A lot of our colleagues here on both sides of the aisle appreciate the impact on small business from raising tax rates. That is why there is a lot of difference of opinion on the Democratic side, as well as the view on the Republican side that this is not the right way to raise revenues if you were going to do it. You don't raise it on the backs of small business. The plan the President has proposed would hit small businesses directly.

Why is that the case? Because unlike corporations, which pay their taxes as corporations—they pay the 35-percent corporate rate—individual rates are the basis under which most small businesses pay their taxes. These are so-called flowthrough entities. Most of the small businesses, owned by an individual and maybe a couple members of his family—for example, your local plumbing business or air conditioning business, whatever it might be—pay their taxes as individuals.

When you raise the top individual rate or the second marginal rate or you raise capital gains rates or the estate tax rates, you are directly hitting those small business people. They employ millions of Americans. In fact, about a quarter of all workers today are employed in small business.

Over half, about 53 percent exactly, of this so-called flowthrough income is the money these small businesses earn. So when you raise the top two brackets, rates, or you raise the capital gains rate, for example, you are directly impacting these small businesses' ability to capitalize their busi-

nesses to hire more workers, to buy another pickup truck or whatever it might be. That is why we have said if you want to raise more tax revenues, there is a better way to do it than by raising the rates that would directly apply to these small business people.

Let me put this in perspective for you. According to the Office of Management and Budget figures, government spending has exceeded 24 percent of the GDP since 2009. That is well above the historical average, so we are spending way more than we ever have. But, according to CBO, tax revenues, the money the government brings in, are projected by 2016 to exceed 18 percent of GDP to get to 18.6 percent of GDP by 2022. That is above the historical average of revenues. So we are spending way more than our historical average. Also, in a relatively short period of time our revenues, because of the economy, as well as our tax rates, will produce more than the average revenue to the Federal Government.

It is clear we are bankrupt, not because we are not going to have enough revenues but because we are spending too much. The question is, is it fair to send small businesses the bill here for this excessive spending?

Even if we did believe President Obama would dedicate new revenue from tax increases to help pay down the deficit—and I don't believe that—new revenue extracted from the top two brackets would only fund the government for about a week, a little less than a week. So that is clearly not the answer.

When the President says, well, we need to ask the wealthy to pay a little more, let us parse that for a second. You are not asking them to do it; if you pass the law, the IRS will come after you if you don't. This is not a pleasant request. This is the IRS saying you have to pay more money to the U.S. Government, and the President always likes to say, a little more.

Well, it is not so little if your tax rate now goes up to almost 40 percent. If you are a small businessman and you have to pay 40 percent to Uncle Sam, you are probably not going to be able to grow your business. You might not be able to stay in business. You certainly are not going to be able to hire more people. That is not little to them. It is little to funding the U.S. Government.

What the President says these small businesses and others are going to have to pay, as I said, only funds the government for a little less than a week. It doesn't solve our deficit problem. It doesn't begin to solve our deficit problem.

Have you heard the President talk about reducing spending? No. He doesn't want to talk about that. It is as if he says the whole answer to our problem here is to ask the wealthy to pay a little bit more.

Well, in terms of the Federal budget, it is a little bit more. It is not going to help very much. Where are you going to get the rest of the savings? That is what we ought to be talking about here.

Then, as I was talking about before, it is how you do it that matters a lot. He should stop pursuing tax rate increases, as I said, and revisit the comments he made a year ago. Here is what the President said. “What we said was give us”—to “give us”—that is a nice way of saying we are going to make you pay more in taxes. “Us,” I gather here, is the U.S. Government.

What we said was give us \$1.2 trillion in additional revenues, which could be accomplished without hiking taxes, tax rates, but could simply be accomplished by eliminating loopholes, eliminating some deductions and engaging in a tax reform process that could have lowered rates generally while broadening the base.

He is right about that. If you want to get \$1.2 billion or 800 billion, which is the offer the Speaker of the House has made, in new tax revenues, you can do that without touching tax rates. What you could do is to put a cap on the amount of money the wealthy people in this country receive in the way of deductions for various things that they do, the taxes they pay to State and local government. They have got a big mortgage on a second home or something such as that. You could limit the amount of money that can be taken in special exemptions and credits and deductions and receive that revenue that way rather than by raising rates. The President said so. He is right.

Speaker BOEHNER is saying, all right, Mr. President, you won the election, you want more taxes, we are willing to do that. We don't want to do it, we think it will hurt the economy, but we are willing to do it.

But to minimize the damage on the economy, at least do it through eliminating these loopholes, these so-called deductions, credits, and special provisions. Don't try to do it by raising tax rates because that directly hits the small businesses you are trying to help create jobs right now.

Here is what small businesses care about. They spend a lot. As I say, you have a dad, his two sons, maybe mom does the accounting for the firm and so on; they have to be concerned about the estate tax. Those small businesses spend a lot of money trying to plan around paying the estate tax. On January 1, if we don't do anything, there is only \$1 million exempted. If you have a small business with a bunch of trucks and equipment and the like, you are going to have far more than \$1 million in assets in the business. The same thing for a farm.

What happens is that rate goes up to 55 percent. The amount exempted is only \$1 million. So everything above \$1 million you are paying 55 percent on.

I can personally tell you the stories of small business people in Phoenix

who have had to sell their business because they didn't have the money to pay the taxes. The business, the one I am thinking of right now, a printing company, is out of business now. It used to employ 200 people. It used to make a lot of contributions to charity in our community. No more. They are out of business. The employees are gone. The contributions to charity are gone. That is what happens when you don't care about the estate tax rate. So we should care about that. It shouldn't have to go up.

On capital gains, as I said, it is the same thing. A lot of people are cashing out now because they fear there is going to be a higher rate later. For larger businesses, we see some enormous dividends being paid this month. It may not be possible to pay those dividends starting in January when the dividend rate would skyrocket—close to 40 percent if we don't do anything. These are not things that help business and job creation.

What I would ask my colleagues to think of, if you are not willing to vote on the President's plan, at least listen to what he said a year ago when he said we can raise this tax revenue. We don't have to raise tax rates. We can do it by closing some of these loopholes.

He was right about that. If we are going to have to raise revenues, I would suggest that is the way to do it—at all costs avoid raising tax rates, which would, as he said a year ago, be a blow to our economy.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATIONS OF MARK E. WALKER TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA AND TERRENCE G. BERG TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Mark E. Walker, of

Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate, equally divided and controlled in the usual form.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, today the Senate will finally be allowed to vote on the nominations of Judge Mark Walker to fill a vacancy on the U.S. District Court for the Northern District of Florida and of Terrence Berg to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of Michigan. It has taken far too long for this day to come but I congratulate these nominees and their families on their confirmations.

After this vote, the Senate remains backlogged with 20 judicial nominations reported by the Judiciary Committee, including 15 nominations from before the August recess. They should be confirmed before the Senate adjourns for the year. If the Senate were allowed to act in the best interests of the American people, it would vote to confirm these nominees and reduce the judicial vacancies that are plaguing our Federal courts.

Senate Republicans are establishing a new and harmful precedent of stalling judicial nominees on the Senate Executive Calendar who are ready for final action by insisting that they be delayed into the succeeding year. They held up judicial nominees three years ago, they did it two years ago, they did it last year, and they are doing it again. They have found a new way to employ their old trick of a pocket filibuster. They stall nominees into the next year and force the Senate to continue work on nominees from the past year for the first several months of the new year. They delay and delay and then cut off Senate consideration of any nominees.

By way of example, last December, Senate Republicans refused to confirm a single nominee before the end of the year. It then took us until May of the following year to confirm the 19 nominees they stalled from the previous year's Calendar, and we achieved that only after the Majority Leader was forced to file cloture on 17 nominees. The fact is that the Senate has been allowed to confirm only 19 nominees who were reported this year by the Senate Judiciary Committee. That is by far the lowest total for a presidential election year since 1996, when Senate Republicans, who were then in the Majority, would only allow 17 of President Clinton's nominees to be confirmed.

These delays in filling judicial vacancies are harmful to our Nation's courts

and to the American people they serve. The Senate should be taking action on all the pending nominees so that we can make real progress for the American people and reduce the damagingly high number of judicial vacancies. Federal judicial vacancies remain near 80. By this point in President Bush's first term we had reduced judicial vacancies to 28. There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. And there are still currently near 80 vacancies today.

Those who argue that it would be "unprecedented" to confirm long-stalled nominations because they have delayed them into this lameduck session are wrong. They say that because there were no lameduck confirmations in 1984, 1988, 1992, 1996, 2000, or 2008, we should therefore not confirm these nominees, and we should allow nearly a dozen judicial emergency vacancies to remain unfilled. They have omitted some important facts. What they fail to acknowledge is that they have delayed action on 17 of these nominees since before the August recess. In 1984, 1988, 1992, and 1996—the first four of their purported examples—there were no lameduck sessions. Those are not precedents supporting their contentions seeking to justify their current obstruction.

In 2000 and 2008, in keeping with Senate tradition, the Senate had done its job and had confirmed all pending nominations and cleared the Calendar. There were no pending judicial nominees to be given a final confirmation vote by the Senate in those years. Those are not precedent for the current Republican obstruction. Following the example from those years would have meant confirming all the nominations reported before the August recess long before this post-election lame duck session.

The fact is that from 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is the precedent that Senate Republicans are now breaking. According to the non-partisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lameduck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including three circuit court nominees, in the lameduck session after the elections in 2002. I remember, I was the Chairman of the Judiciary Committee who moved forward

with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006. In 2006 that included confirming another circuit court nominee. We proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, including five circuit court nominees.

That is our history and recent precedent. Those who contend that judicial confirmation votes during lame duck sessions do not take place are wrong. I urge them to reexamine the false premises for their contentions and I urge the Senate Republican leadership to reassess its damaging tactics. The new precedent they are creating is bad for the Senate, the Federal courts and, most importantly, for the American people.

Moreover, arguments about past Senate practices do not help fill longstanding vacancies on our Federal courts, which are in dire need of additional assistance. Arguments about past Senate practice do not help the American people obtain justice. There are no good reasons to hold up the judicial nominations being stalled on the Senate Executive Calendar. A wrong-headed desire for partisan payback for some imagined offense from years ago is no good reason. A continuing effort to gum up the workings of the Senate and to delay Senate action on additional judicial nominees next year is no good reason.

It is past time for votes on the four circuit nominees and the other 15 district court nominees reported by the Senate Judiciary Committee. When we have consensus nominees before us who can fill judicial vacancies, especially judicial emergency vacancies, it is our duty to the American people to take action on those nominations. Doing so is consistent with Senate precedent, and it is right. Let us do our jobs so that all Americans can have access to justice.

Today, we will vote on two consensus nominees who were stalled for months for no good reason, and are finally receiving a vote. Judge Walker is nominated to fill a judicial vacancy on the U.S. District Court for the Northern District of Florida. He has served as a state court judge since 2009, and previously spent 10 years in private practice. After law school he clerked for Judge Emmett Ripley Cox on the U.S. Court of Appeals for the Eleventh Circuit and Judge Robert L. Hinkle on the U.S. District Court for the Northern District of Florida. The nonpartisan ABA Standing Committee on the Federal Judiciary unanimously rated him well qualified—its highest rating. Judge Walker's nomination has the bipartisan support of his home state Senators, Democratic Senator BILL NELSON and Republican Senator MARCO RUBIO.

Terrence Berg is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of Michigan. Since 2011, he has served on detail in the Professional Misconduct Review Unit, in the Office of the Deputy Attorney General at the U.S. Department of Justice. He previously served as interim U.S. Attorney and First Assistant U.S. Attorney in the Eastern District of Michigan and has received many awards for his service as a Federal prosecutor. After graduating from law school he clerked for the Honorable Anthony A. Alaimo in the U.S. District Court for the Southern District of Georgia, and has spent most of his career as a Federal prosecutor. His nomination has the support of his home state senators, Senator LEVIN and Senator STABENOW.

The Judiciary Committee reported both nominations by voice vote—Judge Walker was reported six months ago, and Mr. Berg was reported five months ago. After the Senate is finally allowed to confirm them, we need to move on to consider and confirm the rest of the nominees who have been stalled on the Senate Executive Calendar so that all Americans will have better access to justice.

I ask unanimous consent to speak on my time, without delaying the vote, as in morning business on another critical matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I have spoken on this subject many times on the floor. The people who are affected by violence against women have wondered why the Congress has delayed so long on the Violence Against Women Reauthorization Act, the bill we passed here in the Senate. If someone is a victim of violence, that person can't understand such delays. So I think it is time for the Senate and the House to come together to pass the Leahy-Crapo Violence Against Women Reauthorization Act. The other body needs to do what we did overwhelmingly in this Senate.

Earlier this week, I read in the Burlington, VT, Free Press the story of Carmen Tarleton. She is a woman from Thetford, VT. Thetford, VT, is a small, quiet, beautiful little town in our State.

Five years ago, Carmen's estranged husband broke into her home, he beat her with a baseball bat, and he poured industrial strength lye on her, severely burning a great deal of her body and nearly blinding her. Her doctors said she had suffered the most horrific injury a human being could suffer. Today she is still disfigured and continues to experience pain from these injuries of 5 years ago. She is currently awaiting approval for a procedure that could help her get a face transplant. Despite this, Carmen is courageously sharing

her story in a book that she has written called *Overcome: Burned, Blinded, and Blessed*.

Stories such as Carmen's remind me that every day we do not pass VAWA more people are suffering.

I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press,  
Dec. 3, 2012]

#### LYE ATTACK VICTIM WRITES OF FORGIVENESS (By Lisa Rathke)

MONTPELIER, VT.—While Carmen Tarleton lay in a hospital bed, beaten and disfigured by her estranged husband with injuries that doctors called "the most horrific injury a human being could suffer," she had vivid dreams.

In one of the most memorable, dozens of doors stretched around her. "Life is a choice," a voice said. And then the words appeared one at a time in white across a dark movie screen: LIFE IS A CHOICE.

Tarleton carried that lesson with her through her ongoing, daunting and remarkable recovery after her ex broke into her Thetford home five years ago, beat her with a baseball bat and poured industrial-strength lye on her, burning most of her body.

Tarleton, who at age 44 continues to undergo surgeries and awaits a possible face transplant, has written a book that will be published in March called "Overcome: Burned, Blinded and Blessed." She hopes it will speak to abuse victims and others.

"I think I can help a whole bunch of people, not just domestic violence people," she said in a recent interview with The Associated Press. "I think I can help a whole bunch of people wherever you are in your life."

Despite her suffering, she says she's in a better place than she was before the attack.

"I'm so much more blessed than I was then," she said.

The book starts with Tarleton's decision at 28 to move across the country from her native Vermont to Los Angeles, with her two children in tow, to work as a nurse at a UCLA hospital. There she met Herb Rodgers, whom she eventually married. The family moved back to Thetford, where her marriage started to unravel—in part over Rodgers' dishonesty, Tarleton said.

Tarleton recalls what she now says was a premonition. One evening when she was about to leave for her night shift at the hospital, her 12-year-old daughter was sobbing in bedroom. When she asked what was wrong, her daughter said, "Something really, really bad is going to happen to you."

Eight months later, it did. Rodgers is serving a minimum of 30 years in prison for the June 2007 attack.

When she set out to write the book three years later with only limited vision in one eye, she stalled when it came time to explain what Rodgers had done to her that night. She had to coach herself through it.

"Alone at my magnifying machine, I felt physically ill with what I was doing," she wrote. "The experience of reliving that night, trying to capture every detail as vividly as I remembered it, was sickening. Halfway through, I let my pen drop and rushed to my bedroom, the edges of my limited vision blackening."

It took her two days to write it. It was scary, but it was what she wanted to do, she said.



She talked out the rest of the book and recorded it. She hired Writers of the Round Table Press to write it all down, including dialogue she had recalled.

"I was paying attention, because some of it I couldn't forget if I wanted to," she said.

She writes about facing Rodgers in court, how she dealt with being blind and disfigured, her pain, the help she has received from her community, family and friends, and how she came to forgive the man who maimed her so she could get on with her own life.

"That's where I feel people get stuck because we don't have a segment of our society that says just because this terrible thing happened to you it doesn't have to ruin the rest of your life," she said. "And I want to be the example of that because it doesn't."

Publishing the book was a no-brainer for Writers of the Round Table Press, which helped Tarleton write it, said vice president David Cohen.

"Taking that kind of experience and turning that energy into something positive and wanting to go out there and effect change with as much as she had to overcome, to me was just striking," Cohen said.

As she awaits approval for a procedure that could help her get a face transplant, she looks forward to feeling well enough to speak publicly again about her ordeal to help others. She has had several recent surgeries to install a catheter in her chest and was sick last winter with hyperthyroidism.

"When life gives you a big negative situation like I'd been through, if you can get through that, you can really find all of the blessings and all of the positive things that can come out of that," she said. "And I found so much that I would not go back."

Mr. LEAHY. Mr. President, the distinguished Presiding Officer was a strong supporter of this bill—the Violence Against Women Reauthorization Act, as many of our colleagues were on both sides of the aisle. We tried to keep this a nonpartisan bill—even beyond bipartisan, a nonpartisan bill—because certainly my experience has been that violence occurs not because a woman is a Republican or a Democrat or an Independent. Violence against women occurs in all stratum, in all categories.

Senator CRAPO and I put together our bill after listening to victims and the professionals who work with them every day. We did not want provisions in our bill included to score political points. They were there to address the urgent needs of vulnerable victims. That was the one thing we wanted. This wasn't a Democratic or Republican bill, this was to address vulnerable victims.

One key provision in our bipartisan bill would allow tribal courts limited jurisdiction to consider domestic violence offenses committed by non-Indians against Indian women on tribal lands. On this, I relied on the experiences of Senator CRAPO and others who come from States where there are tribal lands. As we went into this and talked to the leaders of various tribes from around this country, I heard that violence against Native women is not only appalling, as we knew, but it has become an epidemic. It has been re-

ported that almost three in five Native women have been assaulted by their spouses or intimate partners. Much of the violence is committed by non-Native Americans—non-Indians.

Federal and State law enforcement may be hours away and lack the resources to respond to these cases, while tribal courts lack jurisdiction to consider these cases. So what happens? The perpetrators are, in effect, immune from the law. The worst part about it is they know they are immune from the law. So the jurisdiction provision in the Senate Leahy-Crapo bill would be a significant step toward addressing this horrific problem, but it would also ensure that no abuser is above the law. As the President said yesterday in a speech to the Tribal Nations Conference: "With domestic violence so prevalent on reservations, we're pushing Congress to restore your power to bring to justice anyone—Indian or non-Indian—who hurts a woman."

Even though our tribal provision is limited and guarantees comprehensive rights, House Republicans have objected to it. So I come to the Senate floor to report to my colleagues what I hope is a breakthrough on this issue in this important bill. Two conservative House Republicans, with leadership positions in the Republican House majority, have introduced a reasonable, middle-ground position regarding tribal jurisdiction.

Representative ISSA of California and Representative COLE of Oklahoma have introduced the Violence Against Indian Women Act, H.R. 6625. Their cosponsors include Republicans from North Carolina, Minnesota and Idaho. They all have tribes within their states and are concerned about the violence our Senate bill is trying to combat. The Issa-Cole bill includes a provision that allows defendants to remove a case to Federal court if any defendants' rights are violated. This modification should ensure that only those tribes that are following the requirements of the law and providing full rights can exercise jurisdiction, and that defendants can raise challenges at the beginning of a case.

Some in the House Republican leadership have expressed a "just say no" approach to any grant of tribal jurisdiction, but the House Republican leadership should give serious consideration to this Republican proposal so we can move forward and protect thousands of victims, non-Native Americans and Native Americans.

The National Congress of American Indians has sent a letter and urged Senator CRAPO and me to take a serious look at the Issa-Cole provisions. We are. I have consulted with Senators on both sides of the aisle regarding this proposal so we can find a way forward. I urge the House Republican leadership to do so as well.

I ask unanimous consent to have printed in the RECORD a copy of the NCAI letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS  
OF AMERICAN INDIANS,

Washington, DC, November 30, 2012.

Hon. PATRICK J. LEAHY,  
Chairman, U.S. Senate Committee on the Judiciary,  
Dirksen Senate Office Building, Washington, DC.

Hon. MICHAEL D. CRAPO,  
Dirksen Senate Office Building, U.S. Senate,  
Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR CRAPO: The National Congress of American Indians (NCAI) is pleased to hear that serious efforts may be under way to resolve the impasse between the Senate and the House on the Violence Against Women Reauthorization Act (VAWA). Enhancing the safety of Native women is one of NCAI's highest priorities, and we support immediate passage of a strong, inclusive VAWA bill that contains key protections for Native women, including those contained in Section 904 of the bipartisan Senate VAWA bill that passed earlier this year (S. 1925).

Section 904 takes small but historic steps to overcome the systemic barriers that prevent equal access to justice for Native women by giving tribes limited authority to prosecute domestic violence and dating violence at the local level. NCAI commends the two of you for your leadership on this provision. We strongly support Section 904 as it stands in S. 1925, but we understand the legislative process. A reasonably modified version of Section 904 would be vastly preferable to the current situation on tribal lands.

Tribes understand and support protecting the rights of criminal defendants. That is why we support reasonable improvements to Section 904 that would further achieve those ends. For example, tribes are currently urging consideration of a removal provision like that in the bill recently introduced in the House of Representatives by Representatives Darrell Issa and Tom Cole. The provision in the Issa/Cole bill would give criminal defendants in tribal court the right to remove prosecutions to federal court for consideration of any constitutional infirmities. It is a concept based loosely on the recently enacted 28 U.S.C. 1455—a federal procedure currently on the books (and sponsored by House Judiciary Committee Chairman Lamar Smith) that permits federal removal of state court criminal cases. We urge you to take a serious look at the Issa/Cole proposal in the coming days.

It is the strong hope of tribal leaders that Section 904 will rarely need to be used, but there are several reasons why this provision is so critical. First, it would create a very important and much needed deterrent that is currently lacking, given the absence of tribal jurisdiction over non-Indian domestic violence offenders. Second, serious offenses will most likely continue to be referred for federal prosecution because tribes are far from eager to incur the costs of additional prosecutions and incarcerations. And third, given the long history of the inadequate federal response to crime in Indian country—particularly in misdemeanor-level domestic violence cases—it is imperative that tribal governments have the tools to intervene early and often to protect Native women and prevent the escalation of violence.

Under the current scheme, non-Indian perpetrators in Indian country are often shielded from accountability at the expense of the



safety of Indian women. Section 904 would help reverse this trend. This provision is essential to the safety of Native women, and NCAI cannot support any VAWA bill that does not contain some form of it (see attached NCAI Resolution #SAC-12-038). Should you have any questions or need additional information please contact myself, John Dossett, or Katy Tyndell at 202-466-7767 or jdossett@ncai.org, ktyndell@ncai.org.

Sincerely,

JEFFERSON KEEL,  
President.

NATIONAL CONGRESS OF AMERICAN INDIANS  
The National Congress of American Indians  
Resolution #SAC-12-038

Title: Support for Immediate Passage of the  
VAWA Reauthorization with Tribal Criminal  
Jurisdiction Provision Intact

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, violence directed at American Indian and Alaska Native women continues at epidemic levels on many Indian reservations and communities, and is culturally, legally and morally an impermissible state of affairs; and

Whereas, Alaska Native women are especially vulnerable to this type of violence and the current system of justice in Alaska fails to adequately protect Alaska Native victims of sexual and domestic violence; and

Whereas, the NCAI has consistently supported key changes to the Violence Against Women Act (VAWA), last authorized by Congress in 2005 for a six year period, the reauthorization of which Congress has been considering since 2010; and

Whereas, one of the key provisions of the reauthorization has been the restoration of Tribal jurisdiction over non-Indian perpetrators of violence directed at Native American women that occurs within the boundaries of an Indian reservation; and

Whereas, this VAWA tribal criminal jurisdiction provision has bipartisan support in both chambers of Congress; and

Whereas, recent actions in Congress failed to reauthorize VAWA, with the House citing, among other things, the restoration of Tribal jurisdiction as a stumbling block to reauthorization; and

Whereas, the longer the stalemate regarding reauthorization of VAWA continues, the larger the number of Native American and other women who will lose their lives and their health because of acts of violence directed at them by men who do not believe they will be prosecuted for their criminal acts: Now therefore be it

*Resolved*, That the NCAI will not support a VAWA reauthorization bill that does not

contain some form of the tribal criminal jurisdiction provision that would give tribes authority to prosecute all persons who commit domestic violence on tribal lands; and be it further

*Resolved*, That the NCAI calls on Congress to immediately pass a final Violence Against Women Reauthorization Act that includes some form of the Tribal criminal jurisdiction; and be it further

*Resolved*, That the NCAI urges Congress to include specific protections for Alaska Native victims of sexual assault, domestic violence, dating violence, and stalking in any final VAWA reauthorization bill; and be it finally

*Resolved*, That this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.

Mr. LEAHY. Mr. President, already, eight House Republicans have endorsed this approach in a letter to Speaker BOEHNER urging passage of our VAWA legislation with this compromise. I am reaching out to them and to members of both parties in both houses of Congress asking them to consider how we can bridge differences and get VAWA reauthorization legislation enacted to meaningfully address the brutal violence on tribal lands.

I remain committed to finding solutions to all the areas of contention between the House and the Senate on VAWA. We ought to be able to pass legislation that includes provisions addressing the violence on tribal lands and the need to protect immigrant women and those who have not had access to services because of their sexual orientation or gender identity. I believe we can find acceptable versions of the Senate bill's new protections for students and other key provisions. I am reaching out to the House Republican leadership. I look forward to their seizing this opportunity provided by these senior House Republicans to work with me and Senator CRAPO and the 68 Senators from both parties who voted for the Leahy-Crapo VAWA bill last April. If we can complete our work and send this bill to the President before we adjourn this year, he will sign it. Because with every day, every week, every month that goes by there are more horrific accounts of domestic and sexual violence. Whether it is a victim in Thetford, VT, or Kansas City, we owe it to them to come together to find a compromise.

I have said this before several times: I still have nightmares from the domestic violence crime scenes I saw as a prosecutor in Vermont. I became a prosecutor at a time when many of the laws were changing—search and seizure laws, Miranda laws, and so forth—and I would go with the police to crime

scenes to give them advice on what the new laws might mean. A lot of times those scenes were at 2 or 3 o'clock in the morning. Many times we would see battered women, sometimes women no longer alive. I had nightmares from those. But I remember the police never asked: Is this an immigrant? Is this woman gay or straight? Is this woman Native American? They just wanted to stop the crime from happening again, and this legislation would give them a lot of tools so they can do that. The thought that our inaction could lead to more scenes such as those I saw would be tragic.

Congress must act now to protect victims of rape and domestic violence. I am optimistic we can move together now that several House Republicans support a compromise position on tribal jurisdiction. I look forward to hearing from the House Republican leadership.

Mr. President, I know we are going to vote at 12, so I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me first thank Senator LEAHY and members of the Judiciary Committee for the hearing they held on Terry Berg's nomination for the U.S. District Court for the Eastern District of Michigan. I know how hard Senator LEAHY works to get these judges and their judicial nominations to the floor, and we are deeply appreciative for all the efforts over all the years—indeed, may I say decades—of my good friend Senator LEAHY.

I think every member of the Judiciary Committee who had the chance to read the record or to be there during the hearing will agree Mr. Berg is an outstanding nominee for our district court bench. I will not go through all his background. Mr. Berg's qualifications are extraordinarily impressive. He will make an excellent addition to the Eastern District Court. He is going to serve with great distinction, and all of us—and I know I speak for Senator STABENOW as well in terms of strongly supporting this nomination—thank our colleagues for bringing this nomination to the floor and for the strong support it got in the Judiciary Committee.

Mr. LEVIN. Mr. President, Terrence, or "Terry" Berg, whom the President has nominated to the federal bench in the District Court for the Eastern District of Michigan, received a "Well Qualified" rating from the American Bar Association Standing Committee on the Federal Judiciary. He graduated from the Georgetown University Law Center, and then went on to clerk for U.S. District judge. His career has been dedicated to public service. Since 2003, he has worked at the United States Attorney's Office for the Eastern District of Michigan where he has worked on various cybercrime issues, has supervised criminal, civil, and administrative divisions, and has handled a full

fraud case docket, including theft of trade secrets, mortgage fraud, health care fraud, corporate fraud and other white collar crime cases. During this time, he received the Assistant Attorney General's Award for Distinguished Service and the Director's Award for Superior Performance in a Managerial or Supervisory Role.

Prior to that service, Mr. Berg worked for the Michigan Attorney General where he established and supervised the State's first computer crime prosecution unit. He also served at the U.S. Department of Justice here in Washington as a Computer Crime Fellow. He has also served as an adjunct professor at the University of Detroit Mercy School of Law and the Wayne State University Law School.

Mr. Berg has served on the Catholic Lawyers' Society Board of Directors, American Constitution Society and the State Bar of Michigan Committee on Judicial and Professional Ethics and has published numerous articles on cybercrime.

Mr. NELSON of Florida. Mr. President, I wish to congratulate Judge Walker on his confirmation vote today. He has been waiting patiently since he was voted out of committee in June, and the Northern District of Florida will be well served by his confirmation.

A Florida native, Judge Walker was born in Winter Garden.

He received his bachelor's degree from the University of Florida where he graduated first in his class.

He earned his law degree at the University of Florida as well.

He has clerked for Justice Stephen Grimes of the Florida Supreme Court and Judge Robert Hinkle of the Northern District of Florida.

He served as an assistant public defender of Florida's Second Judicial Circuit from 1997 to 1999, before then spending a decade in private practice where he specialized in civil litigation and criminal defense.

And since 2009, he has had an outstanding record as a circuit judge, living in Tallahassee.

We have another district judge nomination pending on the Senate calendar as well.

Judge Brian Davis would fill a judicial emergency for the Middle District of Florida, and I urge my colleagues to take up this vote as soon as possible.

I hope the Senate can work to eliminate the backlog of nominees pending on the floor.

Even nominees with the support of both home State Senators are being held up.

The high level of judicial vacancies across the country puts at risk the ability of all Americans to have a fair hearing in court.

I yield the floor.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to consideration of H.R. 6156, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we will soon be voting on whether to establish permanent normal trade relations—otherwise known as PNTR—with Russia and Moldova and to update human rights legislation on Russia.

We have to take many difficult votes in this Chamber, but this is not one of them. In fact, this is a rare opportunity to pass a good bill on which we all can agree.

PNTR is good for U.S. jobs. Russia is a fast-growing market. When Russia joined the WTO in August, it opened its markets to the other 155 members of the WTO who have PNTR with Russia. PNTR will give U.S. farmers, ranchers, businesses, and workers new opportunities in Russia and new jobs at home.

Our competitors in China, Canada, and Europe are now taking advantage of these opportunities because they have PNTR with Russia. They already have it. We are the only WTO member missing out on these opportunities. If we now pass PNTR, we could level the playing field and compete. If we compete, we will win. We will sell more beef, we will sell more aircraft, we will sell more tractors, and we will sell more medical equipment. Our banks and insurance companies will grow. PNTR will give our knowledge industries greater protections for their intellectual property, and our farmers will have new tools to fight unscientific trade barriers. If we pass PNTR,

American exports to Russia are expected to double in 5 years. This bill has strong enforcement provisions to help ensure that American farmers, ranchers, businesses, and exporters get the full benefit of PNTR. This bill has strong human rights provisions. Senator CARDIN's Magnitsky Act punishes human rights violations in Russia and helps to address the corruption problems Russia now faces.

In July, the Finance Committee voted unanimously, 24 to 0, in favor of PNTR legislation. Last month, the House of Representatives passed the PNTR legislation now before us with 365 "yes" votes. Now we need to act to pass this bill that supports U.S. jobs. Let's take advantage of this opportunity to take a good vote on a good bill. I urge my colleagues to vote in favor of giving U.S. workers and businesses a chance to compete and vote in favor of the PNTR.

I thank my colleague from Utah, Senator HATCH. He is a great person, and we have worked very closely. The two of us have worked together, and we made a good team to get this legislation passed.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Utah.

Mr. HATCH. Madam President, I want to praise the distinguished chairman of the committee. He has done a wonderful job, and, of course, he has been a pleasure to work with.

This bill marks an important step forward in our relations with Russia and Moldova. Once this bill is signed into law, our workers, job creators, and farmers will be able to take full advantage of Russia and Moldova's accession to the WTO.

The bill includes strong enforcement provisions to ensure that Russia lives up to its international trade obligations. Finally, this bill will help advance human rights and the rule of law in Russia.

Today's vote would not be possible without the combined efforts of many dedicated public servants. First, I would like to thank the staff at the Office of the U.S. Trade Representative. Many of them toiled for years to bring Russia and Moldova into the WTO, often at great personal sacrifice.

I also would like to take a moment to thank my colleagues for all of their hard work in helping to craft this bill. An open and transparent dialogue was critical to our success. And I would particularly like to again express my appreciation to all the Republican members of the Finance Committee who worked with me and my staff in good faith to develop a strong enforcement package which will address many of the concerns we all have regarding our bilateral trade relations with Russia.

Finally, I would like to thank my friend and colleague, Senator BAUCUS, and his wonderful staff because he and

his staff have had a great willingness to work with us to make sure our concerns were addressed in the bill. At the conclusion of my remarks I will provide for the RECORD a list of names of staff members from both our offices.

The process we undertook in the Finance Committee is emblematic of how the Finance Committee should work. It is my sincere hope this will be a model for future legislation. Working together, I am confident we can continue to develop policies to grow our economy through international trade and, hopefully, help advance the rule of law around the world. This is a good package that deserves our strong support. I urge all of my colleagues to join me in supporting this bill.

I believe we have to do more in the international trade world. Earlier, due to the efforts of the distinguished chairman, Senator BAUCUS, and his staff and my staff, we were able to get the Korean, Colombian, and Panamanian treaties through. These were steps in the right direction for all of these years, and to have this happen is going to be a wonderful thing, I think, for our country and for Russia itself, and it certainly is going to help us go down the line in doing what is best for our own trade.

One of the other special things that is in this is it is going to cause Russia to have to live up to some international trade and international intellectual property laws. We in this country believe in obeying those laws, and I have to say Russia, India, and China have invaded intellectual property in areas they shouldn't have. Hopefully, this type of agreement, PNTR, will help alleviate that problem.

So I urge my colleagues to join Senator BAUCUS and I in voting for this very important bill. Again, I thank staff on both sides for the wonderful work they have done and the Trade Representative in his office, as well, for the wonderful work they have done.

I reserve the remainder of my time.

#### HUMAN RIGHTS ABUSERS

Mr. MERKLEY. Madam President, we are about to take a momentous step forward in promoting human rights abroad thanks to my good friend from Maryland. Here is a bill that promotes a robust trade relationship while at the same time using this relationship to advance a very just cause: punishing past human rights abusers and inhibiting would-be human rights abusers.

Mr. CARDIN. I couldn't agree more with my friend from Oregon. As some of my colleagues know, I am the original sponsor of Sergei Magnitsky Rule of Law Accountability Act, the standalone bill that then became the human rights title in this combined PNTR bill. I am enormously proud of the work we have done on the bill, and I think it has real potential to not only hold people accountable who have committed past human rights abuses, but

also potentially to prevent future human rights abuses from occurring. Those who are responsible for gross human rights abuses such as torture or extrajudicial killings, whether as private citizens or within organs of the State, now know that we, our markets, and our financial system will remain closed to them if they do so. These are real material consequences.

Mr. MERKLEY. I am very glad that my friend from Maryland has drawn attention to the forward looking provisions in this bill. It is crucial that while the Secretary of State makes the initial determination as to who should be on this list of gross human rights abusers, this is not the end of the story. On the contrary, there is a continuing oversight process built into the bill, along with requirements for ongoing updates to the list of human rights abusers. In fact, the chairpersons and ranking members of appropriate congressional committees may request a written response from the Secretary of State as to whether a particular individual has met the threshold required for addition to this list. So whether a person's human rights are being violated because he or she is a dissident journalist, or a member of an ethnic minority group, or LGBT, or simply a citizen exposing wrongdoing, the perpetrators will now face real risks and real scrutiny that they did not face before.

Mr. CARDIN. That is exactly right. Those who violate the human rights of such citizens through torture, extrajudicial killings, or other gross violations of international human rights will come to our attention. And I look forward to working with my friend from Oregon to help maintain this vigilance and oversight in the years to come.

Mr. MERKLEY. As do I.

Ms. COLLINS. Madam President, I rise to speak on the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act that is currently before the Senate. As a cosponsor of Sergei Magnitsky Rule of Law and Accountability Act, I am very pleased to see this important human rights legislation move forward, and I want to commend Senators CARDIN, MCCAIN, and others who have worked so hard on this bill for getting us to this point.

The bill that we are considering today would repeal the so-called Jackson-Vanik amendment with respect to Russia, which my colleagues know tied trade relations to the right of free emigration, and replace it with a tough new law to impose sanctions on Russians deemed to have grossly violated human rights.

The bill is named after Sergei Magnitsky, a 37-year-old lawyer who died on November 16, 2009, in Matrosskaya Tishina Prison in Moscow. He was jailed in 2008 after expos-

ing a massive tax fraud by officials of Russia's Interior Ministry. While in jail, he became ill but was denied medical treatment; he was brutally beaten and left to die. This bill is clearly targeted to go after the perpetrators of human rights violations in Russia, including those involved in the death of Sergei Magnitsky, and would require the President name and sanction those individuals, subject to a waiver for national security interests. Those listed by the President could be denied visas to enter the United States and have their assets frozen by the U.S. Treasury Department.

Just yesterday the Washington Post ran a large spread detailing the current state of political affairs in Russia. I want to read an excerpt from that article:

Since his return to the presidency in March, (President Vladimir) Putin has relentlessly demonstrated his determination to quell dissent.

In an apparent attempt to scare off demonstrators, 17 protesters are being prosecuted for their part in a May 6 rally on the eve of Putin's inauguration, accused of attacking police officers. One has already been sentenced to 4½ years in prison.

A newly passed law defines treason so broadly that some Russians are afraid that even associating with foreigners could put them at peril. The penalties for slander and violations of rules governing rallies have been toughened. As of Nov. 21, nongovernmental organizations that receive money from abroad must register as foreign agents.

One by one, opposition leaders have come under intense pressure. Alexei Navalny, the anti-corruption blogger, has been charged with bribery in a recently resurrected three-year-old case. Sergei Udaltsov, a socialist leader, has been charged with plotting mass disorder.

One of his associates, Leonid Razvozhayev, accused Russian authorities of abducting him in Ukraine, where he was seeking asylum. On Nov. 22, Russian investigators said they would not investigate the case because Razvozhayev had not presented convincing evidence that he had been spirited out of Ukraine.

In September, Gennady Gudkov, like Putin a former KGB agent, was stripped of his parliamentary seat after he aligned himself with protesters.

The article goes on to detail further acts of intimidation by the Russian Government aimed at voices of dissent. It makes clear that despite all of the talk of a "reset" in U.S.-Russia relations, this is not a regime that shares our values when it comes to democratic freedoms and other human rights.

Over the last several weeks, there have been news reports that the Kremlin has claimed this bill in some way infringes on Russian sovereignty. That is simply not the case. The bill does not require the Russian Government to take any action against human rights abusers it does not want, but it does say that those abusers may not enter the United States or access our financial system. This bill reaffirms our values, and makes a clear statement that

the United States stands for dignity, respect, and the rule of law when it comes to internationally recognized human rights.

Finally, I do want to say a few words about the trade facilitation aspects of this bill. By repealing Jackson-Vanik with respect to Russia and Moldova, this bill will ensure that U.S. businesses and their employees will be able to realize the benefits of Russia's and Moldova's membership in the World Trade Organization. With respect to Russia, these benefits include additional market access for U.S. service providers and civil aircraft; improved intellectual property enforcement; consistent science-based sanitary and phytosanitary measures; and new dispute settlement tools to enforce WTO rules.

Last year, Maine exported \$14 million worth of goods to Russia, including \$8.1 million worth of aircraft parts and \$5 million worth of cattle. Granting Russia PNTR can help cement this trade relationship by providing U.S. businesses more certainty that their investments will be protected. A Peterson Institute for International Economics study estimates that the volume of U.S. exports of merchandise and services to Russia could double from \$11 billion in 2011 to \$22 billion over about 5 years as a result of granting Russian permanent normal trade relations, or PNTR.

Additionally, the bill includes strong reporting requirements on Russia's compliance with its WTO commitments and directs the U.S. Trade Representative to develop a plan for action on areas where Russia does not live up to its WTO requirements.

I urge all my colleagues to support this bill.

Mr. JOHANNES. Madam President, I come to the floor today in support of approving permanent normal trade relations with Russia.

Over the past several years, I have often come to the floor in favor of free-trade agreements and other efforts to expand market access for U.S. exports. This legislation is yet another one of those opportunities. This vote to repeal a 1970s trade law and recognize Russia as a member of the WTO will result in increased export opportunities for U.S. manufacturers, farmers, and ranchers. Increased exports lead to increased job creation.

Russia is the world's ninth largest economy, with a population of 142 million and a growing middle class. Russia is already a significant trading partner importing over \$10 billion annually from the United States. In just a 5-year period, Nebraska's exports to Russia increased fourfold. In fact, in 2011 alone, total exports of goods from Nebraska were valued at \$154 million.

I believe we have the opportunity to continue this impressive trend by recognizing Russia as a WTO member. A

vote in favor of this legislation will level the playing field for U.S. job creators looking to take advantage of these growing export opportunities. This is especially true for Nebraska's equipment and machinery manufacturers. My State has a reputation for producing some of the most sophisticated irrigation equipment in the world.

Acknowledging Russia's membership in the WTO will reduce tariffs on this technology from 10 percent to 5 percent—allowing U.S.-based companies to compete more effectively with others around the globe. Additionally, other agriculture equipment and machinery manufacturers in Nebraska and elsewhere will see tariffs reduced or eliminated. Currently, these tariff rates are up to 25 percent. They will eventually drop to an average well below 10 percent when Russia meets all of its WTO commitments. This is a big deal beyond any single state or sector.

Total U.S. agricultural exports to Russia are forecast at more than \$1.4 billion for 2012, and this further opens the doors of opportunity. Here is another example: As part of the WTO accession process, Russia is required to lower its tariffs on U.S. beef products to 15 percent. Additionally, Russia must allow a greater volume of frozen beef imports. The quota will nearly triple: from approximately 22,000 tons in 2010 to 60,000 tons. Meat production is a big part of our agricultural economy—in my home State and in our country—so this is noteworthy.

Now, our agricultural producers will be the first to tell you that they don't think Russia always plays fair in the world of exports. They say Russia sometimes offers unjustifiable reasons to block our products. The fact is, Russia has a less-than-stellar record on establishing predictable, science-based import standards. So our producers have not always had reasonable access to its markets.

As Secretary of Agriculture, I relentlessly negotiated with Russia and other trading partners to grant the same access to their markets for our agricultural products as we granted to their products. This seems fair, right? They should offer us the same access we offer them? But based on Russia's track record on U.S. meat exports, especially pork and poultry, I continue to have concerns. That is part of the reason I have decided we should recognize their membership in the WTO.

The WTO has been an important tool for the United States to level the playing field for our products in the international trading system. Russia will be obligated to apply international food safety standards. This should mean more certainty and predictable market access for U.S. agricultural products. And these obligations will be enforceable through the use of WTO dispute settlement mechanisms.

Integrating Russia into a rules-based trading system and providing the

means to enforce those rules will further strengthen the ability of U.S. businesses to export products to Russia. But this is an area where we will need to show great vigilance. As Russia implements its trade commitments, the administration must ensure that Russia does not revert to its old ways on trade. Further delay in repealing Jackson-Vanik would only hurt us.

On August 22, Russia formally joined the WTO after a lengthy process. Over 150 other nations have already taken action and are reaping the export benefits. The United States has been left in the dust. Until we act, we cannot enjoy the lowered tariffs, increased market access, dispute settlement process, and other benefits of Russia's membership in the WTO. Thus, we should vote to repeal Jackson-Vanik and accept Russia as a permanent trading partner.

The move ensures that American businesses are not disadvantaged and losing market share to their competitors. Russia already has access to the U.S. market, so additional delay on PNTR only hurts our workers and companies. Delaying action will only result in the delay of job creation and more lost opportunities for American manufacturers, farmers, and ranchers.

Our efficient export system, including handling, processing and distribution of our goods and agricultural products, creates millions of U.S. jobs. At a time when we face some very serious challenges in our country related to debt, deficit, and unemployment, it makes sense to unlock this door of opportunity. Thus, I support removing application of Jackson-Vanik and intend to vote for PNTR with Russia. This status would help to level the playing field for U.S. exporters.

I encourage my colleagues to consider the economic impacts of this bill on our Nation's manufacturers, farmers, ranchers, and other job creators, and I look forward to voting to support normalizing trade with Russia.

Mr. HATCH. Madam President, today I wish to thank my colleagues for their support of legislation granting permanent normal trade relations to Russia and Moldova. This legislation allows U.S. businesses to take full advantage of trade opportunities in Russia and Moldova following their accession to the World Trade Organization. Legislation normalizing our trade relations with both these countries has taken years to complete. It is important to note that, while the WTO accession process opened the door for U.S. businesses to take greater advantage of trade with Russia, we have created a number of new enforcement mechanisms which, in this, will, I very much hope, hold Russia accountable for meeting their international obligations.

This process and its success would not have been possible without the leadership our chairman, Senator BAUCUS. I deeply appreciate his willingness

to work with me to address the many concerns I and our colleagues on the Finance Committee had with Russia's accession package. It is truly a pleasure to be working with someone so fully committed to opening markets and securing new opportunities for U.S. workers and job creators in the international marketplace. I hope our work together on this bill will be just the beginning of a long and fruitful partnership.

I would like to acknowledge a few of the many people who helped make this a successful process. First, I would like to recognize the efforts of the U.S. Trade Representative's Office who assisted in the very long process of assembling the Russia WTO accession. Special recognition must go to Elizabeth Hafner, Director for Russia and Eurasia; Catherine Field, Deputy General Counsel for Negotiations, Legislation and Administrative Law; Cecilia Klein, Senior Director for WTO Accessions; Stephanie Murphy, Director for Agricultural Affairs; Scott Pietan, Director for Industry Trade Policy; and Thomas Fine, Director for Services Trade Negotiations. I would also like to recognize former members of the USTR Office who dedicated many years to this process, including Dorothy Dwoskin, Matt Rohde, and Chris Wilson, who all served as former Assistant United States Trade Representative for the World Trade Organization and Multilateral Affairs, as well as the current AUSTRIAN, Mark Linscott.

Senator BAUCUS staff was instrumental in helping us advance this process and craft today's bill. I would like to thank them for all of their efforts. In particular, I would like to acknowledge Russ Sullivan, the majority staff director of the Finance Committee; chief international trade counsel Amber Cottle; international trade counsels Bruce Hirsh and Lisa Pearlman; trade advisors, Chelsea Thomas and Hun Quach; international trade analyst, Rory Murphy; and their detailee from Customs and Border Protection, Heather Sykes.

Finally, I would like to recognize my dedicated and hardworking staff. In particular, I would like to thank the staff director of my Finance Committee staff, Chris Campbell; my chief international trade counsel, Everett Eissenstat; international trade counsels Paul DeLaney and Greg Kalbaugh; our detailee from Customs and Border Protection, Richard Chovanec; our detailee from the Department of Commerce, Steven Garrett; and our international trade staff assistant, Rebecca Nasca. They worked tirelessly to help prepare this bill for our consideration, and I am grateful for their hard work and dedication.

We can all be proud of this bill. It provides significant new tools to battle corruption within Russia while at the same time enabling U.S. workers and

job creators to take full advantage of Russia's membership in the World Trade Organization. I look forward to President Obama signing it into law as soon as possible.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank the Senator from Utah. He is a good man. I also thank staff who helped put this bill together. Amber Cottle, on my side, and Everett Eissenstat, who works for Senator HATCH, worked very hard. They lead very good, trained teams, I might add. They are very talented, able folks.

I see this too as a vote to help propel us to the next level of trade expansion. One is the TPP, Trans-Pacific Partnership, which is being worked on by the United States and other Asian countries. I think it is a dramatic opportunity for growth.

Second, working with Europe, the potential free-trade agreement with Europe, there has been a lot of interest in Europe joining the United States and reducing barriers to trade. It is a great opportunity that we should take advantage of. Obviously, that raises another question, which is trade promotion authority. Next year Congress and I will work to get trade promotion authority passed so we can include these trade agreements and help American companies and, equally importantly, help American consumers because American consumers and American workers are, frankly, helped dramatically by properly negotiated trade agreements when it is in the best interests of the United States.

I thank the Presiding Officer for all she does too.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of our time.

Mr. BAUCUS. I ask for the yeas and nays.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is on passage of H.R. 6156.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. CONRAD) are necessarily absent.

I further announce that, if present and voting, the Senator from North

Dakota (Mr. CONRAD) would vote "aye."

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 223 Leg.]

#### YEAS—92

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Feinstein    | Merkley     |
| Alexander  | Franken      | Mikulski    |
| Ayotte     | Gillibrand   | Moran       |
| Barrasso   | Graham       | Murkowski   |
| Baucus     | Grassley     | Murray      |
| Begich     | Hagan        | Nelson (NE) |
| Bennet     | Harkin       | Nelson (FL) |
| Bingaman   | Hatch        | Paul        |
| Blumenthal | Heller       | Portman     |
| Blunt      | Hoeven       | Pryor       |
| Boozman    | Hutchison    | Reid        |
| Boxer      | Inhofe       | Risch       |
| Brown (MA) | Isakson      | Roberts     |
| Brown (OH) | Johanns      | Rubio       |
| Burr       | Johnson (SD) | Schumer     |
| Cantwell   | Johnson (WI) | Sessions    |
| Cardin     | Kerry        | Shaheen     |
| Carper     | Klobuchar    | Shelby      |
| Casey      | Kohl         | Snowe       |
| Chambliss  | Kyl          | Stabenow    |
| Coats      | Landrieu     | Tester      |
| Coburn     | Lautenberg   | Thune       |
| Cochran    | Leahy        | Toomey      |
| Collins    | Lee          | Udall (CO)  |
| Coons      | Lieberman    | Udall (NM)  |
| Corker     | Lugar        | Vitter      |
| Cornyn     | Manchin      | Warner      |
| Crapo      | McCaain      | Webb        |
| DeMint     | McCaskill    | Wicker      |
| Durbin     | McConnell    | Wyden       |
| Enzi       | Menendez     |             |

#### NAYS—4

|       |            |
|-------|------------|
| Levin | Sanders    |
| Reed  | Whitehouse |

#### NOT VOTING—4

|        |             |
|--------|-------------|
| Conrad | Kirk        |
| Inouye | Rockefeller |

The bill (H.R. 6156) was passed.

#### ORDER OF BUSINESS

Mr. REID. Madam President, this morning Senator MCCONNELL came to the floor. He made a serious offer dealing with the debt ceiling—one of the most important issues facing this country. As I said, it is a serious offer. I have not personally read it. My staff looked at it, and it is important enough that I would like to have a vote on it this afternoon. I need to have a caucus and explain to my troops what this is all about. If we can work something out with Senator MCCONNELL, I would like to have a vote sometime this afternoon. I do need to have a caucus. We have another vote right now, and if my Republican colleagues think there is not a chance of having a vote this afternoon—I can only do it by unanimous consent. If someone is going to object to it, they should do it now and we will arrange another time to address this issue.

So the issue is that Senator MCCONNELL has made a proposal on how we handle the debt ceiling, and we have to get permission from my Republican

colleagues as to whether we can have a vote on it this afternoon at a time that would be as convenient as possible. I don't think we need a lot of time to debate it. We have done that lots of times.

Mr. MCCAIN. Madam President, how about 1 p.m.?

Mr. REID. Madam President, I know there are airplanes that people want to leave in, but this is very important. This vote will end at about 1 p.m. I scheduled the caucus for 1:30 p.m. There is no reason we couldn't start the caucus at 1:05 p.m. We can move it up.

I need some direction from my Republican colleagues. So if I hear no one yelling no, then we will go ahead and schedule this as soon as we can this afternoon, to vote.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I know there are those on my side who would also like to have a conference to talk about this. Could we have an indication as to the timeframe of the vote?

Mr. REID. Madam President, to my friend from Texas, the conference we will have won't take very long—half an hour, maybe 45 minutes. I am sure we could finish that by 1:45 p.m. or something like that, and we could have a vote.

#### EXECUTIVE SESSION—Continued

##### VOTE ON NOMINATION OF MARK E. WALKER

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The question is, Will the Senate advise and consent to the nomination of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida?

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), and the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 224 Ex.]

#### YEAS—94

|           |          |            |
|-----------|----------|------------|
| Akaka     | Barrasso | Bennet     |
| Alexander | Baucus   | Bingaman   |
| Ayotte    | Begich   | Blumenthal |

|            |              |             |
|------------|--------------|-------------|
| Blunt      | Hoeven       | Nelson (FL) |
| Boozman    | Hutchison    | Paul        |
| Boxer      | Inhofe       | Portman     |
| Brown (MA) | Isakson      | Pryor       |
| Brown (OH) | Johanns      | Reed        |
| Cantwell   | Johnson (SD) | Reid        |
| Cardin     | Johnson (WI) | Risch       |
| Carper     | Kerry        | Roberts     |
| Casey      | Klobuchar    | Rubio       |
| Chambliss  | Kohl         | Sanders     |
| Coats      | Kyl          | Schumer     |
| Coburn     | Landrieu     | Sessions    |
| Cochran    | Lautenberg   | Shaheen     |
| Collins    | Leahy        | Shelby      |
| Coons      | Lee          | Snowe       |
| Corker     | Levin        | Stabenow    |
| Cornyn     | Lieberman    | Tester      |
| Crapo      | Lugar        | Thune       |
| Durbin     | Manchin      | Toomey      |
| Enzi       | McCain       | Udall (CO)  |
| Feinstein  | McCaskill    | Udall (NM)  |
| Franken    | McConnell    | Vitter      |
| Gillibrand | Menendez     | Warner      |
| Graham     | Merkley      | Webb        |
| Grassley   | Mikulski     | Whitehouse  |
| Hagan      | Moran        | Wicker      |
| Harkin     | Murkowski    | Wyden       |
| Hatch      | Murray       |             |
| Heller     | Nelson (NE)  |             |

#### NOT VOTING—6

|        |        |             |
|--------|--------|-------------|
| Burr   | DeMint | Kirk        |
| Conrad | Inouye | Rockefeller |

The nomination was confirmed.

##### VOTE ON NOMINATION OF TERRANCE G. BERG

The PRESIDING OFFICER (Mrs. MCCASKILL). The question is, Will the Senate advise and consent to the nomination of Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

#### UNANIMOUS CONSENT REQUEST— S. 3664

Mr. REID. Madam President, I now ask unanimous consent that at 1:30 p.m. today, the Senate proceed to the consideration of S. 3664, which is a bill regarding debt limit increases, the text of which is at the desk; that there be no amendments in order to the bill; that there be up to 10 minutes of debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to passage of S. 3664.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Madam President, reserving the right to object, what we are talking about is a perpetual debt ceiling grant, in effect, to the President. Matters of this level of controversy always require 60 votes. So I

would ask my friend, the majority leader, if he would modify his consent request to set the threshold for this vote at 60?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, reserving the right to object, what we have is a case of Republicans in the Senate once again not taking "yes" for an answer.

This morning, the Republican leader asked consent to have a vote on his proposal. Just now I told everyone we are willing to have that vote, an up-or-down vote. But now the Republican leader objects to his own idea. So I guess we have a filibuster of his own bill. So I object.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. McCONNELL. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader.

Mr. DURBIN. Madam President, what just transpired deserves a word. Senator McCONNELL came to the floor this morning and offered a change in law that would help us avoid the kind of obstruction and the kind of showdowns that we have had in the past over the debt ceiling. In fact, the idea was not new. It was his original idea that has been the law of the land and followed. He offered and challenged Senator REID to bring this matter for consideration in the Senate.

Senator REID just agreed to it. He said he would bring this to a vote in 20 minutes, and we would decide, up or down, whether the debt ceiling problem would be resolved once and for all under Senator McCONNELL's proposal. Then Senator McCONNELL objected—objected—saying: No, no, we need 60 votes.

For those who do not follow the Senate, 60 votes is the equivalent of a filibuster vote—breaking a filibuster vote. So this may be a moment in Senate history when a Senator made a proposal and, when given an opportunity for a vote on that proposal, filibustered his own proposal. I think we have now reached a new spot in the history of the Senate we have never seen before.

I am going to ask the Parliamentarian to look into this. I do not think this has ever happened before. But it calls into question whether this was the kind of offer that one would consider to be good faith—if Senator REID offered a vote on it, and Senator McCONNELL said, no, it has to be 60, it has to be a filibuster-proof vote.

Ms. STABENOW. Will my colleague, the distinguished assistant majority leader, yield for a question?

Mr. DURBIN. Yes.

Ms. STABENOW. Is it also correct, basically, if we had voted, we would have guaranteed we would not place the country again in a situation of defaulting on our bills; that we would



send a message that we can work together—the fact that we were willing to accept the Republican leader's proposal and be willing to send a message that as a Senate we want to make sure we have fiscal stability, we are paying our bills, that this could be one step forward in making sure we can resolve the fiscal issues for the country? Isn't that the Senator's view of this as well; that, in fact, it would be an important message about stability?

I also have to say, I share the Senator's amazement that the leader would, in fact, object to his own proposal and now be filibustering his own proposal that we were willing to accept as a bipartisan, good-faith effort for the country. Didn't he just take us in a wrong direction?

Mr. DURBIN. Madam President, I say in response to the Senator from Michigan, the Senate Republican leader, Senator MCCONNELL, has such a strong appetite for the filibuster that we have seen 386 or 387 filibusters in the last 6 years, and now he has decided another good idea is to propose a bill and then filibuster your own bill. I do believe that is history in the making. But that is why this appetite for the filibuster in the Senate has to change.

What an abuse, that we cannot have a majority vote on something the Republicans proposed and the Democrats were prepared to vote for. This would have been a true bipartisan measure, good news—maybe leading the news—across America. It really is unfortunate.

Mr. SCHUMER. Will the assistant majority leader yield?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. If my friend will yield, I have business here and then he will get the floor right back.

#### TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 554, S. 3637.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554 (S. 3637), a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. REID. Madam President, 3637 is on its way. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Richard Blumenthal, Mark Begich, Jon Tester, Max Baucus, Herb Kohl, Kay R. Hagan, Barbara A. Mikulski, Tim Johnson, Mary L. Landrieu, Kent Conrad, Jeanne Shaheen, Jeff Merkley, Daniel K. Akaka, Mark L. Pryor.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

#### THE DEBT CEILING

Mr. SCHUMER. Madam President, we saw what happened here—the minority leader filibustering his own bill. He should have trusted his first instincts. Imagine if we would have passed the minority leader's resolution: The markets would have been jubilant, stocks would have gone up, one of the great specters hanging over our economy—that we would not raise the debt ceiling—would have been greatly mitigated in terms of damage and danger. We could move on to the real issues of dealing with the fiscal cliff and dealing with our debt situation and not have a debt ceiling hanging out there as a diversionary but dangerous issue.

But for some reason—inexplicable—the minority leader, the Republican leader, changed his mind. Now he said on the floor, well, important measures deserve 60 votes. But when he brought it up earlier, he acted as if he was in favor of it. He was offering it. Now, of course, he is saying, no, he is going to object to his own resolution. I wish he would reconsider.

Again, using the debt ceiling as leverage, using the debt ceiling as a threat, using the debt ceiling as a way to achieve a different agenda is dangerous. It is playing with fire. Yet, with the opportunity to take that off the table, reassure the markets, the minority leader blinked. I do not know why. It is hard to figure out the strategy that he is employing. But we would hope on this side of the aisle—and I think I speak for all of us—that he would reconsider and, perhaps, early next week let us vote on his own resolution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FACING CHALLENGES

Mr. HOEVEN. Madam President, today I would like to speak on several

important issues pending before the Senate—issues that I believe are related.

I want to speak first about the recent proposal to change the rules of the Senate with a simple majority vote.

Second, and related, I want to talk about the need for consensus and bipartisanship to address our Nation's pressing challenges; specifically, the fiscal cliff that we face.

We must, and in fact we can, find consensus and agreement. We have done it before. We have done it in building a good solid farm bill which actually found \$23 billion in savings toward the deficit. We did it in passing a strong highway bill that will strengthen our Nation's infrastructure. We did it most recently this week in working through a large and complex Defense authorization bill that will keep our Nation safer and more secure in these perilous times.

It will take more of this kind of cooperation and consensus building to address the very real and substantial challenges facing our Nation today. That is why I am deeply concerned about a proposal floated recently by some Members of the majority regarding the rules of the Senate. They propose to change the nearly 100-year-old Senate rule that requires a two-thirds majority to change the operating rules of the Senate.

Our colleagues in the majority are proposing to use a simple majority vote to make the change. That is the issue here. The issue is the manner in which they plan to do it. Once the precedent of changing a rule with a simple majority vote is established, 51 Senators could change the rules to suit their own convenience. In other words, they want to break the rules in order to change the rules.

That would be a big mistake. That would be, as the majority leader himself said in his own book, the death of the Senate. Votes that require a supermajority serve a very valuable function in the Senate. They encourage consensus, they encourage bipartisanship, and they make certain that the minority has a voice in the lawmaking of this body.

In recent history, both Democrats and Republicans have held the majority. In fact, it was not that long ago that the Democrats themselves were adamantly opposed to changing the rules of the filibuster. They argued that doing so could bring an end to a century-old tradition of bipartisan consensus building in the Senate and diminish the influence of minority voices. The reality is, we are now at a point in our history when bipartisanship and consensus is exactly what we need.

Laws passed by a narrow majority will only fuel greater partisanship and greater divisiveness. We need both parties working together so that when we



are done we can say, this is a plan the American people can agree on. That is the kind of approach we need to address the economic challenges that are posed by the fiscal cliff. We need bipartisanship and we need consensus building.

With bipartisan consensus, I believe we can avert the fiscal cliff looming before us and put our Nation on a sustainable fiscal path. To do anything less could put our Nation and our future at risk. In little more than a month, nearly \$400 billion in tax increases will combine with sequestration; more than 100 billion in mandatory across-the-board spending cuts over 1 year, to drag our Nation over the so-called fiscal cliff.

What those tax increases mean to the average American family of four earning \$50,000 a year is over \$2,000 in higher income taxes. Add to that expiration of the alternative minimum tax patch new taxes mandated by the Federal health care bill, and the reinstatement of the death tax, which will impact the next generation of farmers, ranchers, and small business owners, and Americans will see the largest tax increase in the history of our country.

If all of this happens, the Congressional Budget Office predicts the Nation's economy will shrink next year, and the unemployment rate could rise again. In other words, we go back into recession. I believe we can avoid the fiscal cliff and address our massive deficit. But that requires doing three essential steps: reforming our Tax Code, reforming entitlement programs, and better controlling our spending. We can get additional revenue by reforming our Tax Code. That means closing loopholes and limiting deductions.

By closing loopholes and limiting deductions, we can make the Tax Code simpler and fairer to stimulate growth in our economy. Markets get the kind of certainty they need to invest, to grow, and to hire. It is a growing economy, a growing economic base that creates more jobs and revenue, not higher taxes.

The simple fact is we must make America a great place to do business again. Our progrowth strategies in my home State of North Dakota have broadened our economic base and raised revenue without raising taxes. That has resulted in the lowest unemployment rate in the Nation, growing personal income, and, rather than a deficit, a budget surplus.

In addition to progrowth tax reform, we also need to start a fair and thoughtful process to reform entitlement programs. If we do not, they will not be sound and solvent for future generations. For example, Medicare's Hospital Service Program is in serious financial trouble. In a report this spring, the Medicare trustees cautioned that the trust fund that covers the program's hospital services will be de-

pleted and consequently insolvent by 2024.

The fact is, we can accomplish entitlement reform in a way that does not change programs for people at or near retirement, yet ensures that those promises will be there for our children and grandchildren down the road when they need them. Republicans and Democrats should be able to come together, as should older and younger Americans, because thoughtful entitlement reform is in everybody's interests.

Finally, we need to control our spending. Our Federal deficit for the fiscal year 2012 was \$1.1 trillion. Our national debt is now more than \$16 trillion. That is unsustainable. More revenues from tax reform and economic growth, combined with entitlement reform and controlling spending, will reduce our deficit and our debt. There is no question we can do it. For example, we can help make a downpayment on our deficit reduction right now by passing the farm bill we put together in this Chamber.

The farm bill version we passed with broad bipartisan support in the Senate would save \$23 billion over 10 years. The House version, which has been passed out of committee and is now pending on the floor, would save \$35 billion. Passing a good farm bill can be part of the solution for the fiscal cliff. The reality is, solving our Nation's fiscal problems is achievable. We can find real budget savings in a far more thoughtful way than doing it through sequestration: Reforming our Tax Code, reforming entitlement programs, and better control of our spending will work.

Add a measure of good-faith bipartisanship and we can get our Nation growing again. We can get people back to work. For the sake of our country, we need to do it and we need to do it now.

#### HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS DARREN M. LINDE  
SPECIALIST TYLER J. ORGAARD

I rise today to honor the lives of two North Dakota soldiers who were killed in action on Monday, December 3, in southern Afghanistan while serving in support of Operation Enduring Freedom. SFC Darren M. Linde and SPC Tyler J. Orgaard were both members of the North Dakota National Guard assigned to the 818th Engineer Company.

Their unit had been tasked with an important but dangerous mission. They were conducting a route clearance operation when their vehicle struck an IED on Monday, fatally injuring both men and wounding SPC Ian Placek, who is currently undergoing medical treatment in Germany. We pray for his full recovery.

Today we honor the lives of Sergeant First Class Linde and Specialist Orgaard. Our thoughts and our prayers are with their families and their friends as well.

Sergeant First Class Linde of Devils Lake, ND, led a distinguished military career since enlisting in North Dakota National Guard in 1990. During the course of his career, he served with the North Dakota National Guard as well as the United States Army and the Montana National Guard. He earned several recognitions for his valor, including the Bronze Star Medal, Purple Heart, Army Commendation Medal, and Army Good Conduct Medal. Since 2009, he worked as a full-time instructor with the North Dakota National Guard's 164th Regional Train Institute, Camp Grafton Training Center in Devils Lake.

Sergeant First Class Linde was a devoted and selfless leader as well as a committed family man. He enjoyed spending time with his family and friends. He is survived by his wife Adrienne and four children.

Specialist Tyler Orgaard of Bismarck, ND, joined the North Dakota National Guard shortly before his 2001 graduation from Bismarck Century High School, where he was a member of the Century Patriots wrestling team and began competing in the Impact Fighting Championships. He was passionate about training in mixed martial arts. His family and friends knew him to be an extremely disciplined, hard-working man who served his country with great pride.

This was Specialist Orgaard's first overseas deployment. For his commendable service, he has been awarded the Bronze Star Medal, Purple Heart, Army Good Conduct Medal, and the National Defense Service Medal.

Specialist Orgaard is survived by many loving friends and family including his parents, Josephine and Jesse Orgaard. For the service and sacrifice of these brave men, we offer our thanks. We pledge to honor their lives through our commitment to supporting our troops and veterans and by remembering their lives of service.

My wife Mikey and I also join our fellow North Dakotans and Americans in extending our deepest sympathy to the families of Sergeant First Class Linde and Specialist Orgaard. We recognize that these men have made the ultimate sacrifice in defense of our Nation. We will remain forever grateful for their selfless service and commitment to defending the principles of liberty and justice that continue to guide our country.

May God bless and continue to watch over their families.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Carolina.

#### TRIBUTE TO SENATOR DEMINT

Mr. GRAHAM. Madam President, I wanted to be recognized for 10 minutes to talk about the decision by Senator DEMINT to leave the Senate next year. But I wish to say to my friend from North Dakota, all of us have in our

prayers the loss of our soldiers there and all of the soldiers who have been in a tough, long, hard war.

I met with JIM DEMINT this morning. To say I was stunned is an understatement. JIM indicated to me that he will be retiring from the Senate next year and taking over the presidency of the Heritage Foundation, one of the great conservative think tanks here in Washington.

My reaction for the people of South Carolina is: You have lost a great, strong conservative voice, someone who has championed the conservative cause and represented our State with distinction, sincerity, and a great deal of passion. On a personal level, I have lost my colleague and friend. JIM and I have known each other for almost 20 years now. I think we have done a pretty darn good job for South Carolina, at times playing the good cop, the bad cop, but always trying to work together. What differences we have had have been sincere.

That is the word I would use about Senator DEMINT. He sincerely believes in his causes. He is a conservative voice that people in our party look to for leadership and guidance. What he has done over the last 4 to 6 years to build a conservative movement to get people involved in politics, such as MARCO RUBIO, whom JIM helped early on in his primary, I think is going to be a great legacy. From a State point of view, we have lost one of our great champions. JIM and Debbie have raised four wonderful children. They have great grandkids. I know JIM is looking forward to staying involved and pushing the conservative outside the body. He was an effective voice in the Senate, whether you agreed with JIM or not. He really did strongly and passionately advocate for his positions and did it very effectively.

JIM made the Republican Party, quite frankly, look inward and do some self-evaluation. Conservatism is an asset, not a liability, as we try to govern this country in the 21st century. I look forward to staying in touch with JIM and to working with him at the Heritage Foundation to see what we can do to improve the fate of our country so we will not become Greece.

No one is more worried about this Nation's unsustainable debt situation than Senator DEMINT. I have seen him evolve over time as someone who could not sit quietly anymore, who had to take up the cause.

In the 2010 election cycle, he was one of the strongest voices we had that we had lost our way in Washington. I know JIM to be a very kind, sincere man. He is an individual who is a joy to be around.

But when it comes to what is going on in America, I think JIM understands that if we don't make some changes and make them quickly, we are going to lose our way of life. That is what has

driven him above all else. He is trying to keep this country the land of the free and the home of the brave, where people's hard work is rewarded—not punished—where we have a chance to come from nowhere to be anything, including President of the United States. JIM is right to say our debt is unsustainable, that Washington does too much, and there is a better way.

I will look forward to working with JIM in the private sector. From a personal point of view, we have had a great ride together. It has been fun, it has been challenging, and I think we put South Carolina on the map in different ways at different times. To people back in South Carolina, I hope if they get to see JIM anytime soon, say thank you. Because whether they agree with Senator DEMINT, he was doing what he thought was best for South Carolina and the United States.

At the end of the day, that is as good as it gets. Because if someone is doing what they truly believe in and not worried about being the most popular or people getting mad at them, then one can do a good job in Washington. To the people back in South Carolina, everything JIM has tried to do has been motivated by changing the country, making South Carolina the best we could be at home.

So if you get a chance, run into JIM anytime soon or in the coming days, please say thank you because he did his job as he saw fit. He did what he thought was best, and he didn't worry about being the most popular or taking on people when he thought he was right.

I can tell you this. When it comes to me, he has always been a friend, somebody I could count on personally. We enjoyed our time together. I was stunned this morning. JIM has an unlimited bright future in the private sector. I will say more next year when his time comes to an end.

But on behalf of all of us in South Carolina, I wish to say to JIM and Debbie, thank you very much for taking time away from your family, fighting the good fight, and pressing issues you passionately believe in. I wish to thank JIM and Debbie both for being my friends. You all both mean a great deal to me, and I am confident the best is yet to come for both of you.

On behalf of the people of South Carolina, great job, well done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will associate my remarks with Senator GRAHAM and say how much I have appreciated working with JIM DEMINT. He is courageous, determined, and principled. He has a vision for America, and he has advocated for it every single day. He stood, sometimes alone, to advocate for those views. He is smart, he is intelligent, and he is good. It has been my pleasure

to work with him and actually to support him.

I have consistently felt his values and views were beneficial to America, and we can all disagree sometimes about how to accomplish them, but we can't just go along all the time. Sometimes we have to rock the boat, and he was willing to do that. I so much have enjoyed working with him.

#### THE FISCAL CLIFF

I wished to share a few thoughts, as ranking Member on the Budget Committee, concerning the proposal that the President has made through Secretary Geithner toward fixing the fiscal cliff that has been talked about so much. I just want to say, sadly, that the facts disprove what they have alleged their plan would do.

We have looked at the numbers. There is no real mystery about this. There are gimmicks and manipulations in the way they have expressed what they intend to accomplish that I think are beyond the pale and the American people need to know it is not accurate.

This would not be possible if we had the plan on the floor so it could be voted on in the light of day. But we all know what the plan is, the scheme is, the strategy is. It is to meet in secret and then plop down on the floor of the Senate, at the last hour, some sort of coerced agreement that all Senators—like lemmings—are supposed to vote for.

We are supposed to expect that the American people will believe the agreement is what the President says it is, but that is not, in reality, what is occurring. Secretary Geithner met with Senate and House Members last week to present a proposal, and the President made a number of claims. He says the proposal Secretary Geithner made will fix our debt. He said his proposal will make our debt "stable and sustainable."

Both of those claims are untrue. He also claimed his proposal contains \$2 in spending cuts for every \$1 in tax increases—not so.

Secretary Geithner has been around a while. He knows these numbers aren't accurate. It is disappointing to me to see him come in with so much bluster. In an interview yesterday he said: We are going to go off the cliff unless Republicans agree to what we demand, and we can't have a debt ceiling anymore. To have to debate that causes controversy. We don't want a debt ceiling anymore. Those were basically, as I heard him hubristically suggest, nonnegotiable positions. The plan called for \$1.6 trillion in new taxes, twice what the President asked for in the campaign. He asked for \$800 billion during the campaign. Now he wants \$1.6 trillion in new taxes.

So far, even with \$1.6 trillion in new taxes, there is more than \$1 trillion in spending increases. Far from fixing our debt, our debt will grow over the next

10 years by nearly \$9 trillion. That is almost \$1 trillion a year, on average. It goes up in the last number of years.

So we remain on an unsustainable course with our debt continuing to surge out of control. We are projected, based on our debt now, to have our interest payment on the money we borrowed exceed the defense budget in just 7 years. These are facts.

Spending under that plan would increase \$1 trillion above the levels agreed to in the Budget Control Act, as signed into law. We agreed to the Budget Control Act 16 months ago, in August 2011, and we raised the debt ceiling and agreed to reduce spending. We raised the debt ceiling \$2.1 trillion and agreed to reduce spending \$2.1 trillion. The President's plan would take out over \$1.1 trillion of those spending limitations that are in current law. I repeat, spending will increase more than \$1 trillion above the already projected growth in spending.

Our spending is growing. It is not decreasing. It is already projected to grow, but the President's proposal is to have it grow even faster than the law currently calls for.

I don't believe the numbers I have presented can be disputed. They can spend, and they can say things and mix up baselines and confuse the American people, but the plan he has outlined does just what I described. It is not much different from the budget the President submitted this last February. As a matter of fact, it is very similar to it. What did that budget do? It increased taxes by \$1.8 trillion, and it increased spending by about \$1.4 trillion.

So this is the kind of path we are being asked to take. I don't think the American people would agree to that.

There are other increases in spending other than the elimination of the \$1.2 trillion sequester cuts that were agreed to last year. For instance, more than \$170 billion has been in new spending, arises from more stimulus spending and as an unpaid for increase in Medicare reimbursements, the doc fix, that is going to be due and will cost \$394 billion. That is almost \$400 billion that is not currently funded—and will have to be funded—that they have ignored, they have left it out of the budget, which makes it look \$400 billion better than it is.

We have to count that money. Together, that is almost \$1.8 trillion in new spending. But the only cuts that the White House offers are \$600 billion in mandatory spending reductions, basically cutting the providers of Medicare, it appears to us. In other words, the doctors and the hospitals that already took a cut to fund ObamaCare will now be asked to take another \$600 billion in cuts. They tell the seniors: Don't worry. We are not cutting your Medicare. We are just going to cut providers.

But at some point, we have to understand these reductions to providers can damage their ability to provide care. A hospital has to stay open. Doctors have to make a living. A lot of them are considering retiring early because it is so difficult to operate under the Federal programs.

The bottom line is that the proposal that is out there calls for a huge tax increase, \$1.8 trillion they are now saying. And this money is being gobbled up with new spending.

I try to be precise and operate from a known spending baseline; specifically, the Budget Control Act baseline we agreed to 16 months ago. The President's plan clearly contemplates this.

The \$1.2 trillion in sequester cuts would be eliminated. That is more than half the cuts we agreed to last year. They would be eliminated.

There would be one reduction. The Medicare reimbursement cuts of \$600 billion would reduce spending. That would still mean that net spending has gone up \$600 billion. The doc fix, as I just mentioned, is another \$400 billion, so it adds \$1 trillion. There is about \$200 billion in stimulus spending that is over \$1 trillion, and we have an \$800 billion tax increase. If the President got that, which is what he originally asked for, then we would end up with more debt than if we didn't have the \$800 billion tax increase.

If he gets \$1.6 trillion in new taxes—which will not happen, in my opinion—but if he were to get that, it would reduce the debt two-thirds of that amount, plus maybe three-fourths would be used to fund new spending and only one-fourth to deal with our current challenges.

I would ask the American people, when they read what Congress was considering—and we have heard the President advocate more taxes—did they not assume that money would be used to reduce the deficit we have so we may put our country on a sound financial path? Or did they at least not assume it could be used to save Social Security, which is already drawing money from the General Treasury, so we have enough money to pay recipients? Or did they not think that maybe the money was going to be used to strengthen Medicare and keep that program on track so it will not go into bankruptcy?

Is any of that accomplished by the President's proposal? No. He proposes no fix to Social Security, no fix to Medicare, and no real reduction in debt. In fact, if we end up with \$1.6 trillion in tax increases over 10 years, we can expect the deficit to go up about \$8.6 trillion instead of \$9 trillion. That would be the only impact on the debt because most of the new money would be used for new spending.

So I am worried about this. I don't think the leader of our Nation, the one person elected by people all over the

country, should be laying out a program to the American people that does not honestly deal with the debt threat we face, and does not honestly explain to the American people how we are on an unsustainable course, as every expert has said, and does not honestly talk with the American people about why Medicare is in trouble, why Social Security is in trouble, and what we need to do to fix them. Our President will not even talk about that, and when somebody talks about it in a serious way, they get attacked by the White House. This new budget doesn't do anything about those issues.

So I think this is not good leadership. I know Senator McCONNELL and Speaker BOEHNER have pleaded with the President to talk about these long-term, systemic problems.

Social Security, Medicare, Medicaid, and interest on the debt are together almost 60 percent of what we spend in this country, and they are growing at three times the rate of inflation. This is unsustainable. This is what Erskine Bowles, the man the President chose to head his debt commission, has warned us about. In fact, the House proposal indicated they would accept an \$800 billion tax increase as a good-faith attempt to reach out to the President, based on what Mr. Bowles had proposed. They basically call it the Erskine Bowles plan. That is what he suggested, how the tax rates wouldn't go up, but the deductions would be eliminated. You would have a simpler, more flat tax system. You would bring in \$800 billion more in revenue, and they would use this revenue to help reduce our deficit. That is the kind of plan that is serious. But the President has hammered the House plan. Secretary Geithner says it is unacceptable. But it is the Erskine Bowles plan. That is what it was, and it was a serious, good-faith attempt to reach out and deal with this crisis.

I don't believe we need tax increases—any—but if we do, we have to ask ourselves, Where are we going to apply them? What are we going to do with them that puts the country on a sound path for the future so our children are not having ever larger amounts of debt accruing every month, every year that goes by?

Again, if the President's plan was accepted and the \$1.6 trillion in new taxes were imposed, which I don't believe will happen, we would have virtually no reduction in the total debt accruing over 10 years. That does not change the debt course of America. It does not deal with the danger that exists. The spending path we are on is in the red zone. The tachometer spending needle is over in the red zone.

Mr. Bowles told us at our Budget Committee hearing 2 years ago that we are facing the most predictable debt crisis in our country's history. He said we have to get off this unsustainable

path. So the House has basically taken his suggestions and worked with them.

I understand that earlier today there was a discussion about raising the debt ceiling. The Constitution clearly gives Congress the power to regulate the debt of America, and we have to pass legislation to raise the amount—the ceiling or the limit—on how much we can borrow. We are at \$16 trillion-plus now, and we are about to reach the debt limit again early next year. The President doesn't want to have to deal with that again because last time we came up against the debt ceiling—August a year ago—the President had to reduce spending. It is the only time we have actually done anything. We reduced spending by \$2.1 trillion out of what was projected to be \$47 trillion in total spending.

So August a year ago, the country was on track to spend \$47 trillion over the next 10 years. Once the agreement was reached and \$2.1 trillion was saved, we were on a course to spend \$45 trillion instead of \$47 trillion. Now, America is not going to sink into the ocean if we reduce spending that much. It is still an increase—a very substantial increase. Debt would have accrued over the next decade. Instead of \$11 trillion, it would have been \$9 trillion. So we go from \$16 trillion, to \$25 trillion, to \$26 trillion in new debt to the country. That is all that limit did. I believed it did not go nearly far enough, and that was a concern of mine, but the agreement was at least a step. The President's plan eliminates the sequester and does not pay for it with cuts elsewhere. So it actually increases spending because it backs off the agreement we reached just last year.

Madam President, I believe the American people have a right to be unhappy with us. And it absolutely is not true that if we take the current law baseline, the President's proposal cuts spending \$2.50 for every \$1 of tax increase. In fact, there is no spending reduction, really. There are only spending increases. No net reductions properly accounted for occur in the plan Secretary Geithner laid out, and that is true with the President's budget too. The budget the President submitted last year is very similar to this current proposal. It increases spending, it doesn't reduce spending.

So we need to know that we are being asked to permanently raise tax rates in America and permanently use that money on new spending programs, leaving Social Security, Medicare, Medicaid, and the Defense Department on the same dangerous course they are on today. I think we can do better.

I hope the American people will look at these numbers, maybe call the White House, call their Members of Congress, and say: Look, if you have to raise taxes—and I think most Americans don't think we need to—be sure you use this money wisely. Don't start

new programs when we are going broke now. Don't start new programs when we don't have money to fund Social Security, don't have money to fund Medicare, don't have money to fund Medicaid. Don't start new spending programs when we don't have the money to take care of the ones we have.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

#### THE DEBT CEILING

Mr. BEGICH. Mr. President, before I speak on the subject matter of a bill I have submitted for introduction, Protecting and Preserving Social Security Act, I wish to comment on two issues that came up for debate or discussion earlier today. One was on the debt ceiling.

It is somewhat frustrating because at one point I thought for sure we were going to vote on a debt ceiling issue that would bring certainty and some predictability to the markets and to the economy and not hold that issue hostage, as was done a couple of years ago by some. But some threatened today to hold the good faith and credit of this country hostage in these debates on the budget.

The minority leader came forward and proposed an idea which seemed like a pretty good one to me—it obviously was a pretty good idea to him because he brought it forward. I have only been here 4 years, but from my understanding of history, when a debt ceiling issue comes before us as a single item, it only requires 51-plus votes. For the first time I can recall since I have been here and prior to that time, that has changed midway through. They have now said: No, we didn't really mean that. We don't want to really deal with the debt. We told you we did, but we don't, so we are going to make you have a 60-vote threshold.

People back in Alaska are fed up with these kinds of games, this showmanship to try to one-up the other side. This debt issue was a chance to do something to create certainty and predictability in the markets for the next several months and ongoing, ensuring that the markets would not have to worry about our credit rating, the good faith and credit of this country on the debts we owe, that they would be covered no matter what, which is a good thing. That helps us not only in our domestic markets but across the globe.

What we saw was just some more shenanigans or showmanship or an attempt to get some good headlines. I don't think there are any good head-

lines for the minority here because it basically showed they were not sincere about the issue of the debt. So now we are back at it again, and I am a little frustrated again.

I would request that the minority leader reconsider his position, that he would bring that piece of legislation forward. I am ready and I know many of my colleagues on this side are ready to vote for that. I think it would be incredible to show bipartisanship on making sure we have debt certainty in this country so people are not worrying about their government's payment on its debt.

Again, I didn't come here to speak on that, but I felt compelled to because I am somewhat frustrated about it.

#### THE FARM BILL

Also, I will mention one other thing. I know Senator HOEVEN—and I consider him a friend—is working hard on the farm bill. I support the farm bill. It is ready, but it is on the House side. We are patiently waiting for them to bring it forward. I hope they do. It has deficit reduction reforms, making sure real farmers are getting the benefits they need, the insurance they need, and ensuring that we are still doing incredible things with our farming communities all across the country, including Alaska. So I hope the House does something over there that will help reduce the deficit and help take care of our farmers.

#### SOCIAL SECURITY

Mr. President, today I came to the floor to discuss a subject the Presiding Officer cares greatly about; that is, protecting and preserving Social Security. I have a piece of legislation that I call the Protecting and Preserving Security Act, which I introduced Tuesday. The bill backs up our country's longstanding guarantee that Social Security will be there not just for today's generation but for our grandchildren and their grandchildren.

The bill has two major components. One changes the way the cost-of-living increases are calculated to make Social Security benefits more accurate and fair. The other component adds decades of solvency to the program by asking wealthier Americans to pay just a little more.

Today's COLA—the cost-of-living adjustment—does not take into account the increasing and rising medical costs faced by seniors or the disabled. This means their Social Security checks lose value over the years because costs go up more quickly than the benefits. But there is a solution, and again I credit the Presiding Officer because he talks about this a great deal in caucus and here on the floor.

The solution has been around for years. In the 1980s, the Bureau of Labor Statistics developed what is known as a CPI-E, the Consumer Price Index for Elderly Consumers. The index more accurately reflects the specific needs and

purchases of seniors, unlike the current formula. My bill requires the Social Security Administration to use the CPI-E to calculate the Social Security benefits.

The second goal of the Protecting and Preserving Social Security Act is to make the system fair and more financially solvent. It does so by making sure everyone, even the wealthiest Americans, pays into the program all year long.

A lot of people don't know what the current law does. Under the current law, contributions to Social Security will be capped once a person's income hits \$113,700 throughout the year. That is it. No matter how much more they earn, they stop contributing to Social Security for the rest of the year. So let me make sure that is clear.

An example I like to use is us here in Congress. We make \$174,000. About the middle or end of September, when we hit \$113,000 of income, after that point we no longer contribute to Social Security. So that means anyone making over \$113,000, after that fact they no longer contribute to Social Security. To me, this is an unfair system. So my bill gradually lifts that cap. It also says the more one puts into the program, the more they will eventually get out of it.

We are working with the Social Security Actuary to get a final number, but it is fair to say that by lifting the income cap on contributions, this bill will extend the solvency of the Social Security trust fund for generations. We estimate at least a minimum of two generations.

A few weeks ago, back home in Anchorage I joined a group of seniors. I presented this piece of legislation to them at the Anchorage Senior Center. As she loves to describe herself, a young woman from Alaska stood up—an 81-year-old Korean war Navy veteran—Beverly was there because the majority of her modest income comes from Social Security, and she wanted to know how this proposal would strengthen that lifeline for her and thousands of Alaskans.

In fact, one in nine Alaskans receives Social Security. With my State's population of those 65 and older expanding rapidly, Social Security will continue to play a key role in supplementing a decent living. If Social Security were not there for the elderly Alaskans, one-fifth of them would live below poverty. It is vital for our State, it is vital for all our States, and for this whole country.

I have no illusions this bill is going to pass in the final weeks of the 112th Congress, but I wanted to get it into the mix. I wanted to make sure people get the bigger point.

I would say to my Presiding Officer, who says this well, and my friend from Oregon, who is on the Senate floor also, as we talk about the deficit that

has taken center stage right now, we want to highlight one very clear thing: Social Security has not contributed, is not part of, and never will contribute to the deficit. So those who like to meddle and try to combine it with this deficit talk are just playing games with our seniors and disabled in this country.

It is a separate issue. It is not impacting the Federal deficit. And I know some like to meld it in because then they like to talk about cuts and—their favorite line—privatize, which really means seniors and the disabled get a lot less in the future. They will not get the guarantee that they paid into.

Also, I want to give credit to Congressman TED DEUTCH, who has a similar measure on the House side. Both plans may be difficult to pass, but we are going to continue to push forward, and we will not be alone. A coalition of over 300 national and State organizations have already endorsed our bill. Together they represent 50 million Americans. They are onboard because this bill modernizes Social Security without cutting benefits.

Let me repeat that because I know some will say there must be some benefit reduction there. It will enhance Social Security. It will ensure it continues without cutting benefits because the program plays a vital role in the economy and security of America's working families.

Most of us, including myself, started contributing to Social Security as teenagers. To those who send me e-mails—I just read one recently—we do pay Social Security as Members of Congress. I know people don't think we do, but we do. I saw one on our newspaper blog—I should inform my press people, I responded to that without their knowledge. I wanted to make sure that individual knew we pay. I have been paying since I was a teenager, and I still pay today.

It is important that when people get to retirement or some tragedy strikes, Social Security is there to help make ends meet. I am proud of the leaders of the past who have fought and had the foresight and wisdom to create Social Security.

Nowadays, some in Washington like to call Social Security an entitlement. If by that it means it is a government handout, they are flat wrong. Americans paid for and earned their Social Security. The benefits are modest. No one is getting rich off Social Security, but it does provide an important foundation. The values that underlie Social Security are American values. It rewards hard work. The longer one works, the more they earn under Social Security, the higher their benefits.

The program reflects the best of America: hard work, personal responsibility, human dignity, and caring for our parents, our children, our spouses, our neighbors, and ourselves. It also

assures that those who work long and hard at low and moderate wages receive a larger return on their contribution. It is financially prudent and conservative.

Regardless, many people worry that Social Security is going to be broke. But here are the facts based on the annual report of the Social Security Board of Trustees. To remind everybody, we get that annual report, a section of it. We see it every year. It projects the program's financial status over the next 75 years.

The latest trustees report issued in April said Social Security ran a surplus—a surplus—of \$69 billion last year. The report also says the program can continue to pay all benefits, on time and in full, through the year 2033. After that its shortfall is modest, but it is a manageable shortfall. And, as I said a minute ago, it should not trigger talk of benefit cuts, raising the retirement age, or privatization.

Instead, the modest revenue increases in my bill will go into effect gradually and make Social Security solvent for decades longer, all without adding to the deficit. We can do this. We can protect and preserve the promise of Social Security for generations to come.

I ask my colleagues to join me in cosponsoring this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### THE BIG ISSUES

Mr. MERKLEY. Mr. President, just following up on the comments of my colleague from Alaska, he has laid out some very important thoughts regarding the farm bill, regarding the debt ceiling, and regarding Social Security. I applaud him for coming to the floor and sharing his thoughts with our colleagues and with the American public.

These are big issues that we are wrestling with in the Senate. The farm bill is something that was passed on a bipartisan nature through the Senate. It is over in the House. It will have to come back through here. We had a proposal from the Republican leader put forward this morning that we were ready to vote on and that he objected to himself at the last second.

The debt ceiling is an important issue because it involves paying the bills on the decisions that have already been made and implemented by the U.S. Government. It is not about spending more; it is about paying the bills on the spending that has already taken place. And it should be debated and discussed and addressed because failure to have the responsibility that every family should have—to pay their bills once incurred—poses significant issues for our Nation. We saw that with the credit rating downturn. We certainly have seen that with the impact on the confidence that there was in the American system.

So it should be debated. These big issues need to be debated and decided. But this Senate often fails to ever get onto a bill to start with because there is something called a motion to proceed in which we have to raise the question: Should we address this topic? And time and time again, we have seen the minority, acting in a partisan fashion, say: No, we don't want to debate. They have used what is referred to as the silent filibuster to object and say: No, we don't want to debate that issue before the American public. We don't want to debate it with our colleagues. We don't want to wrestle with this complex topic.

Should we get onto a bill, we then see amendments treated in the same fashion, subjected to a 60-vote majority. In fact, that was the premise that the minority leader, the Republican leader, put forward in a change of heart just a few minutes ago, saying he had a proposal, that he reached agreement. But at the last second he decided it should be subject to a supermajority vote.

That is exactly what we have seen day in and day out, in increasing fashion, which has prevented this body from not only addressing the big issues across our country but even the regular issues of standard appropriations bills. We have 13 such bills that should come to this floor each year to be debated, to be decided, and to be amended, and we don't get to them. Why don't we get to them? Because the entire year is consumed by the silent filibuster strategy of the minority.

Let me give a picture of what I am talking about. This is a chart that shows the number of filibusters launched as an average per year over the preceding decades.

Now, I first came to this room when I was 19 as an intern for Senator Hatfield, and I sat up in the staff gallery and covered the Tax Reform Act of 1976. I watched this body raise amendment after amendment, debate it, decide it on a simple majority basis, and proceed to enact tax reform.

Well, in the 1900s through 1970s there was an average of one silent filibuster per year. Just one. Under the rules, this type of objection consumes a week because once the objection is made to unanimous consent to hold a majority vote, then a motion must be filed—a motion by the majority that wants to proceed. So they get 16 signatures, and that takes a little bit of time. Then once that motion has been filed—and that is called a cloture motion to close debate—then it takes 2 days to get to a vote.

The vote has to happen a day after an intervening day. So 2 days are gone. Then, if 60 Members say, yes, they want to close debate, then we have to have 30 hours of debate time before we can actually get to a final vote. So a whole week is taken up by that process.

In the 1970s, the average grew to 16 per year. That is 16 weeks wasted per year. In the 1980s, it grew to 21 per year average. Now we are getting to well over one-third of the number of weeks in the course of the Senate year. Then we go to the 1990s. We are up to 36 such silent filibusters taking up 36 weeks. We get to the decade 2000 through 2009, and an average of 48—or almost 1 per week—starting to squeeze out any ability to address the big issues facing America.

Then, since I came in 2009, we have had an average of over 60 per year, more than 1 per week. The result of this last 2 years was the most dysfunctional legislature in decades; big issues facing America, this floor, and this forum of deliberation paralyzed by the continuous use of the silent filibuster on every issue. Essentially what this silent filibuster has done is convert this to a supermajority body. Not only that, converted it to a body that spends its entire year just trying to get to the vote as to whether we can have a final vote. That is the level of dysfunction we have reached.

No wonder that public opinion of the Senate has plummeted. No wonder the frustration across this Nation has built that in silence, out of public sight, the minority has strategically thwarted the ability of this body to debate issues.

Over the course of time we see a period where this body has been run by Republicans and run by Democrats, so every minority has used this in an increasing fashion over time. This is not simply a Republican-Democratic issue or Democratic-Republican issue. This is an issue of a systematic change of culture where it was understood that the Senate was a simple majority as envisioned under the Constitution. Both Adams and Madison spoke eloquently to what a supermajority could do to destroy this body. Now their words resonate from the past because we are seeing it happen right before us today.

In this situation, doesn't it make sense for us to adjust the rules and reclaim the ability to be a body that deliberates and decides? That is what many of us are proposing be debated in January. When we start the new 2-year period we should have a major debate on the floor of the Senate about how to make this body fulfill its responsibilities to the American people. Our responsibility is not to come here and throw sand in the gears of deliberation. Our responsibility is to come here, study the issues, debate them on this floor, reach thoughtful positions, advocate for those positions, and propose that those solutions that have the strongest support go forward. That does not happen if the entire year is wasted with the silent filibuster strategy we have today.

So what can we do to address this situation? Quite a bit. Let's start with

the very place that a bill begins, which is the motion to proceed. This is a motion to say let's come and debate the farm bill. Let's come and debate the Defense authorization bill. Let's come and debate a spending bill for Health and Human Services. When that motion was made in the past, it was rarely filibustered. This is a chart that goes back to 1971. From 1971, here, through 1982, that entire decade, we had 18 cases where the motion to proceed was filibustered—18 over a decade, plus.

In fact, during the previous 40 years there had only been a dozen times the motion to proceed was filibustered. Why is that? Because there is no inherent logic in saying in order to facilitate debate I am going to block debate, because that is what it is when you have this silent filibuster putting up this 60-vote hurdle to get onto a bill to begin with. So it makes sense for a simple majority to be able to decide let's go to a bill, let's debate it.

What we see over time here is a huge change. By 2007–2008, we had 57 silent filibusters, out of public sight, to prevent bills from being debated on this floor; the next year, 31 objections, 2009–2010, that 2-year period. The next 2-year period we are in now, we are already up to 42 times.

Clearly we need to return to the culture where the filibuster about an issue so close to your heart or so important to your values or so vital to your State that you would object and say I am going to stand in the way; as a matter of principle I am going to stand in the way of a bill that does damage to my core principles or to the vital interests of my State—that might happen a couple of times in a career.

That is not what we have now. What we have now is routine obstruction on every single act, which mires us in lost time and prevents us from addressing issues facing America.

Let's return to that situation when the motion to proceed was not filibustered. Let's make it like the motion to proceed to a nomination, in which we basically say no, you cannot filibuster that. You have a responsibility to advise and consent, to get nominations to the floor. If the majority says we will come here and debate it, we will come here and debate it. That is a simple change that takes care of a lot of the growth in the obstruction that wastes the Senate's time and prevents it from acting.

A second proposal is to get rid of the silent filibuster on starting a conference committee. Let me lay out the scenario for you. The House has passed a bill. The Senate has passed the same bill in a slightly different version. The two bodies say let's meet and talk about this. Let's work out a common position we can send back. That is a conference committee. Why would anyone object to starting the conference

committee to negotiate between two bills, slightly different, that have been passed by the two bodies?

One could say, is that their only opportunity to make a statement about things that might happen in the conference committee? The answer is no. Because if the conference committee comes to a proposal, then they send it back to the two bodies and at that point it is debatable and it could be filibustered. That opportunity is there. So we have three motions necessary to establish a conference committee, and because all three can be filibustered, this silent filibuster—not standing and taking any public position, this silent objection—we have virtually given up the use of the conference committee. I don't think you can find a State legislature in this Nation that has so tied its hands that it cannot even hold a conversation between a State House of Representatives and a State Senate. They cannot even hold a conversation. That is how dysfunctional we have become here.

That was never part of the argument for let's have extended debate and let's be a cooling saucer, a thoughtful body. No, that is just a rule: Let's waste the entire time of the Senate and preclude the possibilities of even having a conversation, a negotiation with the House. We should eliminate the silent filibuster on motions to get to a conference committee.

Let's talk about another area. One of my colleagues from Minnesota, AL FRANKEN, has proposed that instead of having 60 votes to end debate, we should have 41 to extend debate. Why does that matter? First, in terms of the framing of the issue, it really is the minority saying we want more debate. By this I don't mean minority party, I mean 41 from either party coming together and saying we want more debate. In that case the vote should be 41 votes required to extend debate.

That has a practical impact. It means that somebody who is absent from this Chamber does not count automatically on the side of extending debate. It is 41 of those who are here, 41 of the 100 who are saying yes, we must go forward with more debate. That is a very reasonable proposal. It changes the framing to understand that it is the minority—not the Republican minority but the minority of 51 from both sides of the aisle comes together and says: Yes, we want more debate. They make an affirmative vote of 41. That makes sense.

Then let's talk about the talking filibuster. I have been referring throughout this discussion that we are facing silent filibusters. Indeed, when I considered running for the Senate I came here and talked to the majority leader about it, and after discussing the possibility of running I said: Mr. Majority Leader, while I am here there is just one thing I must say because citizens

in Oregon are so frustrated about this, and he kindly said yes, go ahead, tell me what it is.

I said, it is this: If a minority is arguing for more debate, then make them debate. Make them stand on the floor and make their case, because all we see is a quorum call back home. All we see is the Senate wasting its time.

The majority leader put his head in his hands like this and he said: Let me explain the way the rules are written. He explained to me what I have been explaining to all of you, that it is not required under the rules to take the floor when you object to a simple majority. When you vote for more debate, you are not required to debate. This is a surprise. This is the opposite of what ordinary citizens, myself included, believed across America. Why was that? Where did our belief come from?

I can tell you it came from this: When this body believed in its constitutional role to make decisions and to make decisions by a majority vote as envisioned by our Founding Fathers, it considered an objection to a simple majority vote to be a huge deal, a deal in which if you were going to make that objection you would have the courage of your convictions to come to this floor even if the rules didn't require it, you would come to this floor and you would make your case before your colleagues and try to persuade them of your point of view, and you would make your case before the American public.

It is folks back home who would have a chance to weigh in on whether you were a hero for carrying the torch on an important issue or you were a bum because your arguments didn't hold water and you were objecting, keeping the U.S. Senate from addressing an important national problem.

That era where the social contract was that you would have the courage to stand before your colleagues—that era is gone. Since the rules do not require you to stand, it has become the practice to use the silent filibuster to kill bills in the dark of night with no case being made before your colleagues, no case being made before the American people.

It is also true that Hollywood has helped cement the notion that a filibuster involves standing before this body with the courage of your convictions. Here we have a scene from the movie "Mr. Smith Goes to Washington." He was trying to stop a land grab where a boys camp should be. He knew what was being done was wrong and he said he is going to take the floor and he is going to stand before his colleagues and the American people and he is going to do so as long as he could stay standing because it was an important principle that was being violated with an inappropriate land grab back home.

The American public is hungry for this kind of courage, that if you believe

a simple majority is not in the interests of America because of the gravity of an issue, you will stand on this floor and make your case. That is what the talking filibuster proposes. It says that at the time you have a vote on any debate, if a majority of this body says yes, we should end debate and go forward, but a supermajority of 60 is not yet there—so the vote is between 51 and 59—that says there is still a substantial minority of 41 or more who want to have more debate, then they have to debate. It is as simple as that. They cannot basically go off on vacation while there is a quorum call. Instead, at least one person has to stand on this floor and make the argument.

Wouldn't it be an incredible difference if instead of these silent, hidden filibusters paralyzing this body, Senators who chose for additional debate had to make a stand before the American public? They had to make their case and the public could weigh in on whether they were heroes or they were bums? In that case, maybe we would get those 60 votes.

Let me give an example. We had a case in which we had an act called the DISCLOSE Act on the floor of the Senate. The DISCLOSE Act simply said that for all campaign donations, the source must be disclosed. It was based on a premise that had been argued by many on both sides of the aisle over many years, and it was this: that disclosure is the sunlight that disinfects the political process. If voters know that ad being put up on the air is being done by a certain industry—even though they claim to be the Blue Skies Industry, maybe they are the Polluted Water Industry—the citizens should know. If that ad that claims to be from Americans for Healthy Lives is actually being put on by an industry that is poisoning people, citizens should have the right to know. This is the DISCLOSE Act. Not only under current practice is secrecy allowed, but foreign donations are allowed. Foreign companies are allowed to put unlimited secretive funds into the U.S. system. Who would defend that on the floor of the Senate? The answer is no one. We didn't have those who wanted more debate willing to debate it. No, they wanted to obstruct it in silence because they knew the American people would not approve of the fact that they were arguing for secrecy on unlimited sums of secret funds in American campaigns.

That was before this last election cycle when in election after election we saw super PACs funneling vast fortunes into the primaries for the Presidency, into Senate races, and into House races. They were funneling the money in, and no one knew where it came from. Now, some of the contributors to those super PACs did disclose that they contributed to the super PACs. They bragged about it. But when



the money went from the super PAC to the State, their name was not attached to it. Nobody knew what funds went to which State. It was basically an attack by vast pools of dark money.

If we had the talking filibuster and folks had to rise on this floor and defend this secrecy and these foreign donations, then we would have gotten the 60th vote to close debate and we would have a better system to date.

How about pay equity for women? How about pay equity? I think we would have had the public weigh in if they could have seen it was being torpedoed by the silent, hidden filibuster. Now there are folks—and I have heard them over the past few weeks—who say: Oh, this strategy of asking people to talk is a way to suppress the views of the minority. Isn't that absurd? Doesn't it just make you smile that a requirement to make a case before colleagues can be framed as a situation where our views are being suppressed? No, quite the contrary. We are issuing them an invitation—this affects people on both sides of the aisle—to come forward and make their case publicly. Don't kill these bills with this hidden maneuver in the dark of night. If they have the courage of their convictions, they should come and make their case. If they don't, then let the process proceed. That is the talking filibuster.

I would like to applaud others who have put ideas forward that are similar. Senator LAUTENBERG of New Jersey had a bill that said—where I am talking about after the cloture vote, he said: Well, let's require people to talk during the 30 hours before the cloture vote in order to see if nobody wants to take the floor. Let's shorten that 30 hours. That is worthy of debate.

We have a responsibility for this body to debate in a transparent, accountable fashion and to make decisions so our public can see it. That is what the talking filibuster does.

I encourage my colleagues to come to the floor and share their thoughts. If they are against making their case before the American people, then have the courage to come to the floor and say: I don't like this idea because I don't want to have to make my case in front of my colleagues.

I invite my colleagues to come to the floor and say to the American public: I am going to vote against the talking filibuster because I don't want the public to see that I am killing bills in the dark of night.

Have the courage to come and debate the issue now and in the future because the American people are looking at us with extraordinary levels of frustration. They know there are big issues facing our Nation.

Right now we are talking about the fiscal cliff. Well, the fiscal cliff has many components. It may be broken into many different bills that come be-

fore this body. We need to get rid of the motion to proceed so we can get those bills to the floor to debate them. We need to make sure that if a group says: Let's block this bill from a final vote, they express their views accountably before the public. It is the least that should happen.

The Senate is headed out for the weekend. We will be back next week, and I ask for the American public to weigh in and to think about the fact that this hidden process is hurting our ability to address the big issues facing America. I ask my colleagues to wrestle with that.

It is my hope that folks will hold those conversations with the public back home. I have done so in every county of my State through my town-hall meetings. I hold one in every county every year. I have raised this issue of whether or not, when folks vote for debate, they should be required to debate, they should be required to make their case and not to kill bills in the dark of night. Whether it is a progressive county or a conservative county, people believe in transparency and accountability, and they want to see their Senators making their case on this floor. Let's make it so.

#### INTERNET PUBLICATION OF CERTAIN FINANCIAL DISCLOSURE FORMS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6634, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (H.R. 6634) to change the effective date of the Internet publication of certain financial disclosure forms.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6634) was ordered to a third reading, was read the third time, and passed.

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### THE FISCAL CLIFF

Mr. BARRASSO. Mr. President, I rise to talk about the fiscal cliff the country will face on January 4. We are beyond the point of the election, and there is 4 weeks until the date of the fiscal cliff. As Republicans have been

pointing out on this floor, Congress must act soon to take on the numerous expiring tax provisions and the sequester. I believe President Obama must provide leadership in those efforts. I have seen very little so far.

Last week I came to the floor to speak about the fiscal cliff and some of the concerns I continue to have and hear about as I travel to Wyoming just about every weekend. I just got back from there a few days ago, and people are very concerned about the direction of the country and what may happen to all Americans on January 1.

Last week on the floor, I spoke about the President's proposal to raise taxes on people making more than \$200,000 a year. In terms of spending next year, that tax increase would pay for just 6.8 days of what Washington will spend. So the whole proposal the President continues to make is basically enough to fund the government for not 52 weeks but 1 week alone. The tax increases President Obama is now trying to push through will really do almost nothing to reduce our national deficit and nothing to reduce our national debt.

The White House and Democrats in the Senate are focused only on tax hikes while they continue to ignore the real drivers of our debt, which are the out-of-control entitlement programs of Social Security, Medicare, and Medicaid. Until we find a way to do meaningful entitlement reform, no amount of tax revenue will be able to match the increase in entitlement spending.

Well, instead of leading the conversation, the President continues in his campaign mode, going around the country to try to sell his tax hikes. The President and the Democrats in Congress are willing to go over the fiscal cliff in order to get those tax hikes. Rather than negotiate in good faith, they are willing to try to spend their time trying to convince the American people that it is someone else's fault. Going over the fiscal cliff will mean another recession, and this one is squarely on the shoulders of President Obama. It will mean unemployment spiking back up over 9 percent. It will also mean a whole host of tax increases even beyond the higher tax rates Washington Democrats want so badly. Americans are also facing big increases on the death tax and the alternative minimum tax, also known as the AMT. Both of these taxes will go up January 1 unless Democrats work with Republicans and take action to stop the increases that are already scheduled to occur.

Now, there is bipartisan agreement that these taxes should not be raised. There is bipartisan agreement that these taxes will do great damage to middle-class families, family businesses, and family farms. Any effort to stop these harmful tax increases is being held up by the President's insistence on raising tax rates—not just raising more revenue through tax reform

and economic growth but specifically raising tax rates.

Let's take a look at the death tax. Today this tax, also known as the estate tax, is set up at a top rate of 35 percent, with an exception for the first \$5.1 million in the estate's value. Well, those are the levels that Congress set and the President agreed to in 2010. There was a Republican House of Representatives, a Democratic Senate, as well as a Democratic President in the White House. That was in 2010. Those levels are now set to jump dramatically to a top rate of 55 percent, with an exemption for just the first \$1 million. Now, \$1 million sounds like a lot of money until we start looking at a situation of family-owned businesses and family farms. For instance, farmers and ranchers have a lot of assets, such as land, buildings, and livestock. Those things are worth a lot of money for the purposes of calculating the value of someone's estate, but they are not liquid assets—they cannot just spend a tractor.

Once a mom or dad dies in the farm family, the IRS wants the death tax paid within 9 months. The tax is calculated on those big valuations for the farm or ranch property and has to be paid in cash. Often, the only way for a family to pay the tax is to start selling off parts of the farm. Families who have farmed for generations are forced to make life-changing decisions regarding their future, and they have to do it very quickly. They may have to sell land or livestock at a time when prices are low because the tax bill is due immediately. If we don't act in Congress, this tax is going to hit more family farms, and it will hit them much harder, taking a much larger portion of the farm just to pay the taxes.

When we take a look at this chart, talk about crushed by the death tax in terms of the number of small businesses and the number of family farms that will be hit under the estate tax in 2012 as opposed to what is going to happen in 2013, it is a huge increase in 2013 as they find a different way to calculate the death tax, and the same is true with family farms. So the number of family farms that will be hit by this death tax will jump from just under 100—the current limits—to about 2,400 farms next year. That is an enormous increase and an enormous burden on those farm families.

The same thing holds true for other small family businesses, such as the local restaurant, the grocery on the corner, or the local auto body shop. Again, these are small businesses that may have assets that are worth a lot but are not easily turned into cash to pay a tax bill.

Where I live in Casper, WY, most of the businesses we have are small businesses, such as the drycleaner, the florist, the car wash. A lot of those small businesses are run by families. Maybe

it has been in the family for a couple of generations, and they want to pass their business down to the next generation, but when Washington comes looking to take its 55-percent cut, which is what is going to happen on January 1, that business will be forced to sell off assets or maybe just sell out entirely.

When we look at the chart again, we can see that under the limits we negotiated in 2010, just 200 small business estates are hurt by the death tax. Starting next year, it jumps to about 2,700 small businesses. Just like with family farms, we are not talking about big, faceless corporations. We are not talking about what happens when the founders of Walmart die. We are talking about what happens when the owner of a small family business dies. If these death tax increases go into effect, a lot of the sons and daughters are not going to be able to keep the family business their parents worked so hard to build and pass along. Democrats and Republicans agree this would be a terrible blow to a family farm or to a small family business.

There is so much we talk about when it comes to uncertainty, and just the uncertainty about what is going to happen next year under the death tax is very stressful for many families across the country who are running their own small businesses and their own small farms or ranches. At the very least, we should extend the current limits worked out in the 2010 compromise. President Obama should not be holding up that commonsense solution so he can satisfy his left-based agenda for unrealistically insisting on raising tax rates.

The other tax increase that is set to hit American families very hard very soon is the alternative minimum tax. The Presiding Officer will recall the AMT tax was created in 1969 and that occurred when some discovered there were 155 people all across the country—only 155 people—who had made a lot of money but didn't pay any taxes on it, and we know why. It was because of various tax loopholes. Congress could have done something to close those loopholes but, instead, Congress created a whole separate tax scheme. Then, to make matters worse, they didn't index the income limits for inflation. So Congress comes along every year and enacts a patch to keep the tax from hitting the middle class. The problem is we still have done nothing to patch the AMT for this year.

I have another chart about the millions of people who will owe the AMT come next April. In 2011, 3 million people paid the AMT. It was designed because of 155 people who didn't pay taxes. Now we will have 31 million Americans who will be hit by the tax for the tax year 2012 if nothing is done to patch the problem. So if we don't do something soon, the AMT will hit an additional 28 million taxpayers this

year for a total of \$92 billion. That is the extra tax American families face when they file their 2012 taxes by April 15 of next year. These aren't the privileged few who are taking advantage of special loopholes the tax was intended to catch. These are 28 million taxpayers who normally never have to deal with the AMT. It is going to hit middle-class families in every State, more than 31 million taxpayers total across the country.

We can debate whether it was ever a good idea to enact the AMT a number of years ago, but we certainly should all agree the AMT is about to hit a whole lot of people who should never have had to worry about it in the first place. Those people are going to have to pay the IRS an average of \$3,200 more in taxes—that is what the IRS is going to expect—by April 15. Most of these people have no idea they are going to get caught in this AMT trap, and they have no idea how big a check they are going to have to write. These are middle-class, hard-working families who will get hit by additional taxes. Why? Because we can't take the simple step of patching the AMT as we always do.

Again, there is bipartisan agreement that we need to enact this patch, but it is being held up as part of the fiscal cliff negotiations.

The President has made his offer. He wants to increase taxes, add more stimulus spending, ignore the entitlement spending that is the true driver of our debt, and hold campaign-style rallies around the country to try to convince people it is not his fault if we go over the fiscal cliff. President Obama clearly enjoys campaigning, but the election is over. It is time for him to stop campaigning and to start leading. This means giving up his stubborn insistence on raising tax rates and instead focusing on raising revenue through tax reform and economic growth. It means doing something on these fundamental issues of tax policy that both sides agree on. That way American families will not get hit with these massive tax increases.

Thank you, and I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Missouri.

#### CREATING ECONOMIC CERTAINTY

Mr. BLUNT. Madam President, for the last few days the Senate has worked as the Senate should work. We have had amendments. We have had both sides working to find solutions; the Defense Authorization Act, the Russia trade agreement, a bipartisan vote on each of those. In fact, every time we have approached legislation that way this year, we have actually gotten something done. The FAA extension, the Transportation bill, the postal reform bill, the farm bill, and now the Defense bill all came out of

committee, all had amendments, all had debate, and they all had a bipartisan vote that passed the bill. That is the way I think the Senate should work. I would like to hope it can work that way as we approach the end of the year and as we try not to go over the fiscal cliff.

They call it a cliff for a reason. I think a lot of people are acting as though right below the cliff there must be a fiscal ledge, but I don't see the ledge we are going to fall onto. I think we are actually going to—if we go over the cliff, there will be some harm that is done.

If we are going to take a balanced approach focusing on job creation, we have to do the things that get spending under control as well as the things that might produce more revenue. Nobody in the President's party has yet endorsed the \$1.6 trillion tax package he has talked about—or I don't think there is a growing demand to have the permanent debt limit increased. I also don't think there is any chance Congress will look at the Constitution and decide the President, on his own, can borrow money.

A number of people who have looked at the fiscal cliff all come up with bad conclusions. In July of this year, a study by Ernst & Young warned that raising taxes on the top 2 percent would destroy 700,000 jobs. Nobody has challenged that in any significant way. What if it is 500,000 jobs? What if it is 350,000 jobs or what if it is more than 700,000 jobs? This is not what we should want to do.

This study also says that raising those taxes will decrease wages by almost 2 percent and reduce economic growth by 1.3 percent in an economy that is barely growing 1.3 percent. If we go totally off the cliff—that was the proposal of just the tax rates for the so-called top 2 percent. If we go totally off the cliff, the CBO—the Congressional Budget Office—says the consequences will be even much worse than that. In fact, they say we definitely would put the country into a recession.

Just last month, the Congressional Budget Office warned that with the population aging and health care costs per person likely to keep growing faster than the economy, the United States cannot sustain the Federal spending programs that are now in place. That is why a lot of people are talking about entitlement reform and think we need to look where the money is and figure out how to reform these programs so we can be sure these programs last.

Programs that are based on how the population looks have to change as the population changes. Medicare was put in place in 1965. The average person who reaches 65 lives 5 years longer now than they did in 1965. That, of course, has a big impact on all the projections as to how this program would work in

1965 that was put in place, and we need to look at that. That is why Erskine Bowles, the former Chief of Staff of President Clinton, said just last week:

Democrats must move on entitlements in cliff deal. . . . We are going to have to reduce the cost of entitlement programs.

Senator CONRAD, the chairman of the Budget Committee, said, we “absolutely need” to enact “fundamental reform” in our entitlement programs. He was warning that Social Security is “headed for insolvency.”

Senator DURBIN said ignoring entitlement reform is not a “responsible approach.”

We do not want to eliminate these programs, but we want to be sure they last, and this is a good time to look at both revenue and spending. Surely, if this Senate works as the Senate should work, we can find out how to do both those things.

My friend from Wyoming just talked about the death tax, the estate tax. For all the reasons he mentioned, this is another tax we need to look at doing something about before it goes back to the taxable levels of 10 years ago. There are 2 million family farms or farms and ranches in the United States—2 million—and 98 percent of them—almost 2 million—are owned by individuals, family partnerships, and family corporations. To any extent this is corporate agriculture, it is only corporate agriculture because a family decided that was the best way to structure what they owned as a family—98 percent of those 2 million farms.

Cropland prices have gone up more than most things over the last few years, though nobody's bank account, if a person is a family farmer, reflects that. A person's financial statement might reflect that, but their bank account doesn't reflect that unless that person decided they were going to sell part of the farm. What we don't want to do is make people sell the farm or ranch or continue to have a little piece of the farm or ranch and more likely sell a piece of it and that multigeneration of family farms, in most cases, the person who dies and their family is impacted by the death tax, can very likely become the last farming generation.

At a time when we need to focus on job creation, the Joint Tax Committee estimates that the increase in the estate tax would cost the country over 1 million jobs. Senator BARRASSO talked about the State of Wyoming. In the State of Missouri, we have the second highest number of farms in the Nation. They are not the second biggest in many cases but the second highest number.

We have over 100,000 individual farms. The American Farm Bureau says that right now, with the tax that is in place, 1,100 of those farms would be subject to the estate tax or the death tax—1,100. If we go back to the 2000 levels of \$1 million, which would be

taking us over the cliff—as going over the cliff would have us do—15,000 Missouri families would be affected at some point in the future by the estate tax. The difference in 1,100 and 15,000 is 13 times as many families would have to worry about this tax, and it becomes the motivating factor of how they run their farm rather than how they can pass their farm or ranch along to the next generation. I don't have the number in front of me, but when I looked at those numbers earlier in the year, I think it was about nine times as many small businesses in my State would be affected by the 2000 levels as would be affected if that same estate was taxed at today's levels.

We have people stepping forward on this from both sides of the aisle. I recently discussed this issue with the chairman of the Finance Committee, Senator BAUCUS from Montana, who has spoken out about protecting farmers and ranchers in his State who want to pass their property along to their children. I told him I would do anything I could to help him maintain the estate tax levels we have now, though both he and I are in support of legislation that would eliminate the estate tax. That would be my preference. But very often in a democracy we don't get our preference. We try to figure out what we might be able to accomplish that is not quite all we would want to accomplish. Keeping this year's level would be important.

Senator LANDRIEU from Louisiana called the estate tax at this year's levels of estate tax “a make or break issue” and called it “inherently unfair.”

Senator PRYOR from Arkansas has stressed the need for “stability” so families can plan. Whatever we do with these tax policies, as much as possible, we need to do them in a permanent way. This business of going 1 year at a time or 2 years at a time on the estate tax—if someone's family has a taxable estate event this year, it is not a big deal; if they have it in January, it is devastating. We don't need to continue to have that.

This shouldn't be a partisan issue. It is about protecting families and the things they have put together, often working side by side as a family. We need to work across the aisle on this issue and other issues.

#### RULES CHANGES

One of the issues that right now is making that harder than it needs to be is this discussion of the rules changes. Some people want to change the historic role of the Senate which is designed to foster compromise and debate as we had this week on the Defense bill, or like we had as the Russian trade bill came to the floor.

Instead of reaching across the aisle, this kind of discussion about a rules change is an attempt to build a wall.

Now, every time this discussion happens, the minority always appears to say the same thing.

Senator REID, the majority leader, pledged, in December 2006, “to run the Senate with respect for the rules and for the minority rights the rules protect” when he became the leader.

He said:

The Senate was established to make sure that minorities are protected . . . and I am going to do everything I can to preserve the traditions and rules of this institution that I love.

In 2005, then-Senator Obama said:

If the majority chooses to end the filibuster . . . then the fighting and bitterness and the gridlock will only get worse.

In that same year, 2005, Senator SCHUMER said breaking the rules would “change the whole balance of power and checks and balances in this great Senate and great country.”

And Senator DURBIN warned in 2005 that what was then called the nuclear option would “really destroy our system of checks and balances.”

Everyone will rush and say: Well, the Republicans talked about doing this then. That is why these people were making these comments. But the point is, the Republicans did not do it. The Republicans did talk about it in the majority, and they listened to the minority. They listened to the arguments about the Constitution, and they did not do it. What you talk about may be important, but what you do is really important.

Hopefully, Democrats will look at this again and decide they do not want to do it. The Senate rules say it takes 67 Senators to change the rules. I believe that is what the Parliamentarian will rule in the next Senate if this comes up. Then, if you are going to do it with less than that, you have to immediately vote to overrule the Parliamentarian and break the rules to change the rules.

It does not sound like, to me, that is the way to solve problems or to work together, particularly in a Congress where the Senate is controlled by one party and the House is controlled by the other. What good does it do to force things through our system that cannot possibly get to the President's desk?

The Senate operates differently from the House of Representatives for a reason. I was in the House. I liked the House. The House is run by the majority. That is the way the Constitution intended it. They have 2-year terms, and every year after the election, it was envisioned that the House of Representatives would be more responsive to what voters thought they wanted to do that day. But it was also envisioned that the Senate would serve as the reason you had to think for a while about this. It would not just be one election, but usually in the Senate it takes a couple of elections where people have verified: No, we want to change course.

And changing course in a country as great and as big and as diverse as ours is a big decision. The Constitution works that way for a reason.

This is a hornet's nest that I do not think we need to kick over. Our Nation's Founders knew what they were doing. Let's let the House be the House and the Senate be the Senate. Let's continue to have a reason for two different legislative bodies. If all we are having is a House that works like the House and a Senate that works like the House, we have significantly minimized the great genius of the Constitution.

Allowing the minority party to exercise its rights to debate and amend legislation should be the rule, not the exception. I hope the Senate, which is led by Democrats today, and will be next year, will stop this debate and start figuring out what we can do together to solve problems, just like we have done this week with the Defense bill and the trade bill; just like we have done in this Congress with, as I said to start, with FAA and Transportation and postal reform and the farm bill—all of which came out of committee, were open to wide-ranging amendments, had a bipartisan vote, and reached the kind of legislative conclusion that the Constitution envisioned and the people we work for have every right to expect.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COLLEGE PRICING TRENDS

Mr. DURBIN. Madam President, the College Board recently released its annual report on trends in college pricing. What the report found was more students in debt with higher amounts of debt than ever before.

The biggest offenders? No surprise, for-profit colleges. Study after study continues to show that for-profit college students fare far worse than their peers who graduate from public or private nonprofit colleges.

For-profit college students have more debt and oftentimes they graduate with worthless degrees and no way to even repay their debt.

The College Board report found that for-profit institutions accounted for 12 percent of all students enrolled in 2008–2009, 28 percent of those who entered repayment of their loans in fiscal year 2009, and 47 percent of those who defaulted on their loans by the end of September 2011. Madam President, 12 percent of students; 47 percent of the defaults—for-profit schools.

Why? They charge too much. The kids get too deeply in debt. The diplomas are worthless or the kids drop out of school because they cannot afford to finish.

Another report recently released by the Institute for Colleges Access and Success found that for-profit college students take out more private student loan debt than their peers.

Private student loans are tough. They are burdensome. They do not come with any of the consumer protections that Federal student loans come with, such as flexible repayment plans or loan forgiveness for public service. Private loans are most prevalent at for-profit colleges—there is money to be made on these kids—where 64 percent of graduating students at the for-profit schools have private loan debt.

One constituent recently contacted my office about his experience at a for-profit college. He attended the International Academy of Design and Technology, a for-profit college in Chicago owned by the Career Education Corporation, one of the major league for-profit colleges.

His parents did not have the means to pay for his education but helped him out by cosigning his loans. Now the student and the parents have \$103,000 in student loan debt. One of the loans has a 13-percent interest rate and his balance continues to rise.

This young man—young man—would like to finish his degree, but he cannot afford to. He cannot borrow any more money. He is too deeply in debt. How about that for a dilemma? Madam President, \$103,000 in debt, no degree, he cannot borrow the money to get a degree.

Many of these students find out these for-profit courses they took are worthless. They do not transfer anywhere. The diplomas themselves turn out to be worthless, and many employers just laugh at them. You would never know that from the advertising these for-profit schools engage in.

I had a group of students in my office this morning. They are from Archbishop John Carroll High School—not too far from the Capitol. They are students who know a little bit about being wooed and enticed by colleges and universities. We talked about this. They are just being inundated by these schools trying to sign them up.

These young people are 18, 19, 20 years old. How are they supposed to know that this so-called college is a joke, that it is a sucker school that basically will drag them in, heap debt on them, and then toss them? They all remembered an ad that I remember from television in town that I thought was the worst.

For-profit colleges put out an ad that had a pretty young girl. She looked like she was 19 or 20 years old, and there she was lounging in her bedroom saying: You know, you can go to college in your pajamas. They try to get

them in this mindset that this is just a click away, a degree is just a click away—as long as you sign up for the debt.

I think these students are starting to catch on to the fact that they are being enticed into impossible situations.

The Federal Reserve Bank of New York's Quarterly Report on Household Debt and Credit revealed that total consumer debt fell again in the third quarter. Sounds like good news—but not for student loans. All other types of consumer debt besides student loans has been decreasing; that is, mortgages, auto loans, even credit card debt. Meanwhile, student loan debt has been growing every quarter for the last 10 years.

The Federal Reserve Bank of New York calculates that 11 percent of student loans are now at least 3 months delinquent. And it is not just the young people. It is their parents, their brothers and sisters, even their grandparents who are trying to show a little kindness, be helpful, who cosigned for these deadly private student loans at these for-profit schools. It could be people who graduated years before who are still making payments—people in their forties, fifties, and sixties who end up with student loan debt.

One of these people is Eileen Cruz. Eileen took out loans to help her sons pay for college. She said she educated her sons to the highest standards, as most parents dream they will do someday. But now she says she feels she is being punished for having done what parents are supposed to do—send their kids to college.

She goes on to compare student loan debt to mortgages, but unlike a mortgage she cannot refinance it. She is stuck. People like Eileen Cruz are putting off major life decisions—health care, dental decisions, retirement—because of student loan debt they incurred for their kids.

Ana McNamara is another borrower who contacted my office when she started to feel hopeless about her student loans. Ana is nearly 45 years old and owes more than \$200,000 in student loans. How about that? She did what you are suppose to do. She went to college. She worked her way through school. She had to take out some loans to help pay the cost.

After graduating, she said: I need to go to law school. She took out some more loans. When she graduated, her total loan balance was \$90,000. That is pretty tough. She thought it was manageable though. With interest rates up to 9 percent, though, her balance kept growing faster than she could pay off the loan.

Now she says she does not have anything on the Earth but student loans. She says she will never have anything to call her own because her credit is ruined, ruined because she went to college and law school, borrowing too

much money to do it. She cannot even qualify for a car loan she is so deeply in debt. She believes no matter how hard she works she will never be able to pay off her loans.

I guess this is a good point in this presentation to remind everybody, student loans are not dischargeable in bankruptcy—no matter how bad it gets. When you are so deep in debt you cannot imagine getting out of it, you cannot get relief in court. Why?

Well, we decided, years ago—maybe 50 years ago—that government loans would not be dischargeable. There were a few, perhaps anecdotal stories, Apocryphal stories, maybe, about doctors graduating from medical school, then declaring bankruptcy, and walking away from their government loans.

Well, we took care of that. We said: You cannot discharge government student loans in bankruptcy. Then, about 5 years ago, the for-profit schools came in and said: Count us in too. Let's make sure they cannot discharge our loans either—which, of course, means the for-profit schools get the money and the student never ever can escape the debt.

Ana McNamara does not think now that she should have even gone to college. She says it was a big mistake that destroyed her life.

What a somber message to hear from a person who originally thought college was part of the American dream, as most of us were taught.

The cost of college is increasing five times faster than inflation. It is not just the for-profit schools, it is across the board. Many for-profit colleges and universities are charging top dollar, many of them from the people who can least afford it. They will accept anybody, anybody who can sign on the dotted line that they are a college student.

Students often borrow from the private sector rather than from the Federal Government, which means the terms of their loans give them little protection. These factors and others have led to a national student debt crisis. For people who really have no other option, as I said earlier, bankruptcy is no relief.

We need to do something about this. This for-profit college industry is a national disgrace—to think that they siphon off \$30 billion a year in student assistance. If it were a Federal agency, the for-profit schools in America would be the ninth largest Federal agency, they take in that much money from the Federal Government. They use our money, taxpayers' money, to advertise their worthless schools and worthless diplomas. Everywhere you turn you see their advertising.

Young people are lured into it. They do not know any better. Who can blame them? It is tough to keep up. You have to believe if the Federal Government is going to give me a loan to

go to school here, this must be a decent place. Not true. It is our fault. We need accreditation that counts. We need to hold these schools accountable for what they are doing to these students. We need to put a limit on the amount of money they can force these kids into borrowing. We need to put some skin in the game so if these kids cannot get a job after they get out of the college, the schools themselves bear some responsibility for the debt that is left behind.

We seriously, seriously need to look at this bankruptcy exemption. This is awful, to think that somebody in their 30s or 40s is \$200,000 or \$300,000 in debt with a worthless diploma from a for-profit school. Congress needs to take a look at this issue. We cannot ignore it.

We also need to find some relief for Ana and the countless others whose futures are held back by student loan debt and who cannot find a way out. This is not a simple problem; there will not be a simple solution. But for those Americans who have nowhere to turn but bankruptcy, we should at least provide reasonable and realistic relief from private student loans. As I said to these students as they were walking out, and I am sure they were stunned this morning: Be ever so careful. These schools will say, you know, it is going to cost \$40,000 a year in tuition, but because we like you, it is only 20. Think about signing up for \$20,000 in debt, unless it is a school that is really worth the money. That, of course, is an important decision each family and student must make.

I will put in a plug here. For many students who are not quite sure where to turn, start with a community college. These are affordable; they are local; they have a variety of courses. Learn a little bit about college and yourself before you plunge into debt for something that may not pay off.

#### EXTREME WEATHER/CLIMATE CHANGE

Mr. DURBIN. Madam President, I met with Jo Ellen Darcy, the Assistant Secretary for the Army Corps of Engineers. She came to my office last week to discuss the low levels of water on the Mississippi River. This week the National Weather Service reported the river was 4 feet below its average water level at this time of year. I saw it last Friday when I drove over the bridge going from Lambert Airport in St. Louis headed home to Springfield.

If the level keeps decreasing, the river may become too shallow for barge traffic to pass between St. Louis, MO, and Cairo, IL. The Mississippi River is a critical transportation artery for essential commodities, so the financial impact if the river shuts down could reach far beyond the Midwest.

The low water levels are the result of this summer's devastating drought

that has been continuing to plague many States in the United States. It has been the worst drought in more than half a century in the Midwest. As of last month, over 60 percent of the United States was experiencing drought conditions still. In my State of Illinois, over 90 percent of the land is still "abnormally dry" or worse.

Economists now predict that the drought will cost the government over \$12 billion in aid to farmers and ranchers. This is in addition to the cost of destruction caused in late October by Hurricane Sandy, the largest hurricane to ever form in the Atlantic basin. It is estimated that Sandy will cost almost \$80 billion in Federal funding for the replacement of homes, infrastructure, and buildings.

Combined, the drought and Sandy will cost the Federal Government tens of billions of dollars at a time when we are talking about our debt. It is the job of Congress and the administration to help these Americans in time of need. Make no mistake about it, we should, we will. But we need to be honest about how we plan for disaster spending. According to a report by the GAO in September, there have been over 540 disaster declarations in the last 8 years requiring over \$90 billion in Federal aid. It is time we face facts and state the obvious: Weather is getting worse. Extreme weather events are happening with increased frequency and intensity.

I held a hearing last year to talk about this issue, to examine whether the Federal Government is prepared for this. The answer is no. I did not bring in the environmentalists, did not even bring in the government employees. I brought in the insurance industry, the people who write casualty policies, who are probably more attuned to the weather than anybody. They said many more disastrous weather events will follow, all of them more expensive.

The Federal Government needs to rethink how we protect Federal assets and provide disaster assistance to communities on a more regular basis. Many are saying that 100-year weather events are now happening every 2 or 3 years. But as we debate climate change and global warming, the majority of Americans view the recent extreme weather events as evidence the problem is no longer vague or distant. Many have likened the effects of climate change to those of steroids in baseball. While no one can say that a given home run hit by a player using steroids was the result of the drug, you can attribute the overall increase in the batting average and the number of home runs a player hits during a season to be linked to the use of steroids.

Similarly, though the cause of a single weather event cannot be directly traced to climate change, extreme weather events do serve as a wakeup call that an environmental crisis of global proportion is occurring.

I find it incredible how little we talk about this. When I think about our responsibility in the Senate and Congress, we are almost afraid to bring it up because it is controversial, because some on the right are in complete denial that anything is going on here. The rise in global temperatures has led to rising sea levels, warmer air and, as a result, more extreme weather. It has also led, at the same time—that is why some of this sounds so contradictory—to a decline in the size of the Great Lakes. Lake Michigan is losing water—you can see it on the shoreline—at the same time as we say the oceans are rising.

The National Climatic Data Center just reported that October was the 332nd month in a row of above-average global temperatures. That is over 27 years of warming temperatures. Is that fair warning? I think it is. During the last decade, the United States has experienced twice as many record high temperatures as record lows, and scientists project that record highs will outnumber record lows 20 to 1 by the year 2050.

In May, NOAA reported that America had just lived through the hottest 12 months ever recorded. Even before Sandy and the droughts this year, the United States was still recovering from extreme weather events of last year. In February of last year, Chicago was shut down with 2 feet of snow and 60-mile-an-hour winds when a blizzard hammered the city. It caused 36 deaths, stranded 1,500 people on Lake Shore Drive, which I go back and forth on every day. I still find it hard to imagine: 1,500 people stuck on Lake Shore Drive. It resulted in \$3.9 billion in losses.

April was the wettest April in 116 years in the Midwest, forcing the Mississippi and Missouri Rivers to flood thousands of square miles. This is 2011 I am talking about.

There were 326 tornadoes in May throughout the Midwest and Southern United States, resulting in the deadliest May since 1933.

Wildfires burned 3 million acres of property across the Western States causing over \$1 billion in damages, and Hurricane Irene devastated the Atlantic coast, causing \$4.3 billion in damages, a very small amount compared to Sandy but significant still for those affected.

Nationwide, the financial consequences of weather-related disasters and climate change hit a historic new high last year. U.S. disasters caused over \$55 billion in damages. Federal, State, and local governments are paying out more every year in damages and lost productivity. So the question is, as a government, what are we going to do about this? Is this the new normal?

The insurance and defense sectors have looked at the scientific data.

They are changing their operations. They are preparing for worse and even bigger losses.

Insurance commissioners in California, New York, and Washington now require companies to disclose how they are working to plot the effects of climate change and their responses. Congress may be in denial, but the real world, the private sector, is not. As the government is the ultimate insurer of millions of Americans in the crop insurance and National Flood Insurance Programs, we have to get serious about addressing the cause and effects of climate change and the solvency and future of these important programs.

Computer models suggest that the storms and heat waves we are seeing will become stronger and more extreme in the future, causing even greater damage. Congress can no longer afford to ignore this issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FISCAL CHALLENGES

Mr. COONS. Madam President, this is a critical moment. Over the next few weeks, serious choices must be made about how our Nation spends its money, about our national budget. At its heart, a budget is a statement of balance. A budget shows the world what we care about, what we prioritize, what we invest in, how we intend to build our future. Everyone who comes to this Chamber comes with their own values, representing their own State. But each of us also knows we have to find a way to bridge those divides to work together to solve the enormous fiscal challenges we face as a Nation. That means addressing the more than \$500 billion in automatic spending cuts, tax increases, and other fiscal changes all scheduled to take place at the beginning of the next year and known collectively as the fiscal cliff.

We find ourselves at the edge of this cliff because of our shared beliefs that deficits matter and that we can't keep spending money we don't have. As it stands today, our deficit and debt are unsustainable. Last year we ran a budget deficit of well over \$1 trillion, and now we have a national debt that exceeds \$16 trillion. If we don't get these numbers under control, interest payments will inevitably skyrocket, taking up a larger and larger percentage of our budget until they crowd out other critical, pro-growth investments in our country's competitiveness and the essential social safety net that

puts a circle of protection around the most vulnerable in our country. I don't believe either one of us wants to put those two vital things at risk.

When a budget is so out of balance we have to take a hard look at both the money coming in and the money going out. The only way to get back on track, in my view, is to address both sides of this equation—revenue and spending. We have to find a balanced solution that combines tough spending cuts with reforms to our Tax Code that bring in more revenue while also ensuring fairness to taxpayers. I believe there is real momentum for this kind of big, balanced, bipartisan solution for the first time in a long time.

We have seen some courageous Republicans in both the House and Senate recently stand and say that revenue has to be on the table and a few even that an increase in tax rates for the wealthiest Americans may be necessary to get a budget deal that moves us forward. They know what we all know—that, frankly, even the most drastic across-the-board spending cuts, like the kinds contained in the sequester that will kick in in January, won't save enough to close the budget gap. At the same time, across-the-board, meat ax cuts to domestic programs violate some of our basic American values by failing to protect the most vulnerable in our society, those who I believe our values call us to put a circle of protection around, even in this most difficult recovery.

Risking public safety, for example, by cutting funding for police and firefighters or leaving families out in the cold this winter by cutting heating assistance to low-income seniors—these are not American values. They are not the best way to solve our fiscal challenge. The truth is that those programs specifically have already been cut more than I would ever have liked to have seen. The Budget Control Act passed last year made a dramatic \$1 trillion in spending cuts over the coming decade, which fell like an ax on some community-based programs on which Delaware families depend and which I used as county executive, in partnership with our community, to fight for the disabled for affordable housing and for low-income heating assistance programs.

So let's not let this moment pass us by. Let's instead seize the opportunity before us and start finding areas where, across the aisle and between the Chambers of the Senate and the House, we can agree. One of those areas of agreement is the need to extend tax cuts for the middle class, for families and small businesses still working their way out of the deep hole of the financial collapse of 2008 and still making their way through this recovery.

No one from either party, from the House, the Senate, or any State in this country, wants to raise taxes on mid-

dle-class families and small businesses and families like Deborah's.

Deborah is a single mother in Wilmington, DE—my hometown—who is working a full-time job and a part-time job on top of that just to make ends meet. She wrote to my office, concerned about tax increases and the fiscal cliff. She said that “the middle class is the heart and soul of this country—what keeps it going—what else can we be hit with? I know that I cannot take on any more financially.”

So my first call today is let's give Deborah and families like hers in Delaware and around the country the certainty, before we end this calendar year, of knowing their taxes will not go up in 26 days when the calendar turns to 2013. One way to do that is for the House to take up and pass legislation this body has already considered and passed in a bipartisan way that would extend the Bush-era tax cuts for 98 percent of families and 97 percent of small businesses while also achieving nearly \$1 trillion in debt and deficit reduction.

This bill extends tax cuts that would otherwise expire for all Americans who earn income and for all small businesses that earn revenue but just on the first \$200,000 of individual income or \$250,000 in family income.

Tax rates on income over and above  $\frac{3}{4}$  million a year would revert to the levels of the Clinton administration, the time of enormous economic growth and prosperity.

This one step would blunt the impact of the fiscal cliff for the vast majority of Americans and give them the certainty they so badly need. It would also be a serious downpayment on meaningful deficit reduction and ensure that our budget more closely reflects our values, our fundamental belief in the American dream and that if you work hard, you can still get ahead.

Leading Republicans in the House and the Senate, including Senator SNOWE and Congressman COLE, have urged the House to move forward and pass this bill to provide badly needed security and certainty to middle-class families before the end of this year. I join their call, but let's not stop there. Let's keep going and find additional areas of compromise and constructive common ground to provide the business community with the certainty they need to plan the deployment and investment of capital so they can get Americans back to work. This would provide the market with certainty to sustain this recovery, while continuing to invest in our future. This would help families who need to know their budget future and need to be able to have confidence to take risks, to invest in growth. They want to educate their children, to buy a larger home, to take care of their children and their parents. To find the kind of balanced, bipartisan, long-term solution we need is to find a solution to all of these problems.

It is only by coming together over the next few weeks—not as Republicans and Democrats but as Americans—that we can avoid a fiscal calamity that was entirely predictable. This is the result of a decade of unresolved budget fighting in this Chamber. For both parties, simply blaming the other side and waiting for the next election to give us a stronger mandate is no longer a tolerable or sustainable path forward. Working together is not a sign of weakness but a sign of strength.

Americans have faced tough times before, but our strength has always been our unity and our ability to come together. It is my hope, my prayer, that faced with the challenge of the impending fiscal cliff, we can do it again.

Madam President, I ask unanimous consent that I be allowed to enter into a colloquy with the senior Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Would my colleague yield?

Madam President, I want to follow up—we are supposed to talk about tomorrow being Delaware Day, if I could do that. But I wish to follow up on Senator COONS' remarks on the fiscal cliff.

A friend of mine who has done a lot of research on the fiscal cliff says that if you look at domestic and discretionary spending, that is not really the overwhelming problem as far as why we continue to have a big budget deficit. The problem is really twofold. One of those is that if you look at revenues as a percentage of GDP, historically when we have been in budget, the revenues as a percentage of GDP, at least in the last 10, 15 years, revenues have been about 21 percent of GDP. Today they are about 15, 16 percent of GDP.

But the other big driver in our deficit situation going forward is health care costs. It is health care costs, including Medicare and Medicaid. While we have to be smart enough to try to figure it out while being humane about caring for older people and the poor who count on Medicaid and Medicare to some extent, we have to focus on how to get better health care results for less money. That is what we have to focus on—how to get better health care results for less money. There are a lot of good ideas for doing that. Some of them are actually part of the health care law for our country.

So it is revenues, and the other key here is better health care results for less money. We need to make sure that we have focused on Medicare and Medicaid in a humane way and that we do so in a way that doesn't harm, doesn't hurt, is not mean-spirited to those who depend on those programs.

At the same time, we need to preserve those programs for the coming generations. For the pages down here—how old are you guys? Fifteen, sixteen



years of age? Several of you are nodding your heads. We want to make sure these programs are still around when you are 65, 66, 67 or older. That is what this is for. It is sort of a P.S. to the wonderful comments of my colleague from Delaware.

What is tomorrow in Delaware, I ask the Senator?

I seem to forget. What is this all about?

Mr. COONS. Madam President, as anyone who has looked at the beautiful Delaware flag knows—and it flies in our offices and hallways here—it has a date emblazoned on the bottom—December 7, 1787, and that is known as Delaware Day. That is the day when Delaware became the first State to ratify the Constitution. So to celebrate Delaware Day, we do some things together, don't we?

Mr. CARPER. And we have fun doing them. One of the things we are going to do—a great idea from a brand new Senator to Delaware about a year ago—is to have a “Taste of Delaware.” In fact, we are doing that this afternoon. It is not something paid for by the Federal Government but sponsored by our Delaware State Chamber of Commerce, as I recall, and others of its members to sort of be able to show off some of the finest of our State, and some of them pretty tasty, as it turns out. So we are looking forward to a lot of people coming by and enjoying that.

Mr. COONS. We are looking forward to doing that in just a few minutes, actually. We have Dogfish Head Beer, we have Grottos pizza, and Capriotti subs, and dozens of restaurateurs and breweries and wineries from across Delaware—in age-appropriate settings—who will make available some of the finest of what Delaware has to offer. So it is my hope members of staff and our colleagues will join in the celebration of Delaware Day.

One of the questions folks who are listening might have is: What about Delaware are you celebrating? It is, in my experience—and I believe my colleague's—a State that is not just the First State because of a wonderful accident of history, where we were the first State to have the vision and the courage to sign the Constitution, to ratify it, but it is also a State that has a nearly unique culture—a culture of respect, of innovation, of education, and of civility. It is a place that has a special, even a unique political culture, one that is at times the polar opposite of what I have seen here—forgive me, Madam President—in the last 2 years. Delaware, much like New Hampshire, feels and seems like a small town that is, through the magic of federalism and the Connecticut Compromise and the Continental Congress, a State with two Senators.

One of the things I am proudest of about my State—and Senator CARPER knows this well—is a tradition that

just celebrated its 200th anniversary. It is the epitome of what we call the Delaware Way. It is a tradition that happens 2 days after every election. It is called Return Day, and it happens in Georgetown, which is the county seat of our southernmost county, Sussex County. What happens 2 days after the election—or the first thing that happens, because there are a lot of different pieces to it—is we all gather out at a local farm, and two by two—ark rules—the candidates who ran against each other in the general election get into horse-drawn carriages and ride—slowly—down the main streets of Georgetown where crowds of thousands come out to see the candidates, who just days before were engaged in vigorous political combat, being polite, being friendly, and waving to the crowds.

What happens after that, I ask Senator CARPER?

Mr. CARPER. We have this beautiful center of Georgetown, with all these beautiful old brick buildings, courthouses and other buildings, and as we gather there in the circle of Georgetown—and the Senator may have said this and I just missed it—but the town crier comes out on the balcony of the courthouse and he has on his top hat and his tails and he announces the results of the election 2 days earlier. This is Thursday after the election. He calls out the results of the election 2 days earlier just for Sussex County, DE, where about a sixth of our State's population lives. He calls out the results of everything from President, Vice President, all the way down to justice of the peace or sheriff. And when he finishes, we have a couple of short speeches on the platform there in front of thousands of people, maybe a patriotic song or two, and then the leaders of parties, Democrat, Republican, maybe Libertarian chairman, take a hatchet—a pretty big hatchet—and they grab it, each holding on, and they put it down in a glass aquarium half full of sand. And then someone brings in some buckets of sand, maybe from Rehoboth Beach or Dewey Beach, and they cover up and literally bury the hatchet.

Some of my colleagues from New Jersey said: If we had a ceremony like that in our State, and we buried the hatchet, it probably wouldn't be in the sand. It would be in the anatomy or some part of the body of our opponents. But we do it in the sand. And then we have maybe a benediction, and we go off and eat, and people open their homes for a reception. So as the day carries on and the Sun sets in the west, the travails and the passions of the election begin to dissipate and people start to think and refocus not on how do we beat our opponents' brains out but how do we work together to govern our State.

It is a wonderful tradition. We have talked about this before. I think we

could use a Return Day for our country. It certainly works in our State. It has a very civilizing effect on all our campaigns.

Mr. COONS. Whether it is the reception in the morning, the long carriage ride through the middle of Georgetown, the speeches on the podium, the announcement of the results, the literal burying of the hatchet, or the receptions that go on all afternoon and into the night, the experience of Return Day for me—and I believe for my colleague Senator CARPER—has been one of reconciliation, one of moving past the election and then forward toward the challenge of making decisions together for the people we represent.

Everybody shows up—the winners and the losers. It is only the sorest of losers who don't show up and only the most arrogant of winners who don't show up. So, frankly, it is almost always everybody. In the elections I have been blessed to stand in and be successful in for the people of Delaware, the Return Day is a great end to the campaign season and beginning of our season of service to the people of Delaware.

So as we go from the floor now to the reception in honor of Delaware Day, I want to say how grateful I am to serve with my senior Senator, who has always been personally a model of the civility, of graciousness, and of the service that marks the Delaware Way and marks Delaware Day which we celebrate officially tomorrow but which we kick off tonight with a reception.

Mr. CARPER. I would add to that this is a commitment to civility that Senator COONS and I share, and it is also one that our Congressman JOHN CARNEY certainly does, and winning in races before him, Mike Castle. If you think of all of those—Castle with a “C”, CARNEY with a “C”, COONS with a “C”, and CARPER with a “C”—people say what is it with the letter “C” and the State of Delaware? If I can, before I close here, I want to roll back in time about the economy of our State. People say what do you all do there? How do you provide for your living, your income? I would say the economy of our State is pretty much founded on the letter “C.” It includes corn. We started off by growing corn. Then chickens. There are a whole of lot of chickens there. For every person in Delaware, there are 300 chickens. For anyone listening and wondering what to have for dinner, chicken would be good. We have chemicals—the DuPont Company. A poor impoverished French family came to Delaware over 200 years ago and established what I call the DuPont country club. They didn't have many members. They figured they needed to establish some jobs so people could join their country club, so they started a chemical company, and a power company, and now they have quite a successful science company in our State—

for over 200 years. We have cars. We have built a lot of cars over the years for GM and Chrysler. We are home to corporations of over half the New York Stock Exchange, half the Fortune 500. Credit card businesses are in our State. The coast of our State is the site of the Nation's summer capital—Rehoboth Beach and a bunch of other places. So the letter "C" has been pretty big.

People say: Well, why do they call you the First State? Well, we are actually the first colony that threw off the yoke of British tyranny on June 15, 1776 and at the same time said to Pennsylvania, take a hike, we want to be a State on our own. And then 225 years from tomorrow, to be exact, we were the first State to ratify the Constitution.

We have the best beaches in the country. Last year I think there were four five-star beaches in America, with two of them in Delaware—Rehoboth and Dewey Beach. We have the best Air Force base, we think, in the world. We were first in Ph.Ds per capita. We have, I think, the finest Judiciary—acknowledged year after year after year as the finest judicial system in the States. We have the best financial controls and cash management system. We have had triple A credit rating since—what was that guy's name as Governor, Carper or something? We continue to have that kind of credit rating. So we are proud of being first.

What is our State motto? "It is good to be first." And we attempt to be first in a whole lot of ways. Some things you don't want to be first in, and we want to be last in those. But we are proud of what we are first in—first in civility.

As Senator COONS said, this all goes back to Return Day. When you announce your candidacy for election, whether it is for the U.S. Senate or as sheriff, you know at the end of the campaign—2 days after the campaign—you are going to be in Georgetown, DE, in a horse-drawn carriage or maybe an antique car with the man or woman you were running against, their family, your family, and surrounded by friends and supporters and thousands of other people. And I think it has a very tempering effect on the nature of our campaigns, a wonderful effect.

That is one of much that we are proud of in our State. We are lucky to be Senators from this State, but this is a State that works and focuses on results. This is a State where we govern from the middle, whether the Governor is DuPont or Castle or CARPER or Markell. And whether the Senator is CARPER or COONS or BIDEN or Kaufman, we govern from the middle. We are a State where Democrats and Republicans actually like each other. We just want to get things done and do what is right for our State.

With that in mind, we hope some of our friends and neighbors can join us

later today in the Russell Building up on the third floor. We will make a toast to Delaware and enjoy some sarsaparilla and some other goodies as well.

It is a great joy to serve with my friend.

Mr. COONS. I thank my colleague.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Let me be the first to congratulate my two colleagues from Delaware on Delaware Day. Have a happy Delaware Day.

We have a lot of great things in Colorado, but I am not going to try to outcompete you on beaches this afternoon. We don't have a lot of those. I do think it puts me in mind of something, and that is our constitution. Delaware, as Senator COONS mentioned, was the first State to ratify the Constitution of this great country. My State didn't become a State until nearly a century later. We are the Centennial State as a result of that.

That Constitution that enabled generation upon generation of Americans had a preamble which said: to secure the blessings of liberty for ourselves and our posterity. It is important in these days of these budget discussions to remind ourselves they didn't stop with themselves. The document doesn't stop with ourselves. It is about ourselves and our posterity. That is what we are talking about here when we are involved in this budget discussion. These aren't decisions that are about ourselves, these are decisions that are about the next generation of Americans and the generation after that. And it is time for us to do our job. It is time for us to walk back from this fiscal cliff and come up with a comprehensive plan. We know what the outlines of that are today, and we need to stop playing political games in this holiday season and get this work done, not for ourselves but for our posterity.

#### TROOPS TO TEACHERS

Mr. BENNET. Madam President, as you know, I have been to the floor many times in the last several years to talk about the dysfunction that reigns in this place too often. But today I am here on a happier occasion because I want to celebrate an accomplishment, a bipartisan accomplishment that I think is very important. We were able to work together earlier this week to improve and expand something called Troops to Teachers. Nothing makes a greater difference to student learning than great teaching. Our teachers are critical to our kids' success and, to a greater extent, our country's competitiveness in the economy.

America's future depends on our ability to recruit and retain great teachers. And by the way, we are falling down on the job. Fifty percent of the

people who go into teaching leave the profession in the first 5 years, which means we don't have the benefit of the experience they have gained over that period of time. And I will save for another day what we need to do about this, but for today's purposes let me observe we have done almost nothing—virtually nothing—as a country to change the way we think about recruiting teachers, retaining teachers, inspiring teachers in this country since we had a labor market that discriminated against women and gave them two professional choices, one being a teacher, or a nurse.

Thank goodness, those days are long gone. But we have not modernized our system to make it as attractive to people as it needs to be if we are serious about educating the next generation of Americans. I believe it is our duty in that context to ensure we support new and existing pathways to the teaching profession. We should be making it easier, not harder, for those who want to serve our country in America's classrooms. Troops to Teachers is one of those undertakings. It has been recruiting and placing veterans and service men and women in classrooms around the country since 1994. It brings veterans and servicemembers into some of the hardest-to-serve areas in our country.

But in Colorado and across the United States we have school districts near military installations that have not been eligible to participate in Troops to Teachers. These barriers send exactly the wrong message. If veterans want to make a difference in a student's life, they should be able to teach where they are needed most. That is why in 2009 I worked with Senator McCain and his staff to introduce legislation to make it easier for veterans to participate and continue their service in our classrooms.

These changes to the program will increase the number of schools eligible to participate by 49 percent. In Colorado alone, that means it will open over 1,000 of our schools to veterans and servicemembers who want to participate. As someone who has spent a lot of time in the classrooms as a former superintendent of the Denver Public Schools, the benefits of Troops to Teachers for our students are crystal clear to me.

When he talks about this program, Senator McCain often mentions his English teacher—Mr. William B. Ravenel—an Army veteran who served with General Patton in World War II. Because there is no way I could say it better, I wish to quote my friend from Arizona.

Every child should be blessed with a teacher like I had, and to learn at institutions with high academic standards and codes of conduct that reinforce the values their parents try to impart to them. Many students do have that opportunity. But too many do not. And government should be concerned with their fate.

I could not agree more with Senator JOHN MCCAIN. Our military is the strongest in the world not because of our weapons or our tanks but because of the men and women who choose to serve. Troops to Teachers enlists their talents, their drive, their commitment to help make America's system of public education once again the driver of the American dream.

I am glad to have done this bipartisan work with Senator MCCAIN to pass this amendment, and I wish to thank Senator MCCAIN and his staff who worked so hard to get this over the finish line.

Finally, I would like to thank Senator WEBB for his leadership on this initiative, as well as Chairman LEVIN and the staff of the Armed Services Committee.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New Mexico.

#### CUBA TRADE EMBARGO

Mr. BINGAMAN. Mr. President, earlier today, the Senate voted to grant permanent normal trade relations to Russia by a vote of 92 to 4, and I strongly supported that bill.

To extend PNTR to Russia, we had to repeal an out-of-date policy that was adopted during the Cold War; that is, the Jackson-Vanik amendment. I wish to speak briefly on the Senate floor this afternoon about another out-of-date policy of the Cold War that I believe should be ended; that is, the trade embargo on Cuba.

I have spoken about this many times in the past. Along with Senator Pell, Senator Dodd, and many others, I argued against the Helms-Burton Act in 1996.

For the past 50 years, our country's policy toward Cuba has been essentially stagnant. The core element of our foreign policy—which is the embargo—was authorized in a proclamation signed by President Kennedy on February 3, 1962; that is, 51 years ago. At that time, President Kennedy justified the embargo by citing the “. . . subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned. . . .”

He also stated his willingness to “. . . take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers.”

It is an understatement to say President Kennedy's rationale is from a different era. The cold war is over. The “subversive offensive of Sino-Soviet Communism” has been turned back. What remains of the Communist powers he was referring to are now our major trading partners. We have now extended permanent normal trade rela-

tions to Russia, which was, of course, the principal Communist power to which President Kennedy was referring, and neither Cuba nor those Communist powers pose a threat to national or hemispheric security today.

The world has changed. It is long past time that we change our policy toward Cuba. The embargo should have been lifted decades ago. It does not serve our national interest. It does not make our country safer. It does no good for the people of Cuba whom we claim to want to help. They would have better jobs and better lives if they could do business with the United States, which is the biggest economy in the world. The embargo does not help their families in the United States. Until recently, their families in the United States were severely restricted in how often they could visit and how much money they could send back to their relatives. It is ironic that for so long our policy for opposing the repression of freedoms in Cuba has included restricting the freedom of Americans to travel to see their families in that country.

As I have said before, I deplore the repression of the Castro brothers' government. The United States should support the efforts of the Cuban people to fight for their basic rights, and they need our help. Earlier this year, Amnesty International issued a damning assessment that said:

The Cuban government wages a permanent campaign of harassment and short-term detentions of political opponents to stop them from demanding respect for civil and political rights. The Cuban government should release all political prisoners.

The Cuban Government should also release Alan Gross, the American who has been jailed for more than 3 years now for distributing telephones in Cuba. As I understand it, he is in poor health and a humanitarian parole is more than justified.

When we hear about the Cuban Government's policies toward people—the repression of their basic freedoms, the persecution of political dissidents—it is understandable to want to punish the government and to weaken it so it collapses. We have to ask ourselves if our goal is to punish the Cuban Government or, instead, to help the Cuban people. Our goal should be to help the Cuban people.

Further, we have to ask ourselves whether continuing the embargo will accomplish that goal. In my view, the answer is clearly no.

It defies belief and 50 years of historical evidence to think that continuing the embargo will result in the toppling of the Castro regime. That regime has survived 50 years of sanctions. Fidel Castro is 84 years old. Raul Castro is 81 years old. It is much more likely that old age and ill health will end their rule rather than the embargo ending their rule; nor will continuing the em-

bargo into a sixth decade—which is what we are now in danger of doing—result in the release of Alan Gross or political prisoners in Cuba or a sudden shift to democracy.

A better approach is to build relationships between the people and businesses in the United States and the people and businesses in Cuba. Interaction is a more powerful driver of change than isolation. We should allow more travel, we should allow more communication, and we should allow more commerce.

I wish to be clear that ending the embargo would not mean we agree with the Cuban Government's policies, nor does it mean we must stop advocating for basic freedoms and democracy in that nation. We need to be clear-eyed about the human rights abuses in Cuba. But the United States, as the only remaining superpower in the world, should be able to balance these goals. It is the approach we have taken with China. It is the approach we are taking with our vote today with Russia.

I wish to point out that as in Cuba, there are significant concerns about human rights and democracy in Russia. In fact, the legislation we voted on to expand our economic ties with Russia includes sanctions targeted at people who commit human rights violations. Those provisions are, of course, called the Sergei Magnitsky Rule of Law and Accountability Act. They were authored by Senators CARDIN, KYL, MCCAIN, and others. We could take a similar approach with Cuba, expanding economic ties while continuing to put pressure on those responsible for repressing basic rights and basic freedoms.

Ultimately, because of the web of sanctions legislation that has been enacted over the years, only Congress has the authority to fully lift the embargo. But until Congress is willing to end that embargo, I hope the President will act.

The President has substantial authority to loosen the restrictions on travel and commerce. President Obama has already taken important steps, for example, by removing restrictions on family travel and authorizing licenses for the sale of communications equipment. I urge the President to make maximum use of the authorities he does have to relax sanctions. It should have been done long ago. I hope it can be done soon.

I yield the floor and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO DEPARTING  
SENATORS

JIM WEBB

Mr. REID. Mr. President, I wish to say a few words about my friend and colleague Senator JIM WEBB. He has made a decision not to run for reelection which, for me, is very sad, but it is truly not a good deal for the State of Virginia or our country. JIM WEBB has served one term in the Senate. He accomplished more in that one term than most do in a lifetime. I repeat, I am very sorry to see him leave.

JIM is a graduate of the U.S. Naval Academy, a highly decorated Marine. He was an infantry officer and served with distinction in Vietnam, and that is an understatement. He did serve with distinction. He earned a Navy Cross, which is the second highest decoration in the Navy and Marine Corps. He got that for heroism in Vietnam. He was awarded a Silver Star, two Bronze Stars, two Purple Hearts.

He, of course, wanted to be in the military all of his life, but when he returned from Vietnam he could not do it anymore. His injuries from the war prevented him from doing that. He attended Georgetown Law School where he graduated with distinction, served 4 years with President Reagan as Assistant Secretary of Defense and Secretary of the Navy. He was the first Naval Academy graduate to serve as the civilian head of the Navy. He is also an author, having written six books, a filmmaker, screen writer. He even won an Emmy.

Long after JIM WEBB left the Marine Corps, and despite his many civilian accomplishments, he remains a marine at heart. He is a marine through and through. He learned the tradition of service at home, although home changed often with his father's duty station. JIM's father was an officer in the U.S. Air Force and a pilot during World War II.

JIM's son, Jimmy Webb, a marine who served in Iraq, continued that tradition of service. Although JIM WEBB was a vocal opponent of the Iraq war, he was incredibly proud of his son's service as a soldier in battle-torn Iraq. Every day of his 2006 campaign, JIM WEBB wore his son's combat boots. It was a tribute not only to Jimmy, his boy, but to all people who have been sent into harm's way, he said.

I met JIM WEBB in my office not far from here as a result of Senator Bob Kerrey asking me if I would spend some time with him. I was happy to do so. I will never forget that meeting, just the three of us in the room. Those of us who worked with Bob Kerrey know he is and was such a vibrant person. He was almost mischievous, I guess you could put it. You could just tell he had a little touch of differentness.

When he brought JIM in to visit with me I learned very quickly they were

both warriors—Bob Kerrey, a Navy Seal, recipient of the Medal of Honor, and JIM WEBB, as we said, Navy Cross, a Silver Star, two Bronze Stars, both veterans of the Vietnam war.

As we sat talking, it was obvious they were both fighters, warriors. JIM certainly proved that in his 2006 campaign. The reason Bob wanted me to visit with him is because JIM WEBB had decided he wanted to run for the Senate. What did I think of it?

I probably told JIM what a lot of people told him: You want to run for the Senate? The election is right upon us.

He said, I want to do that.

Not many believed he had any chance of winning. He believed he could, Bob Kerrey believed he could, but he ran because he wanted to and, boy, did he run hard.

For me, though, it did not settle in my mind until the night before the election. There was an event in Alexandria, VA. It was a cold November night. I stood with JIM on that stage. I realized then that he could win. People were lined up for blocks. "Lined up" was the wrong word—people covered blocks. Every open space as far as you could see was filled with people.

President Clinton was there. I was there. They didn't come to see me, of course. They came to see not President Clinton, they came to see JIM WEBB because he was doing the impossible. He had captivated the voters. He was unafraid. He spoke his mind. And what a smart man.

I marvel at the intelligence of JIM WEBB, his ability to learn and to express his ideas. As I said, he captivated the voters. That is really why he won the race he should not have been able to win.

Once he was elected, he was a marvel to watch. He believed he could change the world. He did change several corners of the world. Let me give one example. He was a new Senator and he came to me and said, I have an idea. JIM WEBB is not a person who just focuses on an idea and walks away from it. When JIM WEBB came to see me, he had the legislation he had drafted. It was not sent to some bill drafter to have him look it over, he drafted the legislation himself. What did he want to do? He wanted to introduce a post-9/11 GI Bill Of Rights. What he wanted to do was expand educational benefits for military families and he brought our commitment to our veterans to the standard enjoyed by World War II veterans. He was just a freshman Senator. After spending about an hour with him with facts and figures and the actual legislation, I said sign me up. I will do whatever I can to help you with it.

A brand new Senator passed this major piece of legislation. He built a coalition of veterans and Democratic and Republican Senators to fight for this legislation. Since this legislation

became law in 2008, more than 750,000 veterans of the wars in Iraq and Afghanistan and their families have used the program to access the education they deserve.

JIM, who speaks Vietnamese, has also helped shape our country's foreign policy in other places. He played a key role in Burma where he secured the rights of democracy activists such as Aung San Suu Kyi, who came and visited us a month or so ago.

JIM WEBB is a unique individual in so many different ways. He has visited many of the places where the battles were fought in World War II. He went to those islands and spent time walking to see what the veterans had gone through in a war prior to the one in which he was involved. He actually did that. It was physically hard, but he wanted to do that and he did it on his own.

Robert Kennedy said:

Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.

JIM WEBB should be proud of his part—it was not a small part—in writing the history of his generation. He did it in the battlefields in Vietnam. He did it in the Pentagon. He did it here in the Senate.

I do not know what is ahead for JIM WEBB, but we have not heard the last of him. He has a wonderful, beautiful wife and wonderful children. He left his mark on the Senate and he will never be forgotten, even though he served here one term. I am really sorry his Senate career was not longer, but I am gratified it was so productive.

I congratulate JIM WEBB and express on this record how much I admire him and what a strength he has been to me. He was a strength to me on the health care bill. He has given me wonderful information on immigration—which I have spent a lot of time on. I have read some of his books. I have not read them all but I read a couple of them. He is somebody I will miss very much and I will always consider JIM WEBB somebody who made me a better person.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SHERIFF DANNY HICKMAN

• Mr. BOOZMAN. Mr. President, today I wish to honor Boone County Sheriff Danny Hickman for his commitment to safety and law enforcement during 14 years at the helm of the sheriff's department.

Sheriff Hickman made a career of helping others, serving in the fire department, medical, and law enforcement fields, as well as the Boone County Quorum Court before being elected sheriff in 1998.

His dedication to safety and law enforcement has been instrumental in the improvements within the department and the services available to the citizens of Boone County. Sheriff Hickman made 21st century improvements to office computers, patrol cars, and provided resources for additional training for officers and staff.

In addition, he continuously strived for opportunities to learn the newest methods available to law enforcement officers in programs offered by the University of Arkansas division of Criminal Justice Institute and to help meet the needs of rural communities during the Rural Executive Management Institute.

His efforts helped bring nearly \$½ million in Federal grants for school resource officers, a domestic violence officer, radio and camera equipment for area schools, and law enforcement services in Boone County. Sheriff Hickman made safety improvements a priority.

He has a true passion to making sure the people of Arkansas. Sheriff Hickman is the past president of the Arkansas Sheriff's Association and currently serves on the Arkansas Association of Counties Risk Management Trustees Board.

I congratulate Sheriff Danny Hickman for his successes in law enforcement and keeping Arkansas citizens safe. I wish him continued success in the future. We are all grateful for his years of service and leadership in Boone County.●

##### TRIBUTE TO SERGEANT FIRST CLASS TOMMY SHOEMAKER

• Mr. VITTER. Mr. President, I rise today to honor a true American hero. During a parade honoring our veterans on November 15, 2012, in Midland, TX, four veterans lost their lives when their float was tragically struck by an oncoming train. Sixteen other veterans were also injured.

That day, SFC Tommy Shoemaker was among the veterans being honored

for their service, and his float was directly ahead of the one struck. Upon witnessing this tragedy, SFC Shoemaker jumped from his float that was traveling 40 MPH. He, his fellow veterans, and other soldiers began immediately assisting those injured. Prior to ambulances arriving, they provided CPR and life-saving aid to stabilize those injured. SFC Shoemaker's selfless act of heroism not only saved lives but also is a testament to the special forces training he received.

SFC Shoemaker entered the military in 1986 and later served in the Army Reserves in Monroe, LA, and also the Mississippi National Guard. In 2004, he was deployed to Afghanistan as part of an Embedded Transition Team. Unfortunately, his convoy unit was attacked twice in 2005 and again in 2006, the last a combination of road side bombs and an ambush. The incident left SFC Shoemaker severely injured and forced him to return home.

Since, SFC Shoemaker has been working as an Associate Administrator at the Northeast Louisiana War Veterans Home, a position he held prior to deployment. He also lends his time at the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Office of Public Health. He does all of this with permanent disabilities to 90 percent of his body, as a loving husband to his wife Pam, and their four daughters, Malissa, Kayla, Suzie, and Sierra.

It is my privilege and honor to recognize SFC Tommy Shoemaker for his bravery and courage and for his service to the United States of America.●

#### MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

H.R. 6602. An act to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

H.R. 6605. An act to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program.

H.R. 6620. An act to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, with an amendment, and agrees to the amendment of the Senate to the title of the bill.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 50. Concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multi-stakeholder governance model under which the Internet has thrived.

#### ENROLLED BILLS SIGNED

At 4:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

H.R. 6634. An act to change the effective date for the Internet publication of certain financial disclosure forms.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6602. An act to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements; to the Committee on the Judiciary.

H.R. 6605. An act to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program; to the Committee on the Judiciary.

H.R. 6620. An act to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3664. A bill to provide for debt limit extensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8448. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Migratory Pelagic Resources

of the Gulf of Mexico and South Atlantic; 2012–2013 Accountability Measure and Closure for Gulf King Mackerel in Northern Florida West Coast Subzone” (RIN0648-XC273) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8449. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska” (RIN0648-XC113) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8450. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York” (RIN0648-XC294) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8451. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska” (RIN0648-XC288) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8452. A communication from the Attorney-Advisor for the Department of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Retrospective Review Under E.O. 13563: Seamen’s Claims; and Admiralty Claims” (RIN2133-AB79) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8453. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Lewistown, MT” ((RIN2120-AA66) (Docket No. FAA-2012-0538)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8454. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace; Bozeman, MT” ((RIN2120-AA66) (Docket No. FAA-2012-0519)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8455. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Chenega Bay, AK” ((RIN2120-AA66) (Docket No. FAA-2011-1429)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8456. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Augusta, GA” ((RIN2120-AA66) (Docket No. FAA-2011-1334)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8457. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Fokker Services B.V. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0589)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8458. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Division Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2012-0060)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8459. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0588)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8460. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0491)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8461. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; MD Helicopters, Inc.” ((RIN2120-AA64) (Docket No. FAA-2012-0342)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8462. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Piper Aircraft, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-0639)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8463. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; BRP-Powertrain GmbH and Co KG Rotax Reciprocating Engines” ((RIN2120-AA64) (Docket No. FAA-2012-0603)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8464. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0633)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8465. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Various Restricted Category Helicopters” ((RIN2120-AA64) (Docket No. FAA-2010-0488)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8466. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Lycoming Engines Reciprocating Engines” ((RIN2120-AA64) (Docket No. FAA-2006-24785)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8467. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Division Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2010-0217)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8468. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Goodyear Aviation Tires” ((RIN2120-AA64) (Docket No. FAA-2012-0881)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8469. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; M7 Aerospace LLC Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0917)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8470. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2012-1017)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8471. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Turbomeca S.A. Turbohaft Engines” ((RIN2120-AA64) (Docket No. FAA-2011-0115)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8472. A communication from the Senior Program Analyst, Federal Aviation Adminis-



transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” (RIN2120-AA64) (Docket No. FAA-2012-0996) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8473. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0724)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8474. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Helicopters” ((RIN2120-AA64) (Docket No. FAA-2012-0338)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8475. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-1018) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8476. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0638)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8477. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-1095)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8478. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1167)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8479. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Univair Aircraft Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0360)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8480. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled “Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters” (RIN2120-AA64) (Docket No. FAA-2012-0659)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8481. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Various Restricted Category Helicopters” ((RIN2120-AA64) (Docket No. FAA-2012-0896)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8482. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0337)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8483. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0671)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8484. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Helicopters” ((RIN2120-AA64) (Docket No. FAA-2012-0354)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8485. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1229)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8486. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1319)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8487. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0267)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8488. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:

The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1326)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8489. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0422)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8490. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0038)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8491. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0192)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8492. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0644)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8493. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Fokker Services B.V. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0593)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8494. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1411)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8495. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0424) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8496. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-142, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a



sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8497. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Germany; to the Committee on Banking, Housing, and Urban Affairs.

EC-8498. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was originally declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-8499. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Organization and Functions, and Seal" (RIN2590-AA54) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8500. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Supervisory and Company-Run Stress Test Requirements for Covered Companies" (RIN7100-AD86) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8501. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Annual Company-Run Stress Test Requirements for Banking Organizations with Total Consolidated Assets Over 10 Billion Dollars Other than Covered Companies" (RIN7100-AD86) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8502. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment"; (RIN0648-XT37) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Environment and Public Works.

EC-8503. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material: Technical Amendments" (RIN1992-AA36) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Environment and Public Works.

EC-8504. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the General Services Administration's Fiscal Year 2013 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-8505. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to action taken to extend the Memorandum of Under-

standing between the Government of the United States and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Materials; to the Committee on Finance.

EC-8506. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee Airports: Addition of Bozeman Yellowstone International Airport, Belgrade, Montana" (CBP Dec. 12-20) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Finance.

EC-8507. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8508. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Contracts and Provider Agreements for State Home Nursing Home Care" (RIN2900-AO57) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Veterans' Affairs.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York.

Troy L. Nunley, of California, to be United States District Judge for the Eastern District of California.

Sheri Polster Chappell, of Florida, to be United States District Judge for the Middle District of Florida.

Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York.

Mark A. Barnett, of Virginia, to be a Judge of the United States Court of International Trade.

Patrick J. Wilkerson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Louise W. Kelton, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 3663. A bill to reassert the proper role of Congress in closing or realigning military in-

stallations; to the Committee on Armed Services.

By Mr. REID:

S. 3664. A bill to provide for debt limit extensions; read the first time.

By Mr. KERRY (for himself, Mr.

INHOFE, Mr. FRANKEN, Mr. LEVIN, Mrs. MURRAY, Mr. CARDIN, Mr. BLUMENTHAL, Mr. BEGICH, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 3665. A bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3666. A bill to amend the Animal Welfare Act to modify the definition of "exhibitor"; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Ms. SNOWE):

S. Res. 611. A resolution designating December 15, 2012, as "Wreaths Across America Day"; considered and agreed to.

By Mr. VITTER (for himself, Mr. BAR-

RASSO, Mr. BLUNT, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. ENZI, Mr. HELLER, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. THUNE, Mr. BOOZMAN, Mr. COCHRAN, and Mr. WICKER):

S. Con. Res. 61. A concurrent resolution expressing the sense of Congress that a carbon tax is not in the economic interest of the United States; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself,

Mr. ISAKSON, Mr. GRASSLEY, Mr. PORTMAN, Mr. TESTER, Mr. AKAKA, Mr. BROWN of Ohio, Mr. CARDIN, Mr. BINGAMAN, Mrs. HAGAN, and Mr. BOOZMAN):

S. Con. Res. 62. A concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 845

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 3608

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3608, a bill to modernize voter registration, promote access to voting for

individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3664. A bill to provide for debt limit extensions; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3664

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SEC. 1. DEBT LIMIT EXTENSION.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking "as provided by law through the congressional budget process described in Rule XLIX of the Rules of the House of Representatives or as provided by section 3101A or otherwise," and inserting "as provided—

"(1) by law through the congressional budget process described in Rule XLIX of the Rules of the House of Representatives or as provided by section 3101A or otherwise, or

"(2) by executive order of the President. An executive order issued pursuant to paragraph (2) shall be considered as a major rule for purposes of chapter 8 of title 5, United States Code."

By Mr. KERRY (for himself, Mr. INHOFE, Mr. FRANKEN, Mr. LEVIN, Mrs. MURRAY, Mr. CARDIN, Mr. BLUMENTHAL, Mr. BEGICH, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 3665. A bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, we currently have over 400,000 children in our foster care system due to abuse or neglect by their biological families, with 104,000 eligible for adoption. Tragically every year nearly 28,000 of these children age out of our foster care system with no place to call home. On average, foster children spend over 3 years in the system and around 16 percent languish in the foster care system for over 5 years. Only around 3 percent start college and even fewer finish their degree. We must continue working to connect children in our foster system to a safe, loving, and permanent home while also doing more to address their educational outcomes.

I am greatly concerned that too many of our Nation's foster youth are unable to appropriately access critical Federal programs that provide assistance to help increase their educational opportunities. Higher education can hold the key to a future of stability and it is unacceptable that many foster

youth who are eligible for higher education funds, such as Education and Training Vouchers, ETV, and support through the John H. Chafee Foster Care Independence Program, are never told about these programs.

This is why I have worked with my colleagues to introduce a bipartisan bill to direct the Department of Education to fully utilize the Free Application for Federal Student Aid, FAFSA, as a tool to notify foster youth of all Federal funds which may be available to support their pursuit of higher education, and include information specifically for foster youth on their agency website. The Foster Youth Higher Education Opportunities Act will automate the notification to foster youth of their potential eligibility for programs that serve as a lifeline to a better future.

I would like to recognize Senators INHOFE, FRANKEN, LEVIN, MURRAY, CARDIN, BLUMENTHAL, BEGICH, ROCKEFELLER, and LANDRIEU as original cosponsors of this bill. I ask all of my colleagues to support this important legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 611—DESIGNATING DECEMBER 15, 2012, AS "WREATHS ACROSS AMERICA DAY"

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 611

Whereas, 21 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 350,000 wreaths have been sent to more than 800 locations, including national cemeteries and veterans memorials in every State, and to locations overseas;

Whereas the mission of the Wreaths Across America project to "Remember, Honor, Teach" is carried out in part by coordinating wreath-laying ceremonies at Arlington National Cemetery as well as veterans cemeteries and other locations in all 50 States;

Whereas the Wreaths Across America project carries out a week-long veterans parade between Maine and Virginia, stopping along the way to spread a message about the importance of remembering the fallen heroes of the United States, honoring those who serve, and teaching the people of the United States about the sacrifices made by veterans and their families to preserve our freedoms;

Whereas, in 2011, wreaths were sent to more than 700 locations across the United States and overseas, 180 more locations than the previous year;

Whereas, in December 2012, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic

events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 10, 2011, was previously designated by the Senate as "Wreaths Across America Day"; and

Whereas the Wreaths Across America project will continue its proud legacy on December 15, 2012, bringing approximately 125,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 15, 2012, as "Wreaths Across America Day";

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

SENATE CONCURRENT RESOLUTION 61—EXPRESSING THE SENSE OF CONGRESS THAT A CARBON TAX IS NOT IN THE ECONOMIC INTEREST OF THE UNITED STATES

Mr. VITTER (for himself, Mr. BARASSO, Mr. BLUNT, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. ENZI, Mr. HELLER, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. THUNE, Mr. BOOZMAN, Mr. COCHRAN, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 61

Whereas a carbon tax is regressive in nature and would unfairly burden those vulnerable individuals and families in the United States that are already struggling under a stagnating economy;

Whereas a carbon tax would increase the cost of every good manufactured in the United States;

Whereas a carbon tax would harm the entire United States manufacturing sector;

Whereas the increase in production of domestic energy resources on private and State-owned land has created significant job growth and private capital investment; and

Whereas affordable and reliable energy sources are critical to maintaining the United States' global competitiveness: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that a carbon tax would be detrimental to American families and businesses, and is not in the interest of the United States.

**SENATE CONCURRENT RESOLUTION 62—EXPRESSING THE SENSE OF THE CONGRESS THAT OUR CURRENT TAX INCENTIVES FOR RETIREMENT SAVINGS PROVIDE IMPORTANT BENEFITS TO AMERICANS TO HELP PLAN FOR A FINANCIALLY SECURE RETIREMENT**

Mr. BLUMENTHAL (for himself, Mr. ISAKSON, Mr. GRASSLEY, Mr. PORTMAN, Mr. TESTER, Mr. AKAKA, Mr. BROWN of Ohio, Mr. CARDIN, Mr. BINGAMAN, Mrs. HAGAN, and Mr. BOOZMAN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

**S. CON. RES. 62**

Whereas private retirement plans in the United States paid out over \$3,824,000,000,000 in benefits from 2000 through 2009, while public sector retirement plans paid out \$2,651,000,000,000 during the same period, with both playing an essential role in providing retirement income for millions of our Nation's senior citizens;

Whereas there are approximately 670,000 private-sector defined contribution plans that are currently covering 67,000,000 participants, and over 48,000 private-sector defined benefit plans covering 19,000,000 participants;

Whereas \$4,700,000,000,000 is held in 401(k), 403(b), 457 and similar defined contribution plans, \$2,300,000,000,000 is held in private defined benefit plans, and another \$4,900,000,000,000 is held in Individual Retirement Accounts, largely consisting of funds rolled over from employer-based retirement plans;

Whereas from 2000 through 2009, employers have contributed almost \$3,500,000,000,000 to public and private retirement plans;

Whereas tax incentives are an important impetus for individuals to save for retirement and for employers to offer plans under our voluntary system;

Whereas generally, the taxation of amounts contributed to pension and retirement plans is simply deferred, not lost;

Whereas more than 70 percent of American workers making between \$30,000 and \$50,000 a year contribute to their own retirement when covered by a retirement plan at work;

Whereas under current law, if business owners and managers sponsor a retirement plan, they also must cover and provide benefits to lower-income and middle-income employees;

Whereas 401(k) and similar defined contribution plans have been enhanced over the years by Congress on a bipartisan basis;

Whereas the private retirement system in the United States is voluntary and is dependent on the willingness of business owners and corporations to adopt and maintain retirement plans; and

Whereas the United States system of employer-based retirement savings is designed to work together with other personal savings and the Social Security program to provide meaningful income replacement upon retirement: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) tax incentives for retirement savings play an important role in encouraging employers to sponsor and maintain retirement plans and encouraging participants to contribute to such plans;

(2) existing tax incentives have increased the number of Americans who are covered by a retirement plan; and

(3) a reformed and simplified Federal tax code should include properly structured tax incentives to maintain and contribute to such plans and to strengthen retirement security for all Americans.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 6, 2012, at 10 a.m. to conduct a hearing entitled "Oversight of FHA: Examining HUD's Response to Fiscal Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 6, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 6, 2012, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Superstorm Sandy: The Devastating Impact on the Nation's Largest Transportation Systems."

The PRESIDING OFFICER. Without objection, it is so ordered.

**AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT**

Mrs. HAGAN. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6582, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed the desired energy efficient goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6582) was ordered to a third reading, was read the third time, and passed.

**AMENDING THE ANIMAL WELFARE ACT**

Mrs. HAGAN. I ask unanimous consent that the Senate now proceed to the consideration of S. 3666, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3666) to amend the Animal Welfare Act to modify the definition of "exhibitor."

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3666) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

**S. 3666**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ANIMAL WELFARE.**

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding "an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner," after "stores,".

**WREATHS ACROSS AMERICA DAY**

Mrs. HAGAN. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 611, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. 611) designating December 15, 2012, as "Wreaths Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HAGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 611) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 611

Whereas, 21 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 350,000 wreaths have been sent to more than 800 locations, including national cemeteries and veterans memorials in every State, and to locations overseas;

Whereas the mission of the Wreaths Across America project to “Remember, Honor, Teach” is carried out in part by coordinating wreath-laying ceremonies at Arlington National Cemetery as well as veterans cemeteries and other locations in all 50 States;

Whereas the Wreaths Across America project carries out a week-long veterans parade between Maine and Virginia, stopping along the way to spread a message about the importance of remembering the fallen heroes of the United States, honoring those who serve, and teaching the people of the United States about the sacrifices made by veterans and their families to preserve our freedoms;

Whereas, in 2011, wreaths were sent to more than 700 locations across the United States and overseas, 180 more locations than the previous year;

Whereas, in December 2012, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 10, 2011, was previously designated by the Senate as “Wreaths Across America Day”; and

Whereas the Wreaths Across America project will continue its proud legacy on December 15, 2012, bringing approximately

125,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 15, 2012, as “Wreaths Across America Day”;

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

MEASURE READ THE FIRST  
TIME—S. 3664

Mrs. HAGAN. Mr. President, I understand that S. 3664, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 3664) to provide for debt limit extensions.

Mrs. HAGAN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

SIGNING AUTHORITY

Mrs. HAGAN. Mr. President, I ask unanimous consent that from Thursday, December 6, through Monday, December 10, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, DECEMBER  
10, 2012

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, Decem-

ber 10, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to proceed to S. 3637, the TAG extension legislation, with the time until 5:30 p.m. equally divided and controlled between the two leaders or their designees; further, that the cloture vote on the motion to proceed to S. 3637 occur at 5:30 p.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HAGAN. Mr. President, at 5:30 p.m. on Monday there will be a cloture vote on the motion to proceed to S. 3637, the TAG extension legislation.

ADJOURNMENT UNTIL MONDAY,  
DECEMBER 10, 2012, AT 2 P.M.

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:52 p.m., adjourned until Monday, December 10, 2012, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, December 6, 2012:

THE JUDICIARY

MARK E. WALKER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

TERRENCE G. BERG, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

## HOUSE OF REPRESENTATIVES—Friday, December 7, 2012

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 7, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

In this moment of prayer, please grant to the Members of this people's House the gifts of wisdom and discernment that, in their words and actions, they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2012 at 9:42 a.m.:

That the Senate passed S. 1947.

That the Senate passed S. 3254.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2012 at 5:22 p.m.:

That the Senate passed without amendment H.R. 6582.

That the Senate passed S. 3666.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2012 at 3:46 p.m.:

That the Senate passed without amendment H.R. 6634.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2012 at 12:42 p.m.:

That the Senate passed with an amendment H.R. 4310.

That the Senate requests a conference with the House and appoints conferees.

That the Senate passed S. 3331.

That the Senate passed without amendment H.R. 6156.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, December 6, 2012:

H.R. 6634, to change the effective date for the Internet publication of certain financial disclosure forms;

S. 2367, to strike the word 'lunatic' from Federal law, and for other purposes;

S. 3486, to implement the provisions of the Hague Agreement and the Patent Law Treaty.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLINE (at the request of Mr. CANTOR) for December 4 and 5 on account of the passing of his mother, Litta Kline.

### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1947. An act to prohibit attendance of an animal fighting venture, and for other purposes; to the Committee on Agriculture; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 3331. An act to provide for universal intercountry adoption accreditation standards, and for other purposes; to the Committee on Foreign Affairs.

S. 3666. An act to amend the Animal Welfare Act to modify the definition of “exhibitor”; to the Committee on Agriculture.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6634. An act to change the effective date for the Internet publication of certain financial disclosure forms.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2367. An act to strike the word “lunatic” from Federal law, and for other purposes.

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday, December 11, 2012, for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, December 11, 2012, at noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8629. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral David J. Venlet, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8630. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John T. Blake, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8631. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8632. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Korea and China pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8633. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, “Merger De-

cisions 2011”, in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

8634. A letter from the Assistant General Counsel Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standard for Infant Swings [CPSC Docket No.: CPSC-2012-0011] (RIN: 3041-AC90) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8635. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth annual report on the Prevention and Reduction of Underage Drinking; to the Committee on Energy and Commerce.

8636. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8637. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8638. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2012, through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8639. A letter from the Director of Management, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Oversight and Government Reform.

8640. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8641. A letter from the Chairman, Defense Nuclear Safety Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8642. A letter from the Secretary, Department of Agriculture, transmitting the Inspector General's semiannual report to Congress for the reporting period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8643. A letter from the Secretary, Department of Energy, transmitting the Department's Fiscal Year 2012 Agency Financial Report; to the Committee on Oversight and Government Reform.

8644. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8645. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8646. A letter from the Chief, Branch of Permits and Regulations, Division of Migra-

tory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Delegating Falconry Permitting Authority to Seven States [FWS-HQ-MB-2012-0084; 91200-1231-9BPP] (RIN: 1018-AZ16) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8647. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern Selkirk Mountains Population of Woodland Caribou [Docket No.: FWS-R1-ES-2011-0096] (RIN: 1018-AX38) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8648. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Riverside Fairy Shrimp [Docket No.: FWS-R8-ES-2011-0013] (RIN: 1018-AX15) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8649. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; [Docket No.: 111207737-2141-02] (RIN: 0648-XC277) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8650. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders (RIN: 0648-XC222) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8651. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC295) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8652. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; “Other Rockfish” in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC312) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8653. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0624-XC301) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8654. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric

Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #22 through #26 [Docket No.: 120424023-1023-01] (RIN: 0648-XC282) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8655. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet [Docket No.: 120416007-2464-01] (RIN: 0648-BB67) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8656. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; Revised Limits on Sea Turtle Interactions in the Hawaii Shallow-Set Longline Fishery [Docket No.: 120416010-2476-01] (RIN: 0648-BB84) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8657. A letter from the Secretary, Department of Transportation, transmitting the final report required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

8658. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance — Stillborn Child Coverage (RIN: 2900-AO30) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8659. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Authorization for Non-VA Medical Services (RIN: 2900-AO47) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8660. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Rules Governing Hearings Before the Agency of Original Jurisdiction and the Board of Veterans' Appeals; Repeal of Prior Rule Change (RIN: 2900-AO43) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8661. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Electronic Submission of Payment Requests (RIN: 2900-AN97) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8662. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Informal Entry Limit and Removal of a Formal Entry Requirement [USCBP-2011-0042] (RIN: 1515-AD69) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8663. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2013 Section 127A CPI Adjustments (Rev. Rul. 2012-33) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8664. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on regulations to be issued regarding the deduction and capitalization of expenditures related to tangible property [Notice 2012-73] received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8665. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Revenue Procedure 2077-44 (Rev. Proc. 2012-50) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8666. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Deadline to Amend for Section 436 [Notice 2012-70] received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Texas:

H.R. 6642. A bill to reauthorize customs trade facilitation and enforcement functions and programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Homeland Security, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 6643. A bill to amend title 31, United States Code, to provide authority to increase the debt limit when an Act of Congress provides budget authority or reduces revenues, and for other purposes; to the Committee on Ways and Means.

By Mr. POMPEO (for himself, Mr. BISHOP of Utah, Mr. FINCHER, Mr. FLEISCHMANN, Mr. GIBBS, Mr. GOHMERT, Mr. HUELSKAMP, Mr. JONES, Mr. LANDRY, Mr. LANKFORD, Mrs. CAPITO, Mr. OLSON, Mr. SCALISE, Mr. TERRY, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. AUSTIN SCOTT of Georgia, Mr. BROUN of Georgia, Mr. WALBERG, Mr. NEUGEBAUER, Mr. FLORES, Mr. MULVANEY, Mr. LAMBORN, Mr. MASSIE, Mr. BOUSTANY, Mr. BRADY of Texas, and Mr. NUNNELEE):

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress that a carbon tax is not in the economic interest of the United States; to the Committee on Ways and Means.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

320. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 35 urging the President and the Con-

gress to restrict the transshipment for waterborne export of coal for electricity generation to any nation that fails to adopt rules and regulations on the emissions of greenhouse gases; jointly to the Committees on Energy and Commerce and Foreign Affairs.

321. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 30 memorializing the President and the Congress to enact appropriate legislation that would add comprehensive, preventative dental care coverage to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BRADY of Texas:

H.R. 6642.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. FATTAH:

H.R. 6643.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1418: Mr. CURSON of Michigan.

H.R. 6087: Mr. SCHIFF.

H.R. 6157: Ms. DEGETTE.

H.R. 6174: Mr. YOUNG of Indiana.

H.R. 6504: Mr. PETERS, Mr. RICHMOND, Ms. CHU, and Mr. SCHRADER.

H.R. 6587: Mr. BACA, Mr. BILBRAY, Mrs. BONO MACK, Mr. SHERMAN, and Ms. SPEIER.

H. Res. 220: Mr. PETERS.

H. Res. 774: Mr. WAXMAN and Ms. SCHAROWSKY.

H. Res. 801: Mr. GRIFFITH of Virginia, Mr. COBLE, Mr. MICHAUD, Mr. ROSS of Florida, and Mr. NUNNELEE.

H. Res. 826: Mr. GRAVES of Georgia, Mr. CAMPBELL, Mr. COLE, Mr. MASSIE, Mr. GOSAR, Mr. DENHAM, Mr. DUNCAN of Tennessee, and Mr. FINCHER.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 6, December 4, 2012, by Mr. TIMOTHY WALZ on H.R. 15, was signed by the following Members: Timothy J. Walz, Sander M. Levin, David N. Cicilline, Janice Hahn, Nancy Pelosi, Steny H. Hoyer, James E. Clyburn, Xavier Becerra, Joseph Crowley, Steve Israel, Sheila Jackson Lee, Gerald E. Conolly, Frank Pallone Jr., Ben Chandler, Russ



Carnahan, Chris Van Hollen, José E. Serrano, Dennis J. Kucinich, John A. Yarmuth, Joe Courtney, Al Green, Henry C. “Hank” Johnson Jr., Doris O. Matsui, Steve Cohen, Earl Blumenauer, Jason Altmire, Peter Welch, Jerry McNerney, Niki Tsongas, Ed Perlmutter, G. K. Butterfield, Jerrold Nadler, Jared Polis, Lucille Roybal-Allard, Lynn C. Woolsey, Henry A. Waxman, John W. Olver, Bruce L. Braley, John Garamendi, Eddie Bernice Johnson, Anna G. Eshoo, George Miller, Jim McDermott, David Scott, Janice D. Schakowsky, John F. Tierney, Lois Capps, Carolyn B. Maloney, Paul Tonko, Fortney Pete Stark, Rubén Hinojosa, Betty Sutton, Norman D. Dicks, David Alan Curson, Leonard L. Boswell, Zoe Lofgren, Melvin L. Watt, Barbara Lee, Dale E. Kildee, Diana DeGette, Gene Green, Adam B. Schiff, Rush D. Holt, Gregory W. Meeks, Larry Kissell, Silvestre Reyes, Mark S. Critz, Charles A. Gonzalez, Stephen F. Lynch, Rob-

ert A. Brady, Karen Bass, Ron Barber, Ed Pastor, Mike Quigley, Suzanne Bonamici, Robert E. Andrews, Sam Farr, John B. Larson, Nick J. Rahall II, Susan A. Davis, Rick Larsen, John D. Dingell, Maxine Waters, Rosa L. DeLauro, Donna F. Edwards, Marcia L. Fudge, John Conyers Jr., Louise McIntosh Slaughter, Yvette D. Clarke, Hansen Clarke, André Carson, Kathy Castor, Ben Ray Lujan, Tammy Baldwin, Charles B. Rangel, C. A. Dutch Ruppersberger, Grace F. Napolitano, William L. Owens, Suzan K. DelBene, William R. Keating, Theodore E. Deutch, Colleen W. Hanabusa, Laura Richardson, Sanford D. Bishop Jr., Terri A. Sewell, Michael H. Michaud, James P. McGovern, Betty McCollum, John Lewis, Timothy H. Bishop, Marcy Kaptur, James A. Himes, Gwen Moore, Shelley Berkley, Keith Ellison, James R. Langevin, Elijah E. Cummings, Michael M. Honda, Albio Sires, Nita M. Lowey, Kurt Schrader, Judy Chu, Donald M. Payne

Jr., Allyson Y. Schwartz, Cedric L. Richmond, Loretta Sanchez, Ron Kind, Bobby L. Rush, Wm. Lacy Clay, Bill Pascrell Jr., Bennie G. Thompson, Brad Sherman, Edward J. Markey, Linda T. Sánchez, Corrine Brown, Michael F. Doyle, Frederica S. Wilson, Daniel Lipinski, Kathleen C. Hochul, Chellie Pingree, John P. Sarbanes, Michael E. Capuano, Mike Thompson, Jackie Speier, Mike Ross, Dan Boren, Heath Shuler, Chaka Fattah, David E. Price, Henry Cuellar, Nydia M. Velázquez, Debbie Wasserman Schultz, Adam Smith, John C. Carney Jr., David Loebsack, Jim Costa, Jim Cooper, Tim Ryan, Brad Miller, Steven R. Rothman, Mazie Hirono, Tim Holden, Eliot L. Engel, Emanuel Cleaver, Maurice D. Hinchey, Barney Frank, Danny K. Davis, Raúl M. Grijalva, Peter A. DeFazio, Martin Heinrich, Collin C. Peterson, Gary C. Peters, Brian Higgins, Lloyd Doggett, Howard L. Berman, Luis V. Guterrez, Christopher S. Murphy, Richard E. Neal.

## EXTENSIONS OF REMARKS

HONORING GEORGIAN VETERAN  
EUGENE ABT

**HON. TOM PRICE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. PRICE of Georgia. Mr. Speaker, today I rise in honor of fellow Georgian, Eugene Abt. A veteran of World War II, Eugene served in the infantry under General George Patton's 3rd Army. Originally from Pennsylvania, Eugene was born on June 24, 1926. After leaving the military, Eugene began a career at Columbia Gas Transmission Corporation. He worked his way up the ladder to become a department head, after starting out as a ditch digger.

Eugene currently resides in Sugar Hill, Georgia with his daughter, Deborah, who is his caregiver. Through the years, Eugene has been highly active in the community. He was a squire in the Elks and a Eucharistic minister in the local Catholic Church. A few years ago, Mae Louise, his beloved wife, passed away. One of his grandchildren, Sgt. Nicholas A. Collins, has followed the tradition started by Eugene when he also decided to join the military. He is currently in the 2nd Marine Division based out of Camp Lejeune and may consider being stationed at an American embassy after his current deployment.

Eugene is currently undergoing serious health challenges. At present, he is undertaking numerous tests to determine treatment plans and has remained in good spirits. Mr. Speaker, considering all he has done for his community and his nation, let's keep Eugene and his family in our thoughts and prayers as he battles this terrible disease.

IN RECOGNITION OF DR. ANN  
STUART

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor an acclaimed educator, Texas Woman's University's chancellor and president, Dr. Ann Stuart. Dr. Stuart has many years experience in education and has served as the first chancellor and tenth president of the university for more than 12 years. Under her supervision, Texas Woman's University has transformed into an outstanding university that promotes exceptional higher education for all students.

Dr. Stuart has not only devoted her life to the teaching of others but was equally as zealous about learning herself. Dr. Stuart earned her undergraduate degree in education from the University of Florida. She also received a master's degree in English from the University

of Kentucky, and her doctorate in English from Southern Illinois University. As a first-generation graduate of higher education, Dr. Stuart's educational pursuits have enabled her to promote the same opportunities for students of Texas Woman's University.

Before joining Texas Woman's University, Dr. Stuart held numerous positions at several different institutions. She previously served as president of Rensselaer Polytechnic Institute's Graduate School in Hartford, Connecticut. In addition, she served as provost and vice president for academic affairs at Alma College in Michigan, dean of the School of Arts and Sciences at East Stroudsburg University in Pennsylvania, and in several facilities at the University of Evansville in Indiana.

Under Dr. Stuart's leadership, Texas Woman's University's enrollment has grown 85%. The university has received national recognition for its significance and diversity in student class from national publications such as U.S. News and World Report. The university has also experienced advancements in technology and teaching tools that have greatly advanced students' academic experience. Texas Woman's University has also been a leader in the advancement of a greener campus and region via its Redbud tree campaign, which has implemented a continuing reforestation plan in Denton, Texas.

Dr. Stuart has also influenced other areas beyond the campus itself. Her impact on the university can be distinguished through new amenities in Denton, Dallas, and Houston, such as the TWU Institute of Health Sciences—Houston Center, the TWU T. Boone Pickens Institute of Health Sciences—Dallas Center, the Ann Stuart Science Complex in Denton, and the Fitness and Recreation Center in Denton. All of these contributions have positioned Texas Woman's University at the head of workforce expansion.

Among Dr. Stuart's lasting impressions are the financial contributions she made to the university. She established the annual Ann Stuart and Ray R. Poliakoff Celebration of Science event to promote women in science. Also, she created the Chancellor's Alumni Excellence Award, which allows outstanding alumni to visit the university to speak about their experiences. Lastly, she implemented the Ann Stuart and Ray R. Poliakoff Endowed Scholarships for Texas Woman's University's undergraduate students. Due to Dr. Stuart's dedication and public service, students at the university have the opportunity to prosper in an exceptional environment.

Last month, Dr. Stuart announced that she will be retiring from Texas Woman's University in 2014. Her departure will leave a legacy of excellence at Texas Woman's University and the Denton community at large. Her valuable contributions to the pursuit of higher education will not soon be forgotten. I am pleased to recognize Dr. Ann Stuart and am privileged to represent Texas Woman's University in the U.S. House of Representatives.

RECOGNIZING CAPT. CRAIG DOYLE  
ON HIS PROMOTION IN THE  
NAVY RESERVE TO THE LEAD  
POSITION IN THE GLOBAL  
LOGISTICAL SUPPORT CENTER

**HON. DAVID SCHWEIKERT**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. SCHWEIKERT. Mr. Speaker, it is with great pleasure and esteem that I congratulate Captain Craig Doyle on his promotion in the Navy Reserve to the lead position in the Global Logistical Support Center. As noted in recent congratulations, this movement in position is a highly contested declaration of the Navy's 'Total Force' concept. This testament to Capt. Doyle's ability is only the most recent recognition.

Capt. Doyle is no stranger to valor and success, having notably served in the U.S. Navy, including a deployment to Iraq, and Yokosuka, Japan, along with a special assignment to Macdill Air Force Base, Special Operations Command.

Capt. Doyle is a long time resident of Arizona with a family as dedicated to the United States as he is, graciously supporting his service in the Navy. It is with much enthusiasm that I congratulate Captain Craig Doyle on this great achievement, and Captain Weidner from the Navy Cargo Handling Battalion 14 on his incoming role.

COMMEMORATING THE LEMON  
STREET HERITAGE GROUP AND  
THE LEMON STREET SCHOOL

**HON. DAVID SCOTT**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I rise today to recognize the outstanding efforts of the Lemon Street Heritage Group—and to reflect on just how far we have come since those dark days of segregation. The Lemon Street Heritage Group has been working tirelessly to increase awareness of the Lemon Street School, which was built as the school for black children in Marietta, GA. When the City of Marietta established an independent school district in 1892, the idea that white children and black children could have equal access to education in separate schools was widely prevalent, as it was in many places throughout the country.

While the city built a brick school house for the white students, the Lemon Street School was a wooden structure, and offered only seven years of education until the 1920s. Eventually, a distinct Lemon Street High School was built, but the original school continued to be utilized as an Elementary School.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

By the time the Marietta City Council toured the facility in 1947, they discovered how dangerous it had become. The building lacked indoor plumbing, was poorly lit and depended on a single coal stove for heating. The old wooden structure was condemned as a fire trap and demolished, with plans for a new structure in place.

Everyone knew "separate but equal" was a failure. Not just a failure, but a fundamentally dishonest proposition—a dereliction of the duty we have towards our children to provide them with a brighter future than our own. But for sixty years this was the reality of *Plessy v. Ferguson* that educators all over the country had to face. Despite these struggles, principals and teachers like A. Tolliver, Luke B. Norris, Mrs. Louella Patterson and Professor M. J. Woods worked hard to make the Lemon Street school a success. Professor Woods was also the principal of the neighboring Lemon Street High School, which went on to gain accreditation and distinction for its academics, its athletic program and its marching band.

I commend the Lemon Street Heritage Group for their efforts to acknowledge and celebrate this history, and I am extremely proud of the principals and teachers of the Lemon Street School who devoted their lives to furthering the education of African Americans. I hope this school will serve as both an inspiration and a reminder to all of us—of the battles we have won and those still to come.

ISAAC GARB

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life and memory of Judge Isaac Garb who passed away late yesterday at the age of 83.

As Bucks County, Pennsylvania's longest-serving judge, he remained a dedicated public servant throughout his career, still hearing cases until the week before Thanksgiving.

Judge Garb was a true advocate for juvenile justice, recognizing the importance of the protection the court system could afford to young offenders.

He always believed that most children who appeared before him in court had simply made a mistake and still had a life full of true potential in front of them.

A truly brilliant legal mind, Judge Garb presided over more than five decades of cases in my home of Bucks County, completely re-vamping the criminal court division. Judge Garb served several terms as President Judge of our esteemed Court.

In a ritual still practiced to this day, each morning the criminal court is in session in the County Seat of Doylestown. Judge Garb took it upon himself one day to call out defendant's names and assign them to their courtroom, tired of waiting for assignments by the District Attorney's office.

Judge Garb's reforms transformed Bucks County criminal court into the most efficiently run system in the commonwealth of Pennsylvania.

Judge Garb has left a lasting impression on the careers of so many in Bucks County, and he has earned the respect and admiration of those around him. His reputation as Bucks County's most admired jurist is well-deserved and his passing represents a true loss to our community.

I am honored to have called Judge Garb a friend, as we discussed and negotiated many issues of mutual concern between the Office of Commissioners and the Bucks County Court of Common Pleas, and my thoughts and prayers are with his family in these difficult times.

A TRIBUTE TO HONOR THE LIFE  
OF EDWARD PATRICK MCGOVERN

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary man, Edward Patrick McGovern, who was born in San Francisco on December 26, 1927, and died on November 6, 2012.

A proud American who was also proud of his Irish heritage, Ed served his country during World War II. He and his beloved wife of 56 years, Maggie, founded Knight's Restaurant and Catering, a business which they loved and fostered for more than forty years. Ed was a devoted member of many organizations to which he gave generously of his time and resources, including San Francisco's Irish Cultural Center, the Pearse and Connelly Fife and Drum Band, the St. Vincent De Paul Society, Catholic Charities, and the Knights of the Holy Sepulcher.

Ed and Maggie loved to travel, and visited six continents, but their favorite trips were "home" to Ireland. In 2005 they moved from San Francisco to Sonoma, and became active members of their new community.

Ed and his beloved wife Maggie, who survives him, raised a large and loving family. He leaves eight children: Moira McGovern; Deirdre and Doug Muller; Eileen and Andrew Patania; Kevin and Lori McGovern; Brian and Theresa McGovern; Maureen Kelly; Margaret and Frank van Beuningen; and Ed and Tina McGovern. He was beloved Poppi to Katie, Claire, Meagan and Jack; Molly, Danny, and Grace; Brian, Christopher, Thomas, Stephen and Elizabeth; Rosie; and Devin and Ryan.

Mr. Speaker, I ask my colleagues to join me in expressing our deepest condolences to the immediate and extended family and many friends of Edward Patrick McGovern. He will be remembered and missed by all who had the honor and privilege to know him. I feel blessed to have had the honor to know him and call him my friend.

CONGRATULATING MARTIN AND  
RHODA ELLNER ON THEIR 60TH  
ANNIVERSARY

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. ISRAEL. Mr. Speaker, I rise today to acknowledge and congratulate Martin and Rhoda Ellner, the parents of one of my constituents, on reaching a true marital milestone today: their 60th wedding anniversary.

An anniversary such as this shows us all the power of love, but also serves as a reminder that a marriage takes patience, respect, and understanding. Each day that Martin and Rhoda go forward they remind us of the commitment they have made to one another, and also serve as an inspiration to those who know them with their remarkable dedication to each other.

According to their son, Andrew, Martin is a "concentration camp survivor who's proud to be an American" and Rhoda is a "Brooklyn born superhero who's proud to have survived raising Martin and her 4 sons." These are two truly remarkable people who have demonstrated to the world what a loving partnership looks like.

Mr. Speaker, I ask my colleagues to join me in congratulating Martin and Rhoda Ellner on 60 years of wedded bliss, and wish them many more happy years together.

CONGRESS SALUTES CHARLES  
GREENE, A TRUE PUBLIC SERV-  
ANT

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. POSEY. Mr. Speaker, I rise to commemorate the life and service of Colonel Charles H. Greene, U.S. Army (Ret) for his distinguished service to the United States Army and his nation. Colonel Greene honorably served his country in Korea and Vietnam.

Colonel Greene served as the Unit Commander with the 467th Military Intelligence Detachment from October 1982 through April 1985 and retired from the United States Army on September 23, 1990.

After retiring from the Army, Charles held the position of Engineer for Lockheed Martin and was co-owner of a lapidary shop in Melbourne, Florida. He was an active member of the Crossroads Community Church UCC and the Melbourne Elks Lodge #1744.

Beginning in 1975, Charles served as the 15th District of Florida General Chairman for nominations to our nation's military service academies until his death on November 30, 2012. I applaud his commitment to our community, military and the future of our Armed Services. Charles embodied the true meaning of public service.

"Charlie loved his job as Chairman of the nominating committees. He enjoyed talking with prospective candidates and he had a gift for making them feel comfortable before their

interviews. Although he was from a different generation, he understood today's teens and the changing Academy and military environment. His goal was always to select the most qualified individuals and to encourage students who were interested in attending our nation's service academies and serving in the military. I will have big shoes to fill as I assume the position of Chair, District 15 Academy Nominating Committee," said Angelika Evangelist, Captain, United States Navy Reserve (Ret).

Charles is survived by his wife Jackie; son Stephen (Pat); daughters Diane (Tim) Benson; Karen (Craig) Schenck; Leslie Hodgkins; Susan (Greg) Reeves; 6 grandchildren and 6 great-grandchildren.

Charles took up the flag and served this great nation selflessly. He is a great credit to our community, the United States Army and our nation. He will be deeply missed by his family, his community and his nation.

Our thoughts and prayers are with his family and friends that knew and loved him.

I am honored to rise today to draw the attention of the U.S. House of Representatives upon Colonel Charles Greene so that a grateful nation can honor him for his service to our nation. We are proud of his commitment to the cause of liberty, freedom and public service.

HONORING JUDGES THOMAS AND LINDA TEODOSIO FOR RECEIVING THE 2012 BISHOP COSGROVE JUSTICE AWARD

**HON. BETTY SUTTON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Ms. SUTTON. Mr. Speaker, I rise today to recognize and congratulate two outstanding public servants who have dedicated their lives to serving others and working for social justice in our community. Judges Thomas and Linda Teodosio will receive the 2012 Bishop Cosgrove Justice Award, which will be presented by the Catholic Commission of Summit County. This award is bestowed upon exemplary individuals and organizations that demonstrate a strong commitment to social justice in accordance with biblical values.

I have known the Teodosio family for many years and I am honored to call them my friends. Over the years, they have so generously given of their time, talent, and resources to numerous organizations in our community. What strikes me the most in this moment is how the Teodosios have chosen to use tragedy to make a positive impact. I will never forget where I was the day I learned of that terrible accident that took Andrea's life back in February 2011. Andrea Rose Teodosio was a beautiful woman whose kindness enveloped you like a warm ray of light. Her smile always beamed brightly.

Andrea lived her life with compassion and selflessness. She always looked for opportunities to help others, and would do so in a manner that preserved their dignity. Her mother, Linda, recounted a story of how Andrea at age 16 asked if she could give their pizza to a homeless man. Andrea tapped the man on the

shoulder and said, "My mom and I have all these packages and can't carry this pizza. Do you mind taking it?"

Andrea helped others, but never elevated herself in the process. She treated people with dignity.

Today, Andrea's memory and legacy lives on through the Andrea Rose Teodosio Foundation, which was established by Judges Thomas and Linda Teodosio and is administered by their son Christopher. Now, the Andrea Rose Foundation has already made a significant impact on the lives of so many. This organization works to demonstrate the values that Andrea held so dear—assisting the underprivileged and the elderly, actively addressing environmental issues, and promoting community service and education.

The Teodosio Family's service to our community is truly commendable and their example will continue to inspire others to give of their time, talent, and resources to those who are in need. Judges Tom and Linda Teodosio deserve our recognition and appreciation for their diligent work to bring the Andrea Rose Teodosio Foundation to fruition. I congratulate them both for receiving the 2012 Bishop Cosgrove Justice Award and thank them for all that they do to make our community stronger.

HONORING THE 80TH ANNIVERSARY OF THE SAINT PAUL PORT AUTHORITY

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Ms. McCOLLUM. Mr. Speaker, I rise today to honor the 80th anniversary of the Saint Paul Port Authority. For decades, the Port Authority has successfully managed the Port of Saint Paul, Minnesota, at the head of navigation on America's greatest river. Additionally, this regional industrial redevelopment organization has redeveloped major tracts of polluted industrial land in Saint Paul, Minnesota, resulting in more than \$150 million of private investment, new job creation and tax revenue for the metropolitan area.

The Saint Paul Port Authority was created by the Minnesota Legislature in the early 1930s as a direct result of Congress' decision to dredge a nine-foot channel in the Mississippi River from Saint Paul to New Orleans. As the manager of the Saint Paul Harbor, the Port Authority continues to foster a thriving commodities transportation network that has created thousands of jobs, increased the city's population, and has made St. Paul a major hub for agricultural and commodity shipping.

Over time, the Saint Paul Port Authority's role was expanded to include revitalization. Today, the Saint Paul Port Authority specializes in restoring polluted and vacant properties, remediating Brownfields, and financing small and large business ventures. Through their knowledge, expertise, and ability to partner with key players, the Port Authority has become a major economic development force in our city, creating 22 business centers, and generating more than \$33 million a year in real estate and property tax revenue.

As noted in the June 26, 2012, New York Times article titled, "Reconciling History and Hope at 3M's Old Home," the Saint Paul Port Authority's work, the old 3M home has been reborn into a private commercial development, committed to employing local residents with good-paying jobs and an eye towards preserving the local history that complements the city's unique and diverse East side neighborhoods.

Mr. Speaker, I am pleased to submit this statement for the RECORD commemorating the Saint Paul Port Authority's 80th anniversary, and commending its vital role in promoting economic development and fostering growth in the Saint Paul areas for the past eight decades.

CONGRATULATING THE KING OF THAILAND ON HIS 85TH BIRTHDAY

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. COBLE. Mr. Speaker, on December 5, 2012, His Majesty King Bhumibol Adulyadej of Thailand celebrated his 85th birthday. I would like to take this opportunity to express my well wishes to him and join the people of Thailand in commemorating this important occasion.

King Bhumibol acceded to the throne in Thailand on June 9, 1946. During his reign, Thailand has transformed into a prosperous, modern state, with a strong and growing economy. Thailand today boasts a robust agricultural sector, modernized manufacturing and services industries, and is increasingly becoming an influential participant in the global marketplace. King Bhumibol has played an instrumental leadership role in moving Thailand in this modernizing direction.

King Bhumibol has used his position to advocate for causes such as sustainable, human-centered development. Since the early 1950s, he has helped Thailand modernize by working hard to address critical development issues facing people, particularly those living in remote, rural areas. He travelled to virtually all corners of the country to meet and learn about people's problems and work with them on solutions. In addition to key projects in areas, such as public health, education, environmental preservation, and reforestation, King Bhumibol has specifically been focused on improving agricultural development, applying scientific knowledge to initiate development projects that have helped improve Thailand's agricultural output, and increase the food security and welfare of the Thai people, thereby contributing to the strength of the country's agricultural exports.

His hard work on behalf of the Thai people has not only earned him their love and respect, but the respect of leaders throughout the region and the world.

The end of this year brings much to celebrate. As we celebrate the King's birthday, we look forward to next year's marking the 180th

anniversary of the U.S.-Thailand Treaty Alliance. Thailand was the United States' first friend in the region and has remained a loyal ally for almost 200 years. President Obama recognized the importance of this partnership in his visit to Thailand in November. After his audience with King Bhumibol, he stated that the King is "a leader of wisdom and dignity who embodies the identity and unity of this nation."

On behalf of the citizens of the Sixth District of North Carolina, we are pleased to congratulate our great friend His Majesty King Bhumibol of Thailand, and on behalf of the people of the United States of America wish him the happiest of 85th birthdays.

#### PERSONAL EXPLANATION

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, on Wednesday, December 5, 2012 I had a previous engagement that necessitated my involvement. I was speaking to students from Lakeland College during one of their American Government Classes. The Professor's name is Shane Roger and his class was American National Government. I missed procedural votes on the following votes—S. Con. Res. 50, which is a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multi-stakeholder governance model under which the Internet has thrived; H.R. 6602, which would make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements; and finally on S. 2367 the 21st Century Language Act of 2012, which removes references to the word "lunatic" from rules of construction of the U.S. Code and banking law provisions concerning: (1) trust powers of banks, and (2) bank consolidations and mergers.

Had I been present, I would have voted "aye" on the above stated bills.

#### A WORK OF ART IN MEMORY OF ART MODELL AND HIS GIFTS TO OUR WORLD

#### HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. RUPPERSBERGER. Mr. Speaker, I submit the following.

#### A WORK OF ART (By Albert Carey Caswell)

A . . .  
A Work of Art this day . . .  
A man of faith,  
whose fine heart portrayed . . .  
Who on this day,  
up in Heaven has so found his place . . .  
Who in those early days . . .  
So helped to set the stage!  
For a new league to become all of the  
rage . . .  
The NFL, as history now so tells!

What so in this man's heart so dwelled . . .  
A pioneer so very clear  
who a league held up so very dear!  
As an innovator,  
such a creator who'd so cast his spell . . .  
But, In The Game of Life his greatest touch.  
Was that he was a man who gave so much!  
For Thou Art was of such!  
And though most of his life's work . . .  
Was so given to and in Ohio first!  
To Cleveland and The Cleveland Browns,  
as he so gave so many gifts to this blue collar town . . .

Until his heart would burst!  
But the hardest break up's of all,  
are first love's as we saw!  
As there was another blue collar town!  
Who so needed Art, so now!  
As it was one of those other teams,  
that which so made all of The NFL's dreams!  
Where Johnny It's U,  
brought the NFL into the modern age!  
For there has never been any greater NFL fan's,

than Baltimore's on any given Sunday who would rock those stands!  
As they so invented the word SELL OUT! . . . understand!

And the way they were cheated was a shame!  
When, in came riding on a white horse to stake his claim . . .

Was a man of such a great heart . . . as Modell was his name!

And Baltimore may have lost their name, but in the end regained a team . . .  
As Art said, quote The Raven . . . about losing your team . . . it won't happen "Never More!"

As a city which once "pondered so weak and wearily",  
"once upon a midnight of Sundays dreary" over their lost loves for sure!

As all around this State,  
suddenly upon each face a smile appeared!  
And you know that in the end,  
I'm sure for Cleveland he shed a tear!  
But, if you really wished to see all in what Art so believed!

Look to his charities!  
For his greatest of all life's work,  
was that one that which he would not so shirk!

Was to give to you and me!  
For this man's heart,  
In God and Country Tis of Thee so believed!  
Living by,  
Making The World a better place when you leave!

As was his selfless motto for all to see!  
Now, up in Heaven Art and Vince on angels wings are watching the games on flat screen!

So as we now so look back at all of the facts . . .

Yes Art,  
a better world you so left indeed!  
As Art,  
your life was but a Work of Art for all to see!

#### EXPRESSION OF CONDOLENCES TO THE FILIPINO PEOPLE

#### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. ROYCE. Mr. Speaker, on December 5, 2012, Typhoon Pablo (international name Bopha) swept across the southern Philippines, devastating Mindanao and parts of the Visayas. 450 Filipinos are dead and more than

750 injured or missing. Over 10,000 homes were destroyed and over 300,000 people have been displaced and are seeking shelter at evacuation centers.

I would like to express my deepest condolences to the harmed individuals and families in the Philippines. Given the close relationship the United States has with the Philippines, it is essential that we assist the Filipino people as best as we can in their time of desperate need.

I commend the ongoing rescue and relief efforts. The search for the missing becomes more critical as time progresses and focusing on rebuilding will be the next vital step in helping the Filipino people restore their communities.

Again, I express my sincerest condolences to the Filipino people. As the holiday season approaches, we extend our support as the nation heals from this devastation.

#### PALM BAY CHRISTMAS EXTRAVAGANZA

#### HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. POSEY. Mr. Speaker, on December 15, 2012, Palm Bay families, businesses and local community organizations will gather together to celebrate the Fourth Annual Christmas Extravaganza. This wonderful event, which will take place at the Max K. Rodes Park in West Melbourne, will provide an uplifting message of hope during this Christmas season as so many families are still facing difficult challenges.

"The House" of Palm Bay (House of Prayer International), Brevard County Parks & Recreation and their partners have recognized the importance of providing a positive venue for residents and children to celebrate Christmas.

What makes the Christmas Extravaganza so special is that there is no cost to attend—everything is free to the public. From cotton candy and hot dogs, to live music and fun activities for kids, the sponsors of this annual event have committed to serving others during this Christmas season and giving back to their community in order to make a difference in someone's life.

This year, over forty local businesses and organizations have made donations of food, gift certificates, equipment, cash and goodie bags. Toys for Tots donated hundreds of books for local children while police and firemen have volunteered their time. Even "Chagy the Clown", a former Ringling Brothers & Barnum and Bailey Circus clown, will be in attendance.

Pastor Ken Delgado of The House of Palm Bay said, "At this time, especially at this season, when economic difficulty has been rampant, there's only a small window of opportunity to bring out the smiles in children's faces. To see the business community come together and create a venue where families can find hope and joy—it's really an example of the kind of peace and love as expressed to us through the life of Jesus Christ 2000 years ago."

I commend all those who have given so much to make the Annual Christmas Extravaganza possible, and applaud all the communities across our great nation who have seized upon this opportunity to spread the Christmas spirit through good deeds and charitable acts.

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PERSONAL EXPLANATION

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**HON. TIMOTHY V. JOHNSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, December 4, 2012 I had a meeting with my constituents from Shelby, Douglas and Cole counties in Illinois and I missed procedural votes on approving the Journal and motion to adjourn. I also missed one Suspension vote on H.R. 6582, which would allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

Had I been present, I would have voted "aye" on the above stated votes.

A TRIBUTE TO HONOR THE LIFE  
OF MICHAEL D. NEVIN

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 7, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of a great public servant and longtime friend, Michael D. "Mike" Nevin, a native of San Francisco. He died at the early age of 69 and leaves his wife Kathleen; his sons Mike Nevin Jr. and Tim Nevin; his daughter Michelle Nevin Levine; his father Edward J. Nevin and five grandchildren.

Mike Nevin was a proud American, and a man who loved his native city and his adopted county of San Mateo. He rejoiced in his Irish heritage, and this ancient culture, with its poetry of love and loss, which influenced him in his lifelong devotion to helping others less fortunate than he was, and to teaching others to live life as he did, in love, faith, friendship and service.

He had public service in his blood, and his constituents were the beneficiaries. He joined the San Francisco Police Department after graduation from City College and USF, and served with the Department for 27 years. Mike served as a Daly City Planning Commissioner, was elected to the Daly City Council, and was twice the City's Mayor. In 1992 he was elected to the San Mateo County Board of Supervisors, serving 12 years, and twice as President of the Board. He served on several

boards and commissions and received many awards and commendations, including the Citizen of the Year Award from Daly City and the Papal Medal Pro Ecclesia et Pontifice.

Mike Nevin was an ardent and tireless advocate for universal health care, for better transportation, and for a ban on gun shows. He took on unpopular issues and had a vision of how things could be. He was able to lift others up and empower them to work with him in pursuit of important policies. After learning how marijuana helped relieve the pain of a cancer patient, Mike advocated for medicinal use of the drug. He fought hard to protect funding for mental health services, always fighting for those who are overlooked by society. At the time of his death, Mike was the Executive Director of the Service League, a non-profit organization that provides services to inmates, helping to rebuild their lives and become productive citizens. It was a perfect fit for a man of compassion.

Mr. Speaker, I ask my colleagues to join me in extending our deepest sympathy to Mike Nevin's family and his wide circle of friends. Former St. Ignatius College Preparatory School, San Francisco, President Anthony P. Sauer, S.J. said "Mike truly was a great man of a marvelous, wonderful, happy, very intelligent, giving, gracious, generous, social justice-oriented Catholic family. We will miss him terribly."

Mike Nevin loved his family, his faith, his community and his country, and he bettered us all by his life of meaning and purpose.

**SENATE—Monday, December 10, 2012**

The Senate met at 2 p.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, who forgives the sins of the penitent, create in us contrite hearts and renew a right spirit within us. Give our Senators this day, O God, peace with You that banishes fear. Help them to believe in Your power so they may be certain You are able to do for them more than they can ask or imagine. When the tasks are beyond their powers and duty calls for more than they have to give, may they find their strength in You. Make them willing to do what is painful in the short term to avoid even greater pain in the long term. Lord, give them confidence that You will protect them in the future even as You have sustained them in the past.

We pray in your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 10, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**LONGEST SERVING SENATOR FROM VERMONT**

Mr. REID. Mr. President, first of all, it is very unusual to have one of the most senior Members of the Senate presiding and especially at this time of the day. I would say to my friend, this is how the Senator has conducted himself all the time he has been in the Senate. We had a little emergency here today. The Senator who was expected to be here was unable to make it due to the fog we have around the eastern part of the United States, and so the Senator from Vermont agreed to preside.

I say to everyone, the people of Vermont are so fortunate to have the longest serving Senator from Vermont, a man of such quality. Those of us who work with the chairman of the Judiciary Committee, Senator LEAHY of Vermont, consider it an honor to be able to talk to him—speaking for myself, but I am sure we all feel this way—and to learn from him. I am the majority leader in the Senate, but I talk to my friend from Vermont often to get ideas as to how we handle the difficult issues of the day.

For me, as a person, I will always remember, as long as I am on this Earth, the kindness Senator LEAHY and his lovely wife Marcelle extended to my wife. As most of my colleagues know, she was in a violent car accident. Her neck was broken in a couple places and her back was broken and so she had a lot of surgery. When that was over, she learned she had breast cancer, and so she has been fighting that. Marcelle, who is a nurse, has been so thoughtful and kind to my wife, calling her often to help her work through the sickness that comes with breast cancer. So this is an opportunity for me to say something about my friend from Vermont.

I can still remember the first day we met, the first night we met in Florida. He was running for reelection and I was running for the Senate. I want the RECORD spread with the fact that I have so much confidence and appreciation for this good man who, on a minute's notice, came over to make the Senate work again. I thank our Acting President pro tempore very much.

**SCHEDULE**

Mr. REID. Mr. President, there will be a period of morning business until 5 p.m. today. At 5 p.m., the Senate will resume consideration of the motion to proceed to S. 3637.

What has happened—and the reason the Senator from Vermont is in the Chair—is airports in parts of the coun-

try are closed because of the fog, especially in Washington, DC. As a result, even people coming from the West weren't able to leave. The Sun might have been shining brightly there, but airplanes scheduled to come here couldn't be given a time to land. So we will have people who will not be here for our scheduled vote this evening, so we will reschedule that vote for tomorrow.

**ORDER OF PROCEDURE**

I ask unanimous consent that the cloture vote on the motion to proceed to S. 3637 be postponed to occur at 2:15 p.m. tomorrow, Tuesday, December 11; further, that if cloture is invoked on the motion to proceed, the motion to proceed be agreed to and the majority leader be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**MEASURE PLACED ON THE CALENDAR—S. 3664**

Mr. REID. Mr. President, I ask for a second reading of S. 3664.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3664) to provide for debt limit extensions.

Mr. REID. I object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

**THE ECONOMY**

Mr. REID. Mr. President, last week the country received more good economic news. The private sector created 150,000 jobs—these are new jobs—and once again the unemployment rate fell. Unemployment is now at its lowest rate since December 2008. While too many families across the Nation are still struggling, especially in Nevada, there is no doubt our economy is headed in the right direction.

America is poised for a rebound this year if a few good things happen. The last thing we can afford is yet another crisis manufactured by Republicans in Congress just as the economy finally gains some momentum. If Republicans force a \$2,200 tax increase on 98 percent of American families and 97 percent of small businesses to protect the richest of the rich, the economy will suffer greatly.



If Republicans again threaten default on the full faith and credit of the United States, the economy will suffer. We have seen the terrible impact of these contrived emergencies before. When Republicans threatened to shut down the government and force a default on the Nation's debt, the economy stumbled and middle-class families were in a state of peril. Who paid the price? Middle-class families.

Republicans face a real difficult choice in Congress. Will they cooperate with Democrats and put the country on a path to provide certainty for families and investors? As my friend the senior Senator from Missouri said, the Speaker has a chance to do some good things, but he also has a problem because he has to decide whether he is going to work to save his speakership or the country.

Will they cooperate with Democrats or will they force us to lurch from one crisis to the next in 2013 as they did in 2011 and 2012? We need long-term solutions, not temporary fixes to problems that dragged down the economic recovery over the past 2 years.

The House should take up the Senate-passed middle-class tax cut which provides lasting security for families and businesses making less than \$250,000 a year. The number of Republicans calling on the Speaker to allow a vote to give middle-class families confidence their taxes will not go up has grown. Speaker BOEHNER could end this suspense with just one vote.

Over the weekend, the junior Senator from Tennessee, Mr. CORKER, joined a number of Senate Republicans and more than one dozen House Republicans in calling for that vote. Senator CORKER, admitting Republicans have little leverage in this faceoff, said: "I actually am beginning to believe that is the best route for us to take."

Democrats agree sending the Senate-passed tax cut to President Obama's desk is the quickest and most sensible way out of this crisis. But avoiding the fiscal cliff is no excuse for Republicans to replace this artificial crisis with another one.

Congress should also pass Senator MCCONNELL's proposal to end periodic standoffs over the debt ceiling. His plan would give President Obama the authority to avoid default on the Nation's bills without a protracted fight. Senate Democrats are ready to vote on the minority leader's sensible suggestion at any time, but first Senator MCCONNELL needs to stop filibustering his own legislation.

Right now, Speaker BOEHNER and Minority Leader MCCONNELL are the only ones standing between Congress and compromise. It is time for them to prove to American families they are more interested in protecting the middle class than pleasing the tea party.

## TRIBUTE TO DEPARTING SENATORS

BEN NELSON

Mr. REID. Mr. President, I rise to honor our colleague the senior Senator from Nebraska, BEN NELSON, upon his retirement from the Senate. This will become effective after the first of the year.

For 12 years, BEN has been a valued member of the Democratic caucus and an exemplary Senator for Nebraska and the country. But his life in public service dates back to his youth. He spent his college days serving his Nebraska community in another way—as a lay minister. But eventually he chose law over ministry and went to law school. He attended law school at the University of Nebraska, where he got his bachelor's and master's degrees.

He spent many years practicing insurance law. He served as director of the Nebraska Department of Insurance and as president of the Central National Insurance Group. Then, in 1990, he was elected Governor of Nebraska. Four years later, he was reelected—with almost 75 percent of the vote—to become the first Nebraska Governor in 20 years to win a second term. So it was not a surprise when he ran for the Senate in 2000. He won, even though President Bush took Nebraska handily.

It is easy to see BEN NELSON truly possesses the same independent spirit as his Nebraska constituents. He served his constituents with distinction in the Senate and, of course, when he was Governor and as insurance commissioner. He has always provided a strong voice for fiscal responsibility, and he has been terrific for the State's energy industry, agricultural sector, and even tourism.

Similar to many of his Nebraska constituents, BEN is an avid hunter, fisher, and outdoorsman.

As a sidelight, one of the things we learn as kids—and as we get older it is something we must adhere to—is that one should not be envious. Envy isn't something that is very becoming of human beings, especially in an adult. But I think if the truth were known, many Senators would be very envious, as I am—and I would even think the Acting President pro tempore would be—about that hair of BEN NELSON's. I mean that is a mop of real hair.

It is often people call his office and they believe he has a toupee, but it is his hair. He will pull it for you anytime just to show you it is real. I mean he has hair like a 15-year-old. So I have to acknowledge I am a little envious of his hair, and I think, if the truth were known, maybe others are as well.

My wife has said on many occasions—and she tells me this all the time—how handsome PAT LEAHY is and she is so glad he doesn't do a comb-over.

Anyway, BEN NELSON is an avid hunter, fisher, and outdoorsman. He has

bagged pheasants and turkey, and one time, to the consternation of all of us, he decided he was going to take Senator SCHUMER from New York hunting for pheasants. He did that. Everybody survived it alive, and BEN NELSON still boasts about that; that he was able to bring SCHUMER back all in one piece. More important, the people who went hunting with them all came back in one piece. The story goes that Senator SCHUMER even shot a bird or two.

A lot of us have some trouble accepting that, but that is what BEN says and I will take him at his word. He has bagged all kinds of game birds—dove, quail, pheasants, turkey—but he has also had the opportunity to hunt all over the world and has bagged some of the most exotic game that is possible for a hunter to hunt. He is the epitome of a sportsman.

BEN isn't just a great hunter, though. He is also an accomplished practical joker and a wonderful singer. That may surprise some people. In our caucus, I proved to everyone that he could sing, and sing quite well. He recorded a few years ago a song called "Western Town" to raise money for visually impaired children. He was one of a dozen Nebraskan celebrities to record songs for this charity. I obtained a copy of this and played it at a Democratic caucus a few years ago. It was a hit. He was singing—it is his voice—and it was very good. Here is how it goes:

I'm from a western town in Nebraska. Don't know why I left so long ago. All I know is this western town in Nebraska lives in my heart and in my soul.

He did a great job of that song, as he has done everything since I have known him.

I am sure BEN is looking forward to going home to the western town—Omaha—where he lives with his wife Diane. She is wonderful. She was a great first lady and a wonderful Senator's spouse. I like her for lots of reasons, the smile she has, but also she makes some of the best chocolate chip cookies I have ever eaten. They have four children and five grandchildren. As he departs for Omaha, he will be sorely missed here in the Senate.

He has always been a loyal and dedicated member of this caucus, even when he was showing loyalty by questioning the wisdom of the party sometimes. He is arguably the most conservative member of the caucus. And while there are a few things BEN and I disagree on, we agree on most everything. Through the last 12 years he has been a valued member of the team. He has made many of our accomplishments possible through his dedication to country first and State second. That is how it should be.

Edwin Chapin, a North American preacher and poet, said:

No more duty can be urged upon those who are entering the great theater of life than simple loyalty to their best convictions.

BEN NELSON lives by his convictions, even though it may put him at odds with his party or his constituents. His highest duty is to country and his conscience.

We had a retirement party a week ago tomorrow, and when it was over, I grabbed BEN and we embraced. I care a great deal about him. He has made some extremely difficult votes, but he did it because it was the right thing to do. His duty is to country and his conscience, and I repeat, I have such high respect for BEN NELSON. I will miss him. I have enjoyed working with him.

I congratulate BEN NELSON on his career in public service, including his service in the Senate, and wish him the very best in his retirement.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the unanimous consent order, the vote that had been scheduled will be delayed until tomorrow.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. We are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### TRIBUTE TO JENNI RIVERA

Mr. RUBIO. Mr. President, before I begin today, I know there are millions of people around the world and in this country who are mourning the loss of a singer by the name of Jenni Rivera, who was a huge star, particularly in Latin America but also in the United States. She died yesterday evening in a plane crash in northern Mexico.

Jenni was a real American success story. She was born in California to immigrants from Mexico. She started working at her father's small record label in Long Beach, CA, and she recorded from there. She made a number of top hits that made all the charts around the world. She was recently in

Florida to receive a Billboard Music Award and performed at the Billboard Music Awards. We saw that on TV. My mom was a huge fan of hers—and also kind of the equivalent of “The Voice” in Mexico on the Telemundo network. She passed away last night.

Her calling card was she was a singer in a genre of music that is largely dominated by males. Yet she brought a powerful voice to that genre where she sang frankly about her struggles to give her children a better life in this country. Her death at a young age is a real tragedy. I know there are millions of people across the country and around the world mourning her loss today. She is survived by her five children and two grandchildren.

Our prayers go out for her that God may grant her family the peace to deal with this difficult circumstance.

#### HUMAN RIGHTS DAY

Mr. RUBIO. Mr. President, I come here on December 10, Human Rights Day. I want to briefly discuss human rights because, I would just say, while we have made great advances around the world in the cause of human rights, there are still a lot of roads to travel. Today is a good opportunity to take note of some of the struggles and challenges around the world with regard to human rights.

The first issue I want to talk about with regard to human rights is modern-day slavery. When people think about slavery they think about the historic nature of slavery in this country or around the world. It is hard to imagine that today, in the 21st century, that there are slaves in the world. It is even harder to believe there are slaves in the United States, but the fact is there are. It has been well documented that human trafficking around the world numbers in the millions.

Of course, sex trafficking is a big part of that, a grotesque part of that, and we are all aware that it is a very serious problem. So too is forced labor-type slavery, which we find around the world and even in the United States. In fact, there is no major city in the United States that does not have an element of human trafficking and human slavery within its confines. I think it is important to understand that exists, it is real, and it is happening.

To that extent, remember there are things we are trying to do in this legislative body, in the Senate, in Washington, to deal with this issue. One of the issues we are going to have a chance to deal with soon, I hope, is reauthorizing the Trafficking Victims Protection Act, which was sponsored last year by Senator BROWN and Senator LEAHY. Hopefully, we can finish that before the end of this year, but if we cannot, I hope early in the next Congress we will address it.

As you know, there are also reports that the State Department does rank countries around the world on the efforts they are making to deal with human trafficking, and they actually rank them in three tiers, the third being the worst, those nations not doing enough. I hope we look at how we reform the process of giving some of these countries waivers. There are countries that are perpetually on the list of the worst possible places with regard to government policy toward human trafficking. Yet they are getting waivers from the implications and the consequences of being a tier 3 country. There are countries getting that waiver every single year.

I hope we will examine the process legislatively, of how we grant those waivers, so we can have more information as to exactly why it is our government is granting waivers to other governments and other nations that are not making any advances whatsoever on human slavery and trafficking.

Another aspect we should take some time to look at is some transparency from the business community, particularly large international companies that do business around the world. We should look for ways to encourage and incentivize companies to report voluntarily on their supply chains to ensure the products we use in the United States are not the product of human slavery, modern slavery around the world. We can do that as well.

Obviously, we do not want to put any more onerous costs on our businesses, and we will be careful how we approach it, but I think it is important that we know the products sold in the United States are not directly or indirectly benefiting from slavery around the world. That is something I hope we will remember; that human trafficking and human slavery is real, it exists all around the world, and exists in our own country. I hope we will continue making strides dealing with this issue.

One last point on that is a few months ago several of my colleagues and I sent a letter to the Village Voice, which is a newspaper in the United States, which actively—and unfortunately—advertises in its back pages, including in a site called backpage.com. It advertises the services of people being held against their will in those circumstances. It is outrageous to believe a major American publication continues to advertise the services of young girls and young boys, some of whom are minors, and is doing so shamelessly. I hope they will heed our call to stop that from happening. It is a massive source of revenue for that company. It is outrageous, it is disgusting, it is grotesque, and I hope more of our colleagues will join us in writing a new letter to them in continuing to call attention to this because it is simply unacceptable.

Secondly, I want to turn to the issue of religious freedom, which is another

human rights cause around the world. Sadly there is not enough advancement being made in that regard. We are seeing a step backward with regard to religious liberty and religious freedom around the world.

In April of this year the U.S. Commission on International Religious Freedom released its latest report with some very grim news. I want to go through some of it, but it is important to understand we are not talking about the countries, we are talking about the governments. There are some governments that are aiding and abetting the persecution of unprotected religious minorities. I want to highlight some of those countries and governments. The list is long, but these are a few I wanted to point to today that are truly unacceptable.

Let's start with the People's Republic of China, which is not exactly a beacon of hope for those who are looking for religious liberty. Of course we all know the situation in Tibet, which is not just a religious issue, it is a cultural issue. We see the self-immolation of folks who are willing to burn alive because of the effort of that government to wipe out their identity. What they are going through is intolerable.

It goes much deeper than that. Proselytizing Christians and the orthodox, "nonpatriotic" Catholic Church, face significant oppression. The Chinese Government actually authorizes who the leadership of the Catholic Church can be. It is truly unique that in all the world there is a government that will tell them who their bishops are and who will run their church. If they worship outside of that setting, they are persecuted.

There are others, of course, such as the Tibetan Buddhists whom I mentioned before. Here is a report that talks about that. It is not just the religious believers who are facing persecution in China. This is from the report:

The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.

Again, we need to understand that we are not talking about the people of China; we are talking about the government of China which is aiding, abetting, and allowing this religious persecution to go on. We hope with the change in leadership in China that has taken place there will be a change in attitude.

The truth is that China has much to offer the world. We hope for a peaceful, prosperous rise for the people of China. We look forward to working together with them to make the world a better place. But China cannot assume that role as long as there is no respect for religious liberties as far as these practices that are happening in that country with the direction of its government.

Of course Egypt has been in the headlines lately. I think it has been well

documented that violence particularly against orthodox Christians has been high. This is from the report:

In 2011, violent sectarian attacks, targeting primarily Coptic Orthodox Christians, have resulted in nearly 100 deaths, surpassing the death toll of the previous 10 years combined.

I think the Arab spring has a lot of promise, but I think it also brings with it some warning flags. One of those warning flags is the persecution of religious minorities in places such as Egypt. So as Egypt works its way forward—and we know it has problems it is facing in its own society with regard to what kind of government and powers it needs and should have—we should keep an eye on how the new constitution, the new laws, and the new government treat religious minorities, particularly Coptic Orthodox Christians who suffered the death of 100 of their members.

Iran does not have a sterling record on human rights. Its treatment of religious minorities is particularly egregious. The violations of religious freedoms in Iran include prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. All religious minorities in Iran are at risk, but even the recognized non-Muslim religious minorities that are supposedly protected under their so-called Constitution, including Jews, Armenian, and Assyrian Christians, face increasing discrimination, arrests, and imprisonment, according to the report. So too are dissenting Muslims. They are basically Muslims who are not following the Shia line. They are being intimidated, harassed, and detained. That is the record of Iran, which has a terrible human rights record, but in particular with the issues of religious liberty.

Saudi Arabia bans any non-Muslim worship. Even private religious activities are suppressed if they are discovered. I think it is important to point that out as well.

Closer to home is the island of Cuba, which is a place, of course, because of my heritage which is close and near to our heart so we keep a close eye on what is happening there as well.

The report finds:

Serious religious freedom violations continue in Cuba . . . Violations by the Cuban government include: detention, sporadic arrests, and harassment of clergy and religious leaders, as well as interference in church affairs. The Cuban government also controls and monitors religious belief and practices through surveillance and legal restrictions.

In Russia the report finds:

The government increasingly used its anti-extremist law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi.

Russia is a country that is beginning to backslide on religious liberty as well.

Finally, here in this hemisphere, just as in Cuba, Venezuela. The report finds

that violations of religious liberty include:

The government's failure to investigate and hold accountable perpetrators of attacks on religious leaders and houses of worship, and virulent rhetoric president Hugo Chavez, government officials, state media, and pro-Chavez media directed at the Venezuelan Jewish and Christian communities.

I think sometimes we take for granted the religious liberties we have in this country, and we should never do so. The fact is we may have some cultural divisions in America when it comes to religion, and that is not tolerable either. But one of the great things we have had in this country since its inception is the belief in religious liberty and religious freedom enshrined in our governing Constitution. It is something that is the exception rather than the rule around the world. I think our example should inspire the world in that regard, but I think we should always use our voice, our power, and our example to lead the way around the world on this Human Rights Day on the issue of religious liberty.

Last but not least, the cause for women around the world is something that bears watching as well. Some of these issues are interrelated. When I talk about human trafficking and human slavery, a disproportionate number of those held in bondage around the world are young women and young girls.

On the issue of human rights with regard to women, there are a couple of parts of the world that are very troubling. Afghanistan comes to mind because just today we got the report that a senior advocate for women in Afghanistan was shot down by unknown gunmen on Monday. It is the latest assassination against women's rights activists in the country. Najia Seddiqi was headed to her office in the eastern Laghman province when she was shot and killed. She was the head of the Women's Affairs Department for the Laghman province. Her predecessor in that post was killed just 4 months ago. The Taliban, which many hold responsible for the attack, has not yet had a comment, but it comes just a week after a teenage girl who was volunteering at an anti-polio drive was fatally shot northeast of Kabul. The Taliban has targeted senior female officials in the past for working in the U.S.-backed Afghan Government. That is just one issue of a coordinated attack to go after women who dare to participate in the political life of the country. It goes beyond that.

There is this very troubling law in Afghanistan which the government claims to have tried to clear up. It is called running away. Basically some judges have interpreted running away as a crime. It has been used against young girls and women who run away from home because it is a home where they are being abused or a home where

they are being forced to marry somebody.

There are some sad stories I want to share. A 17-year-old leapt from her roof to the streets of Kabul in an effort to avoid marriage ordained by her grandfather when she was only 9 years old. The judge who heard the case mentioned that Farima ruined her life. The judge stated in a court that the court is a place where a woman can plead for divorce or custody of her children only if and when she has five male witnesses and a husband or a fiancé who condones the separation.

This is the 21st century we are talking about. We are not reading something from history. This is happening right now. Of course we all know the story of the brave little girl in Pakistan who was shot. We hear these cases every single day. It goes on and on. I could be here for 3 hours highlighting abuses against women, against religious liberty, the abuses of human trafficking and human slavery around the world. I think what is important today on December 10, Human Rights Day, is to take a moment and understand that the cause of human rights is not a partisan cause; it is not even a nationalist cause. It is a human cause that requires each and every one of us to raise our voice and to call attention to any time and any place where human rights are violated.

I want to congratulate the leading role this government has played in calling attention to those abuses around the world and in being honest with ourselves when these things are happening here at home. Of course, like anything else, we have to first set the example before we can lead, and that is why I think it is so important that on the issue of human trafficking and modern-day slavery that the United States have cutting-edge legislation which deals with an emerging problem that keeps changing and so the laws have to adapt to it. I hope we will take the first step in doing that by authorizing the Trafficking Victims Protection Act as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

#### DEATH TAX

Mr. HATCH. Mr. President, we are in the midst of an intense debate about how to deal with the expiration of bipartisan tax relief at the end of this year.

The President and the Democratic Party campaigned primarily on raising

the top marginal rates. Yet income tax rates are not the only tax policy set to expire at the end of this month. If Congress does not act, the currently low death tax rates which have previously been supported on a bipartisan basis will skyrocket. They will go from an exemption amount of \$5 million and a tax rate of 35 percent to an astonishingly low exemption amount of \$1 million and a 55-percent tax rate.

The question is clear: Where are the Senate Democrats on this issue? Again, a low death tax has previously been a rare point of bipartisan agreement. Yet this past July, my friends on the other side of the aisle proposed and passed a bill that included a tax cut extension for individuals making under \$200,000 or families making under \$250,000.

Conversely, the bill would have designated the millions of families in New York, New Jersey, Florida, Virginia, and elsewhere who make in excess of \$250,000 as rich and subject to higher taxes. Still, when it came to the death tax, this bill, which was supported by all but one Democrat in this Chamber, was silent.

In other words, that bill assumed that current death tax rates would expire—a crushing blow to America's families and businesses and farms. This bill, which, once again, was supported by nearly every Senate Democrat, would allow the death tax to skyrocket and the exemption to be reduced to the lowest amount in over a decade, creating an administrative and compliance burden for nearly 1 million estates.

Allowing death tax policy to expire is another example of the President putting ideology and sentiment ahead of economic reality. While the death tax targets the transfer of wealth from one individual to an infinite amount of other individuals, the repercussions are felt throughout all income levels.

From a person working in the cornfields, to a cashier at a mom-and-pop store, to a gas station attendant, the long arm of the death tax affects more than the so-called wealthy. It is called the death tax not only because it is a tax imposed at a time when family members are grieving over the loss of a loved one but also because it can be a death sentence for the family businesses and farms that American workers depend on for their livelihoods.

I know a lot of my friends on the other side of the aisle understand this. Some have spoken on the floor of the Senate in favor of extending the death tax rate. Some have introduced legislation to do so.

My friend, the chairman of the Finance Committee, where I serve as the ranking member, has indicated he would like to see the current death tax regime extended. So what is the problem? Unfortunately, bare-knuckle politics is getting in the way of good policy. And the President's insistence on a

\$2 trillion tax increase is undermining progress on resolving the death tax.

I have been a longtime proponent of repealing the whole death tax. Not only is it double taxation and a deterrent to savings, but it also sucks up capital in the marketplace. The death tax adds inefficiency to our economy. It is what economists refer to as dead-weight loss. In other words, it creates another burden on our free market system that prevents the full potential of economic growth.

For instance, many family farms have to purchase insurance in order to prepare for paying the death tax so they do not end up having to literally sell the farm just to pay the death tax. This added cost is embedded into the cost of goods when sold. In other words, American consumers, American workers, or Americans looking for work are those who will ultimately pay the death tax.

This past July, the Joint Economic Committee analyzed the costs and consequences of the death tax. In a report the committee found that, as of 2008, the death tax has cumulatively reduced the amount of capital stock in the U.S. economy by roughly \$1.1 trillion since its introduction as a permanent tax in 1916, equivalent to 3.2 percent of the total capital stock.

Coincidentally, since its inception nearly 100 years ago, the death tax has raised just under \$1.3 trillion in total revenue. By comparison, that is equivalent to the U.S. Federal deficit for fiscal year 2011 alone. But that was over all those years—100 years. And keep in mind, the loss is \$1.1 trillion, and yet all it has raised is \$1.3 trillion. So think it through.

I have some news for those seeking to engage in class warfare. The death tax does not reduce income and wealth inequality. Perversely, the estate tax creates a barrier to income and wealth mobility.

In an interview this past year with the Associated Press, Deputy Secretary of Agriculture Kathleen Merrigan described an epidemic of sorts that is hitting our farmlands across the United States. She did not talk about rising fuel prices or droughts. Instead, Secretary Merrigan discussed how our country's farmers and ranchers are getting older and fewer young people are taking their place. I have heard time and time again that the death tax is the No. 1 reason family farms and businesses fail to pass down to the next generation.

Consider also that heirs are often forced to sell an asset of the farm in order to meet this arbitrary tax. These assets are likely generating revenue and could be a vital part of the family farm. But because of the death tax, family farms and ranches are instead forced to sell these assets or sell the farm to pay the death tax.

This chart shows just in a few States the drought-stricken farmers who are

at risk for the death tax in 2013. I have chosen to show South Dakota, Nebraska, Iowa, California, Wyoming, and Montana. You can see the percentages.

As you can see from the chart, in South Dakota, farms over \$5 million, 15 percent, farms over \$1 million, 49 percent; in Nebraska, farms over \$5 million, 16 percent, farms over \$1 million, 49 percent; Iowa, farms over \$5 million, 15 percent, farms over \$1 million, 47 percent; California, farms over \$5 million, 11 percent, farms over \$1 million, 42 percent; Wyoming—just so I do not leave out the Intermountain West—farms over \$5 million are 8 percent of the farms, farms over \$1 million are 33 percent. Or take Montana: Farms over \$5 million are 7 percent of the farms, and farms over \$1 million, 30 percent.

We ought to repeal the death tax. I do not want these farmers to have to sell the farm to pay the death tax. It might make sense in a college social justice seminar, but it has no place in serious discussions about fiscal policy; that is, the death tax.

Recently, the Joint Committee on Taxation released an estimate on how many more taxable estates, farming taxable estates, and small business taxable estates would be affected by the increase in the death tax over the next 10 years. This chart I have in the Chamber shows that.

The numbers are astonishing. If Congress does not act, we will see more than 15 times the number of taxable estates, more than 13 times the number of small business taxable estates, and a whopping 24 times the number of farming taxable estates. And to add fuel to the fire, farmers already have to recoup the economic losses incurred from the recession.

This is kicking farmers and ranchers while they are down. The recent droughts—and that is what this other chart shows—have caused an unprecedented economic hardship. If we decrease the exemption amount for the death tax from \$5 million to \$1 million, just look at how many more farms will possibly be exposed to the death tax in certain drought-stricken areas.

As you can see on the chart, that central part, shown in the real dark purple or black—whatever that is—that is the big drought area. The States shown in red are not as bad, but they still have very severe drought. The States shown in the darkened area basically are in extreme drought. They have been going through that.

According to the information compiled from the U.S. Department of Agriculture, as you can see on that chart, 15 percent of the farms in South Dakota are valued over \$5 million. But look at the number of farms valued over \$1 million—an astonishing 49 percent.

Look at California: 11 percent of the farms are valued at over \$5 million, but 42 percent of the farms are valued at

over \$1 million. Then there is Montana where 7 percent of the farms are valued over \$5 million but 30 percent are valued over \$1 million. Not all of these farms will necessarily be impacted by the death tax next year, but I can guarantee you that most of them will down the road.

The fiscal cliff presents us with a pivotal moment. How we tax our citizens is ultimately a question of what we stand for. With respect to the death tax, the question is whether we stand for families and jobs or whether we stand for redistribution regardless of the consequences.

We need to resolve death tax policy. We can no longer afford to put small businesses, family farms, and individuals in a position where each year uncertainty about the death tax rate and exemption amount causes them to divert income away from creating jobs and toward unnecessary death tax planning. This is important stuff, and it is not something we can just blindly or blithely wipe out.

It is time for the President to lead on this issue. The President, tellingly, said when he was running for President in 2008 that his experience running for President was one of the critical bullets on his resume qualifying him for the job. Other than writing and part-time teaching, President Obama has made a career running for office. Well, he will never run for office again, as far as he is concerned. It is time to put aside the campaign and take up the mantle of leadership. It is time to make the tough decisions necessary to get our economy moving again.

Resolving the death tax is a good place to start, and should he decide to lead, he will find partners on both sides of the aisle to join him.

As you can see from those charts, these are serious matters. To have to sell the family farm in order to pay the death tax is not a good thing or to have to borrow to keep it alive is not a good thing. To have to pay heavy insurance rates through the years to be able to pay at least something of the death tax—it may be a better way of trying to help, but it puts these farmers and their families in a real bind.

We should get rid of the whole death tax, but I do not believe our friends on the other side are willing to do that. So then the least we should do is keep the tax rate at 35 percent, with an exemption of \$5 million, doubled to \$10 million for the family. That would help a lot of these farmers keep their farms, it would help our country to still be an agriculture-related country, and it would stop voracious people from hovering over those farms, swooping them up at low rates.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAST VOTING ACT

Mr. COONS. Mr. President, like millions of Americans, on November 6, just over a month ago, on election day, I stood at the polls and I cast my vote, and then when I got home I stayed up late to see the results come in. I was still awake when President Obama delivered his acceptance speech. In those remarks, he said:

I want to thank every American who participated in this election, whether you voted for the very first time or waited in line for a very long time. By the way, we have to fix that.

There is so much we have to fix. It was 11:38 p.m. on the east coast when the Associated Press called the election for President Obama, but Andre Murias, an 18-year-old first-time voter in Miami Dade County, FL, was still in line waiting to cast his ballot. Andre had been in line at South Kendall Community Church for nearly 5 hours by the time he cast his ballot just before midnight, and that is nothing compared to the 7 and 8 hours many other Floridians waited to cast their ballots during the State's condensed early voting period. "This is a mess," one voter said. "It is chaos."

Rashell Hobbs, another first-time voter, waited 5 hours in Chesapeake, VA. "This is just horrible," Rashell said. "There is no reason it should take this long."

Voters across the country had other challenges or problems voting. Voters in Pueblo, CO, said they checked the box on their touch screen panel to vote for Mitt Romney, but it kept switching their pick to President Obama. "I wonder whether my vote really counted," one Colorado voter said.

Voters in Pennsylvania reported a similar problem, although in that case it was the President for whom they were seemingly unable to vote.

Poll watchers in Davidson County, TN, could only stand by as would-be voters saw the very, very long line of people waiting to cast their ballots and drove away, pressed, I am sure, by commitments of family or work to choose not to spend hours standing in line to exercise that most fundamental of American rights—the right to vote.

In Philadelphia, longtime registered voters who showed up to cast their ballots discovered their names simply weren't on the rolls anymore.

In Ohio, Wisconsin, South Carolina, New York, Montana—more than a dozen States experienced some kind of basic breakdown in the administration of their elections in 2012.

This is the United States. The right to vote is fundamental to who we are.

It is basic to our democracy. It is in our DNA. We have to get this right.

That is why I introduced the Fair, Accurate, Secure, and Timely—or FAST—Voting Act of 2012, along with Senators WARNER and WHITEHOUSE. And I am grateful that Congressmen CONNOLLY and LANGEVIN in the House have introduced it and are cosponsors there.

In my view, long lines are simply another form of disenfranchising voters. Running out of ballots is simply another form of voter suppression. Incomplete and inaccurate voter rolls, disregarded voter registrations, misleading phone calls and mailing pieces—things that make it harder for citizens to vote are simply a violation of voters' civil rights.

We can and must do better. As widespread as the problem was in 2012, there are also many States that are getting it right, and these States, in my view, continue to be laboratories of democracy from which we should learn. The FAST Voting Act creates a new competitive Federal grant program roughly modeled on Race to the Top, which encourages States to pursue reforms in a different field, in education. States that demonstrate the most comprehensive and promising reform plans win a greater portion of the grant funding in that model. Instead, the FAST Voting Act would inspire election reform. This bill authorizes a Federal program that would award grants based on how well States improve access to the ballot in at least 9 different ways: through flexible registration opportunities, including same-day registration; through early voting at a minimum of 9 of the 10 calendar days preceding an election; through what is called no-excuse absentee voting; assistance to voters who do not speak English or have disabilities or visual impairments; effective access to voting for members of our armed services; formal training of election officials, including State and county administrators and volunteers; audited and reduced waiting times at poorest performing polling stations; and, as we learned given that Sandy, Superstorm Sandy, occurred close to the election, contingency plans for voting in the event of a natural or other disaster that compels a delay of an election.

These are the big areas mentioned in this FAST Voting Act, making it easier to register, making it easier to vote early, making it easier to vote absentee, shortening lines, better preparing for catastrophes, making it easier for Americans to exercise their right to vote.

This is a good one, and I am working with a host of civil rights and voter protection groups who work, day in and day out, on strengthening our electoral process. It encourages States and localities to find new and creative and local solutions that other States can learn from.

Mr. President, as you know, in my service prior to coming to this body I was a county executive and long active with NACO, the Nation Association of Counties. Counties have different roles in different States. There are more than 3,000 counties spread across our 50 States but in most States they are responsible in part for administering elections. Many election officials are county-elected officials and many voter boards are parts of county government. One of the things I think is best about this bill, this FAST Voting Act of 2012, is that rather than mandating some specific response it encourages and incentivizes State and local officials to put together plans for how to learn from the lessons of 2012, how to learn from the long lines and the barriers that were put in front of those who came out to vote, and finding the best solutions; rather than imposing or compelling, incentivizing and leading in a way that I think State and local officials will respond to well and will accept and celebrate.

There is strong momentum. Although the election is now more than a month behind us, my hope is that we will continue to focus on the challenges of this last election and fix them before the next. The Pew Conference, today and tomorrow, on voting in America is bringing together some of our Nation's foremost experts and scholars. For that we are grateful to the Pew Charitable Foundation.

The Judiciary Committee on which we serve has a hearing announced this coming week and I applaud Chairman LEAHY and Senator DURBIN for highlighting the need to get to the bottom of what happened in 2012 and championing the need to get reform. Other Members, Senators GILLIBRAND and BOXER, have introduced bills as well and I look forward to working closely with them to harmonize our bills and making sure we have the best approach moving forward.

In addition to serving on the Judiciary Committee, I am chairman of the African Affairs Subcommittee of the Foreign Relations Committee. In that role I advocate for free and fair elections with African leaders every day. The United States is often cited as their role model. We need to act like it and we need to earn it.

What kind of message are we sending to electoral commissions, to heads of State, to members of civil society, and advocates of free, fair, and open elections in the rest of the world when we so visibly and publicly fail to deliver on that promise here in our own country? What kind of message are we sending to Andre Murias, a first-time voter? What kind of message are we sending to Rashell Hobbs? What kind of message are we sending to first-time voters about the value of their right to vote, for which so many fought, worked, struggled, sacrificed, even died

in the course of our history? What message do we send to them when we allow modern-day barriers to be put in their place?

Voting is a fundamental civil right, and when States prevent their citizens from exercising that right, whether deliberately through law or through regulations or accidentally through lack of preparation or mere incompetence, it is a violation of voters' civil rights. The Fair, Accurate, Secure and Timely Voting Act is one critical way we can try to fix our elections and make sure what happened across our country in 2012 never happens again.

#### TRIBUTES TO DEPARTING SENATORS

Ms. COLLINS. Mr. President, last week I came to the floor and was honored to give tributes to some of our departing colleagues. Tonight I am going to take advantage of this time to pay tribute to two other outstanding Senators, colleagues and friends of mine whom I will miss greatly. They are Senator KAY BAILEY HUTCHISON and Senator SCOTT BROWN.

The PRESIDING OFFICER. The Senator from Maine is recognized.

KAY BAILEY HUTCHISON

Ms. COLLINS. Mr. President, in her marvelous book entitled "American Heroines: The Spirited Women Who Shaped Our Country," Senator KAY BAILEY HUTCHISON wrote the following: "No history can be written appropriately without acknowledging the part women have played in building the greatness of our country."

As my valued colleague and good friend begins a new chapter in her life, I hope she finds the time to add a new chapter to her own book, one that will be fascinating, inspiring—and autobiographical.

Like the women KAY celebrates as an author, from Amelia Earhart to Sally Ride, from Clara Barton to Condoleezza Rice, KAY BAILEY HUTCHISON is a pioneer, a breaker of barriers. In the special election in 1993, the people of Texas made her the first woman to represent them in the Senate. In the three regular elections since then, they have confirmed their trust in her by ever-increasing margins. As the leader of the Senate Commerce Committee, KAY has been a strong voice for transportation systems that are efficient, safe, and secure. In my own work on the Homeland Security Committee, I am well aware of the major role she played in drafting the airline security bill that Congress passed after the attacks on 9/11/01. She has also worked successfully to include more effective air cargo screening.

From the America COMPETES Act to her steadfast support for NASA, KAY is determined our country will not cede its position as the world's leader in science, technology, and space exploration. When the NASA rover Curiosity



thrilled all of us with its perfect landing on Mars this past August, the hands of KAY's legislative leadership were on the controls. Working with KAY as a member of the Appropriations Committee, I know how dedicated she is to ensuring that taxpayers' dollars are spent wisely and efficiently. She is a champion for our small business owners and for policies that promote free enterprise and job creation.

Her complete commitment to the men and women of our Armed Forces is reflected in her years of service on the Armed Services Committee as well as the Military Construction Subcommittee on Appropriations, and her unanimous election this year to serve as chairman of the Board of Visitors at West Point.

In the afterword to her book, KAY wrote that as a young girl growing up in Texas she was so inspired by the lives of great Americans that by the sixth grade she had exhausted all of the biographies on the school library shelf and had to turn elsewhere for book report material. I am sure the story of her own contributions and accomplishments will be avidly read by generations of girls and boys to come.

I wish her all the best as she turns a new page in what has truly been a remarkable life of public service.

SCOTT BROWN

Mr. President, when SCOTT BROWN, a fellow New Englander, came to the Senate 2 years ago, I immediately saw in him those traits shared by the people of our two New England States: a strong work ethic, a determination to always do what he thought was right, and a spirit that was independent and dedicated to doing what was best for his constituents and for his country.

My initial assessment was confirmed by our time working together on so many issues. SCOTT conducted his inspiring 2010 campaign via his now legendary pickup truck. When he got to Washington, he kept his foot on the gas. His work in government at the State and local level in Massachusetts and his distinguished service in the Army National Guard prepared him with experience that made him a respected and effective legislator from day one. His intellect, energy, and character made him a valued colleague and a dear friend.

SCOTT is a person one could always count on. I have had the opportunity to work closely with SCOTT on so many key issues. In each and every case he brought an informed, thoughtful, and open-minded approach to every issue.

As the ranking member of the Senate Homeland Security and Governmental Affairs Committee, I have gotten to know SCOTT very well and I appreciate his service on our committee. He placed his top priority on helping to keep our Nation safe from the continuing threat of terrorism. He also worked hard to make our Federal Gov-

ernment more efficient and transparent.

With SCOTT's leadership, the Senate passed bipartisan legislation to help put the Postal Service back on a more sound financial footing and to ensure that this institution could endure. He also authored the STOCK Act, the new law that clearly prohibits insider trading by Members of Congress and their staff.

SCOTT has long been an effective champion for our small business owners, working to ensure that entrepreneurs and innovators in Massachusetts and across the country have the ability to survive and thrive and, most of all, to create good jobs. He has advocated for our Nation's veterans through the Hiring Our Heroes Act that he coauthored, which provides tax credits to small businesses that hire a returning veteran or member of the National Guard Reserve.

SCOTT has been a devoted advocate in the Senate for fiscal responsibility and a balanced budget amendment. At the same time, he kept a firm commitment to helping those most in need. He fought hard for such vital programs as the Low-Income Heating Assistance Program, which is so important to getting through those cold New England winters.

Equally important to SCOTT's hard work in the Senate has been the approach he has always taken in legislating. He studies the issues. He seeks areas where a consensus can be found. From the very first day in the Senate, he demonstrated his belief that compromise is not a dirty word but an absolute necessity if we are to meet the challenges facing America. SCOTT always looked at the issues before Congress not through the lens of a partisan politician but, rather, through the lens of a pragmatic problem-solver.

SCOTT's tenure in the Senate has been far too brief but, perhaps more important, it has been characterized by a remarkable degree of success in transforming good ideas into public laws. Given his Maine roots and strong commitment to Massachusetts, I am sure we will remain good friends in the years to come. But, oh, how I will miss serving with my friend SCOTT BROWN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### HUMAN RIGHTS DAY

Mr. COONS. Mr. President, today is Human Rights Day, and I wanted to simply add my voice to the many others who have spoken about the important work the United States can do to continue our leadership around the world as a country that holds itself accountable and leads others toward being accountable for a world in which human rights have meaning and substance. There are two things we can do

between now and the end of this calendar year that will make a significant contribution to human rights and to the U.S. global leadership.

First, the House of Representatives can take up and pass VAWA, the Violence Against Women Act reauthorization bill passed months ago by this Chamber. It is a strong, broad, sensible reauthorization bill that I think well deserves consideration and passage by the other Chamber.

Second, TVPA, the Trafficking Victims Protection Act, needs to be reauthorized. I was proud last month to join with Senator PORTMAN and the Presiding Officer, Senator BLUMENTHAL, as the three of us jointly founded the Caucus to End Human Trafficking. Slavery exists in the world today. In this country and around the world, there are victims of human trafficking whose voices demand to be heard. By reauthorizing TVPA, this Chamber and this country can make a meaningful contribution toward ending trafficking of persons in the United States and around the world.

I simply wanted to add today, Human Rights Day, those two simple calls for action so this Congress and this country can continue our global leadership.

The House of Representatives needs to take up and pass VAWA and the Senate needs to pass the TVPA reauthorization. Together let us continue to make history in America's leadership on human rights.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I rise today on Human Rights Day. Now, there are a plethora of days in this Nation known for various causes, for issues, and for historical occurrences. Human Rights Day is fundamentally American.

The rights of human beings are the reason this Nation was founded and the motivation for the war that was fought to make us free. Human Rights Day is about advancing equality, and the U.S. Constitution as it has expanded over the years to include new groups of people and strike down barriers of race, gender, ethnic background, and national origin. It is about the progress



of human rights and equality, the noblest of causes for this Nation. It is about what brings us together as Americans, the fight for freedom, the search for equality and justice.

I want to talk about three specific ways we can advance the cause of human rights in this Chamber, in this session, through measures that are now before us. The first concerns human trafficking. I have been particularly interested in the rampant human trafficking problems on American military bases abroad in places such as Iraq and Afghanistan. Victims are recruited from developing countries like Bangladesh and the Philippines. They are charged exorbitant, illegal fees to travel to their worksites, often misled about where they are going, what their salaries will be, and what their living conditions will be like. Frequently, their passports are confiscated so they cannot return home, even if they are able to scrape together the money to make that journey.

This kind of human trafficking is no less than modern-day slavery, subsidized by our government with taxpayer money. It is reprehensible. But, for me, the number one issue is the safety of our American troops on these bases. That safety is compromised if our bases are filled with unauthorized, potentially unsafe foreign workers.

That is why I introduced the End Trafficking in Government Contracting Act of 2012, which provides the most comprehensive legislative approach to solving this problem ever undertaken by the United States Congress. It is bipartisan legislation, which now is included in the Defense Reauthorization bill that passed the Senate last week, and I am hopeful that this provision will be retained in conference committee and signed into law soon with strong bipartisan support from my colleague, Senator PORTMAN of Ohio.

In addition, I want to thank Senator LEAHY for advancing the Trafficking Victims Protection Reauthorization Act, a broader measure known by its initials, TVPRA, which takes an even more inclusive view of this problem to make sure America stands against human trafficking rather than be complicit in it.

The second issue I want to raise is the VAWA, or the Violence Against Women Act, which continues to be stalled in the House of Representatives. Tragically, incomprehensibly, and passed by this body, VAWA still has not been approved in a form that is acceptable by the House of Representatives. Reauthorizing VAWA is a top priority for me, and I know for many in this body, as well. My hope is that the House of Representatives will act in the final weeks of this session.

VAWA is a landmark statute aimed at combating domestic violence, sexual assault, and stalking. It provides bil-

lions of dollars to support investigations and prosecutions of vicious, heinous acts, and it provides remedies and protection for assaulted women.

On this day, when we celebrate human rights, what better way than to commemorate the advances that VAWA made in fighting violence against women and to broaden its provisions to protect Native Americans, immigrants in this country, and the gay and lesbian community. That is the nature of our democracy: we advance human rights, we make them more inclusive, and we broaden their provisions. The reauthorization of this legislation is badly needed.

Finally, I want to talk about the DREAM Act, which should be part of immigration reform in this country. I think the vast majority of the Members of the Senate have accepted and indeed espoused the need for thorough, comprehensive immigration reform. That kind of reform should include the DREAM Act. I have spoken about it on many occasions, and on many of those occasions I have presented to this body an individual story as I have, for example, about Solanly Canas.

I brought her photograph with me today. She is a young woman of enormous promise who simply wants to stay in this country, and have a path to citizenship. Having been brought here at the age of 12, she didn't choose to come, she was brought here through no fault or doing of her own, and this is her country. This is where her friends are; this is the language she speaks. She lives in East Haven, Connecticut, where she attended school, and she has thrived there. She became a member of the National Honor Society. She is on the executive board of the student council. She is president of the Interact Club.

She was born in Colombia, but her roots are in America. She has dreams and goals for the future like any young woman her age, and she is proud of her connection, her roots in this country. She wants to go to college, but for so long has feared that she would not be able to go.

She is eligible to apply for the Deferred Action Program announced by the administration, but that program would simply give her a reprieve without the security and certainty that she needs to advance and continue her schooling. That is the path to citizenship that our Dreamers need and deserve so that they can go to school, serve in our military, give back to this country, and earn their citizenship through deeds—not just words, but deeds—that make us all proud, and contribute to the quality of life in our Nation.

That is what they want to do is to earn the citizenship that so many of us take for granted. So many people in this country have this as a birthright—without the effort that she will devote

to becoming a U.S. citizen. We have great citizens born here who value and prize their citizenship. But Solanly is one who deserves a path and the ability to earn it through her deeds and her accomplishments in school and afterwards.

On this Human Rights Day, I thank this body for giving me the honor of speaking about these issues. It is an extraordinary honor to say how much human rights mean in this country. We are the paragon of equality, freedom, and rights. We are the greatest Nation in the history of the world, and we are still a work in progress. We still have progress to make, and these three measures will help us to do it.

Mr. President, I yield the floor, and I note the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO BUDDY GUY

Mr. DURBIN. Mr. President, it is my pleasure today to recognize Buddy Guy, who was recently honored here in Washington at the Kennedy Center for his contribution to the arts.

George "Buddy" Guy was born in 1936 into a Louisiana sharecropper family. He first learned to play music on hand-made instruments.

With no money, Guy moved to Chicago in 1957 at the peak of the Chicago's blues era. A stranger introduced him at Chicago's 708 Club, where he eventually landed a steady gig. He also played at other local venues, and eventually he signed a record deal. Chicago connected Guy with legendary artists and allowed him to play guitar with blues greats like Muddy Waters and Howlin' Wolf. However, it was not until his 1991 release of "Damn Right, I've Got the Blues" that his career started making national headlines. The album earned him his first Grammy Award for Best Contemporary Artist and five W.C. Handy awards.

After that, the awards started streaming in. He earned 5 more Grammy Awards and 18 more W.C. Handy awards—more than any other artist. In 2003, he received the National Medal of Arts for his extraordinary contributions to the creation, growth, and support in the arts. He was inducted into the Rock and Roll Hall of

Fame in 2005 and the Louisiana Music Hall of Fame in 2008. Billboard Magazine gave him the Century Award for distinguished artistic achievement, and Rolling Stone ranked him at No. 23 on the list of 100 Greatest Guitarists.

If that is not impressive enough, Eric Clapton once described him as the best guitar player alive. And Guy's songs have been covered by Led Zeppelin, Eric Clapton, the Rolling Stones, Stevie Ray Vaughan, John Mayall, Jack Bruce, and others.

Although Guy was born in Louisiana, today Chicago, IL, is proud to claim him as one of our own. In 1989 he opened Buddy Guy's Legends in Chicago, and it remains one of the most successful blues joints in the city. He has been called Windy City's reigning blues artist and the last strand linking the immortal Chicago bluesmen of the 1950s with the contemporary blues scene. Mayor Rahm Emanuel called Guy a "great Chicago treasure."

As one of his album titles suggests, he "Can't Quit the Blues." Even well into his seventies, he is making music. Guy tours constantly, appearing at blues clubs and festivals around the world, and he won his most recent Grammy in 2012.

President Obama called Guy "one of the last guardians of the great American blues." And on December 2, Guy was recognized at a White House reception as one of the 2012 Kennedy Center honorees for his contribution to the arts.

As Guy said himself, "From picking cotton in the field to picking a guitar in the White House, that is a long ways man."

#### TRIBUTE TO DAVE WHITE

Mr. LEAHY. Mr. President, after nearly four decades of service with the Natural Resources Conservation Service, NRCS, at the U.S. Department of Agriculture, last week, Mr. Dave White settled into retirement. He will be missed for his dedication, enthusiasm, and steadfast support of conservation causes, as well as his keen sense of humor and sharp wit, which kept both his staff, and Members of Congress, on their toes.

During his long career, Dave has shown great leadership in conservation, improving the Nation's land management policies and practices, and ensuring that we meet our shared goal for sustaining agriculture and natural resources. His work has ensured that private lands are conserved, restored, and more resilient to environmental challenges, a goal that has grown in importance as weather disasters like Tropical Storm Irene, Hurricane Sandy, and the record drought still gripping the Midwest become more frequent and severe.

Dave wore many hats during his time at NRCS. From 2002 to 2008, he served

as the State Conservationist in Montana where he helped farmers and ranchers improve agricultural production, while at the same time reducing their impact on the environment. After learning about Dave's many outstanding achievements in Montana, my only regret was that we were not able to add NRCS State Conservationist in Vermont to Chief White's already sterling resume.

Later, in 2007 and 2008, Dave was detailed to Senator HARKIN's office, where his help in drafting the conservation title of the 2008 farm bill was immeasurable. I am deeply thankful for his assistance on this vital legislation, and for his thoughtful consideration of programs that have been so vital to Vermont's conservation efforts, such as the Environmental Quality Incentives Program, the Farmland Protection Program, and Regional Equity, which have all contributed to the protection and improvement of Lake Champlain. President Obama then appointed Dave to lead NRCS, a role that he has filled admirably for 4 years working closely with Secretary Vilsack to advance voluntary, incentive-based private land conservation.

I would like to offer my sincere gratitude to Chief White for his years of dedicated service to this Nation. I wish him well in his retirement and I hope he will come visit us soon in Vermont to sample our many delicious "value-added" agricultural products.

#### REMEMBERING LIEUTENANT RUSSELL NEARY

Mr. BLUMENTHAL. Mr. President, today I wish to remember Lieutenant Russell Neary, a brave volunteer firefighter who was killed in the line of duty during Hurricane Sandy. He served the Town of Easton as President of the Easton Volunteer Fire Company and volunteer EMT and worked in Stamford as a vice president of General Reinsurance Company. He was deeply respected as a friendly and compassionate resident and beloved father and husband. I know his family well.

When Sandy struck Connecticut the evening of October 29, Lieutenant Neary responded to a call without hesitation—one of the many evenings over the past 13 years when he put himself in harm's way to respond to a resident in need. Tragically, when clearing the road of a fallen branch, he was fatally injured. Lieutenant Neary was the first firefighter in Easton's history to die in the line of duty. His family has a history of public service, including his brother Fire Marshal Peter Neary.

In the following days after this tragedy, members of neighboring fire departments and emergency responders volunteered their time to assist Easton Fire Company firefighters, allowing them to mourn the death of their colleague and friend—a demonstration of

brotherhood and solidarity across Connecticut public safety personnel.

Regarded as family by Chief James M. Girardi and fellow members of the Easton Volunteer Fire Company, Lieutenant Neary was tearfully mourned and remembered for days after his tragic death as "a powerful force of good will and compassion to all who met him." He was recalled by many as a sincere member of the community who genuinely cared for and enjoyed helping others. I joined more than 1,000 people—gathered from around Connecticut, the Nation, and even Canada to pay tribute to this remarkable public servant. His legacy will live on through this spirit of giving that has touched and inspired so many.

I am honored to salute Lieutenant Neary and invite my Senate colleagues to join me in commemorating the life of this gracious first responder, friend, and family member, who lost his life while keeping others safe from harm.

#### ADDITIONAL STATEMENTS

##### HONORING DONALD SINGER

• Mr. TESTER. Mr. President, today I wish to honor of Col. Donald M. Singer, an airman who fought in Vietnam and a hero of America.

Donald and his wife Elizabeth had four children.

He was stationed as an Electronic Warfare Officer at Barksdale Air Force Base in Louisiana. This Nation called Donald Singer to service in Vietnam in April of 1966. After training in California and before his deployment overseas, Donald got to attend the confirmation of his oldest daughter, 10-year-old Susan. That was the last time Susan saw her dad.

Maj. Donald Singer was selected to be part of an elite group of airmen known as the "Wild Weasels." In August of 1966, on a mission north of Hanoi, North Vietnamese forces shot down his F-105 fighter jet. Both men on board ejected.

Nobody knows exactly what happened after that. But reports indicate Donald's parachute never fully opened. And he was never heard from again. The U.S. Government considered Donald missing in action and despite his status, promoted him to the rank of colonel.

Eleven years later, in 1977, the Singer family got a phone call. Donald's remains had been found. And at last, he was coming home to the United States. Today, Colonel Singer's remains rest at Arlington National Cemetery.

Although Colonel Singer was a decorated airman, his family never received all the honors he earned in service to this Nation.

It was my honor to present them to his daughter Susan, on her birthday, December 7, 2012. On behalf of a grateful nation, I presented Col. Donald

Singer's Purple Heart, Air Force Commendation Medal, and his Presidential Unit Citation.

It was also my honor to present the Bronze Service Star for the National Defense Service Medal, the Republic of Vietnam Gallantry Cross with Palm Ribbon, and the Bronze Service Star for the Vietnam Service Medal.

These decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

They are presented on behalf of a nation that will never forget Donald Singer's heroism.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of December 6, 2012, the following enrolled bills, previously signed by the Speaker of the House, were signed on December 6, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

H.R. 6634. An act to change the effective date for the Internet publication of certain financial disclosure forms.

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 7, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

Under the authority of the order of the Senate of December 6, 2012, the enrolled bill was signed on December 7, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3664. A bill to provide for debt limit extensions.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 10, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8509. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of a Low Power Radio Service" (MM Docket No. 99-25; FCC 12-144) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8510. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping and Transportation; Technical, Organizational, and Conforming Amendments" (RIN1625-AB87) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8511. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Schuylkill River, Philadelphia, PA" (RIN1625-AA09) (Docket No. USCG-2012-0625) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8512. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Newport River, Morehead City, NC" (RIN1625-AA09) (Docket No. USCG-2012-0628) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8513. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL" (RIN1625-AA08) (Docket No. USCG-2012-0721) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8514. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Spe-

cial Local Regulation Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL" (RIN1625-AA08) (Docket No. USCG-2012-0452) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8515. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Red Bull Flugtag Miami, Biscayne Bay; Miami, FL" (RIN1625-AA08) (Docket No. USCG-2012-0728) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8516. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; 2012 Ironman 70.3 Miami, Biscayne Bay, Miami, FL" (RIN1625-AA08) (Docket No. USCG-2012-0559) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8517. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Columbus Day Weekend, Biscayne Bay, Miami, FL" (RIN1625-AA11) (Docket No. USCG-2012-0191) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8518. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Thames River Degaussing Range Replacement Operations; New London, CT" (RIN1625-AA11) (Docket No. USCG-2012-0623) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8519. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; East River, Flushing and Gowanus Bays, and Red Hook and Buttermilk Channels; New York, NY" (RIN1625-AA11) (Docket No. USCG-2012-0950) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8520. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Inland Waterways Navigation Regulations" (RIN1625-AB84) (Docket No. USCG-2011-1086) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8521. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Cruise Ships, Santa Barbara Harbor, Santa Barbara, California" (RIN1625-AA87) (Docket No. USCG-2011-0906) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8522. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; USCGC WILLIAM FLORES Commissioning Ceremony, Ybor Channel; Tampa, FL" ((RIN1625-AA87) (Docket No. USCG-2012-0885)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8523. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; James River, Kingsmill Resort, Williamsburg, VA" ((RIN1625-AA00) (Docket No. USCG-2012-0931)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8524. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Fixed and Moving Safety Zone; Around the USACE Bank Grading Units, Mat Sinking Unit, and the M/V Harrison and M/V William James" ((RIN1625-AA00) (Docket No. USCG-2012-0738)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8525. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana" ((RIN1625-AA00) (Docket No. USCG-2012-0904)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8526. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2012 Head of the South Regatta, Savannah River, Augusta, GA" ((RIN1625-AA00) (Docket No. USCG-2012-0913)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8527. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Wounded Warriors Benefit, Lake Erie, Huron, OH" ((RIN1625-AA00) (Docket No. USCG-2012-0889)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8528. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World San Diego Fireworks, Mission Bay; San Diego, CA" ((RIN1625-AA00) (Docket No. USCG-2012-0874)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8529. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Submarine Cable Installation Project; Chicago River, Chicago, Illinois" ((RIN1625-AA00) (Docket No. USCG-2012-0886)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8530. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone, Changes to Original Rule; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA" ((RIN1625-AA00) (Docket No. USCG-2012-0767)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8531. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL" ((RIN1625-AA00) (Docket No. USCG-2012-0518)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8532. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Alliance Road Bridge Demolition; Black Warrior River, Locust Fork; Birmingham, AL" ((RIN1625-AA00) (Docket No. USCG-2012-0902)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8533. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway; Oak Island, NC" ((RIN1625-AA00) (Docket No. USCG-2012-0811)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8534. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway; Carolina Beach, NC" ((RIN1625-AA00) (Docket No. USCG-2012-0741)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8535. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana" ((RIN1625-AA00) (Docket No. USCG-2012-0904)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8536. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Large Cruise Ships; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0; New Orleans, LA" ((RIN1625-AA00) (Docket No. USCG-2010-0012)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8537. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Coast Guard Exercise, Hood Canal, Washington" ((RIN1625-AA00) (Docket No. USCG-2012-0822)) received in the Office of the President of the Senate on December 5,

2012; to the Committee on Commerce, Science, and Transportation.

EC-8538. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Oregon City Bridge Grand Opening Fireworks Display; Willamette River, Oregon City, OR" ((RIN1625-AA00) (Docket No. USCG-2012-0805)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8539. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; DeStefano Wedding Fireworks Display, Patchogue Bay, Patchogue, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0571)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8540. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Research Vessel SIKULIAQ Launch, Marinette, Wisconsin" ((RIN1625-AA00) (Docket No. USCG-2012-0896)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8541. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Battle of Queenstown Heights Bicentennial, Niagara River, Lewiston, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0849)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8542. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; America's Cup World Series Finish-line, San Francisco, CA" ((RIN1625-AA00) (Docket No. USCG-2012-0884)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8543. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway; Emerald Isle, NC" ((RIN1625-AA00) (Docket No. USCG-2012-0812)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8544. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Leukemia and Lymphoma Light the Night Walk Fireworks Display; Willamette River, Portland, OR" ((RIN1625-AA00) (Docket No. USCG-2012-0803)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8545. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Steam Ship Col. James M. Schoonmaker Relocation Project, Maumee River, Toledo, OH" ((RIN1625-AA00) (Docket No. USCG-2012-0939)) received in the Office of

the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8546. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Cooper T. Smith Fireworks Event; Mobile River; Mobile, AL" ((RIN1625-AA00) (Docket No. USCG-2012-0869)) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MIKULSKI (for herself and Mr. CORNYN):

S. 3667. A bill to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Finance.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. 3668. A bill to require a study on the Bradley Fighting Vehicle industrial base; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. TOOMEY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 612. A resolution honoring the life and legacy of the Honorable Arlen Specter,

distinguished former Senator for the Commonwealth of Pennsylvania; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 82

At the request of Mr. JOHANNES, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 3636

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3636, a bill to provide increased consumer protections for gift cards.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. CORNYN):

S. 3667. A bill to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise to introduce legislation to rename the section of the tax code that is currently known as the "Spousal IRA" so that it carries the name of its champion—my friend and colleague from Texas—Senator KAY BAILEY HUTCHISON.

Senator HUTCHISON has been an excellent partner to work with on the Commerce, Justice, and Science subcommittee watching over the nation's checkbook for investments in research, discovery, innovation, and law enforcement. We have sought to find the sensible center in addressing issues like cancer research, building a balanced space program at NASA, and most recently—on legislation to stop inmates from using cell phones in prison.

Senator HUTCHISON must be recognized for her long-standing advocacy for women. Her advocacy has been steadfast. We have worked together on the women's health agenda. We have mammogram standards in this country because of the Hutchison-Mikulski

amendment. We have helped with breast cancer research funding because we have worked together, and I could give example after example.

But what I rise to discuss today is the very first issue that Senator HUTCHISON and I took on together—expanding the availability of Individual Retirement Accounts, IRAs, for spouses who work at home. Along with Senator KAY BAILEY HUTCHISON, I am the author of the Spousal IRA bill.

I have always said that one of my principles is to listen to the people and the stories of their lives. My best ideas come from the people. The Spousal IRA bill was one of those kinds of ideas. This bill was a product of Senator HUTCHISON's personal experience before joining the Senate. After putting aside money for her retirement as a single working woman, Senator HUTCHISON found that she could only put aside \$250 in an IRA once she married her husband.

This kind of policy, that discouraged women from saving for retirement, was completely backwards. Women tend to live longer than men. Women are more likely to take years off of work outside of the home because of family responsibilities. And women are more likely to work in jobs that don't have a pension.

When Senator HUTCHISON joined the Senate in 1993, she came to me to sign on as the lead Democratic sponsor for her idea to help women save for retirement. Together we worked to build support for this bill and after 3 years and 62 cosponsors, the Spousal IRA bill became the law of the land.

Suddenly, women weren't limited to \$250, they could put away \$2,000. All women—single, married, working outside the home, or working at home—could set aside the same amount for retirement. Over time, that amount has grown, and so it is not \$2,000, but it can be \$2,500 or \$3,000 or \$5,000, depending on a woman's age.

This law is important because it reflects the values of our nation, it rewards good parenting and families, and it recognizes that not all work is done in the marketplace. American families feel the pressure from all sides, paying for their children's education, their homes, taking care of elderly parents, and being prepared for unforeseen emergency medical care costs. What the Spousal IRA law finally said was, "Moms and dads are struggling to do the right thing for their family, and they should not be penalized for staying at home."

Earlier this year, an interviewer on PBS asked Senator HUTCHISON what she's most proud of in her Senate career, and she said the Spousal IRA. Senator HUTCHISON has a lot to be proud of, but we must recognize her work in fixing federal policy to help women save for retirement. We should amend the tax code so that women in

America know that they're benefitting from the Kay Bailey Hutchison Spousal IRA.

### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 612—HONORING THE LIFE AND LEGACY OF THE HONORABLE ARLEN SPECTER, DISTINGUISHED FORMER SENATOR FOR THE COMMONWEALTH OF PENNSYLVANIA**

Mr. CASEY (for himself, Mr. TOOMEY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 612

Whereas the Honorable Arlen Specter was born on February 12, 1930, in Wichita, Kansas;

Whereas Arlen Specter earned a Bachelor of Arts degree in international relations from the University of Pennsylvania in 1951 and a Juris Doctorate degree from Yale Law School in 1956;

Whereas Arlen Specter served in the Air Force during the Korean War, obtaining the rank of Second Lieutenant in the Air Force Office of Special Investigations;

Whereas Arlen Specter served the people of Philadelphia, Pennsylvania, as Assistant District Attorney from 1959 to 1964 and as District Attorney from 1965 to 1974;

Whereas Arlen Specter was recommended to serve as assistant counsel on the President's Commission on the Assassination of President Kennedy in 1964, and he estab-

lished conclusions central to the report of the Commission;

Whereas Arlen Specter served with distinction as a Senator from the Commonwealth of Pennsylvania for 3 decades, first elected in 1980, then reelected in 1986, 1992, 1998, and 2004;

Whereas, as a member and the Chairman of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations of the Senate, Arlen Specter worked in a bipartisan fashion to highlight the impact of specific diseases and to advance support for medical research and high-quality health care;

Whereas, as a member and the Chairman of the Committee on the Judiciary, Arlen Specter was recognized for his thorough questioning and presided over the confirmation hearings of 2 Justices of the Supreme Court;

Whereas, as a Senator, Arlen Specter served as the Chairman of the Select Committee on Intelligence of the Senate from 1995 to 1997, and as the Chairman of the Committee on Veterans' Affairs of the Senate from 1997 to 2001 and from 2003 to 2005;

Whereas, as a Senator, Arlen Specter further served as a member of the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, and the Special Committee on Aging of the Senate;

Whereas Arlen Specter was admired for his independent decisionmaking and willingness to cross party lines;

Whereas Arlen Specter introduced the Comprehensive Immigration Reform Act of 2006 (S. 2611, 109th Congress) and achieved bipartisan support and passage for the bill in the Senate on May 25, 2006;

Whereas Arlen Specter advocated both for strong national security measures and the maintenance of civil liberties;

Whereas Arlen Specter valiantly overcame bouts with brain tumors and cancer during his service in the United States Senate;

Whereas Arlen Specter returned to Philadelphia after his Senate career and taught as a Visiting Professor of Law at the University of Pennsylvania Law School; and

Whereas Arlen Specter passed away on October 14, 2012, and is survived by his wife Joan, his sister Shirley Kety, his sons Stephen and Shanin, and 4 grandchildren: Now, therefore, be it

*Resolved*, That—

(1) the Senate—

(A) expresses profound sorrow at the death of the Honorable Arlen Specter, former Senator for the Commonwealth of Pennsylvania;

(B) conveys the condolences of the Senate to the family of Arlen Specter; and

(C) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the House of Representatives and the family of Arlen Specter; and

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of Arlen Specter.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 3311. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 3311.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

On page 4, after line 20, add the following:

#### **TITLE II—INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA**

##### **SEC. 201. SHORT TITLE.**

This title may be cited as the "Increasing American Jobs Through Greater Exports to Africa Act of 2012".

##### **SEC. 202. PURPOSE.**

The purpose of this title is to create jobs in the United States by expanding programs that will result in increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

##### **SEC. 203. DEFINITIONS.**

In this title:

(1) **AFRICA.**—The term "Africa" refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) **AFRICAN DIASPORA.**—The term "African diaspora" means the people of African origin living in the United States, irrespective of their citizenship and nationality, who are willing to contribute to the development of Africa.

(3) **AGOA.**—The term "AGOA" means the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(4) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(B) the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

(5) **DEVELOPMENT AGENCIES.**—The term "development agencies" includes the Department of State, the United States Agency for International Development (USAID), the Millennium Challenge Corporation (MCC), the Overseas Private Investment Corporation (OPIC), the United States Trade and Development Agency (USTDA), the United States Department of Agriculture (USDA), and relevant multilateral development banks.

(6) **TRADE POLICY STAFF COMMITTEE.**—The term "Trade Policy Staff Committee" means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations, and is composed of representatives of Federal agencies in charge of developing and coordinating United States positions on international trade and trade-related investment issues.

(7) **MULTILATERAL DEVELOPMENT BANKS.**—The term "multilateral development banks" has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(8) **SUB-SAHARAN REGION.**—The term "sub-Saharan region" refers to the 49 countries listed in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706) and includes the Republic of South Sudan.

(9) **TRADE PROMOTION COORDINATING COMMITTEE.**—The term "Trade Promotion Coordinating Committee" means the Trade



Promotion Coordinating Committee established by Executive Order 12870 (58 Fed. Reg. 51753).

(10) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term “United States and Foreign Commercial Service” means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

#### SEC. 204. STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa.

(b) FOCUS OF STRATEGY.—The strategy required by subsection (a) shall focus on—

(1) increasing exports of United States goods and services to Africa by 200 percent in real dollar value within 10 years from the date of the enactment of this Act;

(2) promoting the alignment of United States commercial interests with development priorities in Africa;

(3) developing relationships between the governments of countries in Africa and United States businesses that have an expertise in such issues as infrastructure development, technology, telecommunications, energy, and agriculture;

(4) improving the competitiveness of United States businesses in Africa, including the role the African diaspora can play in enhancing such competitiveness;

(5) exploring ways that African diaspora remittances can help communities in Africa tackle economic, development, and infrastructure financing needs;

(6) promoting economic integration in Africa through working with the subregional economic communities, supporting efforts for deeper integration through the development of customs unions within western and central Africa and within eastern and southern Africa, eliminating time-consuming border formalities into and within these areas, and supporting regionally based infrastructure projects;

(7) encouraging a greater understanding among United States business and financial communities of the opportunities Africa holds for United States exports; and

(8) monitoring—

(A) market loan rates and the availability of capital for United States business investment in Africa;

(B) loan rates offered by the governments of other countries for investment in Africa; and

(C) the policies of other countries with respect to export financing for investment in Africa that are predatory or distort markets.

(c) CONSULTATIONS.—In developing the strategy required by subsection (a), the President shall consult with—

(1) Congress;

(2) each agency that is a member of the Trade Promotion Coordinating Committee;

(3) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(4) each agency that participates in the Trade Policy Staff Committee;

(5) the President's National Export Council;

(6) each of the development agencies;

(7) any other Federal agencies with responsibility for export promotion or financing and development; and

(8) the private sector, including businesses, nongovernmental organizations, and African diaspora groups.

(d) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(2) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by subsection (a).

(3) CONTENT OF REPORT.—The report required by paragraph (2) shall include an assessment of the extent to which the strategy required by subsection (a)—

(A) has been successful in developing critical analyses of policies to increase exports to Africa;

(B) has been successful in increasing the competitiveness of United States businesses in Africa;

(C) has been successful in creating jobs in the United States, including the nature and sustainability of such jobs;

(D) has provided sufficient United States Government support to meet third country competition in the region;

(E) has been successful in helping the African diaspora in the United States participate in economic growth in Africa;

(F) has been successful in promoting economic integration in Africa; and

(G) has made a meaningful contribution to the transformation of Africa and its full integration into the 21st century world economy, not only as a supplier of primary products but also as full participant in international supply and distribution chains and as a consumer of international goods and services.

#### SEC. 205. SPECIAL AFRICA STRATEGY COORDINATOR.

The President shall designate an individual to serve as Special Africa Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by section 204; and

(2) to coordinate with the Trade Promotion Coordinating Committee, (the interagency AGOA committees), and development agencies with respect to developing and implementing the strategy.

#### SEC. 206. TRADE MISSION TO AFRICA.

It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

#### SEC. 207. PERSONNEL.

(a) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(1) IN GENERAL.—The Secretary of Commerce shall ensure that not less than 12 total United States and Foreign Commercial Service officers are assigned to Africa for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

(2) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee and the Special Africa Export Strategy Coordinator, assign the United States and Foreign Commercial Service officers described in paragraph (1) to United States embassies in Africa after conducting a timely resource allocation analysis that represents a forward-looking assessment of future United States trade opportunities in Africa.

(3) MULTILATERAL DEVELOPMENT BANKS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act,

the Secretary of Commerce shall assign not less than 1 full-time United States and Foreign Commercial Service officer to the office of the United States Executive Director at the World Bank and the African Development Bank.

(B) RESPONSIBILITIES.—Each United States and Foreign Commercial Service officer assigned under subparagraph (A) shall be responsible for—

(i) increasing the access of United States businesses to procurement contracts with the multilateral development bank to which the officer is assigned; and

(ii) facilitating the access of United States businesses to risk insurance, equity investments, consulting services, and lending provided by that bank.

(b) EXPORT-IMPORT BANK OF THE UNITED STATES.—Of the amounts collected by the Export-Import Bank that remain after paying the expenses the Bank is authorized to pay from such amounts for administrative expenses, the Bank shall use sufficient funds to do the following:

(1) Increase the number of staff dedicated to expanding business development for Africa, including increasing the number of business development trips the Bank conducts to Africa and the amount of time staff spends in Africa to meet the goals set forth in section 209 and paragraph (4) of section 6(a) of the Export-Import Bank of 1945, as added by section 209(a)(2).

(2) Maintain an appropriate number of employees of the Bank assigned to United States field offices of the Bank to be distributed as geographically appropriate through the United States. Such offices shall coordinate with the related export efforts undertaken by the Small Business Administration regional field offices.

(3) Upgrade the Bank's equipment and software to more expeditiously, effectively, and efficiently process and track applications for financing received by the Bank.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) STAFFING.—Of the net offsetting collections collected by the Overseas Private Investment Corporation used for administrative expenses, the Corporation shall use sufficient funds to increase by not more than 5 the staff needed to promote stable and sustainable economic growth and development in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(2) REPORT.—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as permitting the reduction of Department of Commerce, Department of State, Export Import Bank, or Overseas Private Investment Corporation personnel or the alteration of planned personnel increases in other regions, except where a personnel decrease was previously anticipated or where decreased export opportunities justify personnel reductions.

#### SEC. 208. TRAINING.

The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and



procedures of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than 1 year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country shall receive that training.

#### SEC. 209. EXPORT-IMPORT BANK FINANCING.

(a) FINANCING FOR PROJECTS IN AFRICA.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that foreign export credit agencies are providing non-OECD arrangement compliant financing in Africa, and that in order to counter such actions and ensure United States jobs, the Export-Import Bank should provide timely financing to meet such terms, as appropriate.

(2) IN GENERAL.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by adding at the end the following:

“(4) PERCENT OF FINANCING TO BE USED FOR PROJECTS IN AFRICA.—The Bank shall, to the extent that there are acceptable final applications, increase the amount it finances to Africa over the prior year's financing for each of the first five fiscal years beginning after the date of the enactment of the Increasing American Jobs Through Greater Exports to Africa Act of 2012.”

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Export-Import Bank shall report to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives if the Bank has not used at least 10 percent of its lending capabilities for projects in Africa as described in paragraph (4) of section 6(a) of the Export-Import Bank of 1945, as added by paragraph (2). The report shall include the reasons why the Bank failed to reach this goal and a description of all final applications for projects in Africa that were deemed unworthy of Bank support.

(b) AVAILABILITY OF PORTION OF CAPITALIZATION TO COMPETE AGAINST FOREIGN CONCESSIONAL LOANS.—

(1) IN GENERAL.—The Bank shall make available annually such amounts as are necessary for loans that counter trade distorting non-OECD arrangement compliant financing or preferential, tied aid, or other related non-market loans offered by other nations for which United States companies are also competing or interested in competing.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Export-Import Bank shall report to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives if the Bank has not used at least \$250,000,000 annually for loans that counter non-OECD arrangement compliant financing offered by other nations to its firms, as described in paragraph (1). The re-

port shall not disclose any information that is confidential or business proprietary, or that would violate section 1905 of title 18, United States Code (commonly referred to as the “Trade Secrets Act”). The report shall include—

(A) a description of trade distorting non-OECD arrangement compliant financing loans made by other countries during that fiscal year to firms that competed against United States firms;

(B) a description of any similar completed applications from United States firms that were denied by the Bank and the reason for such denial; and

(C) a description of any completed applications for tied aid that were denied for financing by the Bank and an explanation of why the applications were denied.

#### SEC. 210. SMALL BUSINESS ADMINISTRATION.

Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Trade Promotion Coordinating Committee,” after “Director of the United States Trade and Development Agency,”; and

(2) in paragraph (3), by inserting “regional offices of the Export-Import Bank,” after “Retired Executives.”

#### SEC. 211. BILATERAL, SUBREGIONAL AND REGIONAL, AND MULTILATERAL AGREEMENTS.

Where applicable, the President shall explore opportunities to negotiate bilateral, subregional, and regional agreements that encourage trade and eliminate nontariff barriers to trade between countries, such as negotiating investor friendly double-taxation treaties and investment promotion agreements. United States negotiators in multilateral forum should take into account the objectives of this title. To the extent any such agreements exist between the United States and an African country, the President shall ensure that the agreement is being implemented in a manner that maximizes the positive effects for United States trade, export, and labor interests as well as the economic development of the countries in Africa.

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator TIM JOHNSON, I ask unanimous consent that Jeanette Quick, a detailee on his committee staff, be granted the privilege of the floor for the duration of S. 3637.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 762 and 829; that there be 30 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 762 and 829 in that order;

the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MARCH OF DIMES COMMEMORATIVE COIN ACT OF 2012

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3187, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3187) to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3187) was ordered to a third reading, was read the third time, and passed.

#### HONORING THE LIFE AND LEGACY OF THE HONORABLE ARLEN SPECTER

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 612 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 612) honoring the life and legacy of the Honorable Arlen Specter, distinguished former Senator for the Commonwealth of Pennsylvania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 612) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 612

Whereas the Honorable Arlen Specter was born on February 12, 1930, in Wichita, Kansas;

Whereas Arlen Specter earned a Bachelor of Arts degree in international relations from the University of Pennsylvania in 1951 and a Juris Doctorate degree from Yale Law School in 1956;

Whereas Arlen Specter served in the Air Force during the Korean War, obtaining the rank of Second Lieutenant in the Air Force Office of Special Investigations;

Whereas Arlen Specter served the people of Philadelphia, Pennsylvania, as Assistant District Attorney from 1959 to 1964 and as District Attorney from 1965 to 1974;

Whereas Arlen Specter was recommended to serve as assistant counsel on the President's Commission on the Assassination of President Kennedy in 1964, and he established conclusions central to the report of the Commission;

Whereas Arlen Specter served with distinction as a Senator from the Commonwealth of Pennsylvania for 3 decades, first elected in 1980, then reelected in 1986, 1992, 1998, and 2004;

Whereas, as a member and the Chairman of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations of the Senate, Arlen Specter worked in a bipartisan fashion to highlight the impact of specific diseases and to advance support for medical research and high-quality health care;

Whereas, as a member and the Chairman of the Committee on the Judiciary, Arlen Specter was recognized for his thorough questioning and presided over the confirmation hearings of 2 Justices of the Supreme Court;

Whereas, as a Senator, Arlen Specter served as the Chairman of the Select Committee on Intelligence of the Senate from 1995 to 1997, and as the Chairman of the Committee on Veterans' Affairs of the Senate from 1997 to 2001 and from 2003 to 2005;

Whereas, as a Senator, Arlen Specter further served as a member of the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, and the Special Committee on Aging of the Senate;

Whereas Arlen Specter was admired for his independent decisionmaking and willingness to cross party lines;

Whereas Arlen Specter introduced the Comprehensive Immigration Reform Act of 2006 (S. 2611, 109th Congress) and achieved bipartisan support and passage for the bill in the Senate on May 25, 2006;

Whereas Arlen Specter advocated both for strong national security measures and the maintenance of civil liberties;

Whereas Arlen Specter valiantly overcame bouts with brain tumors and cancer during his service in the United States Senate;

Whereas Arlen Specter returned to Philadelphia after his Senate career and taught as a Visiting Professor of Law at the University of Pennsylvania Law School; and

Whereas Arlen Specter passed away on October 14, 2012, and is survived by his wife Joan, his sister Shirley Kety, his sons Stephen and Shanin, and 4 grandchildren: Now, therefore, be it

*Resolved*, That—  
(1) the Senate—

(A) expresses profound sorrow at the death of the Honorable Arlen Specter, former Senator for the Commonwealth of Pennsylvania;

(B) conveys the condolences of the Senate to the family of Arlen Specter; and

(C) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the House of Representatives and the family of Arlen Specter; and

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of Arlen Specter.

ORDERS FOR TUESDAY,  
DECEMBER 11, 2012

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 11, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 3637, the TAG extension legislation, with the time until 12:30 p.m. equally divided and controlled between the two leaders or their designees; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BLUMENTHAL. Mr. President, at 2:15 p.m. tomorrow, there will be a cloture vote on the motion to proceed to S. 3637, the TAG extension legislation.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. BLUMENTHAL. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 612 as a further mark of respect to the late Senator Arlen Specter of Pennsylvania.

There being no objection, the Senate, at 6 p.m., adjourned until Tuesday, December 11, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL INSTITUTE OF BUILDING SCIENCES

TIMOTHY HYUNGROCK HAAS, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NA-

TIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2014, VICE MORGAN EDWARDS, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

MICHAEL WAYNE HALL, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017, VICE SHARON TUCKER, TERM EXPIRED.

MILLENNIUM CHALLENGE CORPORATION

MORTON H. HALPERIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS, VICE ALAN J. PATRICO, TERM EXPIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD, AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10506:

*To be lieutenant general*

LT. GEN. STANLEY E. CLARKE III

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. MICHAEL L. SCHOLES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL CHRISTOPHER S. BALLARD  
COLONEL DAVID G. BASSETT  
COLONEL DONALD C. BOLDUC  
COLONEL EDWARD M. DALY  
COLONEL MALCOLM B. FROST  
COLONEL DONALD G. FRYC  
COLONEL ANTHONY C. FUNKHOUSER  
COLONEL PETER A. GALLAGHER  
COLONEL WILLIAM K. GAYLER  
COLONEL MARK W. GILLETTE  
COLONEL DAVID B. HAIGHT  
COLONEL JOSEPH P. HARRINGTON  
COLONEL MICHAEL L. HOWARD  
COLONEL JOHN P. JOHNSON  
COLONEL JAMES E. KRAFT, JR.  
COLONEL MICHAEL E. KURLLA  
COLONEL PAUL J. LAUCHLIN II  
COLONEL JOSEPH M. MARTIN  
COLONEL TERENCE J. MCKENRICK  
COLONEL CHRISTOPHER P. MCPADDEN  
COLONEL JOHN E. O'NEIL  
COLONEL MARK J. O'NEIL  
COLONEL ERIC C. PETERSON  
COLONEL ANDREW P. POPPAS  
COLONEL JAMES E. RAINEY  
COLONEL KENT D. SAYRE  
COLONEL WILSON A. SHOFFNER, JR.  
COLONEL MARK S. SPINDLER  
COLONEL SEAN P. SWINDELL  
COLONEL RANDY S. TAYLOR  
COLONEL JOHN N. THOMSON III  
COLONEL LEON N. THURGOOD  
COLONEL FLEM B. WALKER, JR.  
COLONEL ROBERT P. WALTERS, JR.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. RICHARD T. TRYON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RANDOLPH L. MAHR

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

DEEPTI S. CHITNIS  
DANIEL J. CONVEY  
ROBERT L. CRONYN  
DANIEL D. DUNHAM  
ALEX EKE  
MARK W. FAGAN  
CHRISTENSEN HSU  
DOUGLAS D. LANCASTER

KENNETH L. MARQUARDT  
GEORGE QUIROA  
TARNJIT SAINI  
DAVID C. SCHLENKER  
STEVEN R. TURNER  
STEPHEN WOLPERT  
GIA K. YI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

KARIN R. BILYARD  
ERIN E. BROWN  
DIANE E. COLLETTE  
JUSTIN C. DEVANNA  
SARAH L. EASTERSTRAYER  
SARA B. EMANUEL  
JAMES E. JOHNSON, JR.  
REID H. KATAGIHARA  
RICHARD KELLY III  
SANG H. LEE  
AMANDA MCGUIRE  
JESSICA L. MOREHOUSE  
REBECCA L. OGDEN  
JEAN V. RUBANICK  
EMILEE C. VENN  
JENNIFER A. VIVIANO  
BETHANY S. ZARNDT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

JAMES E. ANDREWS II  
NICHOLAS D. BARRINGER  
JOHN A. BERG  
BENJAMIN P. BLANKS  
NICOLAS D. BRADLEY  
JERRY A. BRAVERMAN  
AARON L. CALDWELL  
CHRISTOPHER B. DOMINGUEZ  
TRACIE T. DOMINGUEZ  
JOHN S. DONOUGHE  
ERIN E. DRIVER  
JOSEPH B. EDDINS III  
KAREN L. FISH  
KURT FOSSUM  
MAUREEN R. GIORIO  
ALHAMBRO J. GORDON  
DANIEL J. HANKES  
CHRISTOPHER L. T. HARRIS  
JAMES A. HART  
ROBERT S. HELM  
MARIO A. HEREDIABLANCO  
ALEXANDRA HICKMAN  
SETH R. HOLLAND  
RONALD L. HOLMES, JR.  
CARRIE W. HOPPE  
ERIK S. JOHNSON  
WAYNE M. JOHNSON  
RYAN P. MCGILL  
SHANNON L. MERKLE  
RICHARD L. NEWPORT  
MATTHEW W. PERKINS  
MICHAEL A. RAMOS  
JENNIFER L. RIEGER  
ANDREW A. SCHANO  
JOSHUA H. SHEHAN  
MICHAEL K. SINGER  
TIMOTHY M. SKINNER  
TRINA D. STANN  
WILLIAM S. TAYLOR  
LAURIS R. TRIMBLE  
WILLIAM N. VASIOS  
JOHN J. WALKER  
CRAIGREON L. WALLACE  
PATRICK S. WALSH  
JOSHUA D. WALTERS  
RICHARD B. WESTRICK  
JARED N. WILLIAMSON  
HAROLD YU  
D011597  
D011325  
D010617

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

JACOB W. AARONSON  
EDWARD H. BAILEY  
JOHN S. BIRCHFIELD  
JOHN A. BOJESCU  
MARK C. BROWN  
CLAUDE A. BURNETT  
BENJAMIN B. CABLE  
YONG U. CHOI  
MICHAEL I. COHEN  
WILLIAM P. CRUM  
ALAN W. DAVIS  
BART M. DIAZ  
KEVIN M. DOUGLAS  
ANDREW E. DOYLE  
GARY J. DROUILLARD  
PETER M. DUNAWAY  
THOMAS G. ECCLES III

JOHN A. EDWARDS  
KURT D. EDWARDS  
JAY C. ERICKSON  
MINELA FERNANDEZAPONTE  
MICHAEL E. FREY  
DONALD A. GAJEWSKI  
DANIEL G. GATES  
JAMES J. GERACCI  
GEORGE R. GOODWIN, JR.  
ANDREW C. GORSKE  
GEOFFREY G. GRAMMER  
SHARETTE K. GRAY  
JOHN GREEN III  
JEFFERY P. GREENE  
MICHAEL C. HARNISCH  
BONNIE H. HARTSTEIN  
MATTHEW J. HEPBURN  
MICHAEL W. HILLIARD  
NANCY G. HOOVER  
DANIEL P. HSU  
THOMAS R. HUSTEAD  
KARIN A. JOHNSON  
PAUL B. KEISER  
WILLIAM F. KELLY  
BOOKER T. KING  
KEVIN KIRK  
TONYA M. KRATOVIL  
MARKIAN G. KUNASZ  
ANDREW L. LANDERS  
JACK E. LEWI  
KENNETH M. LIEUW  
ROBERT B. LIM  
CHRISTOPHER T. LITTELL  
JAMIL A. MALIK  
RICHARD G. MALISH  
BRYCE C. MAYS  
JOHN P. MAZA  
JERRY A. MICHEL  
ANGELA G. MYSLIWIEC  
VINCENT MYSLIWIEC  
JASON D. PARKER  
CHARLES R. PATTAN  
MICHAEL A. PELZNER  
AARON C. PITNEY  
SHON A. REMICH  
MATTHEW S. RICE  
JONATHAN D. ROEBUCK  
SCOTTIE B. ROOFE  
IRENE M. ROSEN  
MICHAEL C. ROYER  
ERIC A. SHRY  
NITEN SINGH  
MARSHALL H. SMITH  
CHRISTOPHER B. SOLTIS  
BRIAN J. SONKA  
THOMAS D. STARKEY  
DEREK J. STOCKER  
STEVEN J. SVOBODA  
JOEL T. TANAKA  
STEPHEN J. THOMAS  
JULIE A. TULLBERG  
JOHN J. VERGHESE  
NICHOLAS J. VIETRI  
LORYKAY W. WHEELER  
DAVID W. WOLKEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

SILAS C. ABRENICA  
FELICIA ALBRIGHT  
LINDA J. ANDERSON  
MARLENE ARIASREYNOSO  
CARY J. BARRETT  
CARL D. BARRINGTON  
WALTER S. BAUGH  
JANALE A. BENNETT  
PRETORIA BENSON  
JOSEPH E. BINGHAM  
RACHEL B. BLANTON  
BRIAN J. BOLTON  
ELIZABETH M. BOWLES  
BIENVENIDA BRITO  
NICHOLAS F. BROOKINS  
ALLISON L. BRUNSON  
JOHN E. BUONORA  
COREY D. CAMPBELL  
MARIE E. CARMONA  
BALTAZAR G. CATARROJA  
EDNAESTHER P. CAUSAPIN  
LEILANI CESNEROS  
MARGUERITTE L. CHANDLERBOONE  
EBONY C. CHATMAN  
TAMMY M. CHILDS  
THOMAS J. CLAYTON  
SUZANNE W. COBLEIGH  
KAITLYN M. COGAN  
LINDSEY L. COLBURN  
CHRISTINE J. CONNER  
WILLIAM CORONA  
THERESA M. CORRIGAN  
TAMARA D. DAVIS  
BENARD N. DELOACH  
KEITH J. DENNENY  
ROBERT L. DENNIS, JR.  
ELIZABETH A. DICAMPLI  
JEFFREY D. DOMINGUEZ  
SARAH D. ECCLESTON  
ERICA M. ERICKSON  
EMILIANA ESCUETA

MARIANN R. FARK  
VERONICA S. FAYERWEATHER  
ROBERT A. FERNANDEZ  
RUSSELL T. FIELDS  
CHRISTOPHER G. FREY  
WARREN S. GAMBINO  
KIRK C. GILES  
BARBARA A. GIVENS  
LESLIE D. GONZALEZ  
PATRINA GORDON  
KRISTY L. GOULD  
CAROLINE E. GOURLEY  
KIMBERLY L. GREGORY  
PATRICIA R. HALLSTEVENS  
KRISTINE L. HANNAH  
CRYSTAL L. HANSEN  
SHAYLA N. HENDERSONYOUNG  
JASMINE D. HOGAN  
ELIZABETH N. HOLSHOUSER  
DEANNA M. HUTCHINGS  
LISA M. JENKINS  
MICHELLE D. JOHNSON  
NATACHA Y. JOHNSON  
BRIAN M. JOHNSTON  
CANDACE J. KADHIM  
RACHEL E. KARCHER  
IMSHIN O. KIM  
CAPRICE B. KNIGHTJOHNSON  
FAITH E. KULMALA  
JENNIFER KUNKEL  
KRISTA L. LABBE  
MICHAEL D. LAFFERTY  
RAHUL K. LALL  
ANNA N. LEGASPI  
STACEY D. LENT  
MICHAEL B. LIVINGSTON  
JASMINE LOUIS  
AMANDA B. LOVE  
BRITTANY J. LOZIER  
SARA K. LUCIDO  
TANYA LUCKADO  
BRIAN E. LUTZ  
TRINA E. LYNCH  
TONYA M. MADDOX  
LOUIS M. MAGYAR  
BEATRIZ MARTINEZ  
LORRAINE D. MASSE  
CINDY L. MAY  
KEISHA A. MCDANIEL  
CATHERINE T. MCGURK  
VERONICA B. MCMORRIS  
SHELLA A. MEDINA  
MICHAEL P. MEISSEL  
FERNANDO M. MENDEZ  
TONY E. MILLER  
JASON E. MONTGOMERY  
SONIA MONTEL  
CHRISTINA L. MOORE  
MICHAEL L. MOORE  
RANDALL J. MURPHY  
DANIELLE D. NICHOLS  
DAVID N. NORMAN  
MICHELLE L. ONEILL  
BYRON L. OYLER  
JULIE Y. PARK  
SAMUEL PEREZ  
JASMINE C. PETERSON  
MARLYN PHILIPS  
JOHN R. REED  
JOHNNIE R. ROBBINS  
CHARLENE B. ROBINSON  
LEKEISHA M. RODRIGUEZ  
SAMUEL SAMA  
INES C. SANCHEZ  
REGINA Y. SANDERS  
DEBORAH E. SARTORI  
JESSICA L. SCHWINCK  
SEAN W. SHAMLIAN  
STEPHEN A. SHEETS  
ROBERT J. SHIPLEY  
EDWIN N. SIMAZE  
JASON D. SIMMONS  
DENISE R. SIMON  
GLENN C. SIMPSON  
JEFFREY D. SMITH  
SIMEON G. SMITH  
DOMINIC SOLARI  
ELLA M. STALLINGS  
CHRISTINA L. STONER  
MICHAEL J. SWANHART  
TANEKKIA M. TAYLORCLARK  
AUDRY M. TORRES  
MARCIA L. TURLEY  
JIMMY UDCHACHON  
JOANA UNDERWOOD  
ALENKA VALEDOMINGUEZ  
JACK C. VANLUYN  
MAY J. A. VERTIDO  
KARA WAELTI  
DANIEL WALL  
JASON C. WASHINGTON  
STEPHEN E. WEAVER  
LARRY L. WHEAT  
GWENDOLYN A. WHITCOMB  
DAVID J. WILLIAMS  
JEAN L. WILLIAMS  
LAMIN YARBO  
DEBRA M. YOUNG  
KEVIN M. ZEEB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

LOVIE L. ABRAHAM  
 KIMBERLY D. ALSTON  
 AARON R. ANDERSON  
 JASON E. ANDERSON  
 SCOTT M. ANDERSON  
 JASON M. ANTHONY  
 LISA ARGO  
 AMY C. BARNES  
 WILLIAM S. BOSLEY  
 LYNN M. BRECKENRIDGE  
 DAVIN BRIDGES  
 BRUCE W. BROWN  
 TIMOTHY J. BURTON  
 ANGELA M. CARTER  
 JOHN W. CARY  
 KARA M. CAVE  
 SANGDO CHOI  
 ANDREW W. CHUNG  
 CHANESE M. CLAYBORN  
 RANDALL C. COBB  
 OLEGARIO COSS, JR.  
 DANIEL T. COULTER  
 MICHAEL J. CRIVELLO  
 BRAD T. CUNNINGHAM  
 DONALD S. DAIS  
 NIKKI L. DAVIS  
 DAVID W. DEGROOT  
 DANIEL P. ERWIN  
 OSCEOLA M. EVANS  
 CHRISTOPHER E. EVERETT  
 PATRICK A. EVERLEY  
 MICHAEL D. FARJELLAH  
 DWAN E. FIGUEROA  
 AARON M. FLAGG  
 MYIESHA M. FREEMAN  
 RADAMES PUENTES  
 DANNY R. GARRETT  
 JAMES B. GIDDENS  
 CARRIE L. GRAVES  
 FRANK W. GROVER  
 FRANCISCO I. GUMATAOTAO  
 CHAD W. HALE  
 SARA J. HARMON  
 CHRISTOPHER L. HATCHER  
 JENNY R. HAYES  
 BRENT B. HAYWARD  
 MICHAEL B. HENRY  
 GLORIA J. HERNANDEZ  
 JENNIFER R. HERNANDEZ  
 JEREMY R. HERSHFELD  
 PAUL HESTER  
 JASON L. HIPPS  
 SHAUNTA HOLLINGSWORTH

SARA J. HORAK  
 DONOVAN L. HORTON  
 STEVEN J. JACKSON  
 ADRIAN R. JOHNSON  
 ERIK J. JOHNSON  
 SHEILA M. JOHNSON  
 ERIN J. JOHNSONKANAPATHY  
 JACK D. JOHNSTON  
 MARK C. JONES  
 RICCO A. JONES  
 CRAIG J. KEECH  
 MICHELE M. KEHRLE  
 THOMAS H. KENNEDY  
 HEE KIM  
 JOHN M. KIRALY  
 BENJAMIN C. KIRKUP  
 KELLIE L. KNIGHT  
 JASON W. KRANTZ  
 DEXTER O. LAMAR  
 JOHN T. LAVOIE  
 CALEB J. LAZARRE  
 MEGHAN C. LEARY  
 JIM R. J. MANAGBANAG  
 ELIZABETH J. MANGINI  
 VANESSA N. MAYOQUINO  
 THERESA R. MCDONALD  
 JAMES E. MCLIN  
 SEAN P. MCLOUGHLIN  
 JAMES A. MCWHERTER, JR.  
 BRIAN K. MILLER  
 PATRICK W. MILLER  
 JESSICA A. MILLOY  
 DAVID A. MOORE  
 SUMMER A. MOORE  
 KELBY R. MOWERY  
 JERRY E. MURPHY  
 DAVID D. NAPPER  
 SILVIE L. NAVE  
 QUI T. NGUY  
 AARON NORTHUP  
 MARK S. NORTON  
 STEVEN M. OLIVER  
 DANIEL J. ONEILL  
 TAJUDEEN O. OTTUN  
 CHRISTOPHER M. PAINE  
 LISA M. PAROZ  
 PATRICIA H. PASSMANBEDESTANI  
 JANET K. PAYNE  
 ROBERT D. PETERSON  
 DEMETRIE L. PITTMAN  
 GINGER C. PURPURA  
 DONYA D. QUMAD  
 KENNETH M. REED  
 RUSSELL D. REIZNER  
 IGNACIO L. REMOLINA

THOMAS B. REZENTES, JR.  
 ELIEZEL RIVERA  
 OWEN L. ROBERTS  
 DEMECHEL Q. ROBINSON  
 ERIN C. ROBINSON  
 LLOYD F. ROESCH III  
 DAVID A. ROSS  
 BENJAMIN M. ROWE  
 AIMEE C. RUSSCO  
 DALE W. RUSSELL  
 SUMESH SAGAR  
 JOHNNY W. SANDERS  
 GREGORY L. SCHAEFER  
 MARK R. SCHECKELHOFF  
 KEVIN R. SHUSTER  
 KELLY G. SEIBER  
 PATRICE E. SHANAHAN  
 CARL L. SHAW, JR.  
 ROBERT L. SHAW  
 ANTHONY T. SHIEPKO, JR.  
 DOUGLAS R. SHOTTON, JR.  
 LEON K. SMITH  
 SCOTT SORQUIST  
 WALTER J. SOWDEN  
 NICOLE C. SPEARS  
 CHRISTOPHER D. SPLICHAL  
 JONATHAN D. STALLINGS  
 MARTHA M. STEWART  
 DEBRA M. STONE  
 SIMON J. STRATING  
 CURTIS D. STRONG  
 FRANCIS E. SULLIVAN  
 JOSHUA G. SUTHERS  
 TROY S. TALLEY  
 ARNOLD F. TALLEYRAND  
 JOSEPH R. TAYLOR  
 DONNA J. TERRELL  
 SHONDRA F. THOMAS  
 TEATRIC T. THOMAS  
 SARA J. TORRES  
 DAMONE TURNER  
 TRAVIS T. TURNER  
 JOSEPH W. WALKER  
 MICHAEL T. WALKINGSTICK  
 SHANNON D. WALLS  
 DORIAN A. WALTON  
 LAURA L. WANG  
 ELIZABETH W. WANJA  
 BRIDGET A. WASHINGTON  
 TROY M. WASKOVIK  
 JASON R. WEIR  
 DANIEL C. WIGGINS  
 VICKEE L. WOLCOTT

## EXTENSIONS OF REMARKS

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 11, 2012 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### DECEMBER 12

10 a.m.

Committee on Finance  
Subcommittee on Energy, Natural Resources, and Infrastructure  
To hold hearings to examine tax reform and Federal energy policy, focusing on

incentives to promote energy efficiency.

SD-215

#### Committee on Veterans' Affairs

To hold hearings to examine the nominations of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, and William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

#### Committee on the Judiciary

To hold hearings to examine the nominations of Shelly Deckert Dick, to be United States District Judge for the Middle District of Louisiana, Andrew Patrick Gordon, to be United States District Judge for the District of Nevada, Ketanji Brown Jackson, of Maryland, to be United States District Judge for the District of Columbia, and Beverly Reid O'Connell, to be United States District Judge for the Central District of California.

SD-226

2 p.m.

#### Committee on the Judiciary

Subcommittee on the Constitution, Civil Rights and Human Rights  
To hold hearings to examine ending the school-to-prison pipeline.

SD-226

#### DECEMBER 13

10 a.m.

#### Committee on Finance

To hold hearings to examine improving care for dually-eligible beneficiaries, focusing on a progress update.

SD-215

#### Committee on the Judiciary

Business meeting to consider S. 1223, to address voluntary location tracking of electronic communications devices, and S. 1560, to enhance access to controlled substances for residents of institutional long-term care facilities.

SD-226

#### Committee on Foreign Relations

Subcommittee on Near Eastern and South and Central Asian Affairs

To hold hearings to examine terrorist networks in Pakistan and proliferation of improvised explosive devices (IEDs); to be immediately followed by a closed hearing in SVC-217.

SD-419

#### Committee on Small Business and Entrepreneurship

To hold hearings to examine Hurricane Sandy, focusing on assessing the Federal response and small business recovery efforts.

SR-428A

2:30 p.m.

#### Select Committee on Intelligence

To hold a closed business meeting to consider certain intelligence matters.

SH-219

#### DECEMBER 19

10 a.m.

#### Committee on the Judiciary

To hold hearings to examine the state of the right to vote after the 2012 election.

SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HOUSE OF REPRESENTATIVES—Tuesday, December 11, 2012

The House met at noon and was called to order by the Speaker.

### MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### FISCAL CLIFF UPDATE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair recognizes the gentleman from Ohio (Mr. BOEHNER) for 5 minutes.

Mr. BOEHNER. Mr. Speaker, last week, Republicans made a serious offer to avert the fiscal cliff, and most of it was based on testimony given last year by President Clinton's former Chief of Staff, Erskine Bowles. As Mr. Bowles himself said on Sunday: "We have to cut spending." Well, he's right. Washington has a spending problem. Let's be honest: we're broke. The plan that we have offered is consistent with the President's call for a "balanced approach."

A lot of people know that the President and I met on Sunday. It was a nice meeting, it was cordial; but we're still waiting for the White House to identify what spending cuts the President is willing to make as part of the "balanced approach" that he promised the American people. Where are the President's spending cuts? The longer the White House slow-walks this process, the closer our economy gets to the fiscal cliff.

But here's what we do know: we know that the President wants more stimulus spending and an increase in the debt limit without any cuts or reforms. That's not fixing our problem. Frankly, it's making it worse. On top of that, the President wants to raise tax rates on many small business owners. Now, even if we did exactly what the President wants, we would see red ink for as far as the eye can see. That's not fixing our problem either; it's making it worse and it's hurting our economy.

I think the Members know that I'm an optimist. I'm hopeful that we can

reach an agreement. This is a serious issue, and there's a lot at stake. The American people sent us here to work together towards the best possible solution, and that means cutting spending.

Now, if the President doesn't agree with our approach, he's got an obligation to put forward a plan that can pass both Chambers of Congress. Because right now the American people have to be scratching their heads and wondering: When is the President going to get serious?

### RECOGNIZING VICTOR DICARLO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ALTMIRE) for 5 minutes.

Mr. ALTMIRE. Mr. Speaker, I rise today to recognize Victor DiCarlo for receiving the National Order of the French Legion of Honor, the highest decoration that France bestows for meritorious service. I also want to commend Mr. DiCarlo for his unwavering service to his country during World War II. It's truly a privilege to be able to honor a constituent who so exemplifies patriotism and the American spirit.

Established by Napoleon Bonaparte in 1802, the National Order of the French Legion of Honor is a merit-based distinction awarded for exceptional civilian or military service. The Order's motto, "Honor and Fatherland," reaffirms a celebration of patriotism and service for its recipients.

Victor DiCarlo was drafted into the Army 2 months after he graduated from Pittsburgh's Schenley High School in 1944. He arrived in France in 1945 and was assigned the responsibility of aiding the Allied Forces in reversing gains made by the German Army. He first saw combat in the Moselle region, helping the Allied Forces by breaking through the heavily fortified infamous Siegfried Line, a 390-mile defense system set up by the German Army along the country's western border that contained a series of tank traps and manned bunkers.

After successfully breaking through the Siegfried Line, Victor headed north in order to provide assistance to the undermanned and underequipped Allied Forces during the famous Battle of the Bulge. He also saw combat in the Rhineland region and all around central Europe throughout the duration of World War II. His division also helped to liberate two concentration camps, one in Austria and one in Germany.

Upon receiving an honorable discharge from the service, Victor was awarded the Bronze Star by the United States for his committed, meritorious service to his country during World War II, a fitting honor for a patriot of Victor's caliber. This year, on September 27, 2012, Victor added another decoration when he was awarded the French Legion of Honor during a ceremony here in Washington, D.C. at the French Embassy. He was given the honor for his military service in helping to secure the liberation of France.

The determination, bravery, and selflessness of Victor DiCarlo and so many like him is why we consider his generation the greatest. After the war, Victor returned home, earned an engineering degree from Tri-State College in Indiana, and worked as an engineer until his retirement from Westinghouse in 1989. He and his wife have five children, 13 grandchildren, and one great-grandchild.

I ask my colleagues to join me in celebrating an individual who is emblematic of the greatest armed forces in the world. World War II is filled with stories of heroism, triumph, and patriotism; and it is truly an honor to share Victor's story with my colleagues today.

I again want to commend Victor DiCarlo for his commitment to his country and join with his family in congratulating him for being awarded the prestigious National Order of the French Legion of Honor.

### BIDDING FAREWELL TO OUTGOING OHIO MEMBERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TURNER) for 5 minutes.

Mr. TURNER of Ohio. Mr. Speaker, I am here today to extend my sincere and best wishes as five of my fellow Ohioans will be leaving the House at the adjournment of this Congress.

Ohioans have benefited greatly from the dedication and service of Representative STEVE LATOURETTE, who occupies the Speaker's chair today; Representatives DENNIS KUCINICH; JEAN SCHMIDT; BETTY SUTTON; and STEVE AUSTRIA. On a personal note, I want to thank Representative STEVE LATOURETTE for both his mentorship and his guidance and leadership in Congress.

I've had the privilege of working across the aisle with each of these lawmakers in support of our fellow Buckeyes and Americans. Their service to our home State of Ohio and to our Nation will not end with this Congress.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Their innovative ideas and selfless service will be felt long after they leave the people's House.

I look forward to their future roles as Ohioans, committed to advancing the interests of our communities, our State, and our great country.

#### AT LAST, FISCAL CLIFF DEBATE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 5 minutes.

Ms. PELOSI. Mr. Speaker, I come to the floor very pleased that our Speaker of the House, Mr. BOEHNER, has brought the discussion of our fiscal challenges to this floor. Indeed, it is long overdue. We have been calling upon the Speaker to bring forth a middle-income tax cut now for a very long time—in fact, since last summer when it passed the United States Senate. The President stands ready and poised with his pen to sign it.

Democrats in the House have a discharge petition to bring that bill to the floor. What stands in the way is an act on the part of the Republican majority to bring a middle-income tax cut to the floor of the House, which across the country has almost universal support and which I think in this body, given the right to vote for it, would have overwhelming support.

Up until now, everybody in the country—in fact, in the world—has been talking about what's going to happen—those who pay attention to such matters—what's going to happen in the budget debate in the Congress and with the President. At last, that subject comes to the floor.

□ 1210

What I would do to respond to what the Speaker has said, though, is to set the record straight. The fact is that the President has, and Democrats agree with him, agreed to around \$1.6 trillion in cuts in the Budget Control Act and other acts of Congress in this particular Congress, \$1.6 trillion in cuts. Where are the cuts? They're in bills that you, Mr. Speaker, have voted for.

Secondly, on the issue of the entitlements with the Affordable Care Act and with legislation, suggestions and provisions in the President's budget, it amounts to over \$1 trillion in savings in Medicare, over \$1 trillion in savings which have been redirected to prolonging the life of Medicare, making it stronger for nearly a decade while increasing benefits for our seniors and those who depend on Medicare—not reducing but increasing benefits. There's been a massive misrepresentation about what that is, so I want to set the record straight. So in terms of spending cuts, we are on the record having voted for about \$1.6 trillion.

In terms of entitlement reform, there is over \$1 trillion already and more

savings to be gained in further discussions on the subject by a strong down payment.

What is missing are two elements that the President has put forth in his budget: growth, investments in infrastructure—yes, the President has called for investments in infrastructure to build the infrastructure of America and to create jobs to grow our economy; and, where are the revenues? Where are the revenues? Regardless of the cuts or the changes in entitlements, more is demanded in terms of what seniors would have to pay into Medicare and at what age that would happen, while the Republicans refuse to touch one hair on the head of the wealthiest people in our country.

The public overwhelmingly, 2-1, supports the President's initiative for extending the middle-income tax cuts whereby 100 percent—100 percent—of U.S. taxpayers get a tax cut. Above 250—the people making more than \$250,000 a year would be asked to pay a little more to contribute to the fiscal soundness of our country, to pay our bills, the defense of our country, the support of our troops, the pillars of security for our seniors, the education of our children and the safety of our neighborhoods.

This is just asking them to pay a little bit more while they continue to get the same tax cut that everyone does. So it is 100 percent of the American people get a tax cut, the upper 2 percent are asked to pay a little bit more.

So I thank the Speaker for finally at least uttering the words on the floor of the House about what the decisions are that need to be made. Again, we have committed to the cuts, we have acted upon the entitlements, the President has more in his budget, all of this would be a down payment for as we go forward into the next session of Congress to talk about tax simplification and fairness, how we can perhaps lower rates while plugging up loopholes and having a Tax Code that encourages growth in our economy.

But that is a longer discussion as we address the issue of how we strengthen our entitlements not by diminishing benefits but by getting more for what we are spending. So if it's Social Security, any changes in Social Security should be left to strengthen Social Security. If it's Medicare, any changes should be there to strengthen Medicare, not to underwrite and subsidize tax cuts for the wealthiest people in our country.

So, again, I welcome the Speaker's statement that he wants to solve the problem. The President has put forth his budget, which has his initiative in it. He has said that he's willing to make some changes. But it's really important that any changes not hurt the middle class. It comes right down to this. Again, I've said, it's not about the price of the high-end tax cut, it's about

the money that it generates. You can find the money another way at the high end. Let's see what that discussion is. But it is not to burden the middle income in order to have bigger tax cuts at the high end.

Those high-end tax cuts only increase the deficit. They have not created jobs. It's simply unfair, and it doesn't work. So hopefully the clock is ticking, we're getting closer to the holidays, and that means closer to the end of the year, which is fraught with meaning in terms of time and the rest of this. I don't think there's any reason for us not to come to the table to make an agreement to give confidence to consumers in this holiday season and to the markets at their end of year decisions so that we will have the growth—the growth, the jobs that produce revenue. That approach is the way to create jobs to reduce the deficit.

We want to fix the deficit, grow the economy, and do so in a way that makes responsible cuts and strong investments for our seniors and the pillars of economic security for them and for their family. It is not a time to inject even more uncertainty into the lives of the American people and the economy of our country—and what that means globally. It simply isn't the time. Many of these ideas are bad at any time, but they're particularly harmful at this time.

So, again, I thank the Speaker for bringing the issue finally to the floor of the House of Representatives. I look forward to how we can move quickly because time is of the essence, and every day that we can remove all doubt about the full faith and credit of the United States of America, our investments in the future, our creation of jobs and our respect and support for the economic and health security of our seniors, every day we can do that, but more quickly, is a good day.

#### THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. AUSTIN SCOTT) for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, ladies and gentlemen of America, every day that I'm on the floor, I can't help but be reminded that facts are a stubborn thing, and I simply want to talk to you about the facts today. You see, the President and the Democratic leadership spent the last 4 years blaming George Bush for driving our economy into the ditch. Now, as President Obama drives our economy towards the fiscal cliff, I'd like to share with you some remarks, remind you, remarks that he made during his Fiscal Responsibility Summit held on February 23, 2009, at the White House.

The President said:

We cannot and will not sustain deficits like these without end. Contrary to the prevailing wisdom in Washington these past few



years, we cannot simply spend as we please and defer the consequences to the next budget, the next administration, or the next generation. We're paying the price for this budget right now.

He continued:

In 2008 alone, we paid \$250 billion in interest on our debt—1 in every 10 taxpayer dollars. That is more than three times what we spent on education that year, more than seven times what we spent on VA health care. So if we confront this crisis without also confronting the deficits that helped cause it, we risk sinking into another crisis down the road as our interest payments rise and our obligations come due. Confidence in our economy erodes, and our children and grandchildren are unable to pursue their dreams because they're saddled with our debts.

That's why today, I'm pledging to cut the deficit we inherited by half by the end of my first term in office. Now, this will not be easy. It will require us to make difficult decisions and face challenges we've long neglected. But I refuse to leave our children with a debt they cannot repay. That means taking responsibility for it right now, in this administration, for getting our spending under control.

Now, let's do the math, Mr. Speaker. The deficit that the President is talking about is this 1.4, the \$1.4 trillion deficit that he's talking about. Now, according to his own proposal, if he gets all of the tax increases that he has asked for, and I want to make this clear, his revenue estimate right here assumes that he gets the tax increases that they're asking for.

□ 1220

You still have a \$900 billion deficit, ladies and gentlemen. He promised it wouldn't be any bigger than \$700 billion. That means that the President owes the American taxpayer \$200 billion in cuts, not over the course of 10 years, but over this year right now, the fiscal year 2013 that we're in.

Mr. Speaker, the President made a pledge to cut spending not to the Republican Members of Congress. He doesn't even speak to us, if you want to know the truth of the matter. He made a pledge to cut spending to the citizens of the United States of America so that our children and grandchildren would be able to pursue their dreams instead of being saddled with our debts.

Mr. Speaker, a pledge from the President of the United States to the citizens of this country should mean something. Instead, his plan in his budget, assuming his tax increases, leaves our children and grandchildren with a debt of more than \$21 trillion. That, ladies and gentlemen, is something that we simply cannot allow him to do to our country and to our children.

#### THE HIGHEST BUDGET DEFICITS IN AMERICAN HISTORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, I appreciate the words of my colleague from

Georgia. He was the president of this freshman class that the American people elected in 2010, about 99 new Members, mostly Republicans, but Democrats as well. It was one of the largest freshman classes we've had in history.

I remember when the President spoke those words that my colleague from Georgia just quoted, when he said by the end of his first term he was going to cut the deficit in half. I remember chuckling just a little bit and thinking what a low bar to set, having run such a huge campaign as he ran in 2007 and 2008, just to cut the deficit in half. I thought we could do better. I didn't realize at the time, of course, that we were going to begin, during the Obama administration, running the highest budget deficits in American history. Formerly, the Bush deficits had been the highest deficits in American history. Of course, President Obama took those deficits not just to that level, not to just twice that level, not to just three times that level, but almost four times the level of what were formerly the highest deficits in American history.

This campaign, Mr. Speaker, he spent the entire campaign campaigning on raising taxes on the 1 percent. He said he had a mandate to do that because he talked about that for 2 years and folks elected him President, and they did. Candidly, Mr. Speaker, that's not a new idea.

I show you here this red line, which represents the tax burden, the bills that the top 1 percent of America pays; this blue line represents the bills that the 80 percent of the rest of us pay. It goes back to 1979 and Jimmy Carter. You will see that every single President in my lifetime has gone with that tried-and-true formula of asking the top 1 percent to pay more. Every President in my lifetime has gone with the tried-and-true formula of telling the American voter that they can have all the government they want, and they won't have to pay for it.

In fact, as we sit here today, Mr. Speaker, the last year for which the Congressional Budget Office has numbers, the bottom 80 percent of America, most of us, pays only 6 percent of the income tax burden in America. Eighty percent of us pay 6 percent of the burden. The top 1 percent today are paying 39 percent of the burden.

Mr. Speaker, raising taxes on people is easy. In fact, if we give the President every nickel that he wants in tax increases, it doesn't even solve 1 month of deficits in this Congress, not 1 month. In fact, it solves about two-thirds of 1 month, and that's if we don't spend any of it. And as the Minority Leader just so eloquently said, he wants to spend a lot of it on investment in this country. So this whole discussion, this whole business of tax increases that the President spent 2 years building a mandate for, solves less than 1 month of the problem.

Mr. Speaker, my challenge today to the White House, to my friends on the left: Make it hard on me as a freshman conservative. Make it hard. Lay out those tax increases right beside solutions to the real problem, which is spending, and make those spending reductions so large and so powerful and so helpful to the American economy that I'll have no choice but to agree to your tax increases so that we can save the country by solving the real problem, which is spending.

There is no leadership, Mr. Speaker, in raising taxes on the 1 percent. We've been doing it for a long time. The problem in this town is spending, and we have yet to see the leadership from the White House on that problem. If we give them everything they want, it solves less than 1 month of the deficit. We, Republicans and Democrats, Congress and the White House, owe the American people so much better.

Let's not kick the can down the road. Let's do it right now in these discussions.

#### TIME FOR LEADERSHIP

The SPEAKER pro tempore (Mr. WOODALL). The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE) for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, I hadn't planned on talking, but as I conclude my service here in the United States Congress, every time somebody comes down to the well and says that they want to set the record straight, the record winds up looking like the hind legs of my dog: very crooked.

Knowing a little bit about this and caring about this issue, as everybody that serves in this Congress does, I really feel compelled to talk about where we are. And I'm heartened by the fact that both the Speaker and the minority leader spoke today about the need to come up with a solution.

Last spring, a guy named JIM COOPER, a Member from Tennessee, and I offered in response to the budget resolutions that were going on, something called "Simpson-Bowles." Simpson-Bowles is also known as the fiscal commission appointed by President Obama to look at the Nation's fiscal problems and come up with a set of recommendations.

The fact is that, even though it was President Obama's commission, he has not sought to implement one of the recommendations. Why? Because the recommendations are tough. There's a lot of tough love. You don't get into a situation as a country where you owe \$16 trillion and not have a solution that involves some difficulty and some sacrifice.

Included in there—and sadly, as you listen to the news accounts and you listen to some of the comments on the floor—the rhetoric is that those mean, nasty, nasty, mean Republicans are so

interested in protecting the rich people in this country that they're not willing to increase and ask them to give just a little bit more. As one Republican who, in fact, says give the President the 2 percent of the rate increases that he's looking for—that still doesn't solve the problem, as Mr. WOODALL so eloquently indicated—I would come at it a different way.

If you let the Bush tax cuts expire on the top 2 percent of wage earners in this country, by the President's numbers—not my numbers, not some number that was pulled out of the campaign—it raises about \$900 billion over 10 years. Not being the sharpest knife in the drawer when it came to math when I was growing up, even I can do that. If you divide \$900 billion by 10 years, you wind up with \$90 billion a year. That \$90 billion a year is enough to run the Federal Government for 11 days.

The fiscal year around here ends on September 30. The President's proposal, in terms of sticking it to the rich people, making them pay a little bit more, gets you from the end of the fiscal year on September 30 to Columbus Day. Then what? It completely ignores the fact that two-thirds of the Federal budget—the Federal budget is \$3.6 trillion.

Two-thirds of the Federal budget is what is called the "middle class entitlements." It's Medicare, Medicaid, Social Security, and the interest on the debt. Those checks go out automatically. There is nothing that any Member of Congress has to vote on, unless you have a proposal, which Simpson-Bowles was and is.

You may hear the ads playing on the radio from the Nation's CEOs and others saying, We can't play small ball. We've got to come up with a package that actually heals the country.

If there is a sadness that I have and one of the reasons I'm leaving is, if you listen to the people talking, the President's advisers are saying, Well, you know, going over the fiscal cliff, we're putting the Republicans in this box and the 2 percent, that's good for the President. And you hear the Democrats saying, Listen, if we can have this discharge petition, make people not like Republicans, that's good for the Democratic Party as we go forward.

□ 1230

Some people, quite frankly, in my party—the Republican Party—are saying, Hey, listen. If we can paint the President and the Democrats as tax and spenders, then that's good for our party.

Mr. Speaker, when are people going to stop thinking about what's good for themselves or good for their parties and start thinking about what's good for America?

What's good for America is that we've got to come together and solve

this problem, not just with taking that \$90 billion, which really is not much, but with reforming our Tax Code. We have to look at the programs of Social Security and Medicare, not to eviscerate them, not to throw Granny out on the street, not to not have health care for people in this country, but to make those programs not only viable today—but what about the people in their forties and thirties and twenties?

They did a survey a little while ago of high school seniors, and asked: What are you more likely to see, a Social Security check or a UFO, an unidentified flying object? More seniors picked the UFO, and with some of the leadership around here, I'm not surprised that they picked the UFO.

The fact of the matter is that we can't play small ball. When COOPER and I put this thing on the floor last spring, it got 38 votes; 26 Democrats and 12 Republicans were willing to stand up and do this. It's time for the big deal, and it's time for leadership.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

Throughout history, You have been ever present to all believers. In times of darkness, we readily turn on lights. Millions of Americans in this season have variously turned to the celebration of the Christmas season, with its trees and lights, and Hanukkah, the Festival of Lights.

Even so, in our political world, there remains the reality of considerable disagreement and contention. Where there is darkness here, send forth a spark of inspiration and grace to enlighten minds and warm hearts to respond to Your love for Your people.

Eternal Father of us all, fill Your children with the delight that comes from light. May we walk no longer in the darkness of distrust, but join together in mutual understanding and peace toward the common well-being of our Nation.

May all that is done this day be for Your greater honor and glory. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOLD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOLD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### TACKLING OUR OUT-OF-CONTROL SPENDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday, the President and House Speaker BOEHNER met to discuss the impending fiscal cliff. The next day, the President jetted off to Michigan to campaign for tax increases, instead of staying in Washington to work on a possible plan.

With a national debt of over \$16 trillion, Washington's out-of-control spending is placing our national security at risk. Clearly, spending is the threat, with an increase of 93.5 percent over 10 years and revenues increased only 15.7 percent. Raising taxes on the American economy will destroy jobs.

Reports have indicated that raising taxes on the top 2 percent will generate up to \$80 billion a year. This amount of money covers less than 10 percent of our Nation's annual deficits. It's my hope that the President will address the fiscal cliff to work with House Republicans to promote small business job growth.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### WORKING TOWARD BIPARTISAN SOLUTIONS

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, today I rise because the fiscal cliff is upon us. And one thing that I know is clear in talking to my constituents, time and time again, they're looking for solutions to the problems that we face. I believe that the solutions that are out there aren't going to come from one party or the other party; they're going to come from us working together, forging a bipartisan solution to the problems that we face. And I hope that we can go bigger than what is simply asked of us.

Mr. Speaker, one of the great pleasures of being here is to be able to work with good friends, and I want to thank my good friend STEVE LATOURETTE for his leadership and JIM COOPER as well for the thought of putting together the Cooper-LaTourette budget based on Simpson-Bowles, that talks about a solution that really helps us get our entitlements under control, helps raise revenues, and puts a solution on the table.

So today, I'm asking my colleagues to join with me to try to make sure that together we put a bipartisan solution on the table. And I want to thank my good friend, STEVE LATOURETTE, for his leadership, and JIM COOPER as well.

### LET'S WORK TOGETHER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. I thank the Speaker this afternoon, and I am grateful for the words, the prayer that was offered about light, both of inspiration and collaboration.

I think there are bipartisan voices crying out for an acceptance of a tax cut on 98 percent of the American people. That is why the President went to Michigan, to speak to working men and women, to be able to reaffirm their voices that were spoken so loudly on November 6. Let us have a tax cut that will impact 98 percent of the American people and businesses. And let us collaboratively work together for the steps going forward.

But let me be very clear. Having spoken to physicians yesterday in meetings in hospitals, you cannot raise the eligibility rate of Medicare recipients. It just will not work. You cannot judge a person's physical condition between 65 and 67. That is not the way to balance the budget and reduce the deficit. We know that entitlements, Social Security, is not the issue. Pass the tax cuts on 98 percent, Mr. Speaker, and work collaboratively in 2013 to find a pathway forward to make this economy the growing economy that it has

begun to be. I ask my colleagues, let's work together.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 11, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol,  
House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2012 at 11:08 a.m.:

That the Senate passed without amendment H.R. 3187.

That the Senate agreed to S. Res. 612.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, December 7, 2012:

H.R. 6156, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1830

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 6 o'clock and 30 minutes p.m.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112-700) on the resolution (H. Res. 827) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 102, answered “present” 3, not voting 54, as follows:

[Roll No. 620]

YEAS—272

|               |                |                   |
|---------------|----------------|-------------------|
| Ackerman      | Davis (CA)     | Johnson, Sam      |
| Aderholt      | Davis (IL)     | Jordan            |
| Alexander     | DeGette        | Kaptur            |
| Amodel        | DeLauro        | Keating           |
| Austria       | DelBene        | Kelly             |
| Bachus        | Dent           | Kildee            |
| Barber        | DesJarlais     | King (IA)         |
| Barletta      | Diaz-Balart    | King (NY)         |
| Barrow        | Dingell        | Kingston          |
| Barton (TX)   | Doggett        | Kissell           |
| Bass (NH)     | Dreier         | Kline             |
| Berg          | Duncan (SC)    | Labrador          |
| Berkley       | Duncan (TN)    | Lamborn           |
| Berman        | Edwards        | Lankford          |
| Biggert       | Ellmers        | Larsen (WA)       |
| Bilirakis     | Emerson        | Larson (CT)       |
| Bishop (GA)   | Engel          | LaTourette        |
| Bishop (UT)   | Eshoo          | Latta             |
| Blackburn     | Farr           | Levin             |
| Blumenauer    | Fattah         | Lewis (CA)        |
| Bonamici      | Fincher        | Lofgren, Zoe      |
| Bonner        | Flake          | Long              |
| Bono Mack     | Fleischmann    | Lowe              |
| Boswell       | Fleming        | Lucas             |
| Boustany      | Forbes         | Luetkemeyer       |
| Brady (TX)    | Fortenberry    | Lujan             |
| Braley (IA)   | Franks (AZ)    | Lummis            |
| Brooks        | Frelinghuysen  | Lunnen, Daniel E. |
| Brown (GA)    | Fudge          | Mack              |
| Brown (FL)    | Garamendi      | Maloney           |
| Buchanan      | Gerlach        | Marino            |
| Bucshon       | Goodlatte      | McCarthy (CA)     |
| Buerkle       | Gowdy          | McCaul            |
| Butterfield   | Granger        | McClintock        |
| Calvert       | Green, Al      | McCollum          |
| Camp          | Grimm          | McHenry           |
| Campbell      | Guthrie        | McIntyre          |
| Canseco       | Hahn           | McKeon            |
| Cantor        | Hall           | McKinley          |
| Capito        | Hanabusa       | McMorris          |
| Capps         | Harper         | Rodgers           |
| Carnahan      | Harris         | McNerney          |
| Carney        | Hartzler       | Meehan            |
| Carson (IN)   | Hayworth       | Meeks             |
| Carter        | Heinrich       | Mica              |
| Cassidy       | Hensarling     | Michaud           |
| Castor (FL)   | Herger         | Miller (MI)       |
| Chabot        | Higgins        | Miller, Gary      |
| Chaffetz      | Himes          | Murphy (CT)       |
| Chu           | Hinchey        | Murphy (PA)       |
| Cicilline     | Hinojosa       | Myrick            |
| Clarke (MI)   | Hirono         | Nadler            |
| Clarke (NY)   | Hochul         | Napolitano        |
| Clay          | Holt           | Neugebauer        |
| Cleaver       | Huelskamp      | Noem              |
| Clyburn       | Huizenga (MI)  | Nunes             |
| Coble         | Hultgren       | Olson             |
| Cohen         | Hunter         | Palazzo           |
| Cole          | Hurt           | Payne             |
| Conaway       | Israel         | Pearce            |
| Connolly (VA) | Issa           | Pelosi            |
| Cooper        | Jackson Lee    | Pence             |
| Courtney      | (TX)           | Perlmutter        |
| Crenshaw      | Jenkins        | Petri             |
| Crowley       | Johnson (GA)   | Pingree (ME)      |
| Cuellar       | Johnson, E. B. |                   |

|               |                  |               |
|---------------|------------------|---------------|
| Platts        | Ryan (WI)        | Thompson (PA) |
| Polis         | Sanchez, Loretta | Thornberry    |
| Pompeo        | Scalise          | Tiberi        |
| Posey         | Schiff           | Tonko         |
| Price (NC)    | Schmidt          | Tsongas       |
| Quigley       | Schwartz         | Turner (NY)   |
| Rehberg       | Schweikert       | Turner (OH)   |
| Richardson    | Scott (SC)       | Upton         |
| Richmond      | Scott (VA)       | Van Hollen    |
| Rivera        | Scott, Austin    | Walden        |
| Roby          | Scott, David     | Walz (MN)     |
| Roe (TN)      | Sensenbrenner    | Wasserman     |
| Rogers (AL)   | Serrano          | Schultz       |
| Rogers (KY)   | Sessions         | Waters        |
| Rogers (MI)   | Sherman          | Watt          |
| Rohrabacher   | Shimkus          | Waxman        |
| Rokita        | Shuster          | Webster       |
| Rooney        | Smith (NE)       | Welch         |
| Ros-Lehtinen  | Smith (NJ)       | West          |
| Roskam        | Smith (TX)       | Westmoreland  |
| Ross (FL)     | Smith (WA)       | Whitfield     |
| Rothman (NJ)  | Southerland      | Wilson (SC)   |
| Roybal-Allard | Speier           | Womack        |
| Runyan        | Stearns          | Yarmuth       |
| Ruppersberger | Stutzman         | Young (FL)    |
| Rush          | Sullivan         | Young (IN)    |

## NAYS—102

|               |                 |                |
|---------------|-----------------|----------------|
| Adams         | Hastings (FL)   | Peterson       |
| Altmire       | Heck            | Poe (TX)       |
| Andrews       | Herrera Beutler | Price (GA)     |
| Baldwin       | Holden          | Quayle         |
| Bass (CA)     | Hoyer           | Rahall         |
| Becerra       | Johnson (OH)    | Rangel         |
| Benishkek     | Jones           | Reed           |
| Billray       | Kind            | Reichert       |
| Bishop (NY)   | Kinzinger (IL)  | Renacci        |
| Brady (PA)    | Kucinich        | Ribble         |
| Burgess       | Lance           | Rigell         |
| Capuano       | Landry          | Ryan (OH)      |
| Coffman (CO)  | Langevin        | Sánchez, Linda |
| Costa         | Latham          | T.             |
| Crawford      | Lee (CA)        | Sarbanes       |
| Critz         | LoBiondo        | Schakowsky     |
| Cummings      | Loebach         | Schrader       |
| Curson (MI)   | Lynch           | Sewell         |
| DeFazio       | Manzullo        | Shuler         |
| Denham        | Markey          | Slaughter      |
| Dold          | Massie          | Stivers        |
| Donnelly (IN) | Matheson        | Sutton         |
| Doyle         | Matsui          | Terry          |
| Duffy         | McDermott       | Thompson (CA)  |
| Farenthold    | McGovern        | Thompson (MS)  |
| Fitzpatrick   | Miller (FL)     | Tipton         |
| Fox           | Miller, George  | Velázquez      |
| Gardner       | Moore           | Visclosky      |
| Garrett       | Mulvaney        | Walberg        |
| Gibbs         | Neal            | Wittman        |
| Gibson        | Nugent          | Woodall        |
| Graves (GA)   | Pallone         | Yoder          |
| Green, Gene   | Pascrell        | Young (AK)     |
| Guinta        | Paulsen         |                |
| Hanna         | Peters          |                |

## ANSWERED "PRESENT"—3

|       |         |       |
|-------|---------|-------|
| Amash | Gohmert | Owens |
|-------|---------|-------|

## NOT VOTING—54

|             |               |             |
|-------------|---------------|-------------|
| Akin        | Gingrey (GA)  | Olver       |
| Baca        | Gonzalez      | Pastor (AZ) |
| Bachmann    | Gosar         | Paul        |
| Bartlett    | Graves (MO)   | Pitts       |
| Black       | Griffin (AR)  | Reyes       |
| Boren       | Griffith (VA) | Ross (AR)   |
| Burton (IN) | Grijalva      | Royce       |
| Chandler    | Gutierrez     | Schilling   |
| Conyers     | Hastings (WA) | Schock      |
| Costello    | Honda         | Simpson     |
| Cravaack    | Johnson (IL)  | Sires       |
| Culberson   | Lewis (GA)    | Stark       |
| Deutch      | Lipinski      | Tierney     |
| Dicks       | Marchant      | Towns       |
| Ellison     | McCarthy (NY) | Walsh (IL)  |
| Flores      | Miller (NC)   | Wilson (FL) |
| Frank (MA)  | Moran         | Wolf        |
| Gallegly    | Nunnelee      | Woolsey     |

## □ 1848

Mr. MARKEY changed his vote from "yea" to "nay."

Mr. HURT changed his vote from "nay" to "yea."

Mr. GOHMERT changed his vote from "nay" to "present."

So the Journal was approved.

The result of the vote was announced as above recorded.

## IMMEDIATE RELEASE OF U.S. MARINE JON HAMMAR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise here to ask for the immediate release of U.S. Marine Jon Hammar, who has been unreasonably imprisoned by Mexican authorities since August, where, for a time, he was actually being shackled to his bed.

Lance Corporal Hammar is an outstanding young American combat veteran who clearly took every reasonable step to ensure that he was safely and legally transporting the antique firearm that he inherited from his great-grandfather. He spoke with our own Customs and Border Patrol agents, who assured him that he would be fine as long as he registered it with Mexican authorities.

Once in Mexico, Jon attempted to register his old-fashioned Sears and Roebuck shotgun and was immediately arrested as if he were a gunrunner.

I am calling on our State Department to act swiftly to get Jon released, and I am calling on our Department of Homeland Security to explain how their agents could have given Jon this wrong instruction.

Jon has suffered enough. Let's bring him home to his family, where he rightly belongs, in time for Christmas.

## CELEBRATING THE LIFE OF DAVE BRUBECK

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, I come to the House floor to celebrate the life of one of California's greatest native sons, the Ambassador of Jazz, Dave Brubeck. The man behind the immortal classics like "Take Five" and "Blue Rondo a la Turk" was born in Concord, California, a city I'm proud to represent.

Drafted to serve in General Patton's Army during World War II, he formed the Army's first integrated band. He would later tour with black musicians in the Jim Crow South during the height of the civil rights movement, insisting on a mixed-race quartet and integrated crowds. Because of this courageous stand, 23 out of 25 of his shows were canceled one summer.

"Jazz is the voice of freedom," he said.

With suave sophistication, Brubeck would become a leader in the West Coast cool jazz scene, putting California jazz on the map. Dave Brubeck

performed before Presidents, Prime Ministers, Premiers, and pontiffs. He was named a Jazz Master by the National Endowment for the Arts, and he was awarded the National Medal of the Arts.

On a personal note, during the 16 years I represented Stockton, Brubeck often came there to help the University of the Pacific and many charities.

Today, I hope everyone can Take Five to remember a remarkable American: Dave Brubeck.

□ 1900

## DENOUNCE CASTRO REGIME

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Yesterday, December 10, marked the 60th anniversary of International Human Rights Day. As usual, the Castro dictatorship demonstrated its brutal nature. Cuban state police violently arrested more than 100 dissidents and put another 100 to 150 under house arrest. Among those detained were about 80 members of the Ladies in White organization, a human rights organization that peacefully seeks change in Cuba. Many of them were arrested on their way to mass to celebrate at our Lady of Charity Basilica in the eastern town of El Cobre. About 45 Ladies in White were arrested in Havana, following their traditional march outside the Santa Rita Church after Sunday mass. Thirty-four Ladies in White were detained with violence as they tried to make their way to church.

Mr. Speaker, once again, I call on President Obama, the Obama administration, and the international community to denounce and condemn the terrorist Castro dictatorship's human rights abuses and continue to push for democratic change on that imprisoned island nation.

## RIGHT-TO-WORK IS WRONG FOR WORKERS

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Many decades ago, my father came to this country, like many other immigrants, to seek the American Dream. He got a job in the auto factory—a job that exposed him to toxins that ultimately killed him. My father died when I was 8 years old.

Today, the Michigan legislature approved right-to-work legislation, intending to roll back the clock on our labor laws. We cannot allow this to happen. Right-to-work is wrong for workers, and it must be stopped.

# WE GOT HERE BY SPENDING TOO MUCH, NOT TAXING TOO LITTLE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, “The last thing you want to do is to raise taxes in the middle of a recession because that would put businesses in a further hole.” That was President Obama in 2009. But that was then and this is now. President Obama now says he wants to save us all by raising taxes on a few Americans. But the idea is flawed. One, the plan only funds the government for a few days. Then what’s the plan, Mr. President? Two, according to the Senate Budget Committee, 75 percent of the new taxes will go towards spending, not deficit reduction.

This plan won’t work to solve our economic woes. The problem is the government just spends too much. Where’s the plan to cut spending? There isn’t one. We got here by spending too much, not taxing too little. After all, “the last thing you do in a recession is raise taxes”—quoting the President.

And that’s just the way it is.

## RECOGNIZING DEPARTING MEMBERS OF THE OHIO DELEGATION

The SPEAKER pro tempore (Mr. KINZINGER). Under the Speaker’s announced policy of January 5, 2011, the gentleman from Ohio (Mr. TIBERI) is recognized for 60 minutes as the designee of the majority leader.

### GENERAL LEAVE

Mr. TIBERI. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous materials for the RECORD on the topic of the Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIBERI. Mr. Speaker, tonight, we from Ohio would like to recognize and thank for their service five departing Members from the Ohio delegation. Congressmen STEVE AUSTRIA, DENNIS KUCINICH, STEVE LATOURETTE, JEAN SCHMIDT, and BETTY SUTTON will end their service with us at the end of this year. Over the next hour we would like to, as Republicans and Democrats, thank them for their service.

I would first like to recognize my colleague from central Ohio, Congressman STEVE STIVERS, for his remarks.

Mr. STIVERS. I would like to thank the gentleman for yielding.

I would like to say a few things about our five departing colleagues, who have given great service to our country. I want to thank them on behalf of the people of the 15th District for their incredible service and talk a little bit about each one.

I’ll start with Congressman STEVE LATOURETTE, whose service in Congress has really been incredible, and he’s been a role model for many of us who are younger. He’s been a great mentor. He’s not afraid to stand up for what he believes in. He knows that we’ve got to work together as Republicans and Democrats to solve our Nation’s problems. He’s an illustration of what a good Member of Congress should be—someone who’s always thinking about their constituents.

STEVE LATOURETTE had been a mainstay of Congress, and it won’t be the same here without him, especially on transportation issues. I’d like to just thank him for his support, as I had a transportation bill earlier in this Congress. He was very helpful. I had a plan to try to fund transportation projects differently, and he sat down with me and worked me through the process and helped me sit down with the folks at the Congressional Budget Office and folks in leadership to sell my idea. That bill passed the House with bipartisan support, with 20 Democrats voting for it and a lot of Republicans voting for it. I know I couldn’t have gotten that done without Congressman LATOURETTE. I’m sorry to see him retire. But he’s leaving behind a legacy of outstanding service, and he’s been an incredible Member of Congress, and I know there are great things in his future.

The gentlelady to my left, Congresswoman SCHMIDT, I grew up in her district. My family lives in her district, and they really appreciate her hard work and constituent service. She’s a runner. She runs marathons in her spare time, but she runs her office like a marathon. She’s always working for the people of her district, the Second District. It’s been incredible just to watch her advocacy for important things in all of her district. We share some territory down in southern Ohio now. She’s been a leader on the uranium enrichment plant in Piketon and what it can do for our country, for safety in our nuclear arsenal, and for what it can do as an economic driver in southern Ohio. On behalf of the people of southern and central Ohio, I want to thank the gentlelady for her work on that. She’s left a legacy that’s really going to make a difference in the future.

The Congressman from the Seventh District, Congressman AUSTRIA, and I served as State senators together. He got up here a couple of years before I did in 2008, back when my race was still in a recount. We came up to orientation together, and he showed a willingness and an interest to run for leadership of the class, to be the president of the class. I worked hard as his campaign manager. He got elected class president that year, and he went on to give great service to this class in Congress. He’s also been a leader on the

Appropriations Committee for these 2 years.

I’ve seen him work on some tough issues in the State senate, and I know he’s got great things in his future. I’m certainly sorry to see him retire. I’m proud of his service, and I’m happy to call him a friend. I’m looking forward to what is next in his life. And I know he’s going to do great things.

Also, our Members from the other side of the aisle. Congresswoman SUTTON and Congressman KUCINICH have really worked hard, and I appreciate all their work and efforts. DENNIS KUCINICH is really a man who sticks up for his principles. I certainly respect him for that. He’s willing to stand up for what he believes is right when nobody in this institution will. I really respect him for that. He’s also become a good friend. He’s a really nice fellow. I want to thank him for his service and wish him great luck in his future.

Congresswoman BETTY SUTTON, I really appreciate her service back to her time on the city council and the Summit County Council and the State legislature. She’s advocated for her constituents. I just want to thank her for her service.

I think it’s important that we as Republicans and Democrats work together on the issues that are facing our country, and I want to thank these Members for their service to our country and thank them for everything that they’ve done for the people of Ohio. And as a grateful coworker, I want to say: job well done.

□ 1910

Mr. TIBERI. Mr. Speaker, it is indeed a privilege to recognize one of the more famous members of our delegation because he is the Speaker of the House. Our leader, Mr. BOEHNER, is recognized.

Mr. BOEHNER. Let me thank my colleague for yielding.

I have proudly represented the people of the Eighth Congressional District of Ohio now for 22 years. During that time, our State delegation has had a long line of great leaders and great legislators here in the Congress.

Tonight, I want to recognize the careers and the service of five departing members from the Ohio delegation, each of whom in their own way exemplify the type of leadership for which our great State has long been known.

Congressman KUCINICH has been a passionate advocate for his community. While we haven’t always agreed, I respect his courage, his passion, and his commitment to his constituents.

Congressman STEVE AUSTRIA has worked tirelessly on military and veterans issues that are so important to the people we both serve. STEVE, for your efforts on behalf of Wright-Patterson Air Force Base, the community, and the people of southwest Ohio, you deserve a great deal of thanks and applause for your work.

Congresswoman JEAN SCHMIDT blazed the trail as the first woman elected to represent her southern Ohio district. She has served in this Chamber with a deep commitment to her principles and her faith, and I wish her the very best of luck.

Congresswoman BETTY SUTTON sits on the other side of the aisle, but we've always been able to disagree without being disagreeable. Like me, she served in the Ohio House before serving our State here in the Congress. I respect her for her straightforward nature and willingness to fight for her priorities and those of her constituents.

Finally, my friend and close colleague, STEVE LATOURETTE. Now, STEVE and I have known each other for a long time. STEVE, you've always done things your way; you're truly one of a kind. It really is not going to be the same around here without my good friend, STEVE LATOURETTE, but our friendship will continue; and I'm grateful for the relationship that we've had.

Each of these Representatives focused on different issues and led in their own way, but what they all have in common is a love for Ohio and an unwavering dedication to their constituents. So I'm honored to have worked with each of you, and on behalf of the people of our beloved State, I want to thank you for your service.

Mr. TIBERI. I would now like to recognize the gentleman from Urbana, Ohio (Mr. JORDAN).

Mr. JORDAN. I thank the gentleman for yielding. I thank him for putting this hour together where we can recognize five outstanding Buckeyes for their service to their districts and to our great State.

I want to start first with the two gentleladies—truly gentleladies, poise and grace and passion that they bring to this process. I have appreciated that. I have appreciated BETTY's tireless advocacy for the families that she represents in her district. For JEANNIE and her unbelievable commitment to the sanctity of human life, I respect that tremendously and appreciate that. That's going to be missed around these Halls.

Then to the two Steves. STEVE AUSTRIA, I had the privilege of serving with him in the State senate, outstanding American. He's done a great job representing his district. And then of course STEVE LATOURETTE as well. As I like to call them "Stevie Wonder Austria," "Stevie Wonder LaTourette," both great guys who have served their districts with the kind of commitment that you want in a Representative.

Then, finally, my good friend—we use that term a lot around here, but in this situation it's actually true. DENNIS KUCINICH is a good friend. We have had the privilege of working on a subcommittee together. I've said this back home in our district—it's no secret that I'm a pretty conservative guy and

DENNIS is not a very conservative guy, and yet I tell people that we're good friends.

Here is a guy who truly comes to this process with this idea: get your best hole, take your best shot, fight for the things you believe in. That's the way this process should work; that's how Representatives should behave; and DENNIS has done that just as good as anybody, and I respect that tremendously.

So we're losing five wonderful people, but they're going to continue to do great things for our State and continue in some form of public service, I'm sure. So I just want to say thank you and best of luck.

Mr. TIBERI. The next gentleman is not a member of the Ohio delegation, but an honorary member of the Ohio delegation. I certainly enjoy working with him on the Ways and Means Committee; he's a delightful man to work with. The former chairman of the Ways and Means Committee, Mr. RANGEL, is recognized.

Mr. RANGEL. Well, I thank you for this opportunity. It's always difficult when Members' political careers are interrupted. We're going to miss BETTY SUTTON on our side, and of course we're going to miss Mr. KUCINICH for all the great work he's done.

I remember, Congressman LATOURETTE, when your former Member, Lou Stokes, was on the floor and he demonstrated his friendship in a way that certainly most Members on both sides will never forget. And Mr. AUSTRIA is leaving.

One of the main reasons why I did come to the floor is because of JEAN SCHMIDT. When I first heard that she was defeated, they told me that her opponent had said that I endorsed her and that's the reason she lost the race. So I wanted to make it abundantly clear that while I did not endorse her politically, I certainly would have said what a nice lady she has been in being kind and gentle and Republican at the same time, and I thought that was quite an achievement.

Ms. SCHMIDT has managed to disagree with so many of the differences we have in policy; and yet the first thing that you would ever see on her face is a smile, asking you how you are feeling and having a genuine concern about that. I personally will miss you and miss the greetings that we had for each other and sharing each other's family experiences. It's really a classic example in showing what this great body used to be and what it can become when people can just take a few minutes and realize that we may all come from different political philosophies, but we are still the brothers and sisters and children of God.

I also want to thank Judge FUDGE for giving me this great opportunity in speaking with her great Buckeye delegation. Thank you so much.

Mr. TIBERI. I would now like to recognize one of our new Members who is returning for his second term from northeast Ohio, Mr. JIM RENACCI.

Mr. RENACCI. I want to thank my colleague for yielding time.

As a Representative of the 16th District of Ohio, I really want to thank each one of the departing Members for their service to not only the State of Ohio, but our country.

First, STEVE AUSTRIA, he has become a friend. As a new Member getting to know the House of Representatives, STEVE has become a good friend, a tireless advocate for Ohio and his district, but even more important, an advocate for Wright-Patterson Air Force Base during the BRAC process. He also fought to keep KC-135s at Rickenbacker Air and National Guard Base and the C-27Js at the ANG base in Mansfield. That's not just important for Ohio, but also for national security. I want to thank him for his service, and best of luck.

The next individual, DENNIS KUCINICH. DENNIS has been a true steward for northeast Ohio. While we don't agree on some of the issues, I have always considered DENNIS a very close friend. He has often offered to help me over the past 2 years when it comes to northeast Ohio. I have genuinely enjoyed our discussions, many times traveling back and forth from Washington, DC, to Cleveland. I will miss serving with DENNIS and wish him the best of luck going forward.

Congresswoman SCHMIDT also, when I got here 2 years ago, was someone who I knew that I could turn to. She's been a great leader for her district and someone who has really stepped up when it comes to energy issues in the Ohio delegation, specifically on re-enriching uranium. Our Navy relies on uranium, and JEAN made it a point to fight for a domestic source of materials that power our aircraft carriers and submarines. Without a faithful and reliable source of fuel, the Navy would not be able to fully protect the American homeland or protect power abroad. But not only that, JEAN has been a voice of fiscal responsibility during her time in Congress, and I wish her the best going forward.

My colleague, BETTY SUTTON. I want to thank BETTY SUTTON for her service to Ohio and our Nation.

□ 1920

Over the last year, we had a hard-fought and extremely competitive campaign. Throughout it, she maintained a level of professionalism and integrity not often seen in American politics. I want to thank her for her service, and I wish her the best of luck with her future endeavors.

Last, but not least, my friend, STEVE LATOURETTE, has been a friend, a guide, a trusted confidante and someone whom I have looked to as a mentor. He and I both strongly supported a

couple of issues: development of fuel cell technology through the Solid State Energy Conversion Alliance program. This technology will increase the efficient use of our Nation's natural resources, reduce dependence on foreign oil, and enhance energy security. I will miss working alongside him on this issue.

He has always been available if needed for advice or even as a sounding board. His answers have always represented what he believes to be best for me, regardless of his own position on an issue. For that, I was really appreciative. And the rest of Congress are really, we are losing an intelligent, thoughtful, and highly motivated public servant, one who always puts his constituents first.

While it will be sad to see him go, I wish him luck in his future endeavors. I truly thank him sincerely for his 18 years of service to Ohio and America.

Mr. TIBERI. It's a real pleasure to recognize the dean of our delegation, the pride of Toledo, Ms. MARCY KAPTUR.

Ms. KAPTUR. I thank you very much, Congressman TIBERI, for spearheading this Special Order to honor those in our delegation who have served with us so honorably these many years.

I was reflecting and listening to our colleagues that, with the departure of these wonderful, wonderful Americans who call Ohio their home, Ohio will lose over a half a century of seniority as they move on to other pursuits. On top of the seniority that was lost when Ralph Regula retired and Dave Hobson and Lou Stokes, we really have a rebuilding job to do in Ohio to gain footing here and to make sure that the needs of Ohio are met. So as these very able Ohioans leave, they take with them great knowledge and great dexterity in this institution, but we have to be conscious of our added responsibilities as they leave.

I want to say to my two sisters, to BETTY SUTTON, who has been a true champion on the middle class during her 6 years of service here, without question her voice has been heard and will be heard again. She has dedicated her life to public service and the betterment of the lives of Ohioans and all Americans. And what makes her service particularly poignant, I think, she is a very highly educated woman, but she is very, very proud of her working-class roots, her blue-collar roots, and it is not surprising that she was a tireless advocate for working men and women in her service here.

The Cash for Clunkers legislation that gave our economy a much-needed shot in the arm was championed by her. And at every turn, she fought for her convictions that everyone should have access to work, to health care, that we had to grow our economy and create jobs so the middle class could be

strengthened and those who want to get into it would have that ladder of opportunity up. She always kept our Nation's servicemen and -women pre-eminent in her mind. I can tell you, I will miss her so very, very much.

Congresswoman JEAN SCHMIDT, who I'm glad is on the floor with us tonight, was first elected in 2005 and has been an absolutely totally dedicated Representative to her district, to our State, and to the country. I have admired her dedication and her ability to reach across the aisle. I have admired very much her work on new energy systems in all sectors, not picking any favorites necessarily, but trying to help America meet its chief strategic vulnerability, and that is our continued reliance on imported sources of energy. I know how hard she has fought for our troops, both here as a Member and back home, always recognizing their contributions to our country.

And I will miss her. I will miss seeing her, I will miss working with her, and I obviously wish her, on behalf of our side of the delegation, the very best that life can offer and a very beautiful holiday season. I know we have not heard the last of JEAN SCHMIDT. I know that she has much more to give.

To my colleague, DENNIS KUCINICH from Cleveland, we certainly admire his passion and conviction on issues. One doesn't doubt where he stands when DENNIS takes a position. He believes in it, and he believes in the people he represents, and they surely need voice. He has never lost focus on that during his tenure, and I know that all of us will be watching as he makes his way forward. I know that he will be active in the political realm as he so chooses. And we thank him for his great service to the State of Ohio as a Member of Congress, but before that, as well, in service to the State legislature and as mayor of Cleveland. He has had a very illustrious career and many, many accomplishments to show for that service.

I want to say to STEVE LATOURETTE a personal thank-you for the years that we've served together, but also for our work on the Appropriations Committee, the full committee, as well as the subcommittee that we share, Transportation, Housing and Urban Development. Our part of Ohio, in fact all of Ohio, which has more urban areas than any other State in the Union, needs the attention of this committee, and STEVE completely dedicated himself to that so honorably. He's been a commonsense Congressman and an able partner on the many issues that we're able to work on together. We fought against bank bonuses after Wall Street collapsed. We worked together to save the auto industry to ensure that auto dealers got a fair deal, saving thousands of jobs, and to make sure, in the end, Ohio got her fair share.

I will hope that his work in the future will allow him to be a champion

for the greater Cleveland area and northeastern Ohio, but for our whole State because of his great acumen and his abilities to work with people of all persuasions. I know how Lake Erie and the entire Great Lakes system has benefited from his years of service, and we have to pick up that mantle and carry it forward for him.

Finally, for STEVE AUSTRIA, what a joy to work with STEVE AUSTRIA, whether it was on Wright-Patt, whether it was on the concerns of central Ohio, such a gentleman, so strong and steady, such a voice for his constituents over the last 4 years that he has served. I wish that he could have served longer. I have enjoyed the opportunities I've had to work with him, though not always on shared committees.

I just want to thank Congressman TIBERI for bringing us together tonight to pay tribute to all of these great Ohioans—BETTY SUTTON, JEAN SCHMIDT, DENNIS KUCINICH, STEVE AUSTRIA, and STEVE LATOURETTE—all of whom have made enormous contributions to our State, and I thank you for allowing me to add my words of appreciation to all of you.

Mr. TIBERI. I would like to recognize the gentleman who represents the district that borders Pennsylvania, West Virginia, and Kentucky from northwestern Ohio to southern Ohio, the gentleman from Marietta, BILL JOHNSON, a new Member of our Congress who just got reelected to a second term.

Mr. JOHNSON of Ohio. I thank you for yielding.

As a fledgling new Member of Congress in January of 2011, I realized right away that I had an awful lot to learn. And so many of our Ohio delegation reached out to me and gave me an arm around the shoulder, a nudge on the arm saying, Hey, we can work these things out; just hang in there. I've gotten to know each of our five departing Members from the Ohio delegation in their own unique way.

I remember very early on leading up to the 2010 election coming to Washington to meet with some folks, and it was the first time that I met with JEAN SCHMIDT. JEAN graciously invited me into her office. We sat down. We talked about issues that are important to the people of her district. Her district borders my district, and we have a lot of common interests about that. We sat for an hour or more, and she gave me great insight into the kind of work that I would be doing, and I'm so appreciative of that.

□ 1930

After coming to Washington and beginning to sit on the Foreign Affairs Committee, I sat right next to JEAN. I saw her passion for fiscal issues, spending, issues around the sanctity of human life, around human rights. I saw



how she went about the business of not only representing the people of her district, but representing the values that Americans stand for. To Congresswoman SCHMIDT, I just want to say: JEAN, it has been a pleasure working with you. I agree that we haven't seen the last of you. I've enjoyed spending our days at the Bible study on Thursday mornings, and I wish you the very best in your future endeavors. I look forward to seeing you often.

To STEVE AUSTRIA, STEVE is another one that reached out. As a 26½-year veteran of the Air Force, Wright-Patterson Air Force Base—it is important to the State of Ohio, that is true—but it's important to the Air Force and it's important to our Nation. And I've appreciated the work that STEVE has done there. STEVE might not realize this, but he trained many of the staff that I have today. I'm very pleased with the staff that I have here in Washington. Many of those that serve with me today serving the Sixth District of Ohio came through STEVE AUSTRIA's office where they learned and where they saw the value of hard work in STEVE AUSTRIA. I appreciate so much what STEVE has done for our delegation.

To DENNIS KUCINICH, I had seen DENNIS many times on television prior to being elected myself. I have seen the interviews. DENNIS was a known leader and political figure in the State of Ohio. People told me early on that you don't have to agree with everything that DENNIS says, but one thing you will find out about DENNIS is that he loves the people that he represents and he represents them well. You can learn a lot from DENNIS KUCINICH about constituent services.

In the days since I've been here, one thing I've learned about DENNIS as well is that he is always a gentleman. No matter what the issue, no matter what the crisis of the moment might be, DENNIS would remain calm and would remain poised in the conversations that we've had, even though not necessarily agreeing on the issues, but certainly raising very valid points and doing so in a manner that befits the office. I want to thank DENNIS for that.

To Congresswoman BETTY SUTTON, I did not get a chance to work with BETTY that often. We traveled back and forth on the same flights every now and then to Ohio. We served on the Natural Resources Committee together, but not on the same subcommittee. So I did not get a chance to spend an awful lot of time with BETTY. But like so many of the other comments that you've heard, she represented her district well. She did it in a very professional manner. I want to thank her for her many years of service.

STEVE LATOURETTE, what can you really say about STEVE LATOURETTE? I never once went to STEVE and asked him a question and he said, Hey, can

you come back and see me later? I don't have time. He was always willing to stop what he was doing and say, What can I do to help? What do you need to talk about? No matter what the issue, you could always count on STEVE LATOURETTE being a voice of reason. I had, from time to time throughout my Air Force career, those rare leaders who could see beneath the fog and the friction of the battle to see clearly what the issues were. STEVE LATOURETTE possesses that ability. He took me under his wing. He shared with me his wealth of knowledge about the legislative process, helped guide me through some really difficult issues here on the floor. He's so very well respected. One thing I admire most about STEVE is it's so obvious that he is so respected by both sides of the aisle. That's a lesson that I think many of us could learn and take home. I can assure you that STEVE LATOURETTE is going to be missed.

I wish all of our departing Members from Ohio Godspeed, many blessings, and I've enjoyed serving with each and every one of you.

Mr. TIBERI. Thank you.

It's a real pleasure to recognize the gentlelady who represents the bulk of Cleveland and Cuyahoga County, soon Akron and some of Summit County, as well, Congresswoman MARCIA FUDGE, a neighbor to Mr. LATOURETTE and Mr. KUCINICH.

Ms. FUDGE. Thank you very much.

I rise to pay tribute today to my faithful Ohio colleagues who will be leaving our ranks at the end of this Congress. Three of them represent districts that border mine, and all will be missed by our delegation.

At the beginning of 2011, I pulled together a long list, with my friend Mr. RENACCI, of our delegation for dinner. This experience showed everyone who attended that we can work and play together, despite our party affiliations. This isn't true of all delegations. Simply put, it is because of the people who make up the Ohio delegation. Those departing will be deeply missed. I will miss their collective experience, their outstanding wit, and unrivaled passion in serving the people of Ohio. Their departure will truly be a loss to the region, our State, and the Nation.

DENNIS KUCINICH is one of the most enduring public servants in Cleveland history. From city council to what we used to call "boy mayor," to a Member of Congress, DENNIS has represented the city of Cleveland and its citizens with undeniable zeal and passion. First elected to Congress in 1996, DENNIS KUCINICH is the kind of fighter you want on your team, be it fighting for labor rights or against the wars in Iraq and Afghanistan. He left his mark for being fiery, outspoken, and incorruptible, and the city of Cleveland loves him for it. DENNIS was proud to champion liberal causes even when being lib-

eral wasn't popular. He is bright and unflappable in his convictions, traits that earned him admiration from citizens throughout the Nation. Congress will not be the same without him.

BETTY SUTTON is a leader who has and will undoubtedly continue to make a difference in northeast Ohio. She ran for city council during her first year of law school and won. She is the youngest woman to ever serve in the Ohio State House. She fought hard for the middle class by representing unions and their members as a labor attorney. BETTY played a critical role in the passage of the Nation's health care reform bill. She championed the Cash for Clunkers program, helping thousands of Americans afford new cars and helping to revive the economy with this successful program. BETTY has been unwavering in her support of America's veterans of all generations. Notably, she always found time in her schedule to greet World War II veterans from Ohio visiting our Nation's Capital. BETTY's congressional service to Ohio and the Nation will be missed.

STEVE LATOURETTE. July 30, 2012, was not only a sad day for the State of Ohio and the Ohio delegation, but it was a sad day for all reasonable, level-headed Americans. July 30 marked the day that STEVE LATOURETTE, my good friend, announced his retirement from Congress. STEVE is and always will be a champion for all of northeast Ohio. The impact he made on his district and the State cannot be disputed. He is hardworking and easy to work with. STEVE is a master of bipartisanship. He wrote the book on working across the aisle. He and I recently introduced the Restore Our Neighborhoods Act, and we are working together to ensure this bill is included in an end-of-the-year bill. We need more Members of Congress like STEVE. He is one of the few Members I could always rely on to be objective. He was one of only seven House Republicans to vote against defunding NPR. He was only one of two House Republicans who voted against holding Attorney General Eric Holder in contempt of Congress. Words cannot begin to describe the void STEVE's departure will create. We're going to miss him.

JEAN SCHMIDT. I know Congresswoman SCHMIDT is exceptional. To be the first woman elected to represent southern Ohio in Congress is quite a feat; and to be a grandmother and still run marathons is something that I don't know that anyone else could do.

□ 1940

Although we have not always agreed on policy, we can agree on the importance of promoting female athletes and women in general, and we agree on family values. JEAN understands the importance of representing all of the people and all of the parts of her district. We will miss her kindness and her sincerity.

Good luck, my friend.

And STEVE AUSTRIA, he is one of the five that I did not get an opportunity to know very well, but I have watched him. He has an impressive track record. He served both in the State house and the senate, serving as the majority whip in the senate. He was the first first-generation Filipino to become a Congressman. STEVE quickly shot up the ranks to serve on the Appropriations Committee and helped bring much-needed funding to the State of Ohio and to our military installments. He is a principled man, deciding not to run for a third term because he did not want to leave his Beaver Creek home of 20 years as a result of redistricting.

As I have watched him, I know him to be a gentleman. I can tell by a person's demeanor what kind of person he is, and he always carries himself with dignity and respect.

I am sorry that I did not get an opportunity to know you better.

I will close by saying that this House is better and stronger because all of you served here.

Mr. TIBERI. It is a real pleasure to introduce the gentleman of whom you were just speaking, Congresswoman FUDGE, one of the five Members who will not be back with us next year, Mr. STEVE AUSTRIA, who I had the pleasure of having a district next to.

Mr. AUSTRIA. I thank the gentleman.

I want to first thank the Ohio delegation for taking time this evening to recognize the departing members of the Ohio delegation; and to those Members on both sides of the aisle who have supported me and helped me throughout my 4 years of Congress, I thank you.

To those departing Members, for your service and your commitment to the Buckeye State, you will be missed. You've done a great job. I've had the distinct opportunity to work with many of you in the State legislature as well as in Congress, and I thank you for your service, and I especially thank those Members who have given me advice and helped me and supported me through this last year.

As the Members who are here on the floor today know, as well as many of the folks back in Ohio, the Seventh Congressional District that I represent was eliminated with redistricting. This has been a tough year. To those Members who have given me advice, encouragement, and sometimes just that pat on the back to keep going through these challenging times, I thank you for that, and your friendship will always be remembered.

It is truly an honor and a privilege to serve in Congress and to represent the eight counties and the residents of those eight counties that I represent in the Seventh Congressional District; to be blessed with a family and friends and a great staff who have supported

and stayed with me during this past year; and to serve in this fine institution with so many good people—and there are good people here in Congress. I will miss serving in Congress, but the friendships that I have made here in Washington and throughout my district will be forever.

It was my father who first introduced me to politics and government. My father came to this country from the Philippines, and he came here to live the American Dream. He became a legal citizen, and he was so proud of that. He met my mother. They got married. They raised a family—nine kids and now 28 grandkids. God bless my mother who is still alive. He started his own business. He always gave back to his community, and he always believed in making this place he called “home” a better place for his children and grandchildren to live. I think if he were alive today—and I'm sure he's looking down from heaven somewhere—he'd be very proud of his oldest son, who, to my knowledge, is the first first-generation Filipino American to serve in the United States Congress.

I am proud to be part of the Asian American community. This has been a job for the past 14 years, in having served in the State legislature for 10 years and now in Congress for 4 years, that I have taken very seriously. I've tried to give it my all—100 percent—and have dedicated my life to it. I want to thank my family for all of the sacrifices that they have made to allow me to be the best Congressman that I could be.

Many Members of Congress have family members back home who are making tremendous sacrifices, and I thank you for those sacrifices to allow the Members of Congress to serve our government.

I also must recognize and thank my staff. You see, when I started my service in Congress, I was very blessed with a great staff that I inherited from my predecessor, Congressman Dave Hobson. Most have gone on to bigger and better things, but I am also blessed to end my service here with a very dedicated and committed staff who are dedicated to helping our constituents back in our district—whether they be veterans, whether they be seniors, whether they be hardworking Americans—and having a positive impact on their lives. There is a loyalty that this staff has given to our district. It is a very committed staff both in D.C. and back in the district; and most of the staff, actually, have stayed with me until the very end.

To our staff, to our team, you are the best.

To the freshman class of the 11th Congress that I came in with—in particular, our Republican members of the freshman class—I want to thank you for your service and the friendships and the support that we've had throughout the years.

I came in in 2008. It was a tough year for Republicans, and I was the only Republican in Ohio to win an open seat. Then, in 2010, my colleagues on the other side of the aisle experienced, I think, the same thing. We had a small Republican class that came in—22 members. It was a very talented class, a class that showed great leadership and was very vibrant, and I believe that they will be part of the future of this Congress as far as leadership. It was a great honor to be elected by my Republican peers and my freshman class as our class President. The freshman class of the 11th Congress was a special group of friends on both sides of the aisle that will be remembered forever.

Finally, Mr. Speaker, I want to pay tribute to Ohio's Seventh Congressional District, which I've had the honor to represent for the last 4 years. As I mentioned, this district was eliminated because of redistricting in Ohio; but it's a district with great history and one with great integrity, and it has had great leaders. It has been represented by leaders such as Congressman Dave Hobson, known as “Uncle Dave” here on the Hill and back home for the great work he has done in Washington and throughout the State of Ohio; by former Senator and now Attorney General Mike DeWine, a personal friend who continues to lead our great State of Ohio; Congressman Bud Brown and Joyce Brown and his father, Clarence Brown, who also served in the United States Congress. The list goes on and on. To follow these great leaders and to have the opportunity to serve behind my mentors has been a great honor.

When I'm here in Washington, I often walk through the Halls of the Capitol at night when there are very few people around. I can tell you the history, the tradition, the integrity of this Capitol is still there, and it speaks to you at night. Often as I walk through the Halls of the Capitol or am traveling throughout the district, folks will come up to me and remind me that, when one door closes, another opens and that God has a plan for all of us.

So as I begin the next chapter of my life with my wife of 26 years, Eileen, and our three boys—Brian, Kevin, and Eric—I will take this great experience, the knowledge, and the memories here in Congress with me into the future. I always will remember the advice my father gave to me when I ran for my first office nearly 25 years ago—a local precinct, a county central committee—which is: always do the right thing.

To the new Members who are here, I would encourage you to continue to do the right thing.

And to our members of the Ohio delegation, never forget our men and women who are serving in our military and our veterans and the sacrifices that they are making and continue to

make for our country and for our freedoms.

May God bless this great country. It has been a privilege to serve you in Congress. Thank you.

Mr. TIBERI. Thank you, STEVE AUSTRIA. It has been a real pleasure working with you.

I got to know STEVE when he came to the Ohio legislature, actually. I was in the Ohio House, and he soon left and went to the Ohio Senate, and then rejoined us here in 2008. We always used to joke around that STEVE AUSTRIA was going to be a heck of a lot less maintenance than Dave Hobson, his predecessor; and he certainly was.

We've enjoyed working with you. You've been a great member of the Appropriations Committee. You have continued to serve the people of Ohio well. You had a great career in the Ohio Senate, and you helped pass some pretty critical legislation, including the Adam Walsh Child Protection and Safety Act. So we wish you well. We wish you and Eileen and your three boys much success in the future.

It is a real pleasure to introduce another departing Member who also was in the legislature before she came here. Unfortunately, I didn't have an opportunity to serve with her; she came just as I was leaving.

□ 1950

When I think of JEAN SCHMIDT, and it has been said before, I think of her faith and I think of marathons because she is an amazing marathon runner. She just completed her 97th marathon in October. And she's obviously a really proud grandma to two young grandsons, and it is a pleasure to recognize the gentlelady from southwestern Ohio.

Mrs. SCHMIDT. Thank you, Congressman TIBERI, my great friend from central Ohio.

I just want to say a few things today. First, I want to say good-bye, not just to this Chamber, but to the good friends who are leaving with me.

BETTY SUTTON from northern Ohio. You know, politically we disagree just about on everything, but we also have something very common together: softball. She, like I, joined an all-female softball team. She's a good player. She can actually throw the ball from third to first without having it hop in between. And her tenacity helped us not lose as readily as we usually do when we play the women of the press. BETTY has fought tirelessly for her district. She has represented it well, and she will be missed.

DENNIS KUCINICH. You know, a lot has been said about DENNIS. He is a man of conviction, and he's a man who's not afraid to be a voice in the wilderness. And all too often we don't agree with DENNIS, but we always understand where his passion comes from, and it comes from his deep faith and the fact

that he really believes in America, just as the rest of us do. But on a personal note, DENNIS has become a good friend of mine. We share a deep conviction about obesity in our Nation and ways to conquer it. Who knows, maybe on the outside we will work together to try to find solutions to that.

To STEVE AUSTRIA, who just stood at this podium, I got to know STEVE in the State legislature. While we didn't really work together on bills, we actually went to Arizona to watch Ohio State win its national championship. It was there that I really got to know STEVE and his wife on a personal level. It was there that he shared with me his dream to one day serve in this Congress, and I'm so glad he was able to let that dream come true.

To my good friend, STEVE LATOURETTE, you know, when you come as a special election, you don't get this orientation that people get when they come as a class. You get elected and you're thrown on the floor and you're there to vote. I was put on his committee called Transportation, and I didn't know a whole lot about it, but STEVE LATOURETTE shepherded me through it; and not just on that, on other issues critical to Ohio and critical to our Nation. He gave me great advice. He was a wonderful mentor, and he will be missed in this body.

I don't know whether this is going to be my good-bye speech or not, but I just want to say what an honor it has been to serve in Congress. I came from a background where I truly represent the American Dream. My father grew up in poverty. He didn't have an education, but he believed in himself and he believed in hard work. And he married a woman with a college education—unheard of for a man of that background—and together they instilled in me a couple of really wonderful values. The first is to love God. The second is to love your country. The third is to believe in yourself because we are Americans, and as Americans, we cannot just dream something but work hard to make that a reality.

I never thought that I would serve in this wonderful body, but through a special election, I was able to come here, and it has been a privilege to represent the Second District of Ohio. I truly believe it is the best district in the Nation because of its diversity. One of the communities I represent is one of the wealthiest in the country. Several others are the poorest in the country. But the fabric that weaves through the Ohio River Valley is one that shows me that these people, whether they are rich or poor, are deep, loving people of not just America but of our God.

We are a community that believes in the sanctity of life. We are a community that believes in the right to carry. We are a community that believes in fiscal responsibility. And it was easy for me to carry that message here be-

cause, like so many people in the Second Congressional District, I believe in those things, too.

Parting is sweet sorrow. Nobody knows what tomorrow will bring, but I can tell you this: Tomorrow there will be people here championing the cause of America and the American spirit, and I only hope that we are blessed as a Nation to continue to be the beacon of hope and freedom in the world.

Toward that end, I wish all of my departing Members and all of those coming in and all of those that are remaining, Godspeed. God bless you, and God bless the United States of America.

Mr. TIBERI. Thank you, JEAN. We wish you and Peter well in the next door, in the next chapter.

Five—five departing Ohioans, and I get to go last. It's been an honor to serve with all five of them. They leave a big void, Mr. Speaker. STEVE AUSTRIA, JEAN SCHMIDT, BETTY SUTTON—much has been said about all of these five.

I actually knew BETTY before I knew the other four. She and I were part of the freshman class of the Ohio class of Representatives in 1992, and we served 8 years together in the Ohio House. Obviously different political parties, but you knew right away that BETTY was bright, tenacious, and she was a fighter for her beliefs. We rarely agreed on issues. We got to see each other again when she got elected in 2006 to replace SHERROD BROWN, who got elected to the U.S. Senate.

I know her career's not over. It began in the Barberton City Council, Summit County Council, and the 8 years she served in the House. I know she is going to continue to serve in some capacity, and I wish her and her husband, Doug, the best as they move on to the next chapter of their life.

DENNIS KUCINICH, I first knew DENNIS, he didn't know me, when he was the boy mayor of Cleveland and I was growing up in Columbus. He obviously made a lot of headlines around the State as mayor. I still call him "Mayor" today. I first got to know DENNIS when he was in the legislature of the Ohio Senate and I was in the Ohio House in the early 1990s. He then got elected to Congress in 1996. I got to know DENNIS better when I was elected here.

And obviously, a lot has been said about DENNIS. A lot has been said about DENNIS, about his passion. The wilderness comment was perfect, JEAN. He obviously is a man who will continue his mission in other ways. He ran for President. He wasn't shy about it. He has strong beliefs, beliefs that are different than mine, but again, someone you could call a friend.

And finally, last but not least, the man who has a different quality than the rest of the four, and what I mean by that, he was the only one of the five who wasn't a legislator before he came

to Congress, he was a prosecutor, STEVE LATOURETTE. And ironically, if you talk to Members of the House, they would say he was a legislator's legislator even though he was never a legislator before he got here, which is amazing.

STEVE LATOURETTE is a contrast in so many different ways, and you heard so much about him here tonight in terms of the work he did in such a bipartisan way. But he could be as partisan as they came. In fact, as I think of memories from down on the floor, back in—I don't know what year it was—2007 or 2008, maybe it was 2009 or 2010, STEVE came up with this game show idea about the lack of substantive work that we were doing on the House floor when we were in the minority and the Democrats were in the majority.

□ 2000

And it was funny, but, boy, was it pointed, and it could be absolutely true.

But then again, you just never know where STEVE was going to be. You could be on the House floor and here he is defending Jim Traficant on the House floor, a Republican defending a Democrat. And if you ever need a lawyer, you want STEVE LATOURETTE to be your lawyer because he gave an incredible performance that one time.

But he was a guy that was our dean. He was our dean of our delegation because everybody could go to STEVE with an issue. Whether it was an appropriations issue, whether it was an internal issue, whether it was an issue for Ohio, he's a guy who would give great advice, and he would work to get an answer for the problem.

So whether it was the Appropriations Committee or—the Transportation Committee, where he served much of his career, was an area where he knew more about transportation, and transportation issues, then anybody in this town. He was just a walking encyclopedia on transportation issues.

It's pretty hard for a Buckeye to talk about a University of Michigan graduate this way, Mr. Speaker, but it's going to be a big void for this House for all five, but especially for STEVE LATOURETTE, who has really given his heart and his soul for 18 years to trying to make this body and our Nation a better place for our kids and for our grandkids.

It really didn't matter who you were or what you were about or if you had an "R" or a "D" by your name with respect to STEVE. If he believed in your cause, he was your partner, and he was going to do everything within his power to make sure that cause, that issue was going to be solved. He didn't always win, but he surely went down swinging every time he took that cause up.

This place will not be as good as it has been without STEVE LATOURETTE,

JEAN SCHMIDT, STEVE AUSTRIA, DENNIS KUCINICH, and BETTY SUTTON.

Mr. Speaker, it has been great knowing these folks. I am pretty sure that all of them we will see again in one capacity or another. I know, STEVE, that we will see you and Jen and Henry and Emma soon.

Mr. Speaker, with that, I think our hour is up. We have no more speakers. It's been a pleasure. It's been a privilege, an honor to serve with all five of these men and women.

I yield back the balance of my time.

#### THE IMPENDING FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity. We're going to spend a good portion of this hour talking about something that is on everybody's mind, the fiscal cliff. Oh my goodness, the fiscal cliff is now just, well, 20 days away. So what are we going to do?

Some have suggested that we really have to deal with entitlements, and I'm here to agree that we can and we should deal with entitlements. Certainly, two of those issues, which I really don't think we ought to call entitlements, but they happen to be fundamental programs here in America for Americans, should be dealt with. One that some people want to put on the table really doesn't deal with the deficit at all, and that's Social Security.

So before we even get into this discussion tonight, let's just understand, for anybody that cares to take on this issue, that in dealing with the fiscal cliff, Social Security is not the problem. The deficit is not caused by Social Security. Social Security has never been and in its present form will not be part of the deficit issue. It's separate and apart. It is a special program, has its own source of revenue, has its own trust fund, and frankly, is not even running a deficit at all and has not run a deficit.

So let's put Social Security to the side and say, yes, in the years ahead, maybe even next year, but probably 3 to 4 years out, Social Security will be dealt with, as it must, because we will have to make adjustments. But that is really not the debate about the deficit, sequestration, or the fiscal cliff.

Coming back to the fiscal cliff, let's take up one of the very big programs, and I'm not talking here about the Department of Defense, which is one of the major expenditure items, but that's not the subject for tonight. Tonight the subject is Medicare and Medicaid.

The Medicare program is a big one, and it certainly is a program that is expensive. It's a program that, over the

years, has grown on the average faster than inflation. But, in the last 2 years, that's not the case, and we'll discuss that in more detail later. In fact, Medicare has fallen below the general rate of health care inflation.

Let's talk about what we can do about Medicare. Instead of saying what we ought not do, we're going to start this discussion, at least my portion of it, talking about what we can do. And the President has put out several ideas that deserve the attention of the 435 Members of this House and the 100 Senators, because there are things that really can be done immediately to significantly reduce the cost of Medicare.

Just in listening to my colleagues here on the floor discuss the departure of some extraordinary Members from the Ohio delegation, I came across an article in one of the local Hill newspapers, and this article says, "GAO hits Medicare and Medicaid wasteful spending." Turns out that the GAO just issued a report, came out just this week, that Medicare had, in their estimation, \$28 billion in fraud and wasteful spending in the year 2011—\$28 billion. And in Medicaid, some \$21 billion.

Now, the President has suggested that one of the things we ought to do to reform the Medicare system and the Medicaid system is go after waste, fraud, and abuse. Well, there you have, what, 50-plus billion dollars of annual fraud, waste, and expenditure in the Medicare system. That goes a long way to solving the Medicare problem. And we ought to do that. And, in fact, a lot of that was done in the Affordable Health Care Act, and systems were put in place and they're working today.

But there's even more that can be done, according to the GAO. And if we're going to start dealing with Medicare, why don't we start right there with that issue and perhaps some \$50 billion, or if you want to be a little conservative, let's just say 40 or \$30 billion that we can reduce immediately.

By the way, this is going to take a few Federal employees to do that. Interestingly, in the Affordable Health Care Act there was a provision that added several thousand, a couple of thousand employees to the IRS for the specific purpose of going after Medicare and Medicaid fraud. Well, they were added, and then our Republican colleagues, in a fit of—well, just in a fit, decided that they would somehow save a lot of money by eliminating the men and women that were supposed to be hired to go after fraud.

□ 2010

They tried to do it. Fortunately, they were not successful.

I'm going to just name a couple of other ways in which we can reduce the cost of Medicare, and then I want to turn to my colleague from Illinois to expand on some of these issues.

Very quickly, how about drugs? Would you believe that the Federal

Government has no power to negotiate the price of drugs for seniors in the Medicare program? It's true. Congress passed a law back in the 2003–2004 period that denied the Federal Government the ability to negotiate prices. We could save a pile of money right there.

There's some other things we can do—and some of this is already underway. We could penalize hospitals that have high infection rates; readmission to hospitals. Well, the Affordable Health Care Act is already doing that. And it's having an effect. We could also deal with the issues that occur with unnecessary payments. We can reform the system in the way in which payments are made so that they are more efficient and more effective. And those have been proposed by the President.

In fact, there are many, many things that can be done to significantly reduce the cost of Medicare without doing the onerous, damaging proposals that have been made by many of our colleagues on the Republican side, such as increasing the age to 67 when you could apply for Medicare—and we'll discuss that in much more detail in a few moments—and such as going after the privatization of Medicare.

Some really bad ideas are out there. And we don't need those bad ideas. What we need are some really good, solid ideas.

Let me turn to my colleague from Illinois, JAN SCHAKOWSKY. This is a woman who's been deeply involved in this issue. She was on the Simpson-Bowles Committee. That's not the formal name but that's how we know it—the Simpson-Bowles Committee. And she's focused specifically on Social Security and Medicare. She's joining us tonight with extraordinary background and information on this.

JAN, let's talk for a few minutes about your experiences and what you think we can do.

Ms. SCHAKOWSKY. Thank you so much, Congressman GARAMENDI, for leading this hour where, hopefully, we can get just some of the facts out about Medicare and Social Security. I, too, want to concentrate on Medicare.

First of all, I want to ask this fundamental question: do we really think that the United States of America is poorer today than we were 70 years ago, when Social Security came into being; that the United States is really poorer as a country today than 50 years ago, when Medicare and Medicaid came into being? The answer is simply, no. The economy has grown 15 times over since Social Security was enacted. And it was enacted because this country decided that it was really important for us to not have poorhouses for our elderly in this country, and that when Medicare and Medicaid came in, that insurance companies really didn't want to ensure old people, and that they weren't able to get the health care that

they needed, and that the right thing to do for the richest country in the world, which we still are, is to set a priority that we're going to address the needs of the elderly—not for free, by any means.

People pay every paycheck that they're working into Social Security, and we created an insurance company for Americans, an insurance policy for Americans, that if you pay in, when you retire, that money will be there for you. And as you pointed out, we have \$2.7 trillion in the Social Security Trust Fund right now. If we didn't have that, that means that our deficit would look \$2.7 trillion worse than it does. Thank goodness for Social Security and its Trust Fund.

So you're right, Social Security should be off the table. Medicare, too. Every single paycheck people pay in. But the difference is when you get Medicare, you continue to pay. And I want to talk a little bit about the truth of what's going on in Medicare today, and the myths.

Talk about means-testing Social Security. Guess what? We do. We already means-test Social Security. I want everybody to understand that. We means-test Social Security. Medicare part D premiums—that's for doctor out-patient—and part D—that's for prescription drug premiums—are already higher for individuals with incomes over \$85,000 a year. Now let's remember we're calling middle class for everyone else up to the \$250,000. But we're saying, for Medicare purposes, people who make \$85,000 or more, they're going to pay extra costs ranging from \$504 a year to \$2,270 a year for part B and \$139 to \$797 more a year for part D. We means-test Medicare. By 2020, with no changes in current law, annual means-tested part B premiums are projected to range from almost \$2,700 to \$6,000 more. We means-test Medicare.

Higher income households pay more for future Medicare benefits during their working lives as well. There's no cap on the tax that you pay into Medicare. A person with \$2 million in wages pays \$58,000 into Medicare. So during their working lives, and when they retire and take Medicare benefits, we means-test Medicare.

Mr. GARAMENDI. Let me just interrupt for a second. You started to discuss Social Security. I think what you meant was Medicare, which is where you have been taking the discussion. Medicare part B is means-tested—and has been since its inception.

Ms. SCHAKOWSKY. We means-test Medicare, exactly. We do.

Mr. GARAMENDI. Exactly. The amount that you pay into Medicare is higher as your income goes up.

Ms. SCHAKOWSKY. Yes. So during your working life and when you start on Medicare, you are paying more if you make \$85,000 or more.

Mr. GARAMENDI. So the argument that you've got to means-test this program is, Yes. And we do.

Ms. SCHAKOWSKY. Now we means-test Medicare for 5 percent of beneficiaries. Under proposals to cover 25 percent of beneficiaries, call them higher income, means-testing would start at \$47,000 in income. Really? These are rich seniors? Covering 10 percent of Medicare beneficiaries would hit individuals with \$63,000 in income. Are those wealthy seniors? No. We means-test Medicare right now for people who earn income over \$85,000.

Here's the other thing. A couple more points I want to make. There is no cap right now on out-of-pocket costs in Medicare, which today average \$4,500 for people over 65 years old. So the out-of-pocket costs for Medicare beneficiaries are very high. The average amounts to about 20 percent of their income, out-of-pocket, already. So Medicare costs are already high. The idea now of going further down in income levels to means-test Medicare beneficiaries makes no sense whatsoever.

The other thing I wanted to point out is half of all seniors live in households with less than \$22,000 in income. So here's the part I don't get about the fiscal cliff proposals. It seems as if the trophy that the Republicans want in exchange for asking people whose income is above \$250,000, even though they'll get a tax break on that first \$250,000, to ask them to pay a little more, the trophy in return is to ask senior citizens, whose median income is \$22,000, to pay more?

□ 2020

Why is this a quid pro quo? Why is this fair? Why is that the trophy? Why is that the exchange that makes sense? The American people say no.

Medicare, Social Security, Medicaid, these are programs that keep people healthy. Raising the age of Medicare; really? That's why we have Medicare in the first place; insurance companies don't want to insure people. The Center for American Progress says that if we did that, in a single year, almost 435,000 seniors would be at risk of becoming uninsured. Is this the goal?

I am really confused about these proposals that somehow equate really the wealthiest top 2 percent in our country with extracting something from the poorest adults in our country: seniors and persons with disabilities.

Mr. GARAMENDI. Your points are so very, very well taken. It seems as though—you call it a trophy. The argument made by some is that we ought not raise this top tax rate, but you ought to hit the Medicare program, the beneficiaries, and make them pay more. As you've said, they're mostly middle class and poor. So what's that all about? And raising the age to 67 is really stupid. There is no other way to describe that.

I was the insurance commissioner in California for 8 years, and let me tell you, you raise that age to 67, a lot of very, very bad things are going to happen. First of all, people between 65 and 67 are not likely to get insurance at all, let alone affordable, for the reason you said. That's the population that is almost uninsurable under the present system. Even with the Affordable Health Care Act, they're going to wind up paying a huge amount of money, and you're shifting the cost to them, to their employers, and to their State and local governments. You've saved no money. In fact, you've probably increased the cost because the benefits that go to seniors in the Affordable Care Act are not available to them, such benefits as annual checkups, medical services keeping people healthy.

I'd like to come back to that in a little while, but I noticed our colleague from the great State of Texas is with us. Thank you for joining us once again to talk about something that I know you've spent your career here in Congress working on: Social Security, Medicare, and Medicaid.

Ms. JACKSON LEE of Texas. I thank the gentleman from California, and I thank the gentlelady from Illinois for her persistence on this issue of seniors and Medicare.

Congresswoman SCHAKOWSKY, along with Congresswoman MATSUI, co-chaired a task force that was very effective on making sure that the Democratic Caucus—and, really, Members of Congress—had an understanding of the safety net, but also the issue around the word “earned.”

For some reason or another, when you put the benefits of individuals on the altar of sacrifice, it's because they didn't earn anything. You can sacrifice them. One thing that the Congresswoman emphasized is the idea that Social Security is earned, Medicare is earned, and, to a certain extent, Medicaid, though it's on a different structure.

To the gentleman from California, I want to speak directly to what you've said as insurance commissioner. We value your experience, because here's my point that I want to make. I want to stay narrowly focused.

First of all, let me say that there are enough bipartisan voices right now to pass the Senate bill. I want to thank Congressman WALZ, whom we have a petition with 178 Democratic names. We welcome our colleagues, Republicans, to get on. But the point I want to make is that—and I want to change my vernacular, I want to change my language—100 percent of the American people will get a tax cut. If we pass the Senate bill, 100 percent—

Mr. GARAMENDI. Let's describe the Senate bill.

Ms. JACKSON LEE of Texas. The Senate bill is \$250,000 and below. The income up to \$250,000—whatever you

make—receives the continuation or a tax cut, and the remaining obviously expire. Simple premise. That means 97 percent of our businesses today, that means all the businesses on Main Streets in everybody's cities and towns will be protected going into the 2013 tax year or the 2012 tax year. But what it means is that middle class Americans will not have a \$2,200 per family of four going into January 2013. I just want to lay that on the table, because now I want to move to this question of entitlements, but specifically the eligibility as it relates to age. That's been batted around.

I really wanted to come here today. I was home over the weekend, and I said, I have to get to Washington to convey the thoughts in the minds of my constituents, not only the average citizen, but doctors whom I sat down with yesterday to ask about this question. But here's my point. Now, you can look at it globally, and then I'm going to narrow it down.

Globally, one would say that we're living longer. Of course women are. This is the actuarial genius here, you know, the actuarial tables that you deal with. So women are living longer. It's always been a tradition, et cetera, but the body politic is living longer, maybe because they're healthier. That is not the case in the span of what we're speaking of, because what we're talking about globally, or nationally, are people whose beginnings are different, whose lifestyles are different.

Now, I don't know, but the family farmers—and I'm not picking on that group of people—have worked with their hands. Of course they work with their minds—they have to have a budget and make things work—but they're in the outdoors, foresters. Some would say, well, that's a healthy lifestyle. I don't know until you walk a mile in their shoes. Those who work in the coal mines in West Virginia; those who are in the sanitation department of our municipal cities; those who work in concrete and the building trades; those individuals who work in the energy industry in all shapes, forms, and sizes; those who may be in the vocational trades, maybe even nurses and nurses aids who are lifting patients all day long, thank God for them. We see them all the time when we're visiting the sick and our relatives or even we're in the hospital. So what I'm saying is you cannot have a cookie that fits all. You cannot immediately jump to entitlement reform between now and December 31.

Here's a solution: The bipartisan voices have said pass the Senate bill or pass the elimination of the tax cuts on the top 2 percent—but I, frankly, believe that 100 percent of Americans will get it. We cannot then jump to entitlement reform now. It would not be wise. It is not prudent. It does not work.

When you talk about 65 to 67, that is a lifetime. Because what you do, as the

gentleman has said, you throw seniors into the marketplace. You save a buck, and they have to spend two bucks, three bucks, four bucks. And then on top of the four bucks, they will have doors slammed in their face.

The Affordable Care Act was premised on a 65-year-old Medicare admission, if you will—except for those who are disabled—and therefore, now, you want to skew it. You've already claimed that ObamaCare is going to raise prices. Look at the projection of cost to the seniors, trillions of dollars that they will pay in the open marketplace. But more importantly, how many of the poor seniors not having the money to go into the open marketplace will drop dead? I'm being colorful because, in terms of your lifestyle, some people struggle to get to 65. It makes no sense that they should be on the altar of sacrifice.

I'm passionate about this because I just don't understand why we jump so far. I say, Members, let's be deliberative. You cannot throw it out and say, oh, that's what we're going to do, when you don't know the numbers, you don't know the ultimate results, you have not done an analysis on what seniors of this age, what are their particular work histories. Maybe we will have, 40 years from now—let me go 20 years from now, we'll have all white collar seniors. I don't know what we have now, and therefore I can't judge that 65 for one person is 65 for everybody.

Let me say this to my good friends that are here: Let's take raising the Medicare age off the table. I'm delighted to see people here who are 65, 72, 80, 42, fine, but sometimes we do not represent a microcosm of America.

Let me finish on this note. I sat down with doctors and I posed a question. Doctors have a sense of pride. They like their work and they think they can keep us healthy. They could have said a number of things to me: Well, if we stay on a nutritious diet and if we do our exercise, I can see that in the future. They did not say that.

□ 2030

They shook their heads, and they said it is unbelievable. It won't work. It doesn't work. It's not a good answer. They were against raising it on the basis of medical grounds.

So let me just say this: I hope that we stand firm, our caucus. I hope we will work with the White House. I know they are speculating over a number of opportunities and options, but my perspective is you go for this tax relief, and you put on the table for deliberative consideration what is the best approach to have Medicare savings and to provide for the American people. But I can't fathom burdening seniors with raising the eligibility age for Medicare.

Mr. GARAMENDI. I thank you for bringing this issue back. And I don't



want to leave it right yet. Our colleague from Illinois started her discussion with the values, the values that we Americans possessed back in the 1960s when Medicare began. That was the value of caring for each other, particularly caring for those seniors who at that time had 50 percent in poverty, I think 70 percent without insurance, and a very bad situation.

I remember when I was a youngster, not even a teenager yet, my father took me to the county hospital. You mentioned the word poorhouse. That's what it was. And that is etched in my mind to this day, what was happening in that county hospital. It was just row after row of beds down a long ward. The cries, the sounds, and the odors were unbelievable. That was the only care available. And then Medicare came in. And we have moved to a different place, fortunately. Our values as Americans expressed in the most meaningful way, taking care of seniors, the issues of poverty, largely eliminated—no, that's not true. The issue of poverty among seniors substantially changed. We still have too much poverty. But medical services available, quality medical services that have extended the life of many.

The point you were making about not everybody is so very, very true. As you were talking, I was just thinking, I read something about this, though increasing overall life expectancy at 65 has not increased equally across the social economic status, from 1977 to 2007, life expectancy for the top half of earners increased by 5 years, but only 1 year for the bottom half of earners. So, once again, you have this disparity class, if you would. White men without a high school diploma have a life expectancy of 67.5 years as compared to 80.4 years for those with a college degree. Once again, two different societies in America.

Since 1990, life expectancy for the least educated whites has decreased—decreased—by 4 years. And now the argument is that we can increase the Medicare eligibility age to 67 because people are living longer. Hello? Who is living longer? Those who have higher incomes. Those who don't—and you said it so very well—those who work with their hands, whether they are a maid cleaning a hotel room or a farmer or a coal miner or any other task which is labor intensive, and that's physical labor intensive—by the time they get to 65, they're broken. Their body is broken. And to deny them the opportunity, I can tell you everybody I meet who is not 65 wants to live long enough to get to 65 and Medicare.

So for our Republican friends, their principal negotiator has put on the table, the Speaker of the House has put on the table let's raise the eligibility age.

JAN, you were talking about this earlier—let's go back at this—this is a

fundamental dichotomy in how we value our seniors, how we value each other and how we are compassionate.

Ms. JACKSON LEE of Texas. Could I say one thing before the gentlelady, and then I will finish on that and then step away.

Mr. GARAMENDI. Sure.

Ms. JACKSON LEE of Texas. I'm so glad you used the statistic of a white male because I want this to be holistic. You did it on income. There are other disparities between African Americans, Asians, and Hispanic based upon a number of factors, a number of factors. So, there is a population that you've just mentioned, I assume there are numbers for white women, and then there are what we call health disparities because of various ethnic differences and distinctions, nothing that would make them different as Americans, but it would make you want to think more closely about a cookie-cutter approach to how Medicare can be. And to raise it to 67 is dangerous for the diversity of this country. And remember what we said. We want to be for the 100 percent.

I thank you for allowing me just to say that point. Thank you, Congresswoman, because I think our fight is a noble fight, and it is not against anybody, it is for something, and I would like our friends to join us and recognize that this is not a good idea. I thank the gentleman.

Mr. GARAMENDI. SHEILA JACKSON LEE, thank you very much. I hope you are able to stick around.

JAN.

Ms. SCHAKOWSKY. Thank you. I wanted to also make the point that there are many people who throughout their life have not been able to afford health care, and so they really are in need of health care when they turn 65. I have people coming into my office every day, or at least once a week—I bet this happens to you and to most Members—who say, I just hope I make it until I'm 65. Then I can have this fixed or that fixed or all these things that are really debilitating me and causing such a loss in lifestyle.

Mr. GARAMENDI. Pain, serious pain.

Ms. SCHAKOWSKY. Yes. I finally am going to be able to take care of it. So a couple of things I want to reiterate that I think are just myths. One, I already said that we already means-test Medicare. Number two, that raising the age of eligibility—and our Democratic leader wrote on December 11 the "Truth About Medicare Age." She wrote an excellent USA Today article. And in it she says:

As one expert, Paul N. Van de Water of the Center for Budget and Policy Priorities, has noted, raising the age 'would not only fail to constrain health care costs across the economy, it would increase them.'

And our leader points out that the Kaiser Family Foundation estimates that higher State and private sector

costs that result from raising the age would be twice as large as the total Federal savings. So we aren't even doing ourselves a favor when it comes to expenditures, the cost of health care, if we raise the age. It's, as you said, a really bad idea.

Another thing, I do think that a lot of people, especially younger people, do think that once you get to 65 you just get this health care benefit without realizing that it is an insurance policy that seniors are paying dearly for. It is a good insurance policy, Medicare. In fact, it is far more efficient, with an overhead of about 3 percent, compared to private insurance, which can have as much as, well, you would know better, it is reaching up into 20 percent overhead costs. So Medicare works very well. And it's popular for very good, good reasons.

As you pointed out, we can control the cost of Medicare. I'm not up here saying don't do anything about Medicare. We aren't going to touch Medicare. Yes, we can, as we did through ObamaCare. And you remember the numbers, \$716 billion, Democrats were hit over the head with that number, saying that we funneled that kind of money, we stole that money from Medicare, implying that we took it from beneficiaries. The opposite happened.

□ 2040

We were able to create more efficiencies in Medicare, stopping our subsidies of private insurance companies, beefing up our fraud division, even though, as you pointed out, we can do better. We saved \$716 billion from Medicare and improved benefits. That was just the beginning.

I was here when we passed Medicare part D. The truth is, the pharmaceutical companies, the drug companies got language written into the bill that said Medicare, unlike the Veterans Administration, shall be prohibited from negotiating for better prices with the drug companies. That cost us about \$250 billion over 10 years, the fact that we cannot negotiate for lower prices with the drug companies, who are making money hand over fist from Medicare part D.

If we were to make a change like that, as the Veterans Administration does, drug prices would be lower for the government and for Medicare beneficiaries, as well. It would be a win-win in terms of lowering prices. Yes, the pharmaceutical companies aren't going to like it, but most countries already negotiate for lower drug prices. Why shouldn't we do the same, especially for Medicare?

Mr. GARAMENDI. Only in a free-market system would Congress pass a law to prohibit negotiating prices, which, I think, is kind of the essence of a market system.

You raised a couple of points, and I just want to use a chart to expand on



those points. The Affordable Health Care Act—ObamaCare—really significantly enhanced benefits to Medicare recipients 65 and older. They got some really important benefits. You mentioned the drug benefit, benefit part D, the doughnut hole that is being closed. That's worth, I think, some \$55 billion a year to seniors. There's other things that are in the Affordable Health Care Act that have already saved vast amounts of money to the Medicare program. For example, annual wellness visits for seniors. Why is it important? Well, you find out certain things, like you've got high blood pressure. And you take a pill—we ought to be negotiating that price—but you take a pill, and suddenly you're able to reduce your blood pressure and avoid a stroke, avoid some other kind of medical incident. You may find that you're on the path towards diabetes or other kinds of long-term, very expensive illnesses. So that wellness visit becomes exceedingly important, and also some treatments are available.

Here's what's happened. Because of ObamaCare, the inflation rate in Medicare has been dramatically reduced. If you take a look at this particular chart, over the years it shows that beginning in 2005 and now in 2012, the annual increase in cost, the inflation rate in Medicare—it peaked in 2005, and then it began to come down. Here is the Affordable Health Care Act, or ObamaCare, and we have seen a decline to about 2½ percent inflation, which is actually less than the general health care inflation rate in the economy. This has occurred because of multiple factors, perhaps—and it's arguable, but we think one of the major factors is the advent of ObamaCare, or the Affordable Health Care Act, and the kinds of programs that are in the Affordable Health Care Act for Medicare recipients that reduce the cost of medical services.

Ms. SCHAKOWSKY. I think it's important to point out too that the full provisions of ObamaCare haven't even rolled out yet, although these preventive services are in place. And look at what's already happened.

Mr. GARAMENDI. Exactly.

As those other services roll out, they will affect not only the Medicare portion of the health care system, but they will also affect the general population and should, because of the availability of insurance and the availability of the ability therefore get to a doctor, to get the continuation of care, should bring down the overall inflation rate for health care, which will dramatically affect Medicare, as well.

What we are on is a track that is reducing what they call "bending the inflation curve." It's happening. Here's the most dramatic chart that I've seen on this issue, that we are, in fact, bending the cost curve. And perhaps even more important, senior citizens are

healthier. They're healthier. They're getting better care. They're getting more care.

Ms. SCHAKOWSKY. Let me just say on that point, though, on the cost savings, that's why when the Affordable Health Care Act passed, the Congressional Budget Office estimated that it saves—people said, How are we going to afford that? How are we going to pay for that? But it actually saved a \$1 trillion over 20 years in costs to the government.

Mr. GARAMENDI. That's a very good point, but let me interrupt.

They were calculating an inflation rate that continued at this level. They did not calculate a reduction in the inflation rate. And in the more recent estimates of cost savings, they're now looking at this difference here. They're looking at a lower inflation rate. This saves billions upon billions of dollars in the Medicare system. So we are seeing that.

I don't want to let a point go by that you raised, and that is, yes, all of us Democrats were whacked over the head in the elections about the \$720 billion. I was, you were, and I suspect the rest of us were also. The \$720 billion of savings reductions in Medicare did not come from benefits. In fact, the benefits were increased just as you said. I don't know how many times I said that over the last several months, but I'm going to say it again: it didn't come from there. It came from three areas. You said this earlier, and it bears repetition.

First of all, it came out of the pockets of the insurance companies that were providing the additional Medicare insurance coverage; secondly, it came out of fraud and abuse; and, thirdly, it came out of payments to medical providers that were not performing good services. Specifically, one of the biggest were hospitals that had high infection rates. The Affordable Health Care Act said, we are not paying for the second admission when there is an infection acquired in the hospital. This is really good news to every Medicare beneficiary because suddenly the hospital goes, Oh, you mean we are going to have to pay for the cost of a readmission because of an infection? The government's not going to pay for it any more? Maybe we ought to clean up our act. Maybe we ought to have a little bit of hygiene in this hospital.

We are now seeing a significant decline in the hospital infection rates. It's not expensive for hospitals to do, but extremely important for every individual that goes into a hospital, whether you're on Medicare or otherwise. Hospitals are now paying attention to hygiene, cleaning up, washing hands, other kinds of very simple, inexpensive things that keep people healthy and reduce the cost of Medicare and general health care.

Ms. SCHAKOWSKY. Exactly.

The real benefit of the Affordable Care Act and its effect on Medicare and everything else is that we are making this system more efficient. The health care system in the United States of America is very inefficient. We are going to be rewarding outcomes, we are going to be rewarding value and good performance, rather than just getting—you know, a doctor sends a bill or the hospital sends a bill, Medicare sends off a check. We are going to be rewarding efficiency and good practices now in the health care system. I think that that is what everybody wants. You want better results for a lower cost. That's what we are getting.

Mr. GARAMENDI. There are some very simple things in the Affordable Health Care Act that do reduce the cost, and this is the continuity of care. This is the kind of thing you're talking about. It is the management of a debilitating illness, for example, diabetes. If diabetes is properly managed, the kinds of extraordinarily damaging and expensive things that occur to individuals are either delayed or not happening at all. So management systems are put in place that dramatically reduce the overall costs. They cost a little bit up front because people are keeping in touch with the patient. It's not necessarily a doctor. It may be a case worker keeping in touch with the patient and making sure they're taking their medications, making sure they're doing the checkups that they need on a regular basis, getting that kind of thing. How about right now?

□ 2050

I don't know. There are a whole bunch of people in this room—435. They're not here today, but how many have gotten their flu shots? If you want to reduce the costs of health care, get your flu shot. I think I'll go do that tomorrow.

Ms. SCHAKOWSKY. I did that. You should do it, too.

Mr. GARAMENDI. I know. I've got to do it tomorrow. I'll get my flu shot.

So these are the kinds of things that reduce costs, and the Affordable Care Act does that, not just for seniors but all the way down the board.

Go ahead. You were about to make a comment. Then I want to turn to some of the pernicious things that are being proposed to Medicare and to seniors.

Ms. SCHAKOWSKY. I just want to say that this is not about party. This is about people who know the realities of life—Democrats, Republicans, Independents and, I'm sure, some people who are identified with the Tea Party. They don't want to see this Congress cut Medicare, Medicaid, Social Security benefits, and this is overwhelming in every single poll. It's not because people are greedy; it is because they need these bedrock programs—these treasures of our American system—in

order to live a decent quality of life. Americans are willing to work hard, to pay into these programs, to follow the rules—to do everything they're supposed to do. Then when they're either disabled or when they're past 65 years old or, in the case of Social Security, 67 years old, they want the fruits of their labor to be there for them. Again, continuing when they get Medicare, they pay dearly for those services. I think it's really important to remember that.

Mr. GARAMENDI. I guess, as politicians—all 435 of us—what happens when we get elected is we often read the polls. Hmm, let's see here: 67 percent of Americans are opposed to increasing the age from 65 to 67—71 percent of Democrats, 68 percent of Republicans, and 62 percent of Independents. That's pretty overwhelming.

So, just to back up to what you were saying a few moments ago about the American public, they viscerally, internally, understand how important Medicare is. It's not just for themselves. They have parents, many of whom are now 65. My mother is 92. She's a Medicare recipient, and she depends upon Medicare for her hospitalization. Fortunately, she hasn't had an incident for more than 2 years now, but when she did, Medicare was there to provide the necessary services for her, and so it is for all of us who have parents who are in the Medicare system.

We understand this, and we really want to make it quite clear that, as Democrats, we are in synchronization with the President on this issue. He has put forward specific proposals that over time will reduce the cost of Medicare without taking away the benefits, without changing the eligibility age.

However, there are proposals—and I spoke earlier about one that has been put forth by the Speaker of the House—to increase the age to 67. No, that's a nonstarter. I'm not going to go into all the actuarial issues—which I could easily do—about why that makes no sense at all for employers, who would wind up paying more. It makes no sense at all for an individual, who is going to wind up paying more. It makes no sense to the Medicaid program, which you've already talked about, and it makes no sense in saving money. The total cost to the system would actually increase. The costs would be shifted, to be sure. No, not so. I guess I will do a little actuarial work here.

Those people who are 65 to 67 years of age are more healthy than people who are 67 and above. You eliminate the healthy people from the risk pool, and guess what happens to those who are left—it's more expensive per person in that smaller risk pool. So what you want to do in all insurance programs is to increase the size of the risk pool so that the cost is shared among a larger population of people. What this pro-

posal does is exactly the opposite. It shrinks the risk pool. It keeps in that risk pool less healthy people; it's more expensive; and those who are more healthy are outside. Yet they are now shifted on to the new exchanges that are going to be created, so the cost in the exchange is increased, and the cost for the per-person in Medicare is increased. So what's going on here? You've got to think this through. Bad idea. Bad concept.

Ms. SCHAKOWSKY. Your 92-year-old mother, when she goes into the hospital, if she didn't have—she probably does have—a supplemental insurance policy, the copayment on the first day in the hospital, which some seniors have to pay out-of-pocket, is well over \$1,000. Medicare, let's remember, does not cover most vision, hearing, or dental, so seniors are still left with not only their premiums and their copayments and their deductibles but lots of things that still aren't covered by Medicare.

With the cost of health care to seniors today, this is no entitlement, which makes it sound like they're getting a freebie here. It's very, very expensive. We want to make Medicare better. We want to make it efficient and actually enhance some of those benefits.

Mr. GARAMENDI. The word "entitlement" is really misused for both Social Security and Medicare. Basically, the word means that, when you reach a certain age, the program is available to you. It's not a freebie. Men and women in America who work, even those who are 65 and over, continue to pay what amounts to a health care premium. It's the payroll tax. They're paying that from the first paycheck they get until the last one that they receive. Then when they're no longer working, as you so correctly stated, Medicare does not cover the total cost, so they're going to continue to pay. They're probably going to be paying for a supplemental insurance program, and they're certainly going to be paying out-of-pocket and the like.

There are a couple of other things that have been proposed, and I want to just cover those because they're very important. It has been proposed that the cost of the Medicare system can be reduced by giving every senior a voucher or—a different word but exactly the same thing—premium support, which basically says that the Medicare system, as we have known it for nearly 50 years, is terminated—gone—and that seniors who are 65—or 67 if they get their way—would be thrown into the private health insurance market. I cannot imagine a worse situation for a senior. The private health insurance market is not interested in caring for seniors.

Ms. SCHAKOWSKY. That's why we have Medicare.

Mr. GARAMENDI. They don't want those people because they get sick and

they're expensive. They want Medicare, but the voucher program is the privatization of Medicare. It is nothing other than that. It's the termination of this guarantee, and seniors have to go out and negotiate on their own for a health insurance policy.

Good luck, Mom. You're 92 years old. Good luck in getting a health insurance policy from any private health insurance company. It won't happen. It won't happen.

So, with those proposals, they are wrongheaded; they are cruel; they are expensive to the individual; and they ultimately will lead to a system in which health insurance will not be available to seniors. That's a proposal that has been given life and that has actually passed the House of Representatives.

Ms. SCHAKOWSKY. It's part of the Ryan budget.

Mr. GARAMENDI. Indeed, it is. It has passed the House of Representatives twice—not once but twice.

So this is not just some idea floating in the ether. This is a real proposal that is sitting in the Senate. Fortunately, it's going nowhere there, but these kinds of programs are there.

The other program—and we've talked around this issue—is just a flat-out assault on the benefits. We're going to cut out drugs. We're going to cut out one or another of the benefits that are in Medicare. The package of benefits in Medicare is designed to provide a continuity of care so that something that is common is going to get covered—hospitalization, a doctor's care, and now, with the Affordable Care Act, annual visits to the doctor. It's very, very important.

Let me be clear that, as Democrats, we understand the necessity of reducing the cost of Medicare. We understand that. In fact, we have done it. The Democrats have done it. We have taken action to reduce the cost of Medicare and to simultaneously maintain the benefits and improve the benefits to seniors.

□ 2100

That is what we have done, and we'll continue to do it. Things I talked about at the very outset are very real. We can take additional steps. We can do more. The President has proposed it, and the Democrats stand ready today to take up those issues and pass them out of the House, give them to the Senate and say we can do more to reduce the cost of Medicare and simultaneously maintain quality care for seniors and the benefits that they have spent their lifetime paying for, paying for those benefits. We can do it. We've done it.

Ms. SCHAKOWSKY. We can do it. And I hope that everyone will stand with our President who has said that we're not going to raise the age of Medicare and that the Republicans now

first have to agree that we're going to ask the wealthiest people in our country to pay a bit more, and not to begin with the least able to pay more, the poorest adults, seniors, and persons with disabilities.

Mr. GARAMENDI. Our colleague, SHEILA JACKSON LEE, before she left, she brought this issue up. In the House today is the tax program that would continue the tax reductions for the middle class.

Ms. SCHAKOWSKY. And for the first \$250,000 for everyone.

Mr. GARAMENDI. Exactly so. All we need to do is pass that.

The other alternative, which has been proposed, is to keep the taxes low for the superwealthy and to pay for that out of the pockets of seniors. We're not going there, and we shouldn't.

JAN, thank you for sharing this evening with us. This is an important issue.

Ms. SCHAKOWSKY. Thank you.

Mr. GARAMENDI. Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reasons.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

presented to the President of the United States, for his approval, the following bill:

H.R. 6634. To change the effective date for the Internet publication of certain financial disclosure forms.

Karen L. Haas, Clerk of the House, further reported that on December 7, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 6156. To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

#### ADJOURNMENT

Ms. SCHAKOWSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 12, 2012, at 10 a.m. for morning-hour debate.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 6, 2012, she

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third and fourth quarters of 2012 pursuant to Public Law 95-384 are as follows:

##### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ROBERT KAREM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND OCT. 21, 2012

| Name of Member or employee | Date    |           | Country            | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|--------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                    | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Robert Karem .....         | 10/15   | 10/16     | France .....       |                       | 155.00   |                  |  |                  |  |                  | 155.00   |
|                            | 10/16   | 10/18     | Senegal .....      |                       | 204.00   |                  |  |                  |  |                  | 204.00   |
|                            | 10/18   | 10/19     | Mali .....         |                       | 109.00   |                  |  |                  |  |                  | 109.00   |
|                            | 10/19   | 10/20     | Burkina Faso ..... |                       | 184.00   |                  |  |                  |  |                  | 184.00   |
| Committee total .....      |         |           |                    |                       | 652.00   |                  |  |                  |  |                  | 652.00   |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MR. ROBERT STORY KAREM, Nov. 19, 2012.

##### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND OCT. 19, 2012

| Name of Member or employee      | Date    |           | Country              | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|---------------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                 | Arrival | Departure |                      | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Anne Thorsen .....              | 10/14   | 10/16     | Belgium .....        |                       | 546.00   |                  | 2,076.90   |                  |  |                  | 2,622.90   |
| Tom Wickham .....               | 10/14   | 10/16     | Belgium .....        |                       | 546.00   |                  | 2,076.90   |                  |  |                  | 2,622.90   |
| Kyle Nevins .....               | 10/14   | 10/16     | Belgium .....        |                       | 546.00   |                  | 2,076.90   |                  |  |                  | 2,622.90   |
| Anne Thorsen .....              | 10/16   | 10/19     | United Kingdom ..... |                       | 1,497.00   |                  |  |                  |  |                  | 1,497.00   |
| Tom Wickham .....               | 10/16   | 10/19     | United Kingdom ..... |                       | 1,497.00   |                  |  |                  |  |                  | 1,497.00   |
| Kyle Nevins .....               | 10/16   | 10/19     | United Kingdom ..... |                       | 1,497.00   |                  |  |                  |  |                  | 1,497.00   |
| Jo-Marie St. Martin Green ..... | 10/15   | 10/19     | United Kingdom ..... |                       | 1,497.00   |                  | 1,164.40   |                  |  |                  | 2,661.40   |
| Committee total .....           |         |           |                      |                       |  |                  |  |                  |  |                  | 15,021.10  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Airfare all inclusive.

HON. JOHN A. BOEHNER, Speaker of the House, Nov. 16, 2012.

##### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 21 AND OCT. 26, 2012

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Ethan Lauer .....          | 10/21   | 10/26     | .....   | 2,729.86              | 2,765.80   | 1,627.81         | 1,649.25   |                  |  | 4,357.65         | 4,415.05   |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 21 AND OCT. 26, 2012—Continued

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Kirk Boyle .....           | 10/21   | 10/26     | .....   | 2,729.86              | 2,765.80   | 1,331.56         | 1,349.10   | .....            | .....  | 4,061.41         | 4,114.90   |
| Committee total .....      |         |           |         |                       |  |                  |  |                  |  |                  | 8,529.95   |

MR. ETHAN LAUER, Nov. 14, 2012.

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

| Name of Member or employee | Date    |           | Country               | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|-----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                       | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Tim Holden .....      | 6/30    | 7/01      | Latvia .....          |                       | 382.14   |                  | (3)  |                  |  |                  | 382.14   |
|                            | 7/01    | 7/03      | Kazakhstan .....      |                       | 720.00   |                  | (3)  |                  |  |                  | 720.00   |
|                            | 7/03    | 7/05      | Kyrgyz Republic ..... |                       | 402.00   |                  | (3)  |                  |  |                  | 402.00   |
|                            | 7/05    | 7/06      | Tajikistan .....      |                       | 198.00   |                  | (3)  |                  |  |                  | 198.00   |
|                            | 7/06    | 7/07      | Uzbekistan .....      |                       | 289.16   |                  | (3)  |                  |  |                  | 289.16   |
|                            | 7/07    | 7/08      | Spain .....           |                       | 323.55   |                  | (3)  |                  |  |                  | 323.55   |
| Hon. Rick Crawford .....   | 8/02    | 8/04      | Panama .....          |                       | 354.97   |                  | (3)  |                  |  |                  | 354.97   |
|                            | 8/04    | 8/06      | Columbia .....        |                       | 824.33   |                  | (3)  |                  |  |                  | 824.33   |
| Hon. Tim Holden .....      | 8/10    | 8/12      | Morocco .....         |                       | 496.05   |                  | (3)  |                  |  |                  | 496.05   |
|                            | 8/12    | 8/15      | Kenya .....           |                       | 1,050.00   |                  | (3)  |                  |  |                  | 1,050.00   |
|                            | 8/15    | 8/15      | South Sudan .....     |                       |  |                  | (3)  |                  |  |                  |  |
|                            | 8/15    | 8/18      | Tanzania .....        |                       | 563.10   |                  | (3)  |                  |  |                  | 563.10   |
|                            | 8/18    | 8/19      | Spain .....           |                       | 220.69   |                  | (3)  |                  |  |                  | 220.69   |
| Hon. Terri Sewell .....    | 8/10    | 8/12      | Morocco .....         |                       | 496.05   |                  | (3)  |                  |  |                  | 496.05   |
|                            | 8/12    | 8/15      | Kenya .....           |                       | 1,050.00   |                  | (3)  |                  |  |                  | 1,050.00   |
|                            | 8/15    | 8/15      | South Sudan .....     |                       |  |                  | (3)  |                  |  |                  |  |
|                            | 8/15    | 8/18      | Tanzania .....        |                       | 563.10   |                  | (3)  |                  |  |                  | 563.10   |
|                            | 8/18    | 8/19      | Spain .....           |                       | 220.69   |                  | (3)  |                  |  |                  | 220.69   |
| Committee total .....      |         |           |                       |                       | 8,154.49   |                  |  |                  |  |                  | 8,154.49   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. FRANK D. LUCAS, Chairman, Nov. 15, 2012.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8667. A letter from the Acting Administrator, General Services Administration, transmitting a report of a violation of the Antideficiency Act by the Working Capital Fund, Treasury Symbol 47X 4540, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8668. A letter from the Acting Administrator, General Services Administration, transmitting a report of a violation of the Antideficiency Act by the Working Capital Fund, Treasury Symbol 47X 4542, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8669. A letter from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Delayed Implementation of Certain New Mortgage Disclosures [Docket No.: CPFB-2012-0045] (RIN: 3170-AA32) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8670. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8255] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8671. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8257] received November 28, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8672. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain persons to the Entity List [Docket No.: 12100957-2527-01] (RIN: 0694-AF80) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8673. A letter from the Acting Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign the Capability Management Updates Project Arrangement pursuant to the memorandum of the Understanding between Australia, Canada, Denmark, Republic of Italy, Kingdom of Norway, United Kingdom, and the United States; to the Committee on Foreign Affairs.

8674. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-145, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8675. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2912); to the Committee on Foreign Affairs.

8676. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties en-

tered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8677. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8678. A letter from the Honorary Secretary, Foundation of Japanese Honorary Debts, transmitting the 216th petition to the Prime Minister of Japan; to the Committee on Foreign Affairs.

8679. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2012, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

8680. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8681. A letter from the Deputy Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8682. A letter from the Presiding Governor, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2012 to September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8683. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8684. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8685. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Federal Benefit Payments Under Certain District of Columbia Retirement Plans (RIN: 1505-AC02) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8686. A letter from the Special Assistant to the President and Director, Executive Office of the President, Office of Administration, transmitting accounting expenditures from the Unanticipated Needs Account for fiscal year 2012, pursuant to 3 U.S.C. 108; to the Committee on Oversight and Government Reform.

8687. A letter from the Chairman, Federal Labor Relations Authority, transmitting the semiannual report of the Inspector General of the Federal Labor Relations Board for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8688. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Report for FY 2012; to the Committee on Oversight and Government Reform.

8689. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements [FAC 2005-62; FAR Case 2012-010; Item II; Docket 2012-0000, Sequence 01] (RIN: 90000-AM36) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8690. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Updates to Contract Reporting and Central Contractor Registration [FAC 2005-62; FAR Case 2010-014; Item I; Docket 2010-0014, Sequence 01] (RIN: 9000-AL99) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8691. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Small Entity Compliance Guide [Docket: FAR 2012-0081, Sequence 7] received December 7, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8692. A letter from the Chief Information Officer, National Aeronautics and Space Administration, transmitting the Administration's final rule — Update of Existing Privacy Act — NASA Regulations [Document Number NASA-NASA-2012-0005] (RIN: 2700-AD86) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8693. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8694. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program Coverage for Certain Intermittent Employees (RIN: 3206-AM74) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8695. A letter from the Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Performance and Accountability Report for fiscal year 2012, as required under OMB Circular No. A-11 and A136; to the Committee on Oversight and Government Reform.

8696. A letter from the Vice Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General for the period of April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8697. A letter from the Branch Chief, Endangered Species Listings, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Revised Critical Habitat for the Northern Spotted Owl [FWS-R1-ES-2011-0112] (RIN: 1018-AX69) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8698. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 11207737-2141-02] (RIN: 0648-XC319) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8699. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 11207737-2141-02] (RIN: 0648-XC211) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8700. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off the West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons [Docket No.: 100804324-1265-02] (RIN: 0648-XC302) received

December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8701. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Debris Removal: Eligibility of Force Account Labor Straight-Time Costs under the Public Assistance Program for Hurricane Sandy [Docket ID: FEMA-2012-0004] (RIN: 1660-AA75) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee: Guidance for the 2013 Fee Year [Notice 2012-74] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8703. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-66] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Salvage Discount Factors and Payment Patterns for 2012 (Rev. Proc. 2012-45) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8705. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2012 Base Period T-Bill Rate (Rev. Rul. 2012-22) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8706. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012-2013 Special Per Diem Rates [Notice 2012-63] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. H. Res. 827. A resolution providing for consideration of motions to suspend the rules (Rept. 112-700). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BERMAN (for himself and Mr. CONNOLLY of Virginia):

H.R. 6644. A bill to establish a framework for effective, transparent, and accountable United States foreign assistance, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 6645. A bill to amend title XVIII of the Social Security Act to save and strengthen the Medicare program; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCHANAN (for himself and Mr. JONES):

H.R. 6646. A bill to prohibit United States assistance to the country of Egypt; to the Committee on Foreign Affairs.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BRADY of Texas, and Mr. MARCHANT):

H.R. 6647. A bill to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 6648. A bill to provide for the establishment of the Post Office Consumer Action Group, Incorporated; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H.R. 6649. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Affairs.

By Mr. KUCINICH (for himself, Mr. CARSON of Indiana, Mr. CONYERS, Mr. MICHAUD, and Mr. MORAN):

H. Res. 828. A resolution calling for the unconditional release of Nasrin Sotoudeh and all prisoners of conscience in Iran, and the utilization by the United States of direct multilateral and bilateral diplomacy with Iran to address Iran's human rights situation; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BERMAN:

H.R. 6644.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the authority delineated in Article I section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mr. HERGER:

H.R. 6645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. BUCHANAN:

H.R. 6646.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9 of the U.S. Constitution.

By Mr. SAM JOHNSON of Texas:

H.R. 6647.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. KUCINICH:

H.R. 6648.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 which provides Congress with the power to establish and regulate the United States postal system.

By Ms. ROS-LEHTINEN:

H.R. 6649.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Mr. TIERNEY.

H.R. 1448: Mr. DEFAZIO.

H.R. 1897: Mr. FRANKS of Arizona and Mr. DOGGETT.

H.R. 2104: Mr. LATHAM.

H.R. 2595: Ms. ESHOO.

H.R. 2701: Mr. CICILLINE.

H.R. 2770: Mr. CRAVAACK.

H.R. 3014: Mr. DAVIS of Illinois.

H.R. 3506: Mr. YODER.

H.R. 3627: Mr. BLUMENAUER.

H.R. 3652: Mr. GOODLATTE.

H.R. 3713: Mr. BURTON of Indiana and Mr. CARNAHAN.

H.R. 4209: Mr. WELCH.

H.R. 4216: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4336: Mr. BILIRAKIS.

H.R. 4390: Mr. CUMMINGS.

H.R. 5741: Mr. WELCH.

H.R. 5943: Mr. LOEBSACK.

H.R. 6154: Mr. SCHWEIKERT and Mr. PASTOR of Arizona.

H.R. 6322: Mr. HARPER.

H.R. 6364: Mr. GRAVES of Missouri and Mrs. HARTZLER.

H.R. 6388: Ms. ZOE LOFGREN of California.

H.R. 6437: Mr. CONNOLLY of Virginia and Ms. MCCOLLUM.

H.R. 6446: Mr. GUTHRIE.

H.R. 6490: Mr. SHUSTER, Mr. GRAVES of Georgia, Mr. TURNER of New York, Ms. PINGREE of Maine, Ms. TSONGAS, Mr. PLATTS, Mr. LUETKEMEYER, Mr. BILIRAKIS, Mr. ROGERS of Michigan, Mrs. CAPITO, and Mr. ACKERMAN.

H.R. 6504: Mr. KEATING.

H.R. 6575: Mr. BOSWELL, Mr. KING of Iowa, and Mr. LOEBSACK.

H.R. 6590: Mr. CARNEY, Ms. NORTON, Mr. CICILLINE, Mr. SCOTT of Virginia, and Mr. RUSH.

H.R. 6613: Mr. LYNCH.

H.R. 6628: Mr. MICHAUD and Mr. COSTA.

H. Con. Res. 116: Mr. McDERMOTT.

H. Con. Res. 142: Mr. TERRY, Mr. GUTHRIE, Mr. NUNNELEE, Mrs. BLACKBURN, Mr. OLSON, and Mr. PEARCE.

H. Res. 193: Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ENGEL, Mr. JONES, Mr. OLVER, Mr. TOWNS, Mr. MARKEY, Mr. KEATING, Ms. BORDALLO, Mr. CONYERS, Mr. CAPUANO, Mr. KILDEE, Mr. ACKERMAN, Ms. BROWN of Florida, Mr. CICILLINE, Mr. SIRES, Mr. SHERMAN, Mr. MCGOVERN, Ms. SCHWARTZ, Mr. LYNCH, Mr. MILLER of North Carolina, Mr. WELCH, Mr. PETERS, Mrs. MALONEY, and Mr. MEEKS.

H. Res. 824: Mr. WALBERG, Mrs. MYRICK, Mr. MULVANEY, Mr. SCHOCK, Mrs. LUMMIS, Mr. MANZULLO, Mr. FLORES, Mr. NEUGEBAUER, Mr. SMITH of New Jersey, Mr. BRADY of Texas, and Mr. SAM JOHNSON of Texas.

**SENATE—Tuesday, December 11, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, infuse our Senators with the spirit of peace in the midst of the twists and turns of these uncertain times as You guide them to do what is best for this land we love. Lord, guide them beyond the meager resources of their talents so they will trust and lean on You. Give them the wisdom to believe that in every circumstance You can provide them exactly what they need. May they find opportunities to honor You in each challenge they face as You empower them to lift burdens that are heavier than they can bear.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 11, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks we will be in a period of

morning business for 1 hour. The majority will control the first half, the Republicans the final half. Following morning business we will resume consideration of the motion to proceed to S. 3637.

The Senate will recess as we normally do on Tuesdays from 12:30 p.m. to 2:15 p.m. to allow for our weekly caucus meetings.

At 2:15 p.m. there will a cloture vote on the motion to proceed to S. 3637. There could be additional votes today.

**TRIBUTES TO DEPARTING SENATORS**

JIM WEBB

Mr. REID. Mr. President, I would note the Acting President pro tempore today. I had the good fortune of being able to come to the floor last week to talk about the Acting President pro tempore's tenure in the Senate—some 6 years—and I talked about some of the many accomplishments he had in that relatively short period of time, as we call Senate time.

But I am reminded again of the Senator from Virginia, having spent an hour on Friday with Bob Kerrey. Bob Kerrey and I reflected back on his experience here in the Senate, and one memorable meeting he and I had. The purpose of that meeting was for Bob Kerrey to introduce me to Senator WEBB. It was a wonderful meeting because when the meeting finished—and I won't go into the details of everything I said, but the Senator from Virginia knows—I came out of that meeting recognizing what kindred spirits these two gallant warriors were and are, both having been highly decorated, one in the Navy, the other a marine; one with a Medal of Honor, the other—the Acting President pro tempore—the Navy Cross, Silver Star, more than one Bronze Star for Valor, and a number of Purple Hearts.

So I say again, but I can't say it too much, what an honor and pleasure it has been to serve in this body with the Senator from Virginia, JIM WEBB. I have learned so much about what a difference a positive attitude will make. And there is no better example of that than the new GI bill of rights. To think a new Senator—a brand new Senator—would have the idea, the confidence that he could do this; not only the confidence that this bill is important, but he wrote it himself. The Acting President pro tempore wrote that bill himself. He didn't go to bill drafters, as most of us do, he wrote it himself and proceeded to get it passed. So this is a man I will miss a whole lot.

DANIEL AKAKA

Mr. President, I want to spend a little time today talking about the junior Senator from Hawaii, DANIEL AKAKA, as he retires from a life dedicated to his community and this country.

Senator AKAKA's service to this Nation began during wartime, when he was a teenager. He graduated from high school and the war was ongoing. Of course, people were watching Hawaii very closely because they had such a huge Asian population—a huge Japanese-American population. So it was watched very closely, and for reasons that weren't valid, but that is what we did then.

DAN AKAKA spent 2 years as a civilian worker with the U.S. Army Corps of Engineers and 2 years on active duty in the U.S. Army. His duties with the Army, as I recall, having talked to DAN AKAKA, were to protect the water in Honolulu.

After the war, DAN attended the University of Hawaii, using the original GI bill. Years later, he would receive his master's degree from the University of Hawaii as well as his bachelor's degree. Senator AKAKA believes he would never have become a U.S. Senator if not for the GI benefits he received through his service in the military. That is why, as a member and past chairman of the Veterans' Affairs Committee, he has worked to make important improvements to the 21st Century GI Bill. Today's GI bill is modeled, after the work done by JIM WEBB, after the educational opportunity program that DAN took advantage of when he was a young boy.

Senator AKAKA was chairman of the Veterans' Affairs Committee from 2007 to 2010, as thousands and thousands of Iraqi and Afghanistan veterans were coming home from combat. As Democrats collectively worked to bring our troops home from Iraq, DAN AKAKA labored with the Veterans' Administration to meet the needs and challenges of a new generation of veterans. The 21st Century GI Bill ensures those veterans get the educational opportunities they deserve.

DAN so valued his own education that he went on to serve his community as a teacher after he graduated from college. He became a principal, worked for the Department of Health, Education and Welfare, and the Hawaii Office of Economic Opportunity. He served 14 years in the House of Representatives before he was appointed to the Senate in 1990. He won election to the Senate later that year.

As chairman of the Indian Affairs Committee, DAN has been a strong



voice and tireless advocate for Native Americans. He has taught us all about history—the history of Hawaii and its native communities, as well as the issues facing indigenous Hawaiians today.

Senator AKAKA is a descendent of native Hawaiians. He is 75 percent Hawaiian and he has Hawaiians on both sides of his family. He is very proud of his heritage. DAN was the first Native Hawaiian in the Senate.

He is also a deeply religious man who comes from a strong faith tradition. His devout mother taught her children a custom of charity. His mother was really a soft touch. Anyone coming by with a sad story, she would invite them in. Sometimes her hospitality only allowed her—because she had nothing else—to give them something to drink. His family was very poor when he was young. But DAN was able to work through this. Even if his mother had spent the grocery money for the month, strangers were always welcome at her table.

A friend of DAN's brother came to Hawaii from Chicago for a very brief period of time, and his mother took him in. He never left. He basically was raised in the Akaka home. A boy named Anthony from Chicago, as I indicated, came to visit DAN's brother and he never left. Anthony became such a part of that family that, before he died, he wanted to make sure he was buried in Hawaii. He wanted to be buried with DAN's siblings and family in Hawaii. And he was.

Senator AKAKA served as choir director of the Hawaii Christian mother church, where his brother was minister. His brother was minister there for some 17 years. Senator AKAKA is still a member of that church.

He is blessed with a wonderful family as well as a rewarding career. He and his wife Millie have 5 children, 15 grandchildren, and 14 great-grandchildren.

Senator AKAKA has served his constituents well and with distinction. He has served not only his constituents and the State of Hawaii but our country with distinction. He has enjoyed a long and productive career and his presence in the Senate will be missed.

I offer congratulations to Senator AKAKA on his dedicated military and public service and wish him and Millie happiness in their retirement.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### THE FISCAL CLIFF

Mr. MCCONNELL. Mr. President, with the fiscal cliff fast approaching, I feel the need to point out something

this morning that is perfectly obvious to most Americans but which Democrats in Washington still don't seem to grasp. I am referring to the fact that any solution to our spending and debt problem has to involve cuts to out-of-control Washington spending.

I know that might sound obvious to most people, but for all the President's talk about the need for a balanced approach, the truth is he and his Democratic allies simply refuse to be pinned down on any spending cuts. Americans overwhelmingly support some level of cuts to government spending as part of a plan to cut the Federal deficit. Yet the President will not commit to it. He refuses to lead on the issue. The President seems to think if all he talks about is taxes, and that is all reporters write about, somehow the rest of us will magically forget that government spending is completely out of control and that he himself has been insistent on balance.

A couple of weeks ago we saw his plan. After four straight trillion-dollar deficits and 2 years of running around calling for a balanced approach to bring those deficits under control, we saw his idea of balance—a \$1.6 trillion tax hike, new and totally unprecedented power to raise the Federal debt limit at his whim, and a \$50 billion stimulus for infrastructure; in other words, even more spending.

So when it came to offering his idea of a balanced approach, the President was vague about cuts but very specific in his request for more government spending—something no reasonable person had publicly contemplated previously. It raises the question: Do Democrats even believe their own rhetoric on spending? Or, contrary to the clear wishes of the majority of Americans, do they just want more tax revenue to fund a government without any limits—any limits whatsoever—which keeps getting bigger and bigger with every passing year?

Think about it. The Federal Government spent \$1.8 trillion in 2001, and last year—10 years later—\$3.6 trillion. These are nominal dollars, I realize, but by any measure the size of government has grown well beyond its means. Government spending is completely and totally out of control and we need to start acting like it.

Yesterday the Government Accountability Office revealed that government workers and private contractors are doing the same exact work on Medicaid claims, leading to billions in waste. Meanwhile, Senator COBURN has shown all of us some of the ridiculous things taxpayers are paying for with their tax dollars—some of the things that caused us to spend a trillion dollars more than we take in every single year.

Last year he put out a report showing how we could save more than \$100 billion—about one-tenth of the annual

deficit—by eliminating duplicative and overlapping government programs. We have 94 Federal initiatives aimed at encouraging green building through 11 different Federal agencies. We have 14 programs with the sole purpose of reducing diesel emissions.

A few weeks ago Senator COBURN issued a study that showed taxpayers are funding Moroccan pottery classes, promoting shampoo and other beauty products for cats and dogs, and a video game that allows them to relive prom night.

Taxpayers also just spent \$325,000 on a robotic squirrel named Robo-Squirrel. The President just sent us a 73-page report detailing how \$60 billion in Sandy funds would be spent. Don't you think he could put together a list of spending cuts that would at least include Robo-Squirrel?

We are still waiting. Why? Because for Democrats apparently every dollar in Federal spending is sacred; once secured, it can't be cut. That is why we have trillion-dollar deficits. The truth is, until the President gets specific about cuts, nobody should trust Democrats to put a dime in new revenue toward real deficit reduction or to stop their shakedown of the taxpayers at the top 2 percent. As one liberal lawmaker put it last week, that's just the beginning.

When it comes to deficit deals, the taxpayers need to trust but verify. On cuts, that means specifics.

RICHARD LUGAR

Mr. President, as we enter the final weeks of the 112th Congress, one of the toughest tasks for me is saying goodbye to colleagues who will not be with us at the start of the next Congress.

I would like to kick it off this morning by spending just a few minutes bragging on my longtime friend and neighbor to the north, Senator DICK LUGAR.

Let me start by saying I am grateful to have served alongside this good man and to have had a front-row seat for much of his illustrious career.

To give an idea of the kind of career DICK LUGAR has had, consider this: He was an Eagle Scout, first in his class in high school, first in his class in college, a Rhodes Scholar, Naval intelligence briefer, corporate turnaround artist, and big-city mayor. That was all by the age of 35. He has excelled at everything he has ever done. Most incredibly, he has done it with perfectly smooth elbows. Walk into any office on Capitol Hill and you would not find a single person who would say a bad word about DICK LUGAR. He has earned the respect and admiration of everyone who ever crossed his path. I assure you, in the world of politics, that is nothing short of a miracle. Now DICK has decided to press his luck. He is moving into the only line of work where rivalries are even more vicious than in politics—he is becoming a college professor.

DICK and I go all the way back to my first Senate race in 1984. He was the head of the NRSC at the time. He took a chance on me, and I have always been grateful. He has been a friend ever since.

A lot of Hoosiers cross the Ohio River every day to work in Kentucky, but it is not often a Hoosier Senator crosses it to help a Kentuckian making his first bid for the Senate. Since we are from neighboring States, our work in the Senate has often overlapped over the years. I truly lucked out. DICK has always been helpful and cooperative and a perfect gentleman.

With his six terms in the Senate, Senator LUGAR is the longest serving Member of Congress in Indiana history. He ranks 10th on the list of Senators who have cast the most rollcall votes.

As the longtime chair or ranking member on the Foreign Relations Committee, he has become one of America's most respected voices on matters pertaining to foreign policy. Indeed, Senator LUGAR commands the highest respect not only from his peers in the Senate but around the world, for his deep knowledge of foreign policy, national security, agriculture, and trade.

To a lot of liberals, he is a walking contradiction: a Republican intellectual. He has always worn that reputation lightly. Anyone who has ever been on a CODEL with DICK has seen his method. He stuffs his carry-on to the point of bursting with memos, newspapers, magazines, journals, reports, survey data, you name it. Apparently, Trent Lott sat next to him on the plane once and was horrified at the way he tore out the pages and scribbled notes on them. We all know Trent would never be so indelicate.

Senator LUGAR has always had a global view. It started during his days as a Rhodes Scholar and an intelligence briefer in the Navy and he brought that global view back to Indiana. After the untimely death of his dad, DICK and his brother took over the family business and reinvented it from a struggling domestic operation to a global leader in the manufacture of baking machinery.

He went from success to success, moving from a seat on the Indianapolis school board into the mayor's office, and then, in 1996, on to the Senate. What a Senate career it has been.

For my part, I think Senator LUGAR's achievement in passing the Nunn-Lugar Cooperative Threats Reduction Program in 1991 was a great achievement, not just for himself but for the entire world.

The Nunn-Lugar program provides assistance to former Soviet states such as Russia, Ukraine, Kazakhstan, and Belarus in helping them dismantle and destroy their nuclear, chemical, and biological weapons, in order to prevent them from coming under the control of terrorists.

As of 2011, Nunn-Lugar has deactivated over 7,600 strategic warheads, 791 intercontinental ballistic missiles, 669 submarine-launched ballistic missiles, 32 nuclear submarines, and 194 nuclear test tunnels. It has neutralized 1,395 metric tons of chemical weapons, and it has certified that the countries of the Ukraine, Kazakhstan, and Belarus—which once held the third, fourth, and eighth largest nuclear arsenals in the world, respectively—are now nuclear-free. What an incredible legacy.

After the September 11 attacks, Senator LUGAR called for and helped pass the expansion of the Nunn-Lugar approach, resulting in the Global Threat Reduction Initiative, which aims to prevent chemical and biological weapons from falling into the hands of terrorists. He has been a leader in Congress on the issue of ensuring food safety and supply internationally for years.

It is the mark of a leader that he thinks not only of his own moment in time but of the future of his community and of his fellow man, here and around the world. I think it is safe to say few Senators embody that spirit as fully as Senator LUGAR. That is not just my opinion. For his work to make the world a safer place, Senator LUGAR has been justly nominated for the Nobel Peace Prize.

Senator LUGAR was first elected to the Senate in 1976 and has served for six terms. He is beloved in his home State of Indiana and in bordering Kentucky too. There is not only a lot of admiration but a lot of affection for this giant of the Senate just south of Hoosier territory.

Senator LUGAR has put his extraordinary talent to the service of this institution and his fellow countrymen, and I have no doubt he will be remembered as one of the best.

Senator LUGAR would probably tell us his greatest achievement was marrying Char. They have been married now for more than 50 years. They are proud of their four sons and their 13 grandchildren, and they can be proud of the great teamwork they have had together over the years, from their time as co-presidents of their senior class at Denison University. Char and the boys were involved in all his campaigns. The Senate family is sad to see them go as well.

Senator, you are a treasure to the Senate and a model of the public servant. We are sorry to see you go, and I am sorry to lose your wise counsel. I know that whatever you turn to next, you will be a great success, and I look forward to hearing all about it. Thank you for your tremendous service to this body, to the State of Indiana, and to the Nation.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Illinois.

#### RICHARD LUGAR

Mr. DURBIN. Mr. President, let me first echo the comments of the Republican leader, Senator MCCONNELL, about our colleague and friend, Senator DICK LUGAR of Indiana.

It has been my good fortune now for some 16 years to serve in the Senate with Senator DICK LUGAR and to come to know him and his wife Char and, more importantly, to come to know their work together on behalf of Indiana and the United States. DICK LUGAR is truly a giant in the Senate. We are going to miss him. There aren't many with the vision of DICK LUGAR.

There is something about standing in the middle of this country, Adlai Stevenson II once noted, with the flatlands all around you that gives you a perspective on the world a little different. DICK LUGAR's perspective on the world has been so insightful and so important for decades.

His work with Senator Nunn in dealing with the proliferation of nuclear weaponry and the dissolution of the Soviet Union was truly historic and may have saved the world from catastrophe time and again. He reached out to a young Senator from Illinois by the name of Barack Obama and took him on a congressional delegation tour to look into this issue. I think at the end of the day their friendship was solid, and President Obama notes it was one of the more important overseas visits he made as a Member of the Senate.

I know DICK LUGAR as well from the many times we came together with our wives at the Aspen Institute. It is truly unfortunate that there aren't more Senators participating in the Aspen Institute. It is a meeting, usually overseas, of members of the Senate and their spouses with experts to discuss some of the most important problems facing us in this world. No lobbyists are allowed to attend; it is truly 2 or 3 days of work. But it is also a time in the evening to sit together and come to know a family. Loretta and I have come to know Char and DICK LUGAR as exceptional people. Char and I would sit and talk about books—which she

loves to read and I do too—and DICK and I would talk about the topic of the day, and we created a bond of friendship in those experiences.

He has done so much work in the Senate, as Senator MCCONNELL noted, starting as the mayor of Indianapolis and working his way up to the Senate. He became a powerful force in the Senate Foreign Relations Committee, and I was honored to serve on that committee over the last several years and watch his work unfold and evolve.

DICK LUGAR is going on to great things, I am sure. This is not the end of his service to our country. I wish him and Char the very best, whatever their next undertaking may be.

As you receive praise from the Senator from Kentucky to the south of Indiana, accept some from the Senator from west of Indiana in the State of Illinois. I am honored to count DICK LUGAR as a friend, and I am sure going to miss you. You have been an extraordinary ally and colleague on so many important issues.

DANIEL AKAKA

Mr. President, I also add my comments in chorus to what the majority leader said about Senator DAN AKAKA of Hawaii.

I came to know him—and I have spoken about this on the floor—and Millie who are the perfect Senate family. They have devoted a major part of their lives to serving Hawaii and serving in the national interest.

The legacy Senator AKAKA leaves behind is substantial when it comes to legislation, particularly in helping veterans and agricultural issues. But, more important, what DAN AKAKA leaves behind is the feeling of kinship and camaraderie which he has with so many Members of the Senate. He is a stalwart at the Senate Prayer Breakfast, leading the singing every Wednesday morning, and it is heartfelt and very genuine.

As Senator REID mentioned earlier, his family background of Hawaii—which he shared with us one afternoon at a lunch—is a tradition of giving and hospitality which we find built in to DANNY AKAKA. We are going to miss him.

JIM WEBB

To the Presiding Officer—I said a few words on the floor before—we thank you for your service. You did an extraordinary job here. There aren't many one-termers who make a mark in the Senate and on the Nation. You did it.

I can remember—I thought it was a little bold of you, maybe even more—when you came in and said: I want to rewrite the GI bill, and you did it and it was exceptional. You have helped thousands of men and women who have served in our military come back to America and be welcomed and be productive parts of our future.

In so many ways, I wish to thank Senator JIM WEBB, our Presiding Offi-

cer, for being an important and viable part of the Senate. I know you will continue to serve our Nation in many different capacities in the future, and I am sure they will be equally exceptional.

#### THE FISCAL CLIFF

Mr. DURBIN. Mr. President, I have to answer some of the comments made earlier by the Republican leader as he talked about the state of negotiations between the President and Congress as we face the fiscal cliff. He said at one point that the President is calling for raising taxes \$1.6 trillion. That is true. But I would call to his attention that the Simpson-Bowles Commission suggested that 40 percent of the \$4 trillion in deficit reduction comes from revenue and taxes. What the President is suggesting is entirely consistent with that bipartisan group's call for more revenue and taxes as part of our deficit reduction.

The President has made it clear, though, that he wants to protect and insulate middle-income families from any income tax increases, and I agree with him. We should not raise the income taxes on those making less than \$250,000 a year. I voted that way in July. We sent the bill to the House. It sits there. It languishes in the House because the Speaker will not call it. He has his chance this week or next to call that bill on the floor of the House of Representatives to avoid any tax increase on middle-income families. That is an important bill for us to get done before we leave at the end of this particular session of Congress.

Let me say that \$1.6 trillion in taxes over 10 years is not an unreasonable amount. The tax rate the President is asking for is the rate that was in place during the expansive period in our economy under President Bill Clinton. To argue that the President has gone too far in asking for tax and revenue is to ignore the obvious. It is the same percentage asked for by Simpson-Bowles, if not less, and it is a tax rate that, frankly, ruled in this country at a period of time when we had more jobs and businesses created than ever in recent history.

A second argument that was made by the Republican leader is that there is a proposal from the President to raise the debt ceiling at his whim. Those are his words. I beg to differ. What the President has proposed is exactly the McConnell procedure. Senator MCCONNELL of Kentucky suggested to us that we have a process for extending the debt ceiling that allows Members of Congress to vote to approve or disapprove and ultimately for the President to decide whether to sign into law—their resolution of disapproval, for example. That, of course, could lead to a veto and another opportunity for Congress to vote again.

This was a process Senator MCCONNELL suggested. It was a way out of a bind when the House Republicans and others threatened to shut down the economy over the debt ceiling extension, which is, in fact, the mortgage of the United States of America. It would have otherwise led to the first major default on America's debt in our history, with calamitous results when it came to the impact on our economy.

For the Republican leader to come to the floor and criticize the very same procedure he suggested and voted for I think is hard to understand and explain. Last week he came to the floor and suggested that we enshrine it in law. He offered the bill on the floor. Senator REID came and said: We accept your invitation, and we will take a rollcall vote on that, at which point Senator MCCONNELL filibustered his own bill that he had introduced, I recall, earlier in the day. I think he made history in the Senate, filibustering his own bill when we had a chance to vote and pass it.

I would say this notion that the President is looking for an extraordinary power when it comes to the debt ceiling is not quite accurate. I say to the Senator from Kentucky, if we accept your approach to it, it will give the Senate and House a voice, but we will not risk default.

Third, the Senator from Kentucky was lamenting the size of government growth. When we took a look at the last time we balanced the budget and had a surplus in Washington, it was under President William Jefferson Clinton, a little over 12 years ago. What has happened to spending since President Clinton's balanced budget? It has gone up substantially. Where has it gone up? In domestic discretionary accounts, which are often the target of speeches like Senator MCCONNELL's today? No. That has basically been flatlined when you take inflation into consideration. The dramatic growth in government spending since we were last in balance has been in two areas. One of those was in military spending. I might add that the reason it has grown dramatically is we have been at war in Afghanistan and Iraq. The President has extricated us from Iraq, and we are in the process of leaving Afghanistan.

If you want to know why government spending has gone up so fast, there has been a 64-percent increase in military spending since the budget was last in balance. There was no increase in domestic discretionary spending when you take inflation into account but 64 percent in military spending. That is why spending has gone up. Yet, when they suggest we will cut spending in the sequester, people say: You cannot touch it; it has to continue to grow. I question that. I think we can be safe as

a nation and really address the wasteful spending taking place in the Pentagon as well as every other government agency.

Where else is there a growth in government spending? The same analysis by Senator INOUE says that since the budget was in balance, the expenditures in entitlement spending have gone up 30 percent—30 percent. It is a substantial pool of money. Why? Because yesterday 10,000 Americans reached the age of 65, today another 10,000, tomorrow another 10,000 and every day for the next 18 years as the boomers arrive. To lament the growth in entitlements is to ignore the obvious: we have more people calling on Social Security and Medicare for help. People have paid into these systems for a lifetime and now—I think quite rightfully—expect to be covered by the same programs they have supported for so many years in their working lives.

Is the Senator from Kentucky suggesting that we need to cut back when it comes to eligibility in Social Security and Medicare? That would sure restrain the growth, but it would be fundamentally unfair and unwise to tell people who paid in a lifetime to Social Security and Medicare that now you do not get your benefits.

Let's be honest about the growth in government spending. When you have wars that you do not pay for, when you have entitlement programs created, such as the Medicare prescription Part D, unpaid for, when you have a growth in entitlements just by the demographic growth in America, that accounts for a lot of the increase in spending.

There is one other key element. A large measure of the increase in Federal spending has been increased health care costs, and we estimate that in the next 10 to 20 years, 70 percent of Federal budget outlays will grow because of increased health care costs. We addressed this. We went after the growth in health care costs with the President's ObamaCare—the health care reform bill—in an attempt to contain it and had not one single Republican who would join us in that effort. Not one. We ended up passing it exclusively as a Democratic bill. That is a shame because I think Democrats and Republicans should share the same goal of trying to reduce the increased cost of health care spending.

When it comes to the President's offer, we need a bold approach again. We need to contain the spending costs as we already have, already cutting \$1 trillion in spending to date. We need to have revenue sources, which the President has asked for, and we need to look at entitlement programs—I want to be very specific—not entitlement cuts per se but entitlement reform. Untouched, Medicare runs out of money in 12 years. That is a challenge to each and every one of us today—not 12 years

from now but today. What will we do in the next year, looking at entitlement programs such as Medicare, to make sure they have a life well beyond 12 years? I think that is a responsibility we should face squarely, and it should be part of this deficit negotiation. I am not for a quick fix that is introduced in the next couple of days or hours; rather, I would like to see a thoughtful repair and reform of Medicare and other entitlement programs so they will continue to be in service in the future.

#### GREATER EXPORTS TO AFRICA

Mr. DURBIN. Mr. President, I have visited Africa many times. When I have, I have left with an amazing impression of this great continent and all that it contains. It really does lure one and draw you back to the different places in Africa that offer such a rich history but also offer great opportunity.

What I find in Africa today is that China has an increasing presence on that continent. China has a plan when it comes to the future of Africa. America does not. That is why I am going to offer as an amendment to the TAG bill which is currently pending before the Senate the American Jobs Through Greater Exports to Africa Act. My partners on the bill are Senators CHRIS COONS, BEN CARDIN, JOHN BOOZMAN, and MARY LANDRIEU, as well as support in the House from Representative CHRIS SMITH.

At the heart of this bill is the creation of jobs in America. Exporting more goods to Africa will help create jobs here. Every \$1 billion in exports supports over 5,000 jobs. I believe we can increase exports from the United States to Africa by 200 percent in real dollars over the next 10 years, and we cannot wait any longer.

If there are some who say that Africa is so backward and so far behind, what is it in the United States they can afford to buy if they even wanted to, that is old thinking. Let me give you some new reality. In the past 10 years, 6 of the world's fastest growing economies are in Sub-Saharan Africa, and in the next 5 years Sub-Saharan Africa will boast seven of the top fastest growing economies in the world. The number of Africans with access to the Internet has increased over the last 10 years fourfold to 27 percent. From 1998 to today, the number of mobile phones on the continent have grown from 4 million to 500 million, and 78 percent of Africa's rural population has access to clean water. These are signs of a growing middle class.

China sees it. We have to see it. China is insinuating itself into the economy of major Africa nations. They are offering concessional loans, and they are offering their contractors, their engineers, and their investment in Africa. We are not. We are going to

ruin the day. Africa is a great opportunity for us, and this bill addresses it.

I sincerely hope my colleagues in the Senate will consider supporting this greater exports to Africa trade bill. This is something we can do to increase jobs in America, increase trade with Africa, and really build those countries that share our values. The difference between the United States, China, and other countries? We come to the marketplace with values, and we have to make certain those values are protected and encouraged. We can only do that if we are honest traders and we are actively engaged in expanding the markets for our goods and services.

Over the years and during my travels, I have heard from African leaders and American businesses the same story—the U.S. has fallen woefully behind other countries in its commercial engagement with Africa. And our government does not have a coordinated strategy to help match the aggressive efforts of other nations trying to invest in Africa. In endorsing this bill, the U.S. Chamber of Commerce has written that, "Congress has an opportunity to reverse this decline."

But why would U.S. businesses and groups representing them, groups like the U.S. Chamber of Commerce and the Corporate Council on Africa, think this effort is so important? As I have said, in the past 10 years, 6 of the world's fastest growing economies are in Sub-Saharan Africa, and in the next 5 years Sub-Saharan Africa will boast 7 of the top 10 fastest economies.

From 2000 to 2009, the number of Africans with access to the internet has increased four-fold to 27 percent.

From 1998 to today, the number of mobile phones on the continent has grown from 4 million to more than 500 million, and 78 percent of Africa's rural population has access to clean water.

These are signs of a growing middle class and what the World Bank has called "the brink of an economic take-off" for Africa. U.S. businesses must be a part of that take-off, and our government must provide a cohesive system of support and a coherent national strategy to enable it. That is what this bill does, and it does so at almost no cost. It would develop a comprehensive strategy to coordinate the work of several U.S. government agencies that help U.S. businesses export American products and services to Africa.

The bill creates a Special Africa Export Strategy Coordinator to ensure that these government agencies are working together efficiently, and in a way that businesses of all sizes can navigate easily. It is smart, low cost, and it creates enormous returns on investment in jobs, diplomatic influence, and engagement.

Meanwhile, other countries are positioning themselves to be there for the coming African economic boom—countries like Brazil, India, and you guessed

it, China. China has aggressively moved in. In fact, today, China is Africa's largest trading partner. China has pumped billions of dollars into Africa, often in the form of concessional loans—loans below market rates that have favorable payback options. These loans are hard to resist for developing countries, and they're hard for American companies to compete with.

Between 2008 and 2010, China provided more financing to the developing world than the World Bank—loans totaling more than \$110 billion. This money buys China access to markets, natural resources, consumers, and political influence. A recent story on CNN.com, entitled "Chinese Media Make Inroads into Africa," shows the kind of aggressive engagement we are up against.

This past January, state-owned Chinese Central Television opened its first broadcast hub outside of Beijing. Where did they put it? Mumbai? London? Rio? Try Nairobi. Another Chinese state-run news organization has more than 20 bureaus on the African continent, part of what is called the China Africa News Service. According to the article, it's all part of an effort "to win the hearts and minds of people in the continent and create a more fertile business environment." And it's at our expense. It should make us take a hard look at what the U.S. Government is doing to promote and support our own businesses. And that is what this bill does.

But this bill is not just good for American interests, it is also good for Africa—something our competitors are not always concerned with. While the Chinese may offer sweetheart deals that buyers can't resist, the price of doing business with China is much higher than just the cost of repaying loans.

To calculate the real price you have to add to the sum the precious natural resources that China gobbles up for its growing economy back home and the environmental devastation that comes from its general lack of concern for environmental standards. You have to add the cost of Africans losing out on work when the Chinese ship in their own labor to build the projects they are bankrolling. And when Africans do get the jobs you have to consider the cost of the poor labor standards and working conditions they have to endure. And lastly you have to consider China's indifference to democracy, corruption, and human rights standards.

A recent New York Times article illustrated an even greater cost—a far more deadly side of Chinese involvement in Africa. It dealt with the resurgence of ivory poaching in Uganda and Kenya and the DRC. It is a resurgence that has resulted in tens of thousands of elephants being slaughtered over the past several years and, get this, it is a resurgence fueled by Chinese demand—as much as 70 percent of the ivory is

smuggled to China. In fact, the article goes on to say that there is growing evidence that ivory poaching actually increases in elephant-rich areas where Chinese construction workers are building roads.

Now, I said this was a deadly consequence of Chinese involvement in Africa, but I didn't mean just for elephants. Much of the money from this Chinese-fueled increase in the ivory trade ends up in the hands of international fugitive Joseph Kony and his band of murdering thugs. It is widely believed that Kony's Lord's Resistance Army has embraced ivory poaching to fund its reign of terror.

The U.S. Government should seek a level of engagement with our African partners that makes American companies and American products competitive alternatives to what China has to offer. That's what this bill does. It would establish a minimum number of commercial Foreign Service officers to be stationed at U.S. embassies in Africa and the multi-lateral investment banks. It would increase the Export Import Bank staff presence on the ground in Africa. That means better support for U.S. businesses on the continent and better interface with African governments. The bill would also formalize the training economic and commercial officers receive, so they are fully aware of all the tools available for export promotion and financing—a benefit to businesses who want to do business in Africa, or anywhere in the world. And finally, it would equip the U.S. government to counter the aggressive concessional—or below market—loans that many African nations cannot resist.

The Increasing American Jobs through Greater Exports to Africa Act has something for everyone to support. It is good for the American economy. It helps U.S. businesses create jobs here at home by tapping into a burgeoning overseas market hungry for our products. It is good U.S. foreign policy. It positions America to maintain our global leadership in a shifting geopolitical landscape. And it is good for the people of the African continent. Superior American products and business practices would become more competitive and financially accessible to them.

That is why the Senate Foreign Relations Committee unanimously approved this common sense bill. Now the full Senate has a chance to do the same. I urge all of my colleagues to support this critical effort. We must commit today that the United States will not be left behind in Africa. Every day we wait, countries such as China expand their economic, political, and diplomatic footprint on the continent.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

#### WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I come to the floor again to urge my colleagues to extend the production tax credit for wind energy. I would like to note that on the heels of Senator DURBIN's comments about China, we wish the Chinese energy industry well, but we do not want to outsource our wind energy jobs to China needlessly. We are on a path to do so.

I see my colleague from Iowa here, Senator GRASSLEY, who I know will speak later on the wind production tax credit, but it is going to expire in less than 1 month from now—December 31, to be specific—if we do not act. That means we are 1 month away from pulling the rug out from under an industry that is currently playing a key role in revitalizing American manufacturing, creating jobs, and powering our Nation. We are literally 1 month away from ending a credit that supports tens of thousands of workers right here in the United States.

Each day that we wait to extend the PTC, we risk losing more good-paying American jobs. We also risk doing away with a credit that is a major contributor to the success and development of our Nation's wind industry. This credit has helped companies leverage billions of dollars' worth of investments and created thousands of made-in-America manufacturing jobs.

If history is any guide, allowing this critical tax credit to expire would be disastrous. The expiration of the PTC in 2000, 2002, and 2004 led to massive drops in wind energy installation. Already in my home State of Colorado this year we have seen hundreds of layoffs across the Front Range due to our heel-dragging on the PTC.

Each time I discuss the PTC on the Senate floor, I highlight a different State to show the vitality of the wind industry in that particular State, how this important credit has created jobs for that State's economy. Today I am here to talk about Iowa, America's heartland and the homeland of the PTC.

In Iowa wind power is no longer an alternative source of energy. In fact, Iowa has become the Nation's No. 2 producer of wind energy, providing close to 20 percent of the State's electric power. Its potential is not even close to being fully tapped. Iowa's wind resources could someday produce up to 44 times the State's current electricity needs.

Let me share some specifics with my colleagues. Nearly 3,000 turbines spin statewide in Iowa, and Iowa is home to various manufacturing facilities that produce wind turbines and components. The industry employs nearly 7,000 Iowans, half of whom are located at manufacturing facilities all across the State.

Take, for example, Pocahontas County. We can see the map of Iowa here.

There are a total of 216 wind turbines that have been constructed in Pocahontas County. When all turbines are at full taxable value, they will contribute an estimated total of almost \$190 million to the total county tax base. This means additional revenue for local budgets and additional money for investments in schools and critical community projects.

Iowans know the possibilities and potential a continued investment in wind energy holds for their future. However, I wish to underline again that if we do not act, good-paying jobs will continue to be lost and an industry that is critical to our energy independence will be hit very hard.

This is simply unacceptable. Already Siemens Energy is laying off 615 workers in three States, including Iowa. The company Siemens has acknowledged that difficult market conditions are due to congressional inaction on the PTC.

My colleagues from Iowa, Senators GRASSLEY and HARKIN, have been standing with me to fight for the renewal of the production tax credit. Senator GRASSLEY is known as the father of the wind production tax credit. He led the charge some 20 years ago to establish this credit, and I applaud him and Senator HARKIN for their work in the renewable energy sector and their dedication to extending this important credit. They know the PTC is a win for Iowa and a win for the United States. That is why it is so important—beyond important—to extend the PTC as soon as possible. The PTC equals jobs, and we ought to pass it as soon as possible.

As my colleagues keep telling me and we hear from the American people, there is no reason to outsource these jobs. There is no reason to outsource energy production, and there is no reason to damage a growing industry that is helping America become energy independent. Congress needs to pass an extension of the production tax credit today. We can't wait any longer.

Let's create jobs and build the clean energy economy of the future. Let's extend the wind production tax credit and let's do it now. It is that simple. The production tax credit equals jobs. Let's pass it ASAP.

Again, I wish to acknowledge my colleague from Iowa, Senator GRASSLEY, who has been a leader in this important policy area for the last 20 years.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, first of all, I had an opportunity to hear what Senator UDALL of Colorado had to say about Iowa and my participation, and I thank him very much for his kind remarks.

This year Senator MARK UDALL is the champion of people speaking about the wind energy tax credit. I have spoken a few times, but he has spoken for every State that has a wind energy business. He has spoken many times more than I have, and I wish to compliment Senator UDALL from Colorado for doing that.

I think it is a foregone conclusion that after 20 years of investment of taxpayer money in what we call the tax incentive for wind energy, and with the industry just about becoming a mature industry—and there are different points of view within the industry, but in just a few years it will be starting to phase out—this wind energy tax credit can go away because it will be a mature industry much as the ethanol tax credit went away at the end of last year. So with this tremendous investment, it seems to me it would be a shame not to continue it so we can get to maturity, and then in a sense ratify the decision of the good investment of taxpayer money that has already been made.

So today it is my privilege to join my colleague, Senator UDALL of Colorado, on the floor of the Senate to discuss the importance of wind energy and the need to extend the production tax credit for wind. I appreciate Senator UDALL's commitment to the production tax credit for wind energy. As I have said before, but I wish to say it again, he has come to the floor many times during the past several months to highlight the importance of wind energy in the various States. He has been a real leader on this issue.

As Senator UDALL has said, I have been a longtime supporter of the wind energy tax credit beginning with my authorship of the first wind production tax credit in 1992. At the time, I have to confess I didn't see coming, for my State or for the Nation as a whole, the big deal it has become not only in the production of wind energy and Iowa being No. 2 in the Nation, but also the component manufacturing that goes on in most every State involved in wind energy, including my own State. Particularly, I didn't foresee, at a time when most of our talk about exporting jobs is actually exporting jobs, and in my State, at least from two countries, Spain and Germany, we have been able to import jobs—or I should say import the ability to create jobs through foreign investment—for the component manufacturing. So it has been a success in so many ways.

Maybe one other point that ought to be emphasized at this time: Some Members—and maybe more Members in the other body—seem to be more cyn-

ical about any sort of investment in green energy because of Solyndra and other places where taxpayer money has gone in the way of grants and then there has been immediate bankruptcy, resulting in a waste of taxpayer money. There is absolutely no benefit from the wind energy tax credit unless energy is actually produced. So it is not going to be one of those situations where through taxpayer money, through a tax incentive, money is going to some company and not reaping the benefits of it, the end result in this case being the production of wind energy.

The production tax credit for wind is working and should be a part of the effort in Washington to get more Americans working. Nationally, the wind energy industry supports 75,000 jobs. There are more than 400 manufacturing facilities nationwide supplying wind components. Thirty-five percent of all new electricity generation added during the last 5 years was from wind, and this happens to be more than from coal and nuclear combined. Today, 60 percent of a wind turbine's value is produced in the United States, compared with just 25 percent in the year 2005.

As I have said so often, my home State of Iowa is a leader in wind energy production and component manufacturing. Nearly 20 percent of Iowa's electricity needs are met from wind energy, powering the equivalent of 1 million homes. Almost 3,000 utility-scale turbines in Iowa generate lease payments to landowners, worth \$14 million every year. Iowa is behind only Texas nationally in terms of installed wind capacity. The wind energy employs more than 6,000 Iowans. These jobs are at risk because Congress has so far failed to extend the production tax credit which is set to expire at the end of the year.

In fact, hundreds of Iowans employed in wind energy have already been laid off because of slowing demand over uncertainty of tax credits, and there will be more laid off in my State except in one city where they are manufacturing components to go to Canada for use in wind energy in Canada. Certainty about tax policy and affordable energy, then, are factors for economic growth and getting unemployed workers back on the assembly line.

As much energy as possible—both traditional and renewable—should be produced at home to create jobs and strengthen national security. Wind energy is obviously a free resource, and it is abundant in many places around the country. I suppose we could say wind is abundant every place, but at speeds that make the production of energy from wind cost-effective.

In my State, most of these facilities are in northwest Iowa where the wind averages about 14 miles per hour compared to going diagonally down to the southeast corner of the State where it

averages about 8 miles per hour. So if there is enough constant wind, this is very definitely a free resource.

Wind is also a homegrown resource. The electricity it generates is produced on local farms for local customers and often adds investment value to the community. A clean, renewable source such as wind is not dependent on far-away countries with leaders, in the case of petroleum, for instance, who happen to be so hostile to the United States even as they take our energy dollars and maybe use those against us. That is why there is broad support for extending this worthwhile policy.

Legislation in the House of Representatives to extend the production tax credit has 119 cosponsors, including 25 Republicans. In August the Senate Finance Committee, with a bipartisan vote, passed my extension of the wind energy production tax credit amendment I offered at that particular time.

The Governors' Wind Energy Coalition and the Western Governors' Association have called for an extension of the production tax credit. The Western Governors' Association is an independent organization representing Governors of 19 States, and current membership includes 13 Republicans and 6 Democratic Governors. So there is pretty broad bipartisan consensus among Governors that this ought to be extended.

I was pleased to join a press conference a few weeks ago with Senator MARK UDALL and over 40 military veterans representing Operation Free. They were visiting Capitol Hill to meet with Members of Congress, encouraging Congress to extend the wind production tax credit.

The wind energy production tax credit was created to try to level the playing field with coal-fired and nuclear electricity generation. The production tax credit for wind is available only when wind energy is produced. There is no benefit for simply placing the turbine in the ground. It is a tax relief that rewards results, and that is much different than failed taxpayer-funded grants and loans made since 2009 when a lot of that money went to companies that are now bankrupt.

Those who want to do away with the wind energy tax incentive don't seem to mention that other forms of energy have received far more generous tax incentives for many decades longer than the wind energy industry. Oil and gas and nuclear power all received longstanding Federal support. I wish to emphasize, because I believe I read somewhere, that one of the opponents of the wind energy tax credit being extended comes from nuclear.

Do my colleagues think we would even have a nuclear industry in the United States since the 1950s or 1960s if it weren't for the Price Anderson Act that supports it as kind of a super—or an insurer of last resort? It would

never have developed, and it is still in existence. Isn't it a little bit intellectually dishonest to say that wind should not have the tax incentive when other industries wouldn't even exist if they hadn't had it already?

If we are going to have a discussion of which industries merit Federal support and which industries don't, the discussion needs to be intellectually honest. If we are having that discussion, everything needs to be on the table, not just wind energy. Can you think of 60 extenders that are going to sunset at the end of this year? Only one—wind—seems to be attacked right now.

This extension deserves a place in our year-end package of tax extenders to help give confidence investors want and employers need to keep and hire workers.

There is no reason to exacerbate the unemployment problem by failing to extend this successful incentive. America's security in the short- and long-term depends on a robust effort to develop domestic energy sources.

Before I leave the floor, this can be done by the extender bill all by itself being passed or it can be, as we hope, that President Obama and Speaker BOEHNER have some sort of framework for us to put meat on that framework so we do not go over the cliff and have this bill be a part of it. When that whole fiscal cliff debate is about jobs, we do not want to forget about these 75,000 jobs that are in wind energy. A lot of these jobs have already led to some layoffs. We could bring those people back to work pretty fast.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATE RULES CHANGES

Mr. JOHANNIS. Mr. President, the Founders of this great country clearly wanted the Senate to serve as a deliberative body anchored with the ability to fully amend and to fully debate issues. Yet there has been a lot of talk lately about Senate rules changes to limit Senators' ability to make their voices heard.

To many, this may sound like inside baseball, limited to the concerns of just a handful of Senators. But let me assure you this issue is so much more than that. The changes that are being contemplated would significantly impact everyday Americans, especially those who live in rural or less-populated States.

Take Nebraska, for example. We do not necessarily consider ourselves

small. We have almost 2 million people and several Fortune 500 companies. But we also do not like the idea of getting steamrolled by high-population States; for example, California, New York or Illinois. But that is exactly what these Senate rules changes would allow.

This is not just some wild supposition on my part. The majority leader himself said the filibuster "is a unique privilege that serves to aid small States from being trampled by the desires of larger states." He went on to say it is "one of the most sacred rules of the Senate."

Of course, that was a few years ago, before he proposed to do the very thing he has criticized. He now appears ready to undermine the most important rule, not by a two-thirds vote, as clearly required by Senate rule XXII, but by a simple majority fiat. This contradicts longstanding practice and disregards the 67-vote threshold President Lyndon Baines Johnson said "preserves, indisputably, the character of the Senate."

This is the same so-called nuclear option Democrats previously decried as breaking the rules to change the rules. For example, the senior Senator from New York previously opposed such a blatant power grab saying:

The checks and balances that Americans prize are at stake. The idea of bipartisanship, where you have to come together and can't just ram everything through because you have a simple majority, is at stake. The very things we treasure and love about this grand republic are at stake.

Those are pretty powerful and unequivocal words, but it does not stop there.

The senior Senator from Illinois called it "... attacking the very force within the Senate that creates compromise and bipartisanship." So that reflects a trifecta of the Democratic leadership saying it is a bad idea. Yet they keep pushing it like it has somehow magically been transformed into a good idea.

But it does not matter how long we polish the tin cup; it will not magically become the golden chalice. Again, you do not have to believe me. One of the Senate's great historians, Democratic Senator Byrd of West Virginia, was very clear on this issue. He said: "Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights."

When faced with the idea of limiting these basic underpinnings of the Senate, he concluded: "We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority."

I had the great privilege of working with Senator Byrd when I first came to the Senate. We offered an amendment together which would have prevented the majority from stretching the Senate rules to enact Draconian cap-and-



trade legislation on a simple majority vote—interestingly enough, a situation not so different from today's proposals.

Senator Byrd was very wise in these matters, serving as his party's leader in both times of majority and minority. He had seen both sides of the fence, if you will. He had studied the Framers and had determined that such a blatant power grab could not stand. In fact, the vast majority of our colleagues, on a bipartisan basis, agreed and our amendment passed on a vote of 67 to 31. That is exactly what should happen. If changes are needed, a bipartisan supermajority should approve them, not a simple majority changing the rules to break the rules, not a simple majority steamrolling the Nation.

Senator Byrd left no doubt about his opinion of the so-called nuclear option when he implored us: "... jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule 22 where a two-thirds majority is required."

He concluded with a statement more eloquent than any original words I might speak. So allow me to once again quote him. I implore my colleagues to listen carefully:

... the Senate has been the last fortress of minority rights and freedom of speech in the Republic formore than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

It is often said those who fail to study history are doomed to repeat it. I hope my colleagues will study this history, discover the wisdom of Senator Byrd, and decide to abandon this ill-advised hostile takeover of the Senate, this attempt to put a gag on the minority.

One of my favorite statements on this subject from Senator Byrd is: "... before we get all steamed up, demanding radical changes of the Senate rules, let's read the rules."

Let's do that. Senate rule V clearly states that "the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."

Rule XXII is very clear. It unquestionably says the necessary affirmative vote shall be two-thirds of the Senators present and voting to change the Senate rules.

Again, very clearly, this is all about breaking the rules to change the rules.

The sad thing for our Senate and our great Nation is that once the bell is rung, it cannot be unrung. Simple majority votes to change our Senate rules, I guarantee you, will become commonplace. Whenever a new party takes control, they will change the rules by a majority vote. Whoever occupies the majority at the moment will then run roughshod over the minority party, the laws they passed when they were in the majority, and their constituents. It is absolutely inevitable.

Today's assurances that it only applies to motions to proceed will eventually ring hollow when it extends to judges, to bills, and then to conference reports. There will be nothing to stop it.

One day we will awaken with a Senate that basically is the House of Representatives, where majorities rule and only their leadership decides what amendments will be considered and what votes will occur and when they will occur. We will have a legislative branch that does not resemble even faintly what the Framers of our great Constitution envisioned.

But maybe, just as important, we would find entire states of constituents who have no voice in the policies that affect their daily lives. That would be a travesty.

I implore my colleagues one last time to listen to the wisdom of their leaders of today and throughout our history—people such as our majority leader, who said: "For more than 200 years the rules of the Senate have protected the American people, and rightfully so," and Senator Byrd, who said: "As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure."

But, unfortunately, this great institution has evolved into a constant cycle of bringing flawed legislation to the floor, filling the amendment tree to prohibit all amendments, daring the minority party to vote no to protect the rights of their constituents, and when they do so, claim they are filibustering and obstructionist.

If we could fix this one basic problem, if we could return the Senate to its most basic principle of open debate and opportunity for amendments, maybe we would realize the folly of these proposed rules changes and we would get back in the business of being Senators again and working together again.

This quick fix is not the answer. I hope between now and January cooler heads will prevail, and we will put ourselves back on a path to finding bipartisan solutions to our Nation's most pressing problems.

I yield the floor.

Mr. UDALL of New Mexico. Mr. President, I ask through the Chair if the Senator from Nebraska will yield for a question.

The PRESIDING OFFICER. The Senator from New Mexico asks the Senator from Nebraska to yield.

Mr. JOHANNIS. Yes, I will.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. The Senator from Nebraska has talked about the rules not being able to be changed because internally in the Senate rules there is a provision that says you need a supermajority, two-thirds of the Senate, to change the rules. This is the

proposition we are hearing argued by many Senators, that we are breaking the rules to change the rules. We have heard that repeated several times over and over on the Senate floor.

The other side of the argument, as the Senator I think well knows, as he worked up here and was around and saw Senator Byrd, is that the Constitution is superior to the Senate rules. And the Constitution specifically says, in article I, section 5, that each House may determine the rules of its proceedings. Statutory construction applied to that means a simple majority determines the rules of its proceedings. This is a standard interpretation construction.

We know supermajorities are only indicated at several places in the Constitution, and every place else it is implied that it is by a majority. Here you have a supermajority in the Senate rules and you have the Constitution saying at the beginning of a Congress you can change the rules by majority vote. So the question to the Senator is: Does not he agree the Constitution is superior to the Senate rules?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, the Constitution would always trump, but that is a misinterpretation of what we are doing here. Let me play this out, because I am pretty confident I know how this is going to work if this is pursued. What would happen in January is there would be a request for a ruling by the Parliamentarian, and the Parliamentarian would correctly rule that in order to change the rules you need two-thirds of the Senate. Then they would use the procedure of overruling our Parliamentarian with a majority vote. That will then stand as the ruling for the Senate. Very clearly what you are doing is you are skirting both the Constitution and the rules of the Senate.

Let me, if I might, take the Senator's question and show the shocking result we are going to end up with. Do you realize there was a day in this body where judges were not filibustered? We can look at Supreme Court judges who might be controversial to one side or the other who were approved by a majority vote.

So what happened? My friends on the other side of the aisle sat down, they brought in some constitutional scholar. He said: Well, why are you not filibustering judges? And now it is very routine and very common—and both sides do it. So here is what is going to happen. Every time you have a majority that comes to power—and we all know the pendulum swings. In our lifetime we will see Republicans returned to the majority. That is how elections go—once this is cracked open, then they as the majority party can come in to change the rules and basically say: It is open season. We will get a ruling from the Parliamentarian just as the

Democrats did. We will overrule that ruling of the Parliamentarian by a 51-vote majority or 50, if you have the Vice President in the chair, and then Katy-bar-the-door. All laws passed by that majority are now subject to being repealed by a majority vote.

If you can do it on the motion to proceed, there is not any reason you cannot use this very flawed procedure to do it on every other piece and step along the way. That is what Senator Byrd was warning us about. He was basically saying: Members of the Senate, once you crack this door open, there is no turning back. And there will not be any turning back.

So what happens to our country? Well, No. 1, the minority becomes powerless in the Senate. As a Member of the minority, I could come down here, I could offer an amendment. I could join forces with Senator Byrd on using reconciliation on climate change, and we could get 67 votes. But all of a sudden what is going to happen here is your minority is going to be basically without a voice in the Senate because the majority rules. That was never intended. That has not been part of our history.

So I think to directly answer the question, you are misinterpreting what this is all about. The net effect of where we are going to end up, if we go in this direction, I guarantee you, in our lifetime we will look back at that moment in history and we will say that changed the operation of the Senate forever.

As I said in my comments, once the bell is rung, it is impossible to unring the bell. We will not have stability in our laws and we will not have stability in our Senate and we will have a minority that is absolutely powerless. I do not believe that is what was intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### FOOD STAMPS

Mr. SESSIONS. Mr. President, that was very good debate. I would share the concern of Senator JOHANNIS. I remember we backed off this dangerous trend of changing the rules when we fixed the filibuster politically in this political institution. We need to figure out a way to solve this problem. I would say, without any doubt in my own mind, the real reason we have had to filibuster is because the majority leader, to a degree unprecedented in history, is controlling and blocking the ability of the minority party to even have amendments on bills. That goes against the great heritage of the Senate and cannot be accepted. That is why we are having this problem.

I wanted to share a few thoughts this morning about the food stamp program and some of the developments that

have been going on. America is a generous and compassionate Nation. We do not want and will not have people hungry in our country. We want to be able to be supportive to people in need.

But every program must meet basic standards of efficiency and productivity and wisdom and management. This program is resisting that. It is the fastest growing major program in the government. In the year 2000 we spent \$20 billion on food stamps nationwide. Last year it was \$80 billion. It has gone up fourfold in 10 years. That is a dramatic increase. It is increasing every year and virtually every month. The most recent report in September had one of the largest increases in the program's history—another 600,000 added to the rolls, totaling now 47.7 million. One out of every six Americans is receiving food stamps. Oddly, when we attempted to confront our debt and our spending, we had huge reductions for the Defense Department. Some other departments took big cuts. The food stamp program was set aside. President Obama and the Democratic leaders said: We will not even talk about it. No less money, no savings, no review of food stamps. It cannot be changed. It should be left alone.

Well, that is not a good plan. As the ranking member on the Budget Committee, I have begun to look at the program to see how it is we have had such great increases. The agriculture establishment says every single dollar that is spent is needed for hungry people. I offered an amendment that would have reduced spending over 10 years from \$800 billion total to \$789 billion, reducing spending by \$11 billion based on closing a loophole, a categorical eligibility gimmick that should not be there, allowing people to receive benefits who did not qualify for them.

It was said: Oh, you want people to be hungry. It was voted down. I thought it was a very modest, reasonable change. By the way, agriculture spending in our government is different than a lot of people—Mr. President, what is the status of our time?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I have another 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. That is where we are, I think, in terms of spending on the program and the need to examine it and see how it works. The establishment says every dollar is needed, not a dime can be reduced. I certainly agree that no one should be hungry in America. But we must know that the SNAP program, the food stamp program as it is commonly known, is not the only benefit that people have.

Indeed, an average family without income in America today would receive as much as \$25,000 in total benefits per

year from the government if they did not have an income. They get things such as Temporary Assistance for Needy Families, they get SSI, housing allowance, free health care through Medicaid. They get food stamps and other benefits totaling at least \$25,000.

By the way, if you took all of the means-tested welfare-type programs that are in existence in America today, there are over 80. If you divide it up by the number of households who fall below the poverty line in America, it would be \$60,000 per household—\$30 per hour, on average, for a 40-hour work week. That is how much it would amount to.

The median income in America is less than that. The median income—and they pay taxes on that—is maybe \$25 an hour. This would be over \$30 an hour based on if we were just to divide up our welfare programs. So to say we should not examine those programs and ask ourselves can we do better is a mistake. The question I would ask is, can we improve it? Can we help more people move from dependence to independence? Is the program functioning as we would like it to function?

I have been asking questions of the Secretary of Agriculture Tom Vilsack. He provided some information that was very troubling to me. I have submitted additional information to him. Now we are not getting any more answers. They have just shut the door. The Secretary basically said: Well, you are a Member of the Senate. You are asking too many questions. I am not giving you any more information. You raise concerns when I give you information. You point out problems. I do not like that. You are not getting any more.

I would note in some of our first inquiries in the examination of their program, we found they are on a determined effort to expand the number of people who get on welfare or food stamps even if they do not want to be on food stamps. One of the things that is interesting is they gave a person in western North Carolina, one of the agricultural people, an award for overcoming "mountain pride." Basically what they said was this lady should be given an award because when people in the mountains who are independent and believe they can take care of themselves, thank you—without the Federal Government—she overcame that. They have a brochure telling people what to say when people say, I do not need food stamps, to get them to sign up for food stamps.

I have to say, and I am not happy about it. So now the Secretary has failed to comply with oversight requests from the Senate Budget Committee. Secretary Vilsack has missed the October deadline that we asked him to meet by nearly 2 months. My staff has been provided no update despite repeated requests, and apparently

no letter is being drafted from the Department in response to our request. Just stiff you guys.

Well, last I heard he worked for the American people. So do I. And one of my jobs is to make sure the American people's money is well spent. I am asking him about how he is spending our money, and he does not want to respond.

My letter asked questions about two main issues: First, the USDA's acknowledged relationship with Mexico to place foreign nationals almost immediately on food stamps. One of the questions I asked was simply how the U.S. Department of Agriculture interprets the Federal law.

Well, we make Federal law, we pass laws. I would like to know how they are enforcing them and what standards they are using. Federal law says those likely to be reliant on welfare cannot be admitted to the United States. If they want to come to the United States, and they meet the qualifications, they get to come. But they have to show they are not going to be dependent on the government for their food, aid, and health and everything when they come.

We have lots of people who want to come to America. Most of those people probably can come and sustain themselves. Why would we be admitting those who can't, who are going to immediately go on the government assistance programs? But this law is effectively not being enforced.

Senators GRASSLEY, HATCH, and ROBERTS are ranking members on key committees, and I sent a letter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. So another question I asked was concerning the Department's goal to place more people on food stamps. Here is part of the question from the letter: According to USDA, "only 72 percent of those eligible for SNAP benefits participated," adding, "their communities lose out on the benefits provided by new SNAP dollars flowing into local economies."

If USDA's enrollment goals were reached, we asked, how many people would be receiving food stamps today? We have gone up dramatically; how many more would be of benefit? I would simply ask that question.

I will ask him again on the Senate floor. How many millions more people would be on the Food Stamp Program if 100 percent of those qualified had enrolled? In 2011 USDA gave a recruitment award, as I mentioned, for overcoming "mountain pride." They produced a pamphlet instructing their recruiters on how to "overcome the word 'no.'" The USDA claims the chief ob-

stacle to recruitment is a "sense the benefits aren't needed." That is an obstacle.

USDA asserts that "everyone wins when eligible people take advantage of benefits to which they are entitled," claiming that "each \$5 in new SNAP benefits generates almost twice that amount in economic activity for the community."

Well, I guess we just ought to do it another fourfold. That would really make America prosperous.

USDA produced a Spanish-language ad in which the main character is pressured into accepting food stamps.

This is what is on the video: The lady said, "I don't need anyone's help. My husband earns enough to take care of us." Her friend mocks her and replies—this is the Department of Agriculture pitch—"When are you going to learn?" Eventually, she gives in to her friends who are pressuring her and agrees to enroll.

Is this the right approach for America? We need to work, to help people with pride, help people to assume their own independence, to be successful, take care of their own families and move them from dependence to independence. That ought to be the fundamental goal of our system. It was the goal in the reform of 1996 in the welfare reform that worked very well. More people prospered, fewer people are in poverty, and more people are taking care of themselves. It really was a success. We have been drifting back away from that.

What I sense is when you ask questions about it, you are treated as someone who doesn't care about people who are hungry, who do need our help. We want to help. All we are asking is, Can't we do it better? Can't we look back to the principles of independence, individual responsibility, and individual pride that Americans have and nurture that and use that as a way to help reduce dependence in this country? So those are the things I wanted to share.

I would just say this: The Secretary of Agriculture has the responsibility to answer.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I don't want to get in a fight with it, but, if necessary, I will use what ability I have in the Senate to insist that we get responses.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of the motion to proceed on S. 3637, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I would ask to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATE RULES CHANGES

Mr. UDALL of New Mexico. Mr. President, there has been much discussion about the need to reform the Senate rules, and I have listened closely to the arguments against these changes by the other side. Today I rise to address some of their concerns. My Republican colleagues have made impassioned statements in opposition to amending our rules at the beginning of the next Congress. They say the rules can only be changed with a two-thirds supermajority. They say any attempt to amend the rules by a simple majority is breaking the rules to change the rules. This simply is not true.

Repeating it every day on the Senate floor doesn't make it true. The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. The Constitution is very specific about when a supermajority is required and just as clearly when it isn't required.

Article I, section 5 of the Constitution States:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

When the Framers require a supermajority, they explicitly said so. For example, for expelling a Member. On all other matters, such as determining the Chamber's rules, a majority requirement is clearly implied.

There have been three rulings by Vice Presidents sitting as President of the Senate. Sitting up where the Presiding Officer is sitting, three Vice Presidents have sat there. And the meaning of article I, section 5, as it applies to the Senate, this is what they were interpreting. In 1957, Vice President Nixon ruled definitively, and I quote from his ruling:

While the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress, which

has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

That was Vice President Nixon. Vice Presidents Rockefeller and Humphrey made similar rulings at the beginning of later Congresses.

I have heard many of my Republican colleagues quote Senator Robert Byrd's last statement to the Senate Rules Committee. The Presiding Officer knew Senator Byrd well. He is from his State of West Virginia. Senator Byrd came to that Rules Committee. I was at that Rules Committee, and I was at the hearing where he appeared—and I have great respect for Senator Byrd. He was one of the great Senate historians. He loved this institution, but we should also consider Senator Byrd's other statements and the steps he took as majority leader to reform this body.

In 1979 it was argued that the rules could only be amended in accordance with the previous Senate rules. Majority Leader Byrd said the following on the floor:

There is no higher law, insofar as our Government is concerned, than the Constitution. The Senate rules are subordinate to the Constitution of the United States. The Constitution in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

That was Senator Robert Byrd. This Congress is not obliged to be bound by the dead hand of the past.

As Senator Byrd pointed out, the Constitution is clear. There is also a longstanding common law principle upheld in the Supreme Court that one legislature cannot bind its successors. For example, the Senate cannot pass a bill with a requirement that it takes 75 votes to repeal it in the future. That would violate this common law principle and be unconstitutional. Similarly, the Senate of one Congress cannot adopt procedural rules that a majority of the Senate in the future cannot amend or repeal.

Many of my Republican colleagues have made the same argument. In 2003 Senator JOHN CORNYN wrote in a Law Review article—as many of you know, Senator CORNYN was an attorney general in Texas, was a distinguished justice. Senator CORNYN said the following in this Law Review article:

Just as one Congress cannot enact a law that a subsequent Congress could not amend by a majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by a majority vote. Such power, after all, would violate the general common-law principle that one parliament cannot bind another.

That was Senator JOHN CORNYN.

Amending our rules at the beginning of a Congress is not breaking the rules to change the rules, it is reaffirming that the U.S. Constitution is superior

to the Senate rules. And when there is a conflict between them, we follow the Constitution.

I find some of the rhetoric about amending our rules particularly troubling. We have heard comments that any such reforms, if done by a majority, would “destroy the Senate.” Again, I can turn to my Republican colleagues to answer this accusation.

In 2005 the Republican Policy Committee released a memo entitled “The Constitutional Option: The Senate's Power to Make Procedural Rules by Majority Vote.” That memo supports the same arguments I make today for reform by a majority, and it also refutes many of the recent claims about how the Senate will be permanently damaged.

One section of the memo titled, “Common Misunderstandings of the Constitutional Option” is especially interesting and enlightening. It responds to the argument that “the essential character of the Senate will be destroyed if the constitutional option is exercised,” and it responds with the following words:

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

What is more important about the Republican memo is the reason they believed a change to the rules by a majority was justified. Because of what Republicans saw as a break in longstanding Senate tradition. They claimed they weren't using the constitutional option as a power grab, they were using it as a means of restoring the Senate to its historical norm.

This is exactly where we find ourselves today. Back then, the Republicans argued the constitutional option should be used because 10 of President Bush's judicial nominees were threatened with a filibuster. I believe the departure from Senate tradition now is far worse.

Since Democrats became the majority party in the Senate in 2007, we have faced the highest number of opposition filibusters ever recorded. Lyndon Johnson faced one filibuster during his 6 years as Senate majority leader. In the same span of time, HARRY REID has faced 386.

For most of our history, the filibuster was used very sparingly. But in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered—every procedural step of the way, with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

Since the Democratic majority came into the upper Chamber in 2007, the

Senates of the 110th, 111th, and current 112th Congresses have witnessed the three highest total of filibusters ever recorded. A recent report found the current Senate has passed a record low 2.8 percent of bills introduced. That is a 66-percent decrease from the last Republican majority in 2005 and 2006 and a 90-percent decrease from the high in 1955 and 1956.

So the Republicans argued in 2005, “[a]n exercise of the constitutional option under the current circumstances would be an act of restoration.” An act of restoration. I cannot improve on that statement. We must return the Senate to a time when every procedural step was not filibustered.

I respect the concerns some of my Republican colleagues have regarding the constitutional option, but there is an alternative. We don't have to reform the Senate rule with a majority vote in January. This is up to my colleagues on the other side of the aisle. Each time the filibuster rule has been amended in the past, a bipartisan group of Senators was prepared to use the constitutional option. But with a majority vote on the reforms looming, enough Members agreed on a compromise and passed the changes with two-thirds in favor. We could do that again in January.

I know many of my Republican colleagues agree with me that the Senate is not working. Some say we don't need to change the rules, we need to change behavior. But we tried that—the changing of behavior—with a gentleman's agreement at the beginning of this Congress. It failed. So now it is time to make some real reforms.

This is not a “power grab,” as some have charged. We want to make the Senate a better place—a place where real debate happens for both parties. So I ask my friends on the other side of the aisle to bring their own proposals to the table. Let's work together to restore the deliberative nature of the Senate where all sides have the opportunity to debate and be heard.

I said 2 years ago I would push for reforms at the beginning of the next Congress regardless of which party was in the majority. I will say again that our goal is to reform the abuse of the filibuster, not trample the legitimate rights of the minority party. I am willing to live with all the changes we are proposing whether I am in the majority or the minority.

The American people, of all political persuasions, want a government that actually gets something done, that actually works. We have to change the way we do business. The challenges are too great, the stakes are too high, and we do not want a government of gridlock to continue.

I thank the Chair for the time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE JOHNNY HAMMAR

Mr. NELSON of Florida. Mr. President, a very disturbing thing has happened in Mexico with one of my constituents—a U.S. marine who served honorably.

Johnny Hammar fought in Fallujah and was honorably discharged in 2007. He and another marine, both having suffered under posttraumatic stress disorder, were taking advantage of the fact they were surfers to lessen their stress. They had surfed up and down the east coast. This is a marine whose family lives in Miami, so they had gone to Cocoa Beach, and they were going to others. They wanted to go to Costa Rica to catch the big waves in the Pacific, and so Johnny bought a camper and entered Mexico at Matamoros.

As they crossed the border, he checked with United States Customs because he had a shotgun that was an antique that had been owned by his great-grandfather. He registered the weapon with U.S. Customs so that when he returned Customs would have a record of it. But when he went from the American side of the U.S.-Mexico line into Mexico, and openly showed his great-grandfather's antique shotgun, the Mexican authorities arrested him.

His companion, another marine, after interrogation was released, but they put Cpl Johnny Hammar, now age 27, in the general prison population in Matamoros, Mexico.

This case came to my attention last August, and I immediately responded. As a result of my contacting the Mexican Government, they moved him from the general population of the jail into an individual jail cell. But as they have gone in to interrogate him, they have manacled him, shackled him, and at one point they had him chained to the bed.

This has gone on long enough. If it is against the law to take a gun into Mexico, even though he had already declared it at U.S. Customs, the Mexican authorities could have, when they released his fellow marine to go back into the United States, sent him back into the United States and told him don't bring your great-grandfather's shotgun into Mexico. If that is against Mexican law. But they didn't. They have put a U.S. Marine, who has honorably served his country, in a Mexican jail, and he has been there since last August.

Enough is enough. I called my friend Arturo, the great and well-respected Mexican Ambassador, yesterday and I can't get a return call from the Mexican Ambassador, so I am bringing this

to the attention of the Senate so we can further get through to the Mexican Government and indicate to them they have made a bureaucratic mistake.

Obviously, if it is against Mexican law to take a weapon in, then under these circumstances, this young U.S. marine does not deserve the treatment he is getting—holding him in a Mexican jail at the border of the United States for the past 5 months.

I hope cooler heads will prevail. If it requires me speaking on the Senate floor day in and day out to keep this issue alive, I will do so. Clearly, it has been in the press. It has been in the Miami Herald several times, a much more detailed account of his background, his service to the country, and his struggling with PTSD ever since he got home.

Mr. President, I thank the Chair for the opportunity to bring this to the attention of my colleagues, and once again I say to the Mexican Government: Send this marine home. Now that you have a new President installed in Mexico, relations with the United States are especially important and United States citizens who are peaceful in their intent, innocent in their observation of the Mexican laws, where no harm has been done, should be treated respectfully. Send that U.S. marine back to America and back to his family in Miami.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of South Dakota. Mr. President, I want to express my support for S. 3637, a temporary extension of the Transaction Account Guarantee, or TAG, Program.

The program, which is administered by the FDIC for insured depository institutions and the NCUA for credit unions, provides unlimited insurance for non-interest-bearing accounts at banks and credit unions. These transaction accounts are used by businesses, local governments, hospitals, and other nonprofit organizations for payroll and other recurring expenses, and this program provides certainty to businesses in uncertain times.

These accounts are also important to our Nation's smallest financial institutions. In fact, 90 percent of community banks with assets under \$10 billion have TAG deposits. This program allows these institutions to serve the banking needs of the small businesses in their communities, keeping deposits local. In my State of South Dakota, I know that the TAG Program is impor-

tant to banks, credit unions, and small businesses.

Our Nation's economy is certainly in a different place than it was in 2008 at the height of the financial crisis when this program was created, but with concerns about the fiscal cliff in the United States and continued instability in European markets, I believe a temporary extension is needed. Therefore, I believe that a clean 2-year extension makes the most sense and provides the most certainty for business and financial institutions and also provides time to prepare for the end of the program in 2 years.

I wish to note that this legislation has a cost recovery provision that ensures no taxpayer is on the hook for this insurance. Financial institutions pay for the coverage. This is not and never will be a bailout. This is simply additional insurance paid for by the banks to ensure these accounts remain stable.

I thank Leader REID for making this issue a priority in the lameduck session. I also thank Senator SHERROD BROWN for being a great partner for many months on this important topic. The administration has just issued a SAP in support of TAG, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, December 11, 2012.

STATEMENT OF ADMINISTRATION POLICY

S. 3637—TRANSACTION ACCOUNT GUARANTEE PROGRAM TEMPORARY EXTENSION

(Sen. Reid, D-NV)

The Administration supports Senate passage of S. 3637, which would temporarily extend the unlimited deposit insurance coverage for noninterest-bearing transaction accounts. The Transaction Account Guarantee (TAG) Program played an important role in maintaining financial stability and banking system liquidity for consumers and businesses during the financial crisis. While the Administration supports a temporary extension of the program, it remains committed to actively evaluating the use of this emergency measure created during extraordinary times and a responsible approach to winding down the program. The Administration looks forward to working with the Congress to move forward other measures that will support small businesses and accelerate the economic recovery.

Mr. JOHNSON of South Dakota. I ask my colleagues to support the extension of TAG.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Senate recess until 2:15, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:21 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer, (Mr. COONS).

### TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER (Mr. COONS). The Senate will come to order. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Richard Blumenthal, Mark Begich, Jon Tester, Max Baucus, Herb Kohl, Kay R. Hagan, Barbara A. Mikulski, Tim Johnson, Mary L. Landrieu, Kent Conrad, Jeanne Shaheen, Jeff Merkley, Daniel K. Akaka, Mark L. Pryor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 225 Leg.]

#### YEAS—76

|           |          |            |
|-----------|----------|------------|
| Akaka     | Begich   | Blumenthal |
| Alexander | Bennet   | Blunt      |
| Baucus    | Bingaman | Boozman    |

|            |              |             |
|------------|--------------|-------------|
| Boxer      | Hutchison    | Nelson (NE) |
| Brown (MA) | Isakson      | Nelson (FL) |
| Brown (OH) | Johanns      | Portman     |
| Burr       | Johnson (SD) | Pryor       |
| Cantwell   | Kerry        | Reed        |
| Cardin     | Klobuchar    | Reid        |
| Carper     | Kohl         | Rockefeller |
| Casey      | Kyl          | Sanders     |
| Coats      | Landrieu     | Schumer     |
| Cochran    | Leahy        | Shaheen     |
| Collins    | Levin        | Snowe       |
| Conrad     | Lieberman    | Stabenow    |
| Coons      | Lugar        | Tester      |
| Cornyn     | Manchin      | Udall (CO)  |
| Durbin     | McCain       | Udall (NM)  |
| Enzi       | McCaskill    | Vitter      |
| Feinstein  | McConnell    | Warner      |
| Franken    | Menendez     | Webb        |
| Gillibrand | Merkley      | Whitehouse  |
| Grassley   | Mikulski     | Wicker      |
| Hagan      | Moran        | Wyden       |
| Harkin     | Murkowski    |             |
| Hoeven     | Murray       |             |

#### NAYS—20

|          |              |          |
|----------|--------------|----------|
| Ayotte   | Hatch        | Roberts  |
| Barrasso | Heller       | Rubio    |
| Coburn   | Inhofe       | Sessions |
| Corker   | Johnson (WI) | Shelby   |
| Crapo    | Lee          | Thune    |
| DeMint   | Paul         | Toomey   |
| Graham   | Risch        |          |

#### NOT VOTING—4

|           |            |
|-----------|------------|
| Chambliss | Kirk       |
| Inouye    | Lautenberg |

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to proceed is agreed to.

### TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

#### AMENDMENT NO. 3314

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3314.

The amendment is as follows:

At the end, add the following new section:

#### SEC. \_\_\_\_.

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3315 TO AMENDMENT NO. 3314

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3315 to amendment No. 3314.

The amendment is as follows:

In the amendment, strike “5 days” and insert “4 days”.

#### MOTION TO COMMIT WITH AMENDMENT NO. 3316

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, S. 3637, to the Senate Committee on Banking, Housing, and Urban Affairs, with instructions to report back forthwith with an amendment numbered 3316.

The amendment is as follows:

At the end, add the following new section:

#### SEC. \_\_\_\_.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3317

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3317 to the instructions (amendment No. 3316) of the motion to commit.

The amendment is as follows:

In the amendment, strike “3 days” and insert “2 days”.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3318 TO AMENDMENT NO. 3317

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3318 to amendment No. 3317.

The amendment is as follows:

In the amendment, strike “2 days” and insert “1 day”.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3637, a bill to

temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Debbie Stabenow, Tom Harkin, Jeff Bingaman, Robert Menendez, Tom Udall, Jack Reed, Kay R. Hagan, Tim Johnson, Richard Blumenthal, Bill Nelson, Patrick J. Leahy, Sherrod Brown, Robert P. Casey, Jr., Max Baucus, John F. Kerry, Thomas R. Carper.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, as provided under the previous order, at 4 p.m. today, the Senate will proceed to executive session to consider Calendar Nos. 762 and 829. For the information of the Senate, we expect at least one rollcall vote on the nomination of John E. Dowdell to be U.S. district judge for the Northern District of Oklahoma and Jesus G. Bernal to be U.S. district judge for the Central District of California at about 4:30 today.

The PRESIDING OFFICER. The Senator from Utah.

#### SENATE RULES CHANGES

Mr. HATCH. Mr. President, some things never change in the Senate. For more than 200 years, our practice of extended debate has been the single most defining characteristic of the Senate. For more than 200 years, extended debate has annoyed the majority and empowered the minority.

What has changed, however, is that the majority today threatens not only to change Senate rules and practice in order to cripple this tradition and consolidate power but to use unprecedented tactics to do it. I urge my colleagues on both sides of the aisle to come together and preserve the fundamental integrity of this body, even if we may disagree about some of the political issues.

I wish to explain to my colleagues why neither the ends nor the means that the majority has been discussing are legitimate. First, there is no debate crisis on the Senate floor, none whatsoever.

In fact, it is easier to end debate today than during most of American history. For more than a century since we had no cloture rule at all, ending debate required unanimous consent. A single Senator could filibuster merely by objecting. From 1917 to 1975, ending debate required a supermajority of two-thirds, higher than the three-fifths required today. As I said a minute ago, extended debate has always annoyed the majority.

Today is no different. Yet we hear the majority claiming there have been hundreds of filibusters, that the rules are being abused, that obstruction is at an alltime high. The American people likely do not know the particulars of our debate rules and practices but Sen-

ators making such claims certainly should.

The majority pumps up the filibuster numbers by claiming that every cloture motion is evidence of a filibuster. They know that is not true. As the Congressional Research Service says:

The Senate leadership has increasingly utilized cloture as a routine tool to manage the flow of business, even in the absence of any apparent filibuster. . . . In many instances, cloture motions may be filed not to overcome filibusters in progress, but to preempt ones that are only anticipated.

That is what is going on today. The majority leader often files a cloture motion as soon as a motion or a bill becomes pending. He does that to prevent debate from starting, not to end debate that is underway. In the last three Congresses under this majority, a much higher percentage of cloture motions got withdrawn without any cloture vote at all than under the last three Congresses under a Republican majority.

The majority leader appears to think that debate itself is simply dilatory. While extended debate has long been annoying to the majority, this majority leader apparently believes any debate is annoying.

Neither filing a cloture motion nor taking a cloture vote is evidence of a filibuster. A filibuster occurs when an attempt to end debate, such as a cloture vote, fails. That is why some on the other side of the aisle want to address what they claim is a filibuster problem by changing the cloture rule.

Let's use some common sense and stop misleading our fellow citizens about how this body operates. A filibuster is a debate that cannot be stopped. During this 112th Congress a much smaller percentage of cloture votes have failed than in the past. That is right. Cloture votes today are more successful in preventing filibusters than in the past.

The same is true about motions to proceed, which is the particular focus of those who are now threatening to weaken debate by forcing a rules change. In the 112th Congress, 32 percent of cloture votes on motions to proceed have failed, compared to an average of 54 percent during the previous dozen congresses. Put simply, the current Senate majority has used cloture to prevent filibusters on motions to proceed more effectively than in the past.

By the way, during the last several Congresses when the Democrats were in the minority, the current majority leader and majority whip voted to filibuster motions to proceed dozens of times. As I said, extended debate has always annoyed the majority and empowered the minority.

Once again, it is easier to end debate today than during most of American history. The majority has done so more effectively in the current Congress

than in the past, both in general and on motions to proceed. There simply is no crisis, no unprecedented abuse that requires some sort of fundamental change in the rules and traditions of this body.

Rather than blowing up the Senate, I suggest that the majority actually try working with the minority. That is something we have not seen under the current majority leader's tenure. Since the Democrats took control of the Senate in 2007, the majority leader has not only routinely filed cloture motions to prevent debate, but he has severely limited the minority's ability to offer amendments. Since the majority leader is at the front of the line in this body, he uses that preference to offer amendments so the minority cannot. He did that here just a few minutes ago.

The current majority leader has used this tactic more than 60 times, more than any previous majority leader of either party. In fact, he has done so more than all previous majority leaders combined. It is one thing to require a majority to pass an amendment, but the effect or, rather, the intent of this tactic is to require Senators in the minority to obtain the majority leader's permission to even offer amendments in the first place.

Isn't that ironic? The majority leader uses the rules to his legislative advantage but wants to strip from the minority the ability to do the same. The Senate is not supposed to work that way and did not when Democrats were in the minority. Back in April 2005, when he was the minority whip, our distinguished current majority leader defended the minority's ability to offer even nongermane amendments because doing so prompted Senate consideration of subjects that the majority may have ignored.

That was then; this is now. Today it does not require three-fifths to block an amendment. The majority leader can and has done the same thing all by himself. This kind of silencing of minority views does not even happen in the House of Representatives, which operates by majority rule across the board. In the House, the majority party, either Republican or Democratic, often limits amendments, sometimes barring them entirely.

But at times the minority is entitled, before final passage, to a motion to recommit, which means a chance to propose a different version of the bill. This motion is not merely symbolic. Not infrequently that motion carries. In contrast, when the Senate majority leader fills the amendment tree, as he just did, he precludes anything such as the House's motion to recommit.



When the minority's rights are trampled like this, what is it to do? Acquiesce or respond in self-defense? Frankly, it should be no surprise that a minority blocked from influencing legislation through amendments would demand extended debate by opposing cloture. But look what happens. The majority obstructs the minority's right to participate in the development of legislation and then attacks the minority for opposing the passage of that same legislation.

Again, that is not the way the Senate is supposed to operate. It is not just the minority who suffers from this strategy. More to the point, the American people suffer. They sent us to be real Senators, individuals who represent them and their concerns. They expect us actually to legislate, which means to amend as well as debate legislation, not simply to vote on whatever the majority puts in front of us.

Our constituents want us to force attention to public issues, even when the majority would prefer to avoid them. This is the caliber of representation our constituents both demand and deserve. The rules and practices of the Senate have been designed to facilitate just this kind of representation. It is these same rules that the majority now seeks to change because they find them inconvenient.

There is a conceit expressed in Washington that what happens in Congress is beyond the comprehension of interest of most Americans. But that is not so. When our voice is stifled, full representation for our constituents is denied. When we are gagged, the people are gagged. Nothing can be easier to grasp or to provoke greater public indignation.

So my first point is that debate is not the problem. If there is a crisis, it is the majority's gambit of preventing amendments and then filing hundreds of cloture motions to prevent debate. My second point is that the unprecedented tactic threatened by the majority to limit debate even more will only further undermine the integrity of this body.

Some of those pushing in that direction have never served in the minority. But all Senators should be alarmed by this prospect. The majority has talked about changing Senate rules to eliminate the opportunity to filibuster motions to proceed. This opportunity has been available to Senators since at least 1949, and as I have mentioned, the majority leader himself repeatedly seized that opportunity when he was in the minority.

I do not believe the cloture rules need to be changed. I do believe, however, that if the Senate is to consider a change, it should follow the process laid out in our rules.

That process exists for a reason. It is the process we have used to change rules in the past, and there is no reason

other than a raw power grab to do it any other way.

Senate rules specify that ending debate on a rules change needs approval by two-thirds of Senators present and voting, and there is a very good reason this is so. This cloture hurdle on rules changes exists to ensure that such amendments are not made without bipartisan cooperation. If anything should require broad consensus, it should be the rules by which this institution itself operates.

That is how, for example, we changed the rules in 2007 concerning the content of conference reports and the use of earmarks or how we established a way to provide for public disclosure of holds. All of these changes, some of which require amending the rules, occurred during the tenure of the present majority leader. None was muscled through by majority fiat or forced on an unwilling minority. Bipartisanship was possible because these changes were good for the Senate.

But now we have learned that the majority may begin the next Congress by disregarding our rules and attempting to change those they find inconvenient by a simple partisan majority. They threaten, as they did before the start of the current Congress, to use the so-called nuclear option to force new rules by single-party will. The substantive changes they have proposed would be degrading enough to the Senate. The method they propose to impose them would be catastrophic.

I urge my colleagues, from freshmen to the most senior Members, to take some guidance from our predecessors, such as Senator Mike Mansfield, who served in the minority and later became majority leader. In 1975, when Senators similarly proposed using this same nuclear option similarly to change the cloture rule by simple majority, he said this tactic would "destroy the very uniqueness of this body . . . and . . . diminish the Senate as an institution of this government." He said it would "alter the concept of the Senate so drastically that I cannot under any circumstances find any justification for it."

Senator REID expressed a similar view in 2003 when he was the minority whip, arguing that rules changes should be considered through regular order, through the process our rules provide. Senator REID reaffirmed that view in 2005 when he was minority leader, saying that the so-called nuclear option would amount to breaking the rules to change the rules.

Senator REID further observed:

One of the good things about this institution we have found . . . is that the filibuster, which has been in existence since the beginning, from the days of George Washington—we have changed the rules as it relates to it a little bit but never by breaking the rules.

In other words, if the majority wants to grab even more power, if blocking

amendments is not enough for them, if debate is too annoying for them, if they want to rig the rules to further sideline the minority, then they should use the process we have here in place in the Senate. They should make their case and present their arguments, and if they are compelling enough to attract a wide consensus, then the rules of this body can be changed. That is the way we have changed rules in the past. Senator REID expressed this view when he was in the minority.

Former Senator Chris Dodd, a good friend to many of us still in this Chamber and someone who, I would surmise, would be sympathetic to the current majority's views on policy, did so while in the majority. He stated in his farewell address his opposition to changing the Senate rules in the way the majority leader presently proposes.

My friend Senator Dodd had this to say:

I have heard some people suggest that the Senate, as we know it, simply can't function on such a highly charged political environment, that we should change the Senate rules to make it more efficient, more responsive to the public mood, more like the House of Representatives . . . I appreciate the frustration many have with the slow pace of the legislative process . . . Thus, I can understand the temptation to change the rules that make the Senate so unique—and simultaneously, so frustrating."

Senator Dodd continued:

But whether such a temptation is motivated by a noble desire to speed up the legislative process, or by pure political expedience, I believe such changes would be unwise.

In conclusion, Senator Dodd said:

We 100 Senators are but temporary stewards of a unique American institution, founded upon universal principles. The Senate was designed to be different, not simply for the sake of variety, but because the framers believed that the Senate could and should be the venue in which statesmen would lift America up to meet its unique challenges.

Those who know both Senator Dodd and me know that we didn't agree on much during our years together in the Senate. However, on this point, I have to say that Senator Dodd couldn't have been more right. We did agree on a number of things, but it took bipartisan agreement to be able to accomplish that.

Rules changes such as the ones proposed by the majority would alter the very nature of the Senate and undermine its unique purpose. For more than two centuries, the procedural rights of individual Senators, both in the majority and in the minority, have been a hallmark of this body. Those rights and the rules and practices developed to protect them have earned us the reputation as the world's greatest deliberative body. Among those rights are the minority's right to offer amendments and debate. The majority has already put the former under attack, and now the majority leader threatens to undermine the latter.

Quite simply, the majority would weaken this institution in a partisan quest for power. Do these steps serve the Constitution? Do they maintain checks and balances? Do they foster bipartisanship? Do they benefit the American people? The answer to all of these questions is resoundingly negative.

I urge my good friend the majority leader and my friends and colleagues on the other side to exercise serious self-restraint over whether and how Senate rules changes proceed. Those who are unhappy with the rules are free to propose amendments. As we have done in the past, those proposals should be referred to the Rules Committee and considered in the regular course of business. If the proposals have merit, support for them will cross party lines.

Bipartisan solutions are urgently needed to resolve the Nation's problems. I speak as a Senator with a long record of working with Democrats to achieve bipartisan consensus and answers. But invoking the nuclear option will unnecessarily start a new Congress on a divisive and discordant tone. It will generate a poisonous climate guaranteed to impair our capacity to cooperate. No majority can expect the minority to stand on the side lines while its rights are destroyed and its place in this body is diminished. Any minority of either party would defend its place and defend the integrity of this body. We will do so now if the majority pursues this reckless and entirely unnecessary course.

I urge the majority to respect the traditions of the Senate and to follow our rules. I urge the majority to avoid rather than generate those crises.

I have to say that we do not want to be like the House. This is a place where legislation has to be cooled, according to Washington. This is a place where we have to do more reflection. This is a place where there are rights in the minority that are time-honored rights, for good reasons. Yes, we don't always get our will or our way here. That is tough for some of us sometimes. But, on the other hand, rather than throw these rules out or to modify them in ways that really diminish them and to use a nuclear option, it is less than honorable, in my opinion.

But the fact is that I have been through a lot of this, and I have to say there is a reason these rules are in existence, and you don't just throw them out the door for political advantage. The fact is that this body was never intended to be one where you could just sluice things through any way you want to and where the majority could get its will no matter what happens. This is a body where literally we have to deliberate. This is a body where we need to bring about a bipartisan consensus. Now, that is hard sometimes, it is painful sometimes, it is irritating as

can be sometimes, but it is the right thing to do.

I really don't believe the majority leader is going to push this. I think he is a better man than that. And I don't believe most Senators in the majority would put up with that because they are better men and women than that.

I have to say, on our side, we would like to see full debate. We get a little tired of the majority leader calling up the bill, filing cloture immediately, and then filling the amendment tree so no amendments can be brought up unless he approves them. That is not the Senate's way. I am not saying you can never fill the amendment tree, but that should only be used at the end of the debate when it has gone on too long and it has to be brought to a close. It should not be used at the beginning of the debate. This is a body where we allow nongermane amendments. It is a body where we have rights. It is what makes it the greatest deliberative body in the world. It is a body where rules make a difference.

Even though they are to our disadvantage now, I will argue exactly the same if anybody on our side, when we get in the majority, decides to change these rules this way. So I hope we all think it through because there will be all-out war from this day on, from the day on that we use the nuclear option to change perhaps the most important rule in the Senate.

The filibuster rule is a time-honored right by the minority. It is one of the only protections the minority has—or should I say one of the few protections the minority has—and it should not be thrown away frivolously.

I say to my colleagues on the other side, you may not believe it, but someday you are going to be in the minority, and you don't want to see these rules thrown out any more than we do. If we ignore this, "Katy, bar the door." We will have obstructed and hurt the greatest deliberative body in the world and the system that has allowed us to be the greatest deliberative body in the world.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from California.

Mrs. BOXER. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise to speak on a number of matters.

Before Senator HATCH leaves the floor, I really do think it is important that we listen to what he said, but I also think his criticism of the majority leader was really over the top. We just finished a defense bill, I say to my friend, that had over 100 amendments. I chair the Environment and Public Works Committee. We had a transportation bill that had endless amendments.

Mr. HATCH. Would the Senator yield for a colloquy?

Mrs. BOXER. I yield to the Senator. Mr. HATCH. There was no intention in my mind to disparage the majority leader. I disparage what the majority leader is doing.

Mrs. BOXER. I am glad the Senator cleared that up.

Mr. HATCH. Well, I want to clear it up because he is a friend.

Mrs. BOXER. That is fine.

Mr. HATCH. But these rules are friends, too, and I feel really deeply about this. I hope the Senator and other Democrats feel deeply about it too, because you might wind up in the minority someday when some people on our side might want to do what is being done here today. There is a reason for these rules.

Mrs. BOXER. Reclaiming my time.

Mr. HATCH. I appreciate that.

Mrs. BOXER. I was here in the minority, and I was able to exercise the filibuster, and I was able to stop a lot of legislation that came over from Newt Gingrich's House. I believe in the filibuster completely, and I think it is important to protect minority rights. But I do think there is such a thing as the use of the filibuster versus the abuse of the filibuster. So my position has always been clear that I think the abuse of the filibuster is wrong.

When I first came here, I thought, well, we should just do away with the 60-vote rule. I came to understand that I didn't really, at the end of the day, wind up believing that was wise. So I am working with colleagues to figure out a way we can have a talking filibuster but protect the rights of the minority. But I have to say, I don't think there ought to be a filibuster allowed on a motion to proceed to a bill. We have seen that abused and abused and overused. These are the kinds of things we should get together on as colleagues, as friends, across the issues that divide us and not engage in filibusters on a motion to proceed to a bill. There is plenty of time to filibuster the bill itself. There is plenty of time to argue. But it seems to me whoever is the majority leader, be it a Democrat or a Republican, he or she should have the right to take us to a bill. I think that is a power that should lie with the majority, whoever that majority is. So I would certainly approve of fixing that problem.

In addition, how many filibusters do we have to have before we go to conference? I will support one and we will fight it out. But three motions that can be filibustered before going to conference? That is not doing the people's business. Imagine if a bill gets all the way to that conference phase. Remember, it has gone through the committees of the House and Senate, it has gone through the votes of the House and Senate, it has gone through the conference committee to a vote of the

conference committee. Why on Earth should we be allowed to filibuster three motions? So I think there are ways we can work together.

I know my friends from Tennessee and New York at one point were working on ways to prevent any President, be it a Democrat or Republican, from facing filibusters on more or less routine nominations. I could support that change too. But I do want to say, as I look at the abuse of the filibuster versus use of the filibuster—and, again, I believe the rights of the minority must be protected—we have to look at the bold, stark facts. Since HARRY REID became the leader here, he has had to face 388 filibusters. The last time the Democrats were in the minority we forced half as many. I think that is too much, but it is only half as many. So we have our majority leader facing twice as many as Democrats led, and it has gotten out of hand.

Members can stand up here and say it is a horrible thing to try to change the rules, but my test is abuse versus use. I think we can come together and avert any type of showdown at the OK Corral. That is ridiculous. We don't need that. We can talk as friends and figure out some of these commonsense reforms that we can do without having to get angry at one another. I don't think it serves anyone's purpose if we are all angry at one another over this.

#### THE FISCAL CLIFF

My last comments have to do with the fiscal cliff. I stand here 21 days before a tax increase on all Americans is going to occur. This tax increase will go up \$2,200 for an average middle-class family.

That is the bad news. Taxes are going to rise. Here is the great news. The great news is the Senate already passed legislation to fix the problem. And guess what. We didn't do it yesterday or the day before yesterday. We saw it coming and we passed it on July 25, 2012. We passed the middle-class tax cuts. My understanding is we took care of the AMT.

The fact is all that now has to happen is for the House to take up our bill. If they take up our bill and they pass our bill, we will see everyone in America keep their tax cuts up to \$250,000 in income, and after that \$250,000 we will go back to the Clinton rates.

But here is the really good news, if we do that: We will raise \$1 trillion and reduce our debt by \$1 trillion. There is no reason why Speaker BOEHNER shouldn't bring this bill to a floor vote. He will win the vote because I know Democrats and some Republicans will definitely support him. He needs to be Speaker of the House, not Speaker of the Republicans, just as Tip O'Neill, when I was there, wasn't Speaker of the Democrats, he was Speaker of the House.

As a matter of fact, the way Tip did it is, he would get half the Democrats

and half the Republicans—and he didn't care what you were, an Independent, whatever your affiliation, conservative, liberal—and he would go up to you and say: Can you be with me on this? It is good for the country. Ronald Reagan and I agree.

That was Tip O'Neill. And I know what that is like. Ronald Reagan and Tip O'Neill. So it ought to be President Obama and JOHN BOEHNER saying: We should pass this middle-class tax cut.

Here is the thing I don't get. When the Bush tax cuts went into place they were passed overwhelmingly by Republicans. Why wouldn't the same Republicans want to make sure they continue for 98 percent of the people? I don't get it. I did not vote for the Bush tax cuts then. I am going to vote for them now, for the 98 percent, because we are coming out of a tough time. I didn't vote for them then. You know why? I said we would go into huge deficits. And I don't want to say I was right, but we did go into a huge period of deficits. It was that, plus two wars on a credit card, and it was a prescription drug benefit that was not paid for by allowing Medicare to negotiate for lower prices. I voted against that too.

So here we are at a magic moment in time—a magical moment because it is the holiday season—and we know the Senate passed the middle-class tax cuts in July, and we know there are 21 days left before taxes go up on 98 percent of the people. Rhetorically, I ask the Speaker: Why don't you just pass this?

Today I read the Speaker of the House said: Well, I don't want to do this until I see what programs Barack Obama is going to cut. That is his latest thing. To which I respond: Here is the deal. In the debt ceiling fight we cut \$1 trillion of spending. It is shown in those caps that we vote on. Very tough, \$1 trillion in spending cuts over 10 years. That equals what we will get from the tax hikes on those over \$250,000. Plus, as part of health care reform, we found savings in Medicare of \$700 billion.

By the way, the Republicans ran ads against our people saying the Democrats cut Medicare, and we explained they were savings, because what we did is we told providers: Cut down on fraud and abuse—you are overcharging. Be that as it may, the Republicans were just wiping their brow and crying for the Medicare recipients and saying we cut Medicare. Now they want more Medicare cuts. They have come up with a plan which would raise the age of Medicare, which I think is completely disastrous, and I will tell you why.

If we were to raise the age of Medicare recipients, we would leave 300,000 seniors uninsured. Just what we want. Happy New Year, Merry Christmas, and Happy Hanukkah all in one. We would increase the cost to businesses by \$4.5 billion because people would stay longer on the business payroll—their

medical payroll—at an age when they are getting older. We would increase out-of-pocket health care costs for those age 65 and 66 by over \$3 billion. We would increase costs to the States by \$700 million. We would cost millions of seniors age 65 and 66 \$2,200 more for health care. And we would increase premiums for all other seniors enrolled in Medicare by 3 percent because the population enrolled in Medicare would be older and less healthy.

In other words, we would be pulling the healthiest seniors out of Medicare so that those who are left are sicker, and premiums would go up on everybody else.

The source for these statistics is the Kaiser Family Foundation and the Congressional Budget Office. I ask unanimous consent to have printed in the RECORD these facts regarding the raising of the Medicare eligibility age.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Raising the Medicare eligibility age would:  
Leave nearly 300,000 seniors uninsured.  
Increase costs to businesses by \$4.5 billion.  
Increase out-of-pocket health care costs for those aged 65 and 66 by \$3.7 billion.  
Increase costs to states by \$700 million.  
Cost millions of seniors age 65 and 66 an average of \$2,200 more for health care.  
Increase premiums for all other seniors enrolled in Medicare by about 3 percent, because the population enrolled in Medicare would be older and less healthy.

Mrs. BOXER. I want to say this rhetorically to Speaker BOEHNER, and I will quote Senator STABENOW, who is quite eloquent on this point. You have a three-legged stool here: You have reductions in spending, which we did in the debt ceiling argument of \$1 trillion. It is done. You have cuts in the so-called entitlements of \$700 billion, which was done under Obamacare—that is Medicare. The only thing we haven't taken care of is the third leg, which is revenues, and we are suggesting for that \$1.7 trillion that we get \$1 trillion in revenues.

There have been no revenues put on the table. The Republicans in the House are defending the billionaires, the millionaires—the Koch brothers and all the rest—from having to pay their fair share.

In closing, I would say the American people are very smart. I believe they understand this. They understand what it means to raise the age of Medicare, which we are not going to do. They understand what it means if we do not make sure they get that renewed tax cut. They understand what it means when they see millionaires and billionaires who not only have made even more millions and billions, but the disparity between the middle class and the millionaires and billionaires has grown wildly.

This last election was a lot about that. In this election that was not a side issue—that millionaires and billionaires aren't paying their fair share.

It was not a side issue that we should have a budget issue that is fair. It is not a side issue.

It is very easy to resolve this. It is not a good idea for us to fall off that cliff. It is not a necessary thing. So I say to the Republicans, you want a tax cut for everyone, including billionaires. How about taking it for 98 percent of the people? I think that is a deal you should grab and leave Medicare alone. Let's do this now, and when we come back we can get a budget deal that is fair all around.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, while the Senator from California is still on the Senate floor, I want to thank her for her comments on the Senate rules.

I would agree this is something we should be able to talk amongst ourselves and work out. Some of us who have been here for a little while and watch the Senate know it is a unique institution. Fundamentally, most of us on both sides of the aisle know we are not functioning as effectively as we should. And there are only two things that need to happen: We need to get bills to the floor, and then we need to have amendments. Historically, it has been the responsibility of the majority to decide what comes to the floor, and historically the minority—whenever that happens to be—has an opportunity to have amendments.

Over the last 25 years, a couple of things have happened. One is the motion to proceed has been used to block bills coming to the floor. That happened rarely 25 years ago. But, on the other hand, something else happened over the last 25 years: a procedure called filling the tree—which is really a gag rule on amendments—was once rarely used but is now abused. During his tenure, Senator Bob Dole used the so-called filling the tree procedure, and used it seven times. Later, Senator Byrd used it three times when he was the majority leader. Senator Mitchell used it three times; Senator Lott, 11; Senator Daschle, only once, this gag rule; Senator Frist, 15. All those leaders used it 40 times. Our majority leader, Senator REID, has used it 68 times.

So we can all come up with statistics on both sides, but shouldn't we just resolve that what we would like to do is show the country we are grown-up, responsible adults; that we can sit down and say, yes, we can agree on ways to make sure that most bills come to the floor and Senators get to offer most of the amendments they want to offer on the bill? I think we can do that. I think there is a spirit on both sides of the

aisle to do that, and I am working toward that goal and I know a number of Democrats and Republicans are doing that. I appreciate the spirit of the Senator's remarks on the rules.

The Senator from California also mentioned the fiscal cliff, and I would like to talk about that in two ways. I have a little different perspective.

The campaign is over. Congratulations to President Obama. He won it. He won the campaign. Isn't this an opportunity for the President to now shift gears, to become President of the United States—to do for the debt that we have, for the social safety net programs that are in jeopardy, to show the same kind of leadership on those issues that President Eisenhower did on the Korean war; that President Lincoln did on the Civil War; that President Reagan did working with Tip O'Neill as was mentioned on Social Security—that was a difficult thing to do back in the early 1980s—and President Clinton did on welfare reform.

Robert Merry, who wrote the biography of James K. Polk, said the other day: In the history of the United States every great crisis has been solved by Presidential leadership or not at all.

A number of us have made our suggestions about what to do about the fact that our debt is too big, we are spending money we don't have, and one way or the other we have to fix it. It is that simple. We shouldn't be borrowing 42 cents of every dollar we spend. So we have to fix it. And a number of us have said on the Republican side: We will hold our noses and do some things we normally wouldn't do.

If the President will come forward with a reasonable proposal on restraining entitlement spending, we will help raise revenues and we will put the two together, and that makes a budget agreement that the new Foreign Minister of Australia described in this way: The United States of America is one budget agreement away from reasserting its global preeminence, one budget agreement away from stopping all talk in the Pacific area of America's decline, one budget agreement away from showing that we can govern ourselves.

So why don't we do that? Well, I was Governor of a State. That is a much smaller potatoes job—I know that—than being President. But if we needed better roads—which we did—and I waited around for the legislature to come up with a road program, we would still be driving on dirt roads. If I wanted to recruit the Japanese industry to Tennessee—which we did—and I waited around for the legislature to decide which country to go, we wouldn't have any of the auto jobs we now have. If we needed to reward outstanding teaching, and I waited around for the legislature to decide how to be the first State to pay more for teaching well, we wouldn't be doing it at all—which we are now leading the country in doing.

I am trying to say that the way our constitutional system works, at the smaller level in a State with the Governor, or at the national level with the President, the President sets the agenda.

Lyndon Johnson's press secretary, George Reedy, said: The President's job is, No. 1, to see an urgent need; No. 2, to develop a strategy to deal with the need; No. 3, persuade at least half the people he is right. Well, President Obama has done 1 and 3, but he hasn't done 2. We are all sitting around waiting for the President's proposal on what to do about fixing the debt. He has told us what he wants to do about taxes, but he has not yet said what to do about spending on runaway entitlement programs which we all know we have to fix. If he will do that, we will get a result.

We are not the President. We wanted to be. We tried to be. Some of us have even run for the office, but we are not. He is. It is a great privilege. He won the election. We congratulate him for that. So let's have the President's proposal. We need Presidential leadership on the question.

And it is not just an abstract matter of a budget agreement so that the Australian Foreign Minister is happy with the United States, his ally.

I know a lot of people in Tennessee—hundreds of thousands of them actually—who can't wait until they are 65 years old in order to get Medicare so they can be assured they can afford their health care bills. There are hundreds of thousands of people in our State for whom Social Security is their only or most of their income.

What do we say to them? Do we say to them that we are going to ignore the fact—let's just take Medicare—that they are not going to be able to depend on Medicare unless we take some steps to save it? I mean, we can all count. We know, from the Urban Institute, the average two-earner couple who retires this year will have paid about \$122,000 into Medicare during their lifetime and are going to take \$387,000 out, that simply can't continue. One way or another we have to make certain that the millions of Americans who are looking forward to Medicare can count on it when they become eligible for Medicare. We have the same responsibility with Social Security.

So I would hope the President would recognize there are a lot of us on both sides of the aisle who want to reach a budget agreement. We are waiting for his leadership. He is not sitting around a table as one Senator anymore. He is the President. He is the agenda setter. We need his proposal. Then we can react to it and then we can agree on it. He is not the Speaker. He is not the majority leader of the Senate or the minority leader. He is the President of the United States.

Just as President Eisenhower, President Reagan, President Lincoln, all of

the Presidents who have led in resolving great crises, I hope President Obama will as well.

I want him to succeed in resolving this crisis, and the crisis includes not just raising taxes on rich people—I mean, of course, most people are in favor of raising taxes on the guy with the bigger house down the street. It includes finding a way to fix the debt.

I would make one other point on the fiscal cliff. I mentioned that I thought the campaign was over, but the President was in Michigan yesterday on what looked like a campaign event. It seems to me, that time would have been better spent here in Washington, D.C. working on the fiscal cliff, but he was in Michigan. By my way of thinking, he was doing two things: First, he was encouraging the people of Michigan to continue to deny working people the right to get or keep a job without having to pay union dues; and, second, to continue to perpetuate a system that will keep our auto industry from being able to compete in the world marketplace.

Michigan is on the verge of becoming the 24th right-to-work State in the United States. The state Senate and the House each passed separate bills in Michigan last week. They passed a final bill today, and I understand the Governor is about to consider whether to sign it. This is what it will do:

It will ensure that employees in Michigan do not have to pay union dues in order to get or keep a job.

The President said yesterday that Michigan legislators shouldn't be taking away the people's right to bargain for better wages or working conditions. But no one, in passing a right-to-work law, is taking away workers' rights. They're actually giving them a new right—the right not to have to pay union dues in order to get or keep a job. Workers have the right to collectively bargain. Federal laws have recognized that since the 1930s. But since 1947, the Federal Government has also said that States have the right to determine whether to a state may prohibit compulsory unionism. So if Michigan goes the way of the right-to-work law, 24 States have made that decision.

The President also said that these right-to-work laws "have nothing to do with economics and everything to do with politics." I would respectfully disagree with that based upon my life's experience. Thirty years ago, Tennessee was the third poorest State. I was looking around for a way to increase family incomes and to attract new jobs. So I went off to Japan to recruit Nissan. We had virtually no auto jobs in Tennessee at the time. They took a look at a map of the United States at night with the lights on, showing that most of the people lived in the east. While most of the people lived in the east, the center of the mar-

ket is where you wanted to be if you are making big heavy things, and the center of the market had moved toward the southeast. So Tennessee and Kentucky were more in the center of the market than Michigan or other states where autos had normally been manufactured. So Nissan looked aggressively at Tennessee, Kentucky, and Georgia. But then they looked at something else.

None of the States north of us had a right-to-work law. They had a very different labor environment. So Nissan came to Tennessee. They weren't the only ones. General Motors and the United Auto Workers partnership came to Tennessee with a Saturn plant. They still have an important General Motors plant there where the workers are members of the United Auto Workers, but it is in a right-to-work State. Over the last 30 years, there have probably been a dozen large assembly plants built in the Southeastern United States. There are about 1,000 suppliers in our State today.

What has been the effect of the arrival of the auto industry in Tennessee, attracted by, among other things, our right-to-work law? One-third of our manufacturing jobs today are auto-related jobs. And what has been the effect on the United States? It has maintained a competitive environment where those who want to sell cars in the United States can make them in the United States. Without that competitive environment, my guess is that most of those cars would be made in Mexico or some other place around the world.

If you don't believe me, read David Halberstam's work in 1986, a book called "The Reckoning" about the American auto industry. In Mr. Halberstam's words, the big three carmakers and the United Auto Workers, had enjoyed setting wages, setting prices, and ultimately became uncompetitive. They laughed at these little Datsuns that Nissan was selling on the west coast and these little Beetles that Volkswagen was selling in the United States in the 1960s and 1970s. They ignored the warning of Mitt Romney's father, George Romney, the president of the American Motors Corporation, who said there is nothing more vulnerable than entrenched success. He said that in the 1960s. And what happened? The American automobile industry nearly collapsed.

I believe what saved the industry, as much as anything else, was the right-to-work laws and the existence of a competitive environment in the Southeastern United States, where workers could make cars efficiently, be paid well for their work, and make them here in the United States, instead of in Japan. What President Carter said to me when I was Governor of Tennessee was: Governors, go to Japan, persuade them to make in the United States

what they want to sell in the United States. They did that and they did well. In fact, the Nissan plant has, for year in and year out, been the most efficient and successful auto plant in North America.

The right-to-work law has been about jobs and it has made a difference in Tennessee. I am not entirely sure why Michigan has had a difficult time with its economy lately, but perhaps not being a right-to-work state is one reason. Michigan's right to adopt this law has been an important part of our law in Tennessee. I have literally grown up with it. I remember, as a 7-year-old, Senator Taft arguing the Taft-Hartley Act, or at least I heard my parents talk about it. Section 14(b) of the Taft-Hartley Act gave States the right to say that workers in their State did not have to pay union dues to get or keep a job.

And I well remember Everett Dirksen's arguments on the Senate floor in the mid-1960s. President Johnson, at the behest of union leaders, wanted to repeal Section 14(b). Dirksen rose up against it. He said:

It is the right of the State to do it if it so desires; if the Governor signs the bill, or if they override the Governor's veto. That should be their prerogative in a country where the States and those who represented the States in the Constitutional Convention in 1787 were safeguarded by that residual clause in the Constitution. The right of States to prohibit compulsory union membership has been challenged repeatedly by union officials. But that right has been upheld consistently by the judiciary, including the U.S. Supreme Court.

Finally, as a Tennessean, I could be upset that Indiana, and now it appears Michigan, has adopted right-to-work laws. That puts Tennessee at less of a competitive advantage. I believe in States rights. I believe States have the right to be wrong as well as the right to be right. With all these Midwestern States having the right to be wrong and not having right-to-work laws, we benefited enormously in our State by the arrival of the auto industries and other manufacturers.

But for our country to exist over the next 20 or 30 years in a very competitive world, where jobs can be anywhere, where things can be manufactured anywhere, we want at least those things that are going to be sold here to be made here. Having a right-to-work law which permits the UAW and General Motors to have a partnership at one plant in Tennessee and Nissan and Volkswagen to have a nonunion plant at another place in Tennessee, by vote of the employees, I submit, will make us a stronger, competitive country.

It has everything to do with economics, and I wish the President yesterday had spent his time on the fiscal cliff instead of going to Michigan and arguing in favor of denying workers their right get or keep a job without having to pay union dues, and denying efforts to keep

our American automobile industry as competitive as it needs to be in the world marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### MEDICARE

Mr. SANDERS. Mr. President, it is no great secret that the Congress has a very low favorable rating. Many people shake their heads and they wonder why this institution is so dysfunctional. There are a lot of reasons for that, but I suggest one of the reasons has to do with a lot of hypocrisy that we see in both bodies of Congress. I will give one example.

As all of us know, during the recent Presidential campaign, Republicans attacked Democrats over and over for voting to cut Medicare as part of the Affordable Care Act. They ran a significant part of their campaign on saying: Democrats have cut Medicare. We Republicans are here to protect Medicare.

In fact, this is exactly what Mitt Romney said on August 15, 2012.

My campaign has made it very clear: the President's cuts of \$716 billion to Medicare, those cuts are going to be restored if I become President and PAUL RYAN becomes Vice President.

The reality is that what we did under the Affordable Care Act resulted in zero cuts to benefits. We tried to make the system more efficient. But be that as it may, the Republicans posed as great champions of Medicare against those terrible Democrats who wanted to cut it. Meanwhile, Democrats went to town, taking on the Ryan budget which did make devastating cuts to Medicare and, in fact, wanted to voucherize that program. So we have Republicans beating Democrats for ostensibly—not accurately—trying to cut Medicare, Democrats attacking Republicans for, in fact—accurately—wanting to cut Medicare, and where are we today?

If we read the newspapers we hear and we know as a fact that Mr. BOEHNER, the Republican Speaker, has proposed devastating cuts in Medicare—a month after the election where the Republicans said they were going to defend Medicare. They want to raise the Medicare eligibility age from 65 to 67. Frankly, I am concerned there may be some Democrats—not a whole lot, I hope none, but some Democrats—who may end up going along with that disastrous proposal. That is hypocrisy. Everybody during the campaign is saying the other guy wants to cut Medicare. The day after the campaign, our Republican friends are talking about devastating cuts and maybe some Democrats are prepared to support that.

Raising the Medicare eligibility age from 65 to 67 would be an unmitigated disaster. It would cut Medicare benefits by \$162 billion over the next decade and would deny Medicare to over 5 million Americans who are 65 or 66 years old.

The American people, when asked how do you feel: We are looking at deficit reduction. Do you think it is a good idea to raise the Medicare age? The American people overwhelmingly say, no, that is a dumb idea, don't do it.

According to a November 28, 2012, ABC News Washington Post poll, 67 percent of the American people are opposed to raising the Medicare eligibility age, including 71 percent of Democrats and, I suggest to my Republican friends, 68 percent of Republicans, 62 percent of Independents.

While there may be division in the Senate or House, there is no division among the American people. They think it is a dumb idea and the American people are right. They are right for very obvious reasons.

Think about some woman who is 66 years of age, not feeling well. She goes into the doctor's office and she is diagnosed with a serious health care problem. There is no Medicare there for her. What does she do? She goes over to a private insurance company. What do you think the private insurance company is going to charge this person who is already ill? An outrageous rate she cannot afford. What happens to this senior, that person who is 65 or 66? Do they die? Do they go bankrupt? Do they go to their kids who do not have the money to help them stay alive? It is a disastrous idea.

Raising the Medicare eligibility age from 65 to 67 would leave at least 435,000 seniors uninsured every year. Imagine being 66 and not having health insurance. Easy for folks around here in the Congress to laugh. Easy for wealthy people to laugh about it. It isn't so funny when you are living on \$15,000 or \$20,000 a year and have no health insurance. It would increase costs to businesses by \$4.5 billion. It would, of course, increase out-of-pocket costs for seniors; the estimate is about \$3.7 billion.

For the individual senior, the estimate is that for two-thirds of seniors age 65 to 66, they would pay an average of \$2,200 more for health care. They are trying to live on \$20,000, \$25,000, \$30,000 a year. Suddenly they are hit, on average—could be more, could be less—\$2,200 a year. On it goes.

It would increase premiums by about 3 percent for those enrolled in the health care exchanges created by the Affordable Care Act because many 65- and 66-year-olds would be enrolled in the exchanges instead of Medicare. It would save the Federal Government \$5.7 billion in 2014, but it would cost seniors, businesses and State and local governments \$11.4 billion—double that, double what the Federal Government would save.

I hope all those folks who, before the election—Republicans and Democrats—were running around the country and in their own States saying: We are for

the middle class; we are going to protect Medicare—I hope they go back and read their preelection speeches and stick to what they said before the election.

That is one of the issues out there in terms of the so-called fiscal cliff or deficit reduction. Let me talk about another insidious one, in terms of raising the age of 65 to 67 on Medicare. That is a disaster, but it is pretty clear, everybody understands what it is about. There is now an underhanded way, an insidious way that some people are talking about doing deficit reduction, the so-called chained CPI, which nobody outside Washington, DC, has a clue as to what it is about.

What it would do is change the formulation in terms of how we determined COLAs for seniors, disabled vets, and others. The bottom line is, in my view and the view of many economists, we underestimate the inflationary cost of what seniors are spending because a lot of their spending goes into prescription drugs, health care, and that has gone up faster than general inflation. What the chained CPI says is: Oh, no. What we have now is too generous and we have to cut back. We have to make the COLA skimpier.

This is exactly what a chained CPI would do for people on Social Security. What it says is that somebody who was age 65 would see their benefits cut by \$560 a year when they turn 75 and \$1,000 a year when they turn 85. Again, I know we have CEOs from Wall Street who have huge salaries, who receive huge bonuses, who have the best care available in the world, they have great retirement programs—these guys who were bailed out by the working families of America when their greed nearly destroyed the financial system of the world—they are now coming to Capitol Hill and they are saying we have to cut Social Security and we have to cut Medicare and we have to cut Medicaid.

For those guys, when we talk about \$560 a year for somebody who is 75, that is not a lot of money and \$1 thousand when you are 85—what is a thousand bucks? Let me tell you, \$1,000 is a lot of money when you are trying to survive on \$18,000 or \$20,000 a year. We must not allow that to take place.

There is something many people do not know; that is, the chained CPI would go beyond cutting benefits for seniors on Social Security. It would take a real devastating whack at disabled veterans. What about that? I want my Republican friends or any Democrats who support that to come to the floor of the Senate and tell the American people that when we send young men and women over to Afghanistan and Iraq and they got their arms blown off, they got their legs blown off, and we are now going to balance the budget on their backs by cutting benefits for disabled veterans—come to the



floor of the Senate and tell the American people they support a chained CPI which would do exactly that.

We have some folks here saying, yes, people are making billions of dollars, we don't want to cut their taxes. But, yes, we will cut benefits for disabled vets who lost their arms and legs in Afghanistan. That is an obscenity and I hope very much we do not go in that direction.

When we talk about deficit reduction, we have to deal with it. It is a serious problem. There is a lot of discussion about the need to deal with \$4 trillion over a 10-year period, and I support that. Let's talk about a way we can go forward without balancing the budget on the backs of the elderly, disabled vets, working families.

First of all, we have to understand and acknowledge that in the deficit reduction debates of 2010 and 2011, the Republicans won, basically, those negotiations. We have to be honest about that. Republicans acknowledge that. Some Democrats do. Republicans are tougher than Democrats, Democrats cave, Republicans stand tall.

We have to understand, despite the fact we have a growing inequality in this country, rich getting richer, middle class shrinking, after all the discussions about deficit reduction, the wealthiest people in this country have yet to pay one nickel more in taxes. But because the Democrats are not quite as tough as the Republicans, what has happened is that we have cut, in those two negotiations, \$1.1 trillion in spending already. So if we are talking about a \$4 trillion bill, understand that we have already cut \$1.1 trillion, which leaves \$2.9 trillion to be dealt with. I think the President is right, and I simply hope this time he sticks to his guns and does what he says.

What I am suggesting is that there are ways to do deficit reduction that are fair. The first point, in terms of \$4 trillion over a 10-year period, we have already cut over \$1 trillion in terms of spending—\$1.1 trillion. No. 2, I think the President is right in suggesting we have to ask for significant revenue from the wealthiest people in this country—the top 2 percent—without asking for any tax increases for the bottom 98 percent. That would add \$1.6 trillion in revenue, bringing us somewhere around \$2.7 trillion, so we have a \$1.3 trillion problem. Over a 10-year period, that is not a difficult problem to solve.

Let me throw out a few ideas, and I am sure other people have equally good ideas.

Before we cut Social Security, Medicare, and Medicaid, we might want to address the reality that this country is losing about \$100 billion every single year from corporations and wealthy people who are stashing their money in the Cayman Islands, Bermuda, and other tax havens, and \$100 billion is a heck of a lot of money.

At a time when gas and oil prices have soared recently, when we know major oil companies have in recent years paid nothing, in some cases—despite being enormously profitable—in Federal taxes, we can and must end tax breaks and subsidies for oil, gas, and coal companies.

This country is now spending almost as much as the rest of the world combined in terms of defense. Our friends and allies in Europe provide health care for all their people. In many of these countries, college education is free. We are spending twice as much as part of our GDP as they spend on defense. I think it is time to take a hard look at defense spending, and I think we can make cuts there which will still leave us with the kind of military we need to defend ourselves.

Instead of raising the Medicare eligibility age from 65 to 67, instead of cutting benefits, we can make Medicare and Medicaid more efficient. I believe we can save at least \$200 billion over a 10-year period by eliminating waste, fraud, and abuse and lowering prescription drug costs for seniors. For example, the Medicare Part D prescription drug program prohibited Medicare from negotiating with the pharmaceutical companies for lower drug prices. The VA negotiates, and other government agencies negotiate. Medicare should be able to do that.

Fortunately, the war in Iraq is over. We are about to wind down in Afghanistan, and there are savings there.

So before I give the mic over to my colleague from Vermont, I wish to conclude by saying, yes, we go forward on deficit reduction, but there are ways to do it. At a time of growing wealth and income inequality in America, we can move forward and make significant reductions in our national debt, in our deficit, without doing it on the backs of the elderly, the children, the sick, and the poor.

Madam President, I ask unanimous consent that an article from the Washington Post on the subject of increasing the age for Medicare eligibility be printed in the RECORD.

[From the Washington Post, Dec. 11, 2012]

RAISING MEDICARE AGE COULD LEAVE  
HUNDREDS OF THOUSANDS UNINSURED

(By Greg Sargent)

It looks increasingly possible that lawmakers will reach a fiscal cliff deal that includes a hike in the Medicare eligibility age—a concession to those on the right who seem determined to see very deep entitlement cuts, even if they take benefits away from vulnerable seniors. One argument for raising the eligibility age is that seniors who lose benefits can get insurance through Medicaid or the Obamacare exchanges.

But a new report to be released later today undercuts that argument—and finds that up to half a million seniors could lose insurance if the eligibility age is raised.

The report, by the Center for American Progress, points out a key fact that's been mostly missing from the debate: The hope of getting seniors who lose Medicare insured

through Obamacare could be seriously compromised by the Supreme Court decision allowing states to opt out of the Medicaid expansion. This would inflate the number of seniors who could be left without insurance, because many would fall into the category of lower-income senior that would be expected to gain access to Medicaid through its expansion. (Jonathan Cohn has written about this extensively.)

Here's how CAP reached its conclusion. The nonpartisan Congressional Budget Office recently concluded that a rise in the eligibility age could mean as many as 270,000 seniors are left uninsured in 2021. But that's assuming Obamacare is fully implemented in all states. The CAP report points out that 10 states have publicly declared they will opt out of the Medicaid expansion, and more are undecided.

The CAP study then totaled up how many seniors below the poverty line live in states that may opt out of the Medicaid expansion, using 2011 data. The total: Over 164,000. This table shows how many of these seniors live in each of these states:

Add these to the aforementioned 270,000 seniors, and you get a total of approximately 435,000 seniors who could be left without insurance annually by 2021. And this is a conservative estimate—it's based on 2011 data, and the population of seniors will grow significantly over the next decade.

Now, it's very possible that many of these states will ultimately drop their bluster and implement the Medicare expansion. But Republican state lawmakers are also stalling in setting up the exchanges and resisting the law in other ways. With Obamacare implementation up in the air, it may be too risky to raise the eligibility age and hope Obamacare can pick up the slack.

"With opponents of the health care law still working to block it at every turn, many more seniors would become uninsured because they would have nowhere else to turn," CAP's president, Neera Tanden, tells me. "As a result this misguided proposal would undermine the promise of affordable health care for all."

On top of this, the report finds, raising the eligibility age could also undermine a key goal of Obamacare by inflating medical costs and health care spending, for a range of reasons: Cost shifting, tampering with the health and age levels in insurance pools, and an increased reliance on private insurance, which isn't as good as Medicare at controlling costs.

In my view, the speculation that Dems will ultimately agree to raising the eligibility age has been a bit overheated—it's not clear this is definitely on the table. But it's certainly possible. After all, some on the right seem determined not to accept any entitlement reform as "real" unless vulnerable beneficiaries are harmed, and Obama and many Dems prefer a deal to going over the cliff. So anyone who doesn't want to see this happen should be making noise about it right about now. And there are a range of alternative ways to cut Medicare spending without harming beneficiaries.

I'll bring you a link to the report when it's available.

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Vermont.

Mr. LEAHY. Madam President, I applaud my colleague from Vermont for what he has said. I think he expresses the feelings of so many Vermonters across the political spectrum, so I thank him for doing that.



## EXECUTIVE SESSION

NOMINATION OF JOHN E. DOWDELL TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOMINATION OF JESUS G. BERNAL TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

THE PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, and Jesus G. Bernal, of California, to be United States District Judge for the Central District of California.

THE PRESIDING OFFICER. There will now be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Madam President, I want to begin by recognizing a significant achievement by the senior Senator from Iowa, our ranking Republican on the Judiciary Committee. Today Senator GRASSLEY has served for 31 years, 11 months, and 6 days as a member of our Committee. His tenure now exceeds that of our friend, former chairman, longtime member, and current Vice President, JOE BIDEN. Senator GRASSLEY is now the sixth longest-serving member in the history of the Senate Judiciary Committee. Senator GRASSLEY and I know how the Committee should operate in its best traditions. I will continue to work with him to achieve all we can for the American people.

Today, the Senate will finally be allowed to vote on the nominations of Jesus Bernal to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California and John Dowdell to fill a vacancy on the U.S. District Court for the Northern District of Oklahoma. Both of these nominees were voted out of the Judiciary Committee by voice vote before the August recess and should have been confirmed months ago. These confirmations today will demonstrate that there was no good reason for the delay—just more partisan delay for delay's sake. This unnecessary obstruction is particularly egregious in connection with Jesus Bernal's nomination because it perpetuated a judicial emergency vacancy since the middle of July for no good reason and to the detriment of the people of Los Angeles and the Central District of California.

Also disconcerting is the Senate Republicans' continuing filibuster against

another Oklahoma nominee. Although he had had the support of his two Republican home State Senators, Senate Republicans filibustered in July the nomination of Robert Bacharach of Oklahoma to a judgeship on the Tenth Circuit. Senate Republicans continue to object to voting on this nomination and are apparently intent on stopping his confirmation for the remainder of the year. This, despite the reassuring comments made by Republican Senators when they joined the filibuster in September and excused their participation by saying that after the election he would receive Senate action. With the American people's reelection of President Obama there is no good purpose to be served by this further delay. But Robert Bacharach and nearly a dozen judicial nominees, who could be confirmed and who would fill four circuit court vacancies and five additional judicial emergency vacancies, are being forced to wait until next year—or perhaps forever—by the Senate Republican leadership. Among those nominations is that of William Orrick III to fill another judicial emergency vacancy in the Northern District of California and that of Brian Davis to fill a judicial emergency vacancy in the Middle District of Florida.

A perceptive and long-time observer of these matters is Professor Carl Tobias. I ask that a copy of his recent article entitled "Obama, Senate Must Fill Judicial Vacancies" from The Miami Herald be included in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. LEAHY. He recently wrote how these vacancies on our Federal trial courts "erode speedy, economical and fair case resolution." He correctly points out that this President, unlike his predecessor, "assiduously" consults with home State Senators from both parties. Senate Republicans nonetheless stall confirmations virtually across the board. For example, they are filibustering the Bacharach nomination from Oklahoma and the Kayatta nomination from Maine, despite the support of Republican home state Senators.

Professor Tobias observes that the judicial nominees of President Obama are "noncontroversial . . . of balanced temperament, who are intelligent, ethical, industrious, independent and diverse vis a vis ethnicity, gender and ideology." None of these characteristics or their outstanding qualifications matter to Senate Republicans intent on obstruction. The explanations that Republicans offer for their unprecedented stalling of nominees with bipartisan support, indicate that Republicans are fixated on a warped sense of partisan payback. They recognize none of the distinctions with the circumstances in 2004 when President Bush was seeking to pack the Federal

courts with conservative activist ideologues and Senate Republicans ran roughshod over Senate practices and traditions. They ignore the history since 2004, the resolution of the impasse by recognition of a standard limiting filibusters only to situations of "exceptional circumstances," or the marked difference in the role they have been accorded by President Obama and me in connection with his judicial nominations from their home States.

After this vote, the Senate remains backlogged with 18 judicial nominations reported by the Judiciary Committee, including 13 nominations from before the August recess. They should be confirmed before the Senate adjourns for the year. If the Senate were allowed to act in the best interests of the American people, it would vote to confirm these nominees and reduce the judicial vacancies that are plaguing our Federal courts and that delay justice for the American people. Sadly, it appears that Senate Republicans will persist in the bad practices they have followed since President Obama was elected and insist on stalling nearly a dozen judicial nominees who could and should be confirmed before the Senate adjourns this month.

By this point in President Bush's first term we had reduced judicial vacancies to 28. In stark contrast, there are still close to 80 judicial vacancies today. If the Senate were allowed to confirm the 20 judicial nominations currently pending, we could take a significant step forward by filling more than one-quarter of current vacancies and could reduce vacancies around the country below 60 for the first time since President Obama took office. Even that would be twice as many vacancies as existed toward the end of President Bush's first term.

That so many judicial nominations have been delayed by Senate Republicans into this lameduck session need not prevent the Senate from doing what is right for the American people. Those who contend that it would be "unprecedented" to confirm long-stalled nominations in this lameduck session are wrong. The fact is that from 1980 until this year, when a lameduck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is the precedent that Senate Republicans are breaking. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lameduck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including three circuit

court nominees, in the lameduck session after the elections in 2002. I remember I was the chairman of the Judiciary Committee who moved forward with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lameduck sessions after the elections in 2004 and 2006. In 2006 that included confirming another circuit court nominee. We proceeded to confirm 19 judicial nominees in the lameduck session after the elections in 2010, including five circuit court nominees.

That is our history and recent precedent. Those who contend that judicial confirmation votes during lameduck sessions do not take place are wrong. I have urged the Senate Republican leadership to reassess its damaging tactics, but apparently in vain. Their new precedent is bad for the Senate, the Federal courts and, most importantly, for the American people.

Further, their partisan spin on the past does nothing to help fill longstanding vacancies on our Federal courts, which are in dire need of additional assistance. Arguments about past Senate practice do not help the American people obtain justice. There are no good reasons to hold up the judicial nominations currently being stalled on the Senate Executive Calendar. A wrongheaded desire for partisan payback for some imagined offense from years ago is no good reason. A continuing effort to gum up the workings of the Senate and to delay Senate action on additional judicial nominees next year is no good reason.

It is past time for votes on the four circuit nominees and the other 14 district court nominees reported by the Senate Judiciary Committee. When we have consensus nominees before us who can fill judicial vacancies, especially judicial emergency vacancies, the Senate should be taking action on these nominations to help the American people. Doing so is consistent with Senate precedent, and it is right. Let us do our jobs so that all Americans can have access to justice.

John Dowdell is nominated to serve on the U.S. District Court for the Northern District of Oklahoma. He is currently a shareholder and director at the Tulsa law firm of Norman Wohlgemuth Chandler & Dowdell, where he has worked for nearly 30 years. After law school he served as a law clerk to Judge William J. Holloway, Jr. on the United States Court of Appeals for the Tenth Circuit. His nomination was reported nearly unanimously by the Judiciary Committee last June.

Jesus Bernal is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California. Since 1996 he has served as a Deputy Federal Public Defender and is currently the Directing Attor-

ney in the Riverside Branch Office. After graduating from law school he served as a law clerk to Judge David V. Kenyon of the U.S. District Court for the Central District of California. His nomination was reported by voice vote by the Senate Judiciary Committee last July.

Today, we are finally being allowed to vote on two consensus nominees who were stalled for months for no good reason.

#### EXHIBIT 1

[From the Miami Herald, Dec. 10, 2012]

#### OBAMA, SENATE MUST FILL JUDICIAL VACANCIES (By Carl Tobias)

Now that President Obama has been re-elected and Democrats have retained a Senate majority, he must swiftly nominate, and the upper chamber expeditiously approve, judicial nominees, especially for the four Florida vacancies, so that the courts can deliver justice.

On Thursday, senators confirmed 94-0 Circuit Judge Mark Walker for the Northern District of Florida. However, the Judiciary Committee delayed action on Circuit Judge Brian Davis for the Middle District three times until the June 21 meeting when the panel reported Davis 10-7. The committee also only held a September hearing for Magistrate Judge Sherri Polster Chappell, whom President Barack Obama nominated to the Middle District in June and finally approved her on Thursday.

Moreover, the bench experiences 64 vacancies in the 679 district judgeships. These openings erode speedy, economical and fair case resolution.

Observers criticized Obama for nominating too slowly in 2009, but he has since picked up the pace. The chief executive assiduously consulted Republican and Democratic senators from states where vacancies occurred before nominations. He has suggested non-controversial nominees of balanced temperament, who are intelligent, ethical, industrious, independent and diverse vis-à-vis ethnicity, gender and ideology.

Senator Patrick Leahy, the Vermont Democrat who chairs the Judiciary Committee, has rapidly set hearings and votes, sending nominees to the floor where many have languished. For instance, the Senate recessed September 22 without considering 19 excellent nominees; most enjoyed strong committee votes.

Republicans should cooperate better. The major problem has been the Senate floor. Sen. Mitch McConnell of Kentucky, the Republican Minority Leader, has rarely agreed to ballots, invoking unanimous consent, which allows one senator to halt votes. Especially troubling has been Republican refusal to vote on qualified consensus nominees, inaction that contravenes Senate custom. When senators have cast ballots, they overwhelmingly confirmed most nominees.

The 64 district vacancies are crucial. The Middle and Southern District each experience two. Obama has nominated 33 highly competent prospects nationwide. The President nominated Judge Davis and Judge Walker during February and Judge Chappell in June. Obama must quickly propose candidates for the 31 openings without nominees. Senators approved Judge Walker because he is well qualified. The chamber failed to consider the other similarly qualified Florida nominee, Judge Davis, before recessing in September but must vote on him

in the lame duck session that began November 13. The committee reported Judge Davis in June 10-7 with Senator Lindsey Graham, R-S.C., not voting. Senator John Cornyn, R-Texas, voted against. He "had a concern about some intemperate language that dates back to 1995 in what otherwise appears to be an unblemished record" and would "keep an open mind."

Judge Davis was held over thrice at the request of Senator Charles Grassley, R-Iowa, the ranking member, who appeared concerned about Davis' answers in the May hearing and to later written questions. On June 21, Grassley voiced concern about Davis' perspectives respecting a few issues, particularly implicating race, and voted No. Now that the committee has reported Judge Chappell, the Senate must quickly consider her, while the chamber should expeditiously process Circuit Judge William Thomas, whom Obama nominated for one Southern District vacancy November 14.

The administration should keep closely conferring with Florida Senators Bill Nelson and Marco Rubio, who expressed strong support for Walker, Davis, Chappell and Thomas, and soon propose a fine nominee for the Southern District opening created November 16 when Judge Patricia Seitz assumed senior status. The Senate, for its part, must speedily process that nominee.

The 64 vacancies undermine the delivery of justice. Accordingly, President Obama must swiftly nominate, and senators promptly approve, numerous excellent judges now that senators have reconvened for their lame duck session.

#### NOMINATION OF JOHN DOWDELL

Mr. COBURN. Mr. President, I rise to speak to the confirmation of John Dowdell of Tulsa, OK, to a seat on the District Court for the Northern District of Oklahoma.

Mr. Dowdell is a native of Tulsa and a graduate of Bishop Kelly High School. Mr. Dowdell received his B.A. from Wake Forest University in 1978 and his J.D. from the University of Tulsa College of Law in 1981. Following law school, he served for two years as a law clerk to the Honorable William J. Holloway of the Tenth Circuit Court of Appeals. He then joined the firm of Norman & Wohlgemuth as an associate. In 1987, he was promoted to partner and the firm became Norman Wohlgemuth Chandler & Dowdell. Mr. Dowdell's practice areas include complex litigation and appellate work. He has been involved with six cases before the U.S. Supreme Court and has litigated before the Tenth Circuit Court of Appeals on numerous occasions.

In addition to his legal practice, Mr. Dowdell serves as an Adjunct Settlement Judge in the Northern District of Oklahoma. In this capacity he has conducted over 50 mediations on a pro bono basis. He has also performed extensive pro bono work for several criminal appellate cases and his alma mater, Bishop Kelley High School. Additionally, Mr. Dowdell is a member of the Editorial Board of the Oklahoma Bar Association, a former president of the Bishop Kelley High School Board of Directors, and was appointed by the mayor to serve on Tulsa's Public Facilities Board.

Mr. Dowdell has received numerous honors for his legal practice, including being rated as one of Oklahoma's "Super Lawyers" from 2006 through 2011 and being named a Top Commercial Litigation Lawyer by American Litigation Magazine. He also was the recipient of the Distinguished Service Award of the American Inns of Court in 1993 and the Jack R. Givens Award for Professionalism and Service in 1998. The Oklahoma Bar Association Board of Governors has endorsed Mr. Dowdell's nomination to this judicial position and passed a resolution praising his demeanor, intelligence, and legal skills.

I firmly believe the rule of law is the foundation of our great Nation. By confirming judges of high character and integrity such as Mr. Dowdell, who are committed to the principles established by our Founders, we will ensure our Federal court system continues to dispense fair and predictable justice to all. I ask my colleagues to join me in supporting John Dowdell's confirmation to the District Court for the Northern District of Oklahoma.

Mrs. BOXER. Madam President, I am very excited and rise in strong support of Jesus Bernal's nomination to be U.S. District Judge for the Central District of California. He is going to make an amazing judge.

He is the oldest son of two humble factory workers, Gilberto and Martha, who aspired for their sons and daughters to attend college.

As the daughter of a mom who never even graduated from high school because she had to go out and work to provide for her ailing dad, I can say that you know any parents who give up so much for their kids have the heart and you know their sons and daughters will have the heart and will make sure—whether they wind up here or teaching in a school or whatever their profession is, or being on the bench—they will work for justice for all.

Gilberto and Martha would tell young Jesus and his siblings: "You study, we work." Those are the kinds of parents he came from. Their aspirations were realized. All five of their children attended college, and today, I believe, Mr. Bernal will be confirmed as a federal district court judge. What a country we live in.

When confirmed, Mr. Bernal will be the only Latino district court judge serving the central district's eastern division, which includes my home county of Riverside and San Bernardino County as well. What a tremendous honor for his family.

Mr. Bernal graduated from Yale with honors, and then Stanford Law School. After law school, he clerked for Judge David Kenyon on the same court to which he has been nominated. What an amazing thing: The clerk becomes the judge.

He began his career as an associate at Heller Ehrman, where he worked on

complex commercial litigation cases. In 1996, he joined the L.A. office of the federal public defender for the central district and represented indigent defendants in federal court.

In 2006, he became the directing attorney for the Riverside branch office where he supervises a team of attorneys, investigators, paralegals, and administrative staff. He served on the board of directors for the Federal Bar Association, Inland Empire Chapter, since 2006, and he has dedicated time to working with at-risk youth.

Confirming a judge to the central district's eastern division comes not a moment too soon. Riverside County has 23 percent of the central district's population. But out of the 25 active judges, there is only 1 active judge sitting in Riverside. The people of Riverside need another judge. I am proud it will be Jesus Bernal, a highly respected member of that community.

I want to thank the Senate Judiciary Committee, for this amazing support. And I want to thank President Obama for moving this recommendation forward.

I also hope that before the Senate adjourns this year we approve four other California nominees who are awaiting confirmation: Fernando Olguin, Jon Tigar, Bill Orrick, and Troy Nunley. All are nominated to serve on courts that are considered judicial emergencies.

Mrs. FEINSTEIN. Madam President, I rise to express my strong support for the nomination of Jesus Bernal to be a U.S. District Judge for the Central District of California.

Born in Mexico, Mr. Bernal is 49 years old. He earned his Bachelor's Degree cum laude from Yale University in 1986 and his law degree from Stanford Law School in 1989. He became a U.S. citizen in 1987.

Following law school, Mr. Bernal spent 2 years as a law clerk for the Honorable David V. Kenyon on the same court to which he is nominated today, the U.S. District Court for the Central District of California.

Mr. Bernal began his career in private practice, working as an associate at the law firm of Heller, Ehrman, White, & McAuliffe in Los Angeles from 1991 through 1996. Mr. Bernal practiced complex civil litigation, representing corporate clients in business disputes.

Since 1996, Mr. Bernal has worked as a Deputy Federal Public Defender in the Central District of California, where he has personally represented hundreds of indigent criminal defendants and overseen hundreds of other representations.

Mr. Bernal has appeared hundreds of times in court. He represents defendants through each phase of their cases—in hearings and plea negotiations, and at trial, sentencing, and on appeal.

Since 2006, Mr. Bernal has been a leader in the Federal Public Defender's Office, experience that will help him manage his courtroom. He is the Directing Attorney of the Riverside Branch Office, a role in which Mr. Bernal supervises trial attorneys, investigators, and other personnel, in addition to carrying his own caseload.

He also serves as chairman of the Ethics Committee for the Federal Public Defender's Office for the whole Central District, which is the largest Federal Public Defender organization in the Nation. In this capacity, Mr. Bernal works to resolve ethical issues and to provide ethical guidance for the 240 employees who work for the Federal Public Defender in the Central District.

Mr. Bernal has over 20 years of legal practice, including 5 years in complex civil litigation and 15 years in Federal criminal defense. He also has extensive practical experience supervising other attorneys. In short, he is well-prepared to serve on the District Court.

The seat Mr. Bernal will fill has been vacant since former District Judge Stephen Larson stepped down from the bench in 2009.

Judge Larson sat in the Eastern Division of the Court, which hears cases in Riverside and covers the counties of San Bernardino and Riverside, the 11th and 12th most populated counties in the Nation.

The Central District is very busy. It has a caseload that is nearly 30 percent above the national average, and the sixth-highest civil caseload in the Nation.

The Eastern Division of the Central District is even more critically overloaded. It has only a single district judge. Yet it encompasses 2,000 annual civil filings and 4.2 million people roughly the population of the entire commonwealth of Kentucky, which has nine active district judges and seven senior judges to handle its workload.

In short, filling this particular seat is very important and will bring needed judicial resources to the Federal bench in Riverside.

I also want to urge the confirmations of other judicial nominees from my home State.

Including Mr. Bernal, 5 of the 15 district court nominees on the Executive Calendar are from California. The other nominees are:

Magistrate Judge Fernando Olguin, a nominee to the Central District whom I recommended to the President;

Superior Court Judge Jon Tigar and Bill Orrick, nominees to the Northern District recommended by Senator BOXER; and

Superior Court Judge Troy Nunley, a nominee to the Eastern District whom I recommended to the President.

All four were approved by bipartisan votes in the Judiciary Committee, three of them by voice vote.

Each of these districts is in a judicial emergency according to the Judicial Conference of the United States.

The Central District's caseload is over 30 percent above the national average. The Northern District's caseload is over 20 percent above the national average. It now takes over 50 percent longer for a case to go to trial than it did a year ago in the Northern District, which hears some of our county's most complex technology cases.

The Eastern District is the most overworked district in the Nation by far. With over 1,100 weighted filings per judgeship, its caseload is over twice the national average.

Simply put, my State more than any other urgently needs us to take prompt action on judicial nominees.

So, I urge my colleagues to support the nomination of Jesus Bernal, and to support confirming the four other distinguished California nominees pending on the Executive Calendar this year.

Mr. LEAHY. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me thank the chairman of the Judiciary Committee for allowing me to say something about our vote that is coming up.

Mr. Dowdell has been nominated to a vacancy on the U.S. District Court for the Northern District of Oklahoma, which sits in my hometown of Tulsa. In fact, he is a neighbor of mine in Tulsa.

After graduating from the University of Tulsa's College of Law, Mr. Dowdell began his legal career as a clerk to the chief judge of the Tenth Circuit Court of Appeals. Since 1983, Mr. Dowdell has accumulated extensive State and Federal litigation experience representing a variety of clients working at the same firm in Tulsa of which he is a partner.

Mr. Dowdell is a native Tulsan and has been extensively involved in the community, in addition to being widely recognized for his work on behalf of his clients. I received a number of letters from members of the legal community throughout Tulsa highlighting Mr. Dowdell's work ethic, his character, and his abilities as an advocate for his clients.

Mr. Dowdell already has experience as a mediator and arbitrator and has served as an adjunct settlement judge in the Northern District for the past 14 years, which is the district for which he is nominated. He and his wife of 24 years, Rochelle, like my wife and I, have four children, which I always remind people is just the right amount. If you are ever going to have 20 kids and grandkids, you have to start with 4, and he understands that.

Although it often seems as if I am on the opposite side of many of this administration's judicial nominees, I can say with confidence that this is not the case with Mr. Dowdell. Mr. Dowdell has the requisite experience and judicial temperament to make a fine judge in the Northern District of Oklahoma.

I am particularly impressed with Mr. Dowdell's commitment to "render decisions fairly and impartially, applying the relevant law to the facts without bias or prejudgment," to interpret a statute or constitutional provision in a case of first impression by first considering "the statutory text or provision in the context of its plain and ordinary meaning"—that says a lot—and to not consult foreign law when interpreting the U.S. Constitution. Too often in this country we have judges applying their own meanings to the Constitution and to the laws passed by Congress or allowing their own biases to affect their decisions. I can state confidently to my colleagues that Judge Dowdell will not be this type of a judge.

In his Questions for the Record to the Senate Judiciary Committee, Mr. Dowdell has stated that he does not agree with the notion that the Constitution is a "living" document that constantly evolves as society interprets it. He further states that the "Constitution changes only through the amendment process, as set forth in Article V of the Constitution." That is refreshing. "A court's job is to interpret and apply the Constitution, not to add or amend the rights contained therein." That is a quote by him.

Based on these statements, I can say that Mr. Dowdell's judicial philosophy is in keeping with the Framers and in lockstep with my own philosophy. My only wish is that we would get more of this type of judicial nominee from the administration.

It is for these reasons that I support Mr. Dowdell's confirmation to the U.S. District Court for the Northern District of Oklahoma, and I hope my colleagues will do the same.

This vote should be coming up in about 10 minutes. I do encourage a positive vote on Mr. Dowdell.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON NOMINATION OF JOHN E. DOWDELL

Under the previous order, the question is, Will the Senate advise and consent to the nomination of John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma?

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—95

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Feinstein    | Moran       |
| Alexander  | Franken      | Murkowski   |
| Ayotte     | Gillibrand   | Murray      |
| Barrasso   | Graham       | Nelson (FL) |
| Baucus     | Grassley     | Paul        |
| Begich     | Hagan        | Portman     |
| Bennet     | Harkin       | Pryor       |
| Bingaman   | Hatch        | Reed        |
| Blumenthal | Heller       | Reid        |
| Blunt      | Hoeven       | Risch       |
| Boozman    | Hutchison    | Roberts     |
| Boxer      | Inhofe       | Rockefeller |
| Brown (MA) | Isakson      | Rubio       |
| Brown (OH) | Johanns      | Sanders     |
| Burr       | Johnson (SD) | Schumer     |
| Cantwell   | Johnson (WI) | Sessions    |
| Cardin     | Kerry        | Shaheen     |
| Carper     | Klobuchar    | Shelby      |
| Casey      | Kohl         | Snowe       |
| Chambliss  | Kyl          | Stabenow    |
| Coats      | Landrieu     | Tester      |
| Coburn     | Leahy        | Thune       |
| Cochran    | Lee          | Toomey      |
| Collins    | Levin        | Udall (CO)  |
| Conrad     | Lieberman    | Udall (NM)  |
| Coons      | Lugar        | Vitter      |
| Corker     | Manchin      | Warner      |
| Cornyn     | McCain       | Webb        |
| Crapo      | McConnell    | Whitehouse  |
| DeMint     | Menendez     | Wicker      |
| Durbin     | Merkley      | Wyden       |
| Enzi       | Mikulski     |             |

NOT VOTING—5

|        |            |             |
|--------|------------|-------------|
| Inouye | Lautenberg | Nelson (NE) |
| Kirk   | McCaskill  |             |

The nomination was confirmed.

VOTE ON NOMINATION OF JESUS G. BERNAL

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Jesus G. Bernal, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—Continued

Mr. COONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSH TAX CUTS

Mr. GRASSLEY. Mr. President, we have been hearing a lot about the so-called Bush tax cuts from my colleagues on the other side of the aisle. Given the rhetoric being used by some on the other side to describe this tax relief, I would like to take this time to correct the record.

But, first, during this talk about the fiscal cliff and about the tax cuts that sunset at the end of the year, all we have been hearing since the election is, What are we going to do about taxes? That is very significant as a result of the last election because I think it is a foregone conclusion there is going to be more revenue raised.

But if we raise the amount of revenue the President wants raised, and raise it from the 2 percent he wants to raise it from—the wealthy—that is only going to run the government for 8 days. So what will we do the other 357 days or, if we look at the deficit, it will only take care of 7 percent of the trillion-plus deficit we have every year. What about the other 93 percent?

So the point is that we can talk about taxes and taxes and taxes, but it is not going to solve the fiscal problems facing our Nation. We don't have a taxing problem, we have a spending problem. So we should have been spending the last 3 weeks talking about how we are going to take care of the other 93 percent of the problem. The President should have declared victory 3 weeks ago, and we wouldn't have had all this lost time between now and right after the election.

But I said I wanted to set the record straight. This tax relief of 2001 and 2003 reduced the tax burden for virtually every tax-paying American. It did this through across-the-board tax rate reductions, marriage penalty relief, and enhancing certain tax provisions for hard-working families, such as doubling the child tax credit.

Since the passage of this tax relief, there has been a concerted effort by my colleagues on the other side of the aisle to distort the truth about the present tax policy of the Federal Government. That tax policy has been in place for the last 12 years now. They have attempted to distort the truth behind its bipartisan support, its benefits to low- and middle-income Americans, and its fiscal and economic impact.

As one of the architects of the 2001 and 2003 tax legislation, I come to the floor to correct what I believe have become three common myths about this tax relief. The first myth is that this tax relief was a partisan Republican product. The second is that the tax relief was a giveaway to the wealthy. And the third is that the tax relief is a primary source of our current fiscal and economic problems.

First things first. We often hear the other side divisively refer to this tax relief as the Bush tax cuts. Given the rhetoric on the other side, one would think all this tax relief was forced through along party-line votes. The record proves otherwise. The conference report to the Economic Growth and Tax Reconciliation Act of 2001 passed the Senate by a vote of 58 to 33. In all, 12 Democrats voted for this legislation. Senator Jeffords, who later caucused with the Democrats, also voted for it.

As far as major pieces of legislation goes, it is difficult to find such major legislation passed with such broad support since there has been Democratic control of both the Senate and the White House. The President's 2009 stimulus bill, as an example, only had the support of three Republicans, as well as the Dodd-Frank bill. Of course, there is the health care bill, the President's signature legislation, which passed with no Republican votes.

Moreover, all the 2001 and 2003 tax relief was extended in 2010, just 2 years ago, with strong bipartisan support, and signed into law by this President. At that time—2 years ago—the Senate vote tally was 81 to 19. Now, understand, that has to be considered overwhelmingly bipartisan. So just 2 years ago we had overwhelming bipartisan support for the Bush tax cuts. Yet somehow this is a partisan measure we are dealing with. Given this record, instead of calling it the Bush tax cuts, as they are called, we really should be calling it the bipartisan tax relief.

I now would like to turn to the other side's criticism of the bipartisan tax relief or, as they say, tax cuts for the wealthy or another way they say it is a giveaway to the rich. This rhetoric demonstrates the difference in philosophy between this Senator and my Democratic colleagues.

First of all, a reduction in tax rates is not a giveaway to anyone. The income a taxpayer earns belongs to that taxpayer. It is not a pittance the taxpayer may keep based upon the good graces of our government. The burden should not be on the taxpayer to justify keeping their income. Instead, it should be on us in Washington to justify taking more away from them.

Secondly, there is a tendency on the other side to view everything as a zero sum game. In their minds, if someone has more, it means someone else will have less. So I would like to quote Ron-

ald Reagan as the best example of this attitude when he said too many people in Washington "can't see a fat man standing beside a thin one without coming to the conclusion that the fat man got that way by taking advantage of the thin one."

I believe this is what is driving the animus against the so-called wealthy on the other side. They are under the impression the wealthy got rich at the expense of someone less fortunate.

The problem with this view is that in a free economy goods and services are transferred through voluntary exchanges. Both parties are better off as a result of this exchange; otherwise, it wouldn't occur. Moreover, wealth is not static. It can be both created as well as destroyed.

At worst, the government is a destroyer of wealth. At best, the government is a redistributor of wealth. It is through the force of government the zero sum exchanges occur. It is the private sector that creates wealth through innovation and providing the goods and services we need and want.

The leadership of the other side has become fixated on redistributing the existing economic pie. I believe the better policy is to increase the size of the pie. When this occurs, no one is made better off at the expense of anyone else.

The constant rhetoric of pitting American against American based upon economic status is not constructive. It also has not been constructive to accuse those of us who support the present tax policy for all Americans as agents of the rich. And I will soon get into discussing why that isn't true, as a result of the 2001 and 2003 tax bills.

I do not support tax cuts for the wealthy for the purpose of wealth redistribution. I support progrowth policies to increase the size of the economic pie. Free market, progrowth policies are the only proven way to improve the well-being of everybody.

My objection to the other side's characterization of the bipartisan tax relief is not only a philosophical one, but it is a factual one. The truth is that the bipartisan tax relief that was voted on in 2001 made the Tax Code more progressive, not less. With all the rhetoric around here over the last 5 or 6 years, nobody believes that, so I have a chart to show that.

Since its implementation, the share of the tax burden paid by the top 20 percent has increased. Conversely, the bottom 80 percent has seen its share of tax burden decrease. Additionally, the percentage reduction in average tax rates between 2000 and 2007 was the largest for the lowest income groups.

As you can see from this chart, there is a general trend downward from the bottom 20 percent to the top 20 percent. The bottom 20 percent saw their average tax rate drop by the 25 percent that is shown there. The top 20 percent,

on the other hand, only saw an 11-percent reduction, with the proportionate in between.

The truth about the bipartisan tax relief apparently has been recognized by my colleagues on the other side. They do not like to admit this, but this must be so since they now claim to support extending 75 percent of the bipartisan tax relief bill. In other words, 75 percent of what they are condemning of the 2001 tax bill the other side wants to make permanent law, which obviously I support too. You would think that if it really was a tax cut for the wealthy, however, the other side would be advocating letting all this tax relief expire. Certainly you would not think they would be advocating for more than half of it to be extended. To get around their seemingly contradictory position, they have stopped referring to the majority of the bipartisan relief as the Bush tax cuts. That term is now reserved only for the 25 percent they wish to see expire. They now refer to the 75 percent not as Bush tax cuts but as middle-class tax relief. So I have news for my colleagues. The middle-class tax relief you now claim to support is the same relief you previously demonized as tax cuts for the wealthy.

Finally, it has become en vogue for the other side to blame the bipartisan tax relief for everything from the Federal deficit to the state of the current economy. Neither is based in fact nor sound economic reason.

It is undisputed that in 2001 the Congressional Budget Office was projecting a 10-year budget surplus of \$5.6 trillion. However, as a June 2012 CBO report shows, the bipartisan tax relief role in turning this projected surplus into deficits is dwarfed by other factors. This is the 2001–2003 tax cuts. See that smaller piece of the pie?

Then let's look at what else is the justification, according to the Congressional Budget Office—not this Senator—about where the deficit came from.

First off, the June CBO report tells us that their budget surplus projections were simply incorrect. That happens a lot with CBO. I like to refer to CBO around here as God because what they say goes, and you have to abide by it if you don't have 60 votes. But they aren't always right. Unlike God, CBO is not omnipotent. They do not have perfect foresight, and every once in a while even they make mistakes.

CBO's surplus projections were based on rosy economic assumptions as well as faulty technical assumptions that did not pan out. CBO failed to predict the bursting of the tech bubble that was so beneficial in propping up the economy of the Clinton years. CBO also could not predict the September 11, 2001, tragedy that hit New York and the Pentagon, killing 3,000 Americans, which wreaked havoc on our economy.

So add up all these things. All told, these and other economic and technical changes account for \$3.2 trillion or, as I show in this chart, these faulty assumptions accounted for 27 percent of the change of the 2001 projections from surplus to deficit.

By far, the biggest reason for the change from surplus to deficit was an increase in spending. Some of this spending was justified. This includes bipartisan support for increased spending to protect our Nation against future terrorist attacks. But, of course, as has become the custom around here, we spent and spent and spent some more. This spending not only continued but escalated with the election of President Obama. His first act was to increase the deficit by \$800 billion-plus through a failed stimulus package. In all, this increase in spending accounts for nearly 50 percent in the change from surplus to deficit. That is this part of the pie chart.

So how about the tax cuts we hear so much bellyaching about from the other side? If you look closely at my chart, you will see I have divided the tax relief into two slices. These two slices add up to about 25 percent. Eleven percent of this, which I labeled "all other taxes," primarily consists of the tax relief provided in President Bush's 2008 stimulus package, President Obama's 2009 stimulus, and the payroll tax holiday. Of course, these provisions had large Democratic support, as we all know. That leaves us with the 2001 and 2003 tax relief accounting for merely 12.9 percent of the change in the projected surplus.

But understand what other people are saying—including, I think, even the President—about the reason we have this big budget deficit is because of the Bush tax cuts. Well, that is baloney. That is a far cry from being the driver of our deficits or even a substantial contributor. The truth is, even using CBO's static scoring assumptions, the tax relief did not push us into deficits. In fact, if the only change since CBO's 2001 projection had been the 2001 and 2003 tax relief, we would still be experiencing sizeable surpluses each year.

Along with blaming the bipartisan tax relief for deficits, my colleagues on the other side have alluded to this tax relief as being a cause of our recent recession. The President even made this claim in an ad during the Presidential election.

The exact logic of this claim escapes me. Apparently, it also escaped Washington Post fact checker Glenn Kessler. He described the reasoning supporting such a claim as a "Rube Goldberg phenomenon." The Post was unable to find any respected academic study supporting this convoluted logic. There is good reason the Post could not find such a study. The focus of most economic research in this area is on the degree to which tax increases lower

economic growth and tax decreases increase economic growth. There is considerable debate within this research, but it is difficult to find any suggesting that tax increases are good and decreases are bad for the economy.

Now that I have explained and hopefully corrected these myths, I hope we can have a more constructive discussion on averting the fiscal cliff. Republicans have already stated they are willing to accept some new revenues. Speaker BOEHNER has put \$800 billion in new revenues on the table. However, we still haven't heard any substantive ideas from the President or other leading Democrats about cuts to spending or entitlements. We haven't even heard the President say good things about the Simpson-Bowles recommendations—a commission he appointed, a commission that had Republicans and Democrats on it, a commission that reported conservative Republicans and liberal Democrats saying: We ought to do what we can to see the Simpson-Bowles approach through. It would be nice to see the President endorse a recommendation of a committee he appointed that had a suggestion for taking care of this fiscal cliff problem. If he had done that 2 years ago, we wouldn't be debating fiscal cliff today.

So there are serious concerns on my side of the aisle that any agreement we reach will result in immediate tax hikes but promised spending cuts will never occur. We need more than just empty promises from the other side.

The President and my colleagues on the other side of the aisle need to get serious about looking at the spending side. It is time for the President to make good on his campaign promise of supporting a balanced approach to deficit reduction.

I repeat what I said at the beginning. All we have heard for 3 or 4 weeks now since the election is all about taxes. Too often, that is what Republicans are talking about, although they have to be considered now as a result of the election. But if we give the President everything he wants in the sense of taxing the wealthy with the figures he wants, it still runs the government only for 8 days. What about the other 357 days? It only takes care of 7 percent of the deficit problems we face year after year, and it is going to be year after year into the future if we don't get something done about it. So what about the other 93 percent? The taxes aren't going to take care of that. You can't tax us out of this deficit problem because we have a spending problem.

So if we had put as much time into the spending side of the ledger as we put into the taxing side of the ledger over the last 3 or 4 weeks, we would be well on the road and be certain to get out of here by Christmas Eve, which I have my doubts that we can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.



## TRIBUTES TO DEPARTING SENATORS

Mr. ISAKSON. Mr. President, I rise to make four separate statements in commendation to my fellow colleagues in the Senate and one back in Georgia.

JON KYL

Mr. President, December of every even-numbered year is a sad time. Because of election outcomes or because of age and longevity, time takes over and some of our Members go and new Members come. I think it is important that we take the time to recognize those who served so long and served so well and served each of us—individuals such as JON KYL of Arizona, the whip for the Republican minority in the Senate. He is a great American, a great Arizonan, a man who carries a tremendous burden—two, as a matter of fact. One is trying to herd cats, known as the Republican conference, and the other is being the junior Senator to JOHN MCCAIN. Both of those are challenges that anybody would have a problem meeting, but JON KYL does it the right way. He has the temperament of a leader. I have been in 38 different legislative years, from the Georgia Legislature to the U.S. Congress. I have known a lot of whips. I have known a lot of them who cracked the whip, I have known a lot of them who were ineffective, and I have known a very few who were effective. And JON KYL is the most effective whip I have ever worked with and ever seen. He knows the issues and has the ability to communicate them. He knows how to put the party ahead of individual priorities but keep the country first no matter what it is.

I will give you one good example. We were debating the START treaty 2 years ago, which is a very important treaty for the United States. The Presiding Officer was on the Foreign Relations Committee when we had that debate. He might remember there were a lot of people who were concerned about the modernization of our nuclear arsenal while we were renewing the START treaty and what we would do in the prospective years ahead while we made a new treaty with Russia in terms of our modernization. It was JON KYL's leadership, working with Senator KERRY as the chairman of the committee, Secretary of State Clinton as our Secretary of State, and interests on both sides who carved out the agreement that ensured for the American people that we would have the modernized nuclear force we need to meet whatever challenge might come our way. That treaty passed in large measure because he gained the assurances from the administration and from those who were opposed that without modernization and the commitment for the money for it, it would not take place. That is not just a whip, that is a leader. That is a man who found a problem, found a solution, married the two, and we ratified a treaty. America

is a safer country because of it, and our nuclear arsenal is being modernized.

That is the kind of man you look for in a legislator. JON KYL is a great legislator, a great whip, and a great friend of mine. I pay tribute to him for his service to the U.S. Senate, for his service to the people of America, and for his service to the people of his State of Arizona.

RICHARD LUGAR

I would like to turn to RICHARD LUGAR from Indiana. RICHARD LUGAR is one of those rare people who are referred to as an institution, and he is truly an institution: Six terms in 36 years in the Senate, a candidate for President of the United States in the Republican primary a number of years ago, a bipartisan man who worked with then-chairman of the Armed Services Committee Sam Nunn to put together the Nunn-Lugar agreement, which is allowing us to tear apart nuclear warheads, reprocess those nuclear warheads, tear down nuclear missiles and ballistic missile launchers, and have a safer world. The reason there is not a terrorist attack using nuclear fission materials today so far is probably more because of DICK LUGAR and Sam Nunn than any two individuals in the United States.

DICK LUGAR is a man I admire greatly. When I came here, I hoped one day I could work on the Foreign Relations Committee so I would have the opportunity to work with DICK LUGAR. That opportunity took place, and the Presiding Officer and I have served together with DICK LUGAR for 4 years. I watched DICK LUGAR during tough times, during happy times, during good times, and during challenging times. He is always even. He has always got an even keel. His rudder is in the water. He knows where he wants to take the committee, but he doesn't drive it, he leads it.

One of the great negotiators of our time, one of the great men of our time in terms of foreign relations, DICK LUGAR is the man who has meant more to our country than anybody I can possibly think of today, and he has a legacy of supporting the State of Indiana in any way he possibly could, from the school board, to mayor of Indianapolis, to U.S. Senator, to a great lecturer and leader on the national and international stage. We will miss DICK LUGAR very much, and I am sure DICK LUGAR will miss us, but I hope all of us will remember and learn from what he taught us about a steady hand, good diplomacy, and the importance of diplomacy over guns any day of the week.

KENT CONRAD

I wish to turn to another individual, a member of the Democratic conference and a dear friend of mine, KENT CONRAD from North Dakota.

When I came to the Senate, the first thing I noticed about KENT CONRAD was how he dressed. The second thing I no-

ticed was his dog Dakota. You will see Dakota in the evening walking through the Halls of Congress, a smart little dog and his pet that he loves very much. His wife Lucy is a great lady and great leader in her own right in terms of Major League Baseball.

KENT CONRAD is a unique Member of the Senate. He has truly taken a bipartisan approach to the toughest problems we face in terms of spending, deficits, and debt. It was KENT CONRAD who was willing to help support the Simpson-Bowles proposal when it passed the Senate, and then it was KENT CONRAD who agreed to serve on Simpson-Bowles and came up with the recommendations they brought to us. It was KENT CONRAD who went on the Gang of 6 and tried to work out a tough compromise on the tough issues before us, and it is KENT CONRAD who has served as chairman of the Budget Committee of the Senate for the last 6 years. Along with Senator SESSIONS, he has done a great job, and along with his predecessor, Judd Gregg, they did an even greater job to see to it that we brought forward budgets and principles of spending money to help us not go into deficit or debt. KENT is one of those rare leaders who find the sweet spot. He looks for the place where people can find common ground. He understands that the importance of our job is the future for our children and our grandchildren.

Whether North Dakota or Georgia, California or New York, Pennsylvania or Ohio, KENT CONRAD is a Senator for all America. He has done a tremendous job for the United States. I wish him and Lucy and Dakota the very best.

TRIBUTE TO BILL CURRY

Mr. ISAKSON. I wish to turn to football coaches, which might seem to be a quick turn when you are talking about Senators, but in Georgia we are having a retirement that was just announced, the retiring of Bill Curry, the head coach of the Georgia State Panthers. Bill Curry is a legend in our State, not only of his time but in all time in terms of football. He played football in College Park and went on to Georgia Tech when they were in the Southeastern Conference. He was a small, 200-pound center on the Georgia Tech football team. He went from Georgia Tech to the Green Bay Packers and played in the first Super Bowl game as a starting center and was traded to the Baltimore Colts and played in the famous game when Joe Namath promised a victory and delivered it against the Colts. He went on to play for other NFL teams until he was hurt in a game with the Los Angeles Rams with an injury caused by Merlin Olsen, who then later went on to be a great pro bowler. But he didn't quit when his career ended in terms of playing football; he went into coaching. He went back to his home alma mater, Georgia Tech, and coached as an assistant. He then took Pepper Rogers' place and became



the head coach at Georgia Tech, took them to the bowl games, took them to conference championships, and was a true leader.

From there he was sought out by the University of Alabama—a pretty big job in the South when it comes to football. He came after Bear Bryant had passed away and two successive coaches had failed to meet the Alabama standard. Bill Curry came and went to Alabama, and he scored. He won an SEC championship, 26 out of 36 games, and had a great career at Alabama.

He went from there to the University of Kentucky, which had not had a winning record in 9 years when Bill Curry showed up. He molded somebody else's recruits into a winning team with a winning record and a trip to the Peach Bowl in Atlanta, GA. He went from there to take on an interesting challenge. Georgia State University called and said: Bill Curry, we are going to start an NCAA division football program. We would like you to start from scratch. We don't have a field, we don't even have a football, but we have a desire.

Bill Curry took on that challenge and in 4 years built a great program which he will turn over to a new coach very shortly in Atlanta, a program where his first year, with a first-time football team that had never been together before, he won 6 out of 11 games and went on to have a great career and turn it over to another coach as he retires.

But his legacy is not the SEC championship. It is not playing in the first Super Bowl or playing in the famous bowl that Joe Namath called and guaranteed. It is not his attendance at Georgia Tech. It is not what he did at Georgia State. It is the fact that everywhere he went, Bill Curry's legacy was men who played football to learn the game of life because he was always a disciplinarian. He told people how to do things the right way. He set standards for his men that lasted not just through the football season but through a lifetime. There are men playing football, running banks, running insurance companies, and teaching today all over America who learned from Bill Curry.

On the occasion of his retirement at the age of 69 and the great success he has had throughout his career, I wanted to pause for a moment in the Senate and recognize not just his contribution to football but his contribution to the lives of young men and the people he has shaped to make this country and the State of Georgia a better State and a better country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I am here today to talk about the bill before the Senate, a 2-year extension of the TAG Program. As everyone knows, this will be the second 2-year extension of a program that was put in place as an emergency measure taken during the height of the financial crisis. It was also meant to end once the crisis passed.

I have exceptionally high regard for community bankers in Tennessee, as I know you do for those in Pennsylvania. They have had to deal with the financial crisis of 2008, a recession that had been left in its wake, and if that is not bad enough, since the passage of Dodd-Frank, they have had to deal with an onslaught of new regulations.

Many of these regulations, no doubt, were ill-conceived. If we remember, a lot of those were put in place as aspirational goals. All of them have dramatically increased the compliance burden of being in a small banking institution. Yet none of them has been on the table to be fixed or improved by us in the Senate since 2010. Obviously, there are a lot of reasons for this, but from a standpoint of community bankers, there is no doubt this has been a shame.

I am very hopeful that in the next Congress we will have a meaningful dialog about striking a better balance in terms of bank regulation, particularly as it relates to our community banks. Some of what we passed in Dodd-Frank makes a great deal of sense, but much of it does not, and it is for us to devote energy to fixing and improving the law where there are flaws. If we want to help community banks, this is where we should focus our energy, and I know there are a lot of bipartisan ideas around about how we can do that. I think all of us have heard from community bankers in our States about the onslaught of regulations they have, some of which was meant to deal with some of the bigger institutions. Again, that, to me, is where we can focus in a bipartisan way to give some relief to our community banks.

Giving out limitless deposit insurance, though, I suppose some people have decided is a consolation prize, and I hate that. That is too bad. We should fix Dodd-Frank if we want to help our community banks. But the vote in front of us today is a TAG extension, so I wish to speak a little bit about that specifically.

There are a series of policy reasons why it is time to end the TAG Program. I will go through a couple of them. First of all, the FDIC's Deposit Insurance Fund, or the DIF, is undercapitalized. This is a fund of reserves meant to protect taxpayers against an unexpected law stemming from bank failures. By law, the DIF is required to be at a 1.35-percent of total out-

standing deposits. It is, however, only at .35 percent today. I do not see the wisdom in extending an insurance to \$1.5 trillion in transaction deposits at a time when the Deposit Insurance Fund is already undercapitalized.

Second, there is ample liquidity in our banking system as to support loan demand. In fact, the ratio of loans to deposits is at a historical low. Liquidity to make loans is not the problem; slow economic growth is the problem. Extending insurance to keep these deposits around then fixes a problem that simply does not exist.

Third, the overwhelming majority of TAG deposits are actually with the largest banks. Some small banks have said they want an extension, but this is largely not a small bank product. Seventy-one percent of TAG deposits are in the largest banks. Sixty percent of TAG deposits are held by just the top five banks. I do not see the wisdom in leveraging the FDIC and the taxpayer to insure the deposits sitting in our country's largest financial institutions.

Fourth, extension of the TAG Program raises serious moral hazard issues. It encourages large deposits in banks that may be troubled with no market discipline. Moral hazard is why, throughout the history of deposit insurance, it has always been limited. I think Washington has contributed quite enough to moral hazard problems over the last 5 years—several years—and I think it is time for us to stop.

Finally, if we want to help community banks thrive and succeed, our focus should be on dialing back Washington's desire to micromanage our banking institutions. The regulatory pendulum of Washington trying to micromanage these institutions has absolutely gone too far and our focus should be on getting the pendulum back to a more reasonable place. Extending limitless FDIC insurance for these transaction deposits does not further that policy objective. In fact, it takes us in the other direction.

Let me put it another way: How can we ever get DC out of the business of telling banks where and when to lend if we are having DC guarantee all their deposits? The answer is we cannot.

I am offering a couple amendments that help insulate the taxpayer. Although, in reality, it is time to fully end this program. Even more important, it is time for us as members of the Banking Committee to take up the real challenges still facing our financial system.

I wish to say one other thing. I know all of us are watching as the President and Speaker BOEHNER and others are looking at dealing with the fiscal issue; we call it the fiscal cliff. I think all of us know what we need to do to deal with the fiscal cliff. We need a true fiscal reform package that I hope would be in the range of \$4 trillion to \$4.5 trillion, so we can put this issue behind us

and begin this next year with it in the rearview mirror and our economy taking off. Then we would show the world we have actually dealt with these issues, and people in our own country would have the confidence to invest in our country because they know we in Washington have been responsible in that way.

One of the big discussions taking place right now is revenues. I think, at the end of the day, we are going to come to a conclusion very soon that it is probably time for us to go ahead and rescue the 98 percent of the country that have been caught up in all this. My sense is we are going to have some resolution to that in the very near future.

What I have found—and one of the reasons we don't have a solution—is that people on both sides of the aisle are focused on the revenue side, but so far there has been almost no discussion on the entitlement reform side. Candidly, I think it is uncomfortable for many in Congress and even at the White House, obviously, to deal with this issue. As a matter of fact, on this issue, what I would say—and I know there is a difference of opinion—here we have a country that every developed nation knows its greatest threat is fiscal solvency. Economists on both sides of the aisle have said the greatest threat to our country is us not dealing with the fiscal solvency and the \$16 trillion debt we have, which is growing. Yet, in fairness, we have a President who so far has not been willing to lay out a plan to deal with this issue. While it pains me to bring this up—because I think we as elected officials and the White House should sit down and deal with this issue because we know it is the biggest issue our Nation faces—it appears to me it is very possible we may move through the end of this year only dealing with rescuing the 98 percent of the people who have been caught up in this debate.

So there is a moment—I hate to use this word, but there is another moment coming—which probably will force us to deal with another issue in other ways; that is, the debt ceiling. While I don't think it is mature that we have to have a line in the sand to force us to sit down and deal with this issue, it is where we find ourselves in this Congress and in dealing with this White House; that is, needing a point of leverage to focus these discussions.

I hope we will sit down and come up with a \$4 trillion, \$4.5 trillion package to put this behind us—one that has both revenues and entitlement reforms—a solution that again would put this in the rearview mirror. But where I see us going is it is possible that by the time year end comes, all we will have done is rescued the 98 percent of taxpayers who have been caught in this and then moving to the debt ceiling as the next line in the sand that will be a

forcing moment to cause us to deal with this issue. I think that is where we are headed unless something happens. I hope something big happens that I can support.

I will tell my colleagues this: I have been through this process. We all have. The 112th Congress knows more about this fiscal issue than any Congress in the history of man. We have been through two dry runs. We know what the cost of each change is. We know how much it saves Congress and saves our country if we deal with these issues. One thing I wish to say is I cannot support another process that leads us to another fiscal cliff.

Again, I hope the President and Speaker BOEHNER will come up with a solution that puts this behind us. We all know what we need to do. What we have lacked around here is the political courage to sit down—both sides of the aisle have issues; I understand that, but we have lacked the political courage to sit down and deal with this issue. It appears to me, again, that where we may be headed is toward the end of this month rescuing the 98 percent, putting that issue over to the side, and then using the debt ceiling or the CR as that forcing moment to cause us to finally come to terms with this fiscal issue.

I regret we are in a place in our country where we have to have these forcing moments, but that is where I believe we are headed. I can say to everybody in here, what I cannot abide by, one Senator—since we know what all the solutions are, we know the changes that need to be made, we can sit down and go through columns on either side, including revenues and changes, to get us in a place where we need to be, but we haven't done it, and I am afraid we are heading to a place where we are going to have to have another forcing moment.

I thank the Chair and yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VAWA REAUTHORIZATION

Mr. MORAN. Mr. President, in communities across our country, millions of Americans, unfortunately, find themselves placed in danger by the very people who are supposed to love, care, and protect them. Domestic violence brings hopelessness, depression, and fear into the lives of those who fall victim to it.

I rise this evening on behalf of our victims—they are our neighbors, family members, brothers, sisters, mothers, fathers—as well as those people who are so careful in their desire to serve those who are subjected to domestic violence, to say that now—now—is the time for us to send to the President for his signature a bipartisan, commonsense Violence Against Women Act reauthorization bill. We got caught in a lot of partisan bickering, and we failed to do that earlier this year. I would like to rectify that course.

Each year more than 2 million women in the United States fall victim to domestic violence. In Kansas, my home State, an estimated 1 in 10 adult women is domestically abused each year. Studies have shown that more than 3 million children witness domestic violence every year.

All of these victims depend upon services and care provided by VAWA grants and funding recipients who benefit from those grants. On a single day last year shelters and organizations in Kansas that are funded in part by this legislation served more than 1,000 victims, and similar organizations around the country serve more than 67,000 victims each day.

A few weeks back I visited one such organization, Kansas SAFEHOME. It is a tremendous organization that serves the greater Kansas City area. I have always believed we change the world one person at a time. What I saw in my visit to SAFEHOME was exactly that: making the difference in a person's life each and every day, one person at a time.

SAFEHOME provides more than a shelter for those needing a place to live to escape from abuse. They provide advocacy and counseling, an in-house attorney, and assistance in finding a job. The agency also provides education in the community to prevent abuse and further abuse. We often think it does not exist, and yet this organization is making clear that the prevalence of domestic violence is known and combated.

Each year SAFEHOME helps thousands of women and children reestablish their lives without violence. The employees and volunteers there are making that difference that is so important in the lives of so many.

After my visit to SAFEHOME, a Kansas posted a question on my Facebook wall. Mr. Bachman asked if I came away from my SAFEHOME visit with “any honest sense of how current political game playing [in Washington] and proposed legislation compromises not only the work [SAFEHOME] does, but also aggravates the conditions that breed and sustain violence and hostility against women.” The question was do we know what our failures in Washington, DC, actually cause in the lives of folks across my State and around the country.

The point this constituent makes is right on. Despite the important and honorable work these organizations are performing, they are faced with uncertainty regarding the level of funding and the support they will receive. We have gambled with the well-being of countless victims of domestic violence, and we have left these organizations in limbo and unable to provide the maximum amount of care possible.

None of us here—Republicans or Democrats—can in good conscience let this continue. The election is over, the results are in, and I am hoping the days of extreme partisanship that plagued the 112th Congress are now behind us. We must begin to unite as a Congress, and history is clear proof that we can unite over the Violence Against Women Act.

The passage of the Violence Against Women Act in 1994 and its two reauthorizations—one in 2000 and one in 2005—has been the result of and demonstrates that we can have successful bipartisan, bicameral efforts. In order for us to move forward on combating domestic violence and caring for its victims, we must set aside the divisive rhetoric that surrounded this debate. Of course, both sides—all of us—want to end discrimination and agree that shelters and similar grant recipients should provide services to everybody who needs them.

For anyone to suggest otherwise is not only disingenuous, but, more importantly, it is a waste of time. The millions of victims who depend on the services funded by VAWA deserve better from us; the American people we are here to serve deserve better from their representatives.

It is past time for the House and Senate and for the Democrats and Republicans to come together and approach this reauthorization as a reauthorization. It is not a major piece of legislation to overhaul the law as it exists but to reauthorize the programs that are currently in existence. We need to do so with a sense of urgency, of dedication to the cause, and a willingness to compromise.

If we do this, I am confident we can sort out the differences with respect to this bill and get it signed during this lameduck period. I stand ready to work with my colleagues on both sides of the aisle and on both sides of this building to accomplish exactly that. The American people, the victims of domestic violence, and the shelters and support organizations that care for those victims of violence deserve that.

Mr. President, I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO MICHAEL B. MCCALLISTER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a good friend of mine and a distinguished citizen of the Commonwealth of Kentucky. Mr. Michael B. McCallister, the highly respected chief executive officer of Humana, will retire from that position at the end of this month. He has served as Humana's CEO for the past 12 years.

Mike has spent his entire career with Humana, Kentucky's largest publicly traded company. After receiving his bachelor's degree from Louisiana Tech University in 1974, he went to work at Humana as a finance specialist. He has steadily risen up the ranks ever since. In 2000, he was named president and CEO of the Louisville-based company.

Humana employs more than 11,000 in Kentucky; thousands of those jobs have been created under Mike's tenure. Mike led the company in innovations such as going all digital to eliminate the use of paper for transactions in 2001, well ahead of the rest of the industry; and in creating consumer-driven products that allowed customers to make more of their own decisions about their health care plans. Under Mike's leadership, in 2004 it was ranked by Business Week magazine as one of the top-performing companies in the United States.

Mike has also been very active in civic and philanthropic endeavors, to the benefit of Kentucky and Louisville, the city we both call home. He headed the most successful communitywide fund drive in the history of the Louisville Metro United Way, raising \$30 million in 2006. He was the communitywide chair of the Greater Louisville Fund for the Arts in 2003. He has also served on the board of the Committee Encouraging Corporate Philanthropy. He is the current chairman of the Workplace Wellness Alliance.

Mike's generous spirit of service has also influenced his company as a whole. Under his leadership, the Humana Foundation has donated more than \$50 million to education, health, and arts initiatives in Kentucky and across America.

I know my colleagues will join me in extending congratulations and best wishes to Mike as well as his family: he and his wife Charlene have a daughter

Megan, and a son Ryan. I am sure they are very proud of him and look forward to seeing more of him. It is my understanding that Mike has promised he will not golf more than twice a week. Also, Mike will not step away from Humana entirely: He will retain a position as its nonexecutive chairman.

Mr. Michael B. McCallister has set a remarkable example of dedication and service to the people of Kentucky. I wish him every success in his next endeavors in life.

#### THE FARM BILL

Mr. LEAHY. Madam President, no matter what calendar one goes by, we are nearing the end of this Congress. We have only a few short weeks to end the stalemate and pass a farm bill. For months, House leaders have blocked a vote on a bipartisan farm bill. We passed in this body, across the political spectrum—Republicans and Democrats alike—a bill that saved tens of billions of dollars. However, the Republican leadership in the House of Representatives will not allow it to come to a vote. Much is at stake—from rural communities to farmers who need the certainty that a farm bill extension would mean. I have said a lot of times on this floor that farming cannot be put on hold. We can't tell a farmer: Well, hold those crops for a couple of months while we wait to see what we are doing. Don't milk those cows for a few months until we figure out whether the Congress will get its act together on a farm bill. It doesn't work that way. Farmers already cope with innumerable variables in running their businesses. The last thing they need is for Congress to needlessly compound the uncertainty through weeks of delay and obstruction.

The Senate has passed a bipartisan bill under the leadership of the chair of our committee, Senator STABENOW. We passed a bipartisan bill that renews the charter for basic agriculture, nutrition, and conservation programs, while saving taxpayers \$23 billion. What I have been told privately is that if the House leaders would permit a vote, this bill would pass in the House. Just as Republicans and Democrats came together in this body, they would in the other body. Passing it would end this corrosive stalemate, while contributing billions of dollars to deficit reduction. Unfortunately, it appears the nutrition programs that help millions of our most vulnerable fellow Americans are the latest excuse for preventing a House vote to get the farm bill done. In this, the wealthiest, most powerful Nation on Earth, some are saying they will hold this up because we have hungry people who need the support our nutrition programs provide.

With so many Americans still struggling to put food on the table, it is not

only regrettable, but more than that, it is inexcusable that some House Republicans have turned to slashing central nutrition help for struggling Americans as a means to prevent action on the farm bill. Ensuring that these programs can continue to serve Vermonters and all Americans, especially those in need, is a key part of enacting a strong farm bill for this economy. It is a reality recognized by the Senate-passed farm bill. Unfortunately, consideration of the farm bill is not the first time this Congress has been forced to debate legislation that will greatly reduce the ability of the neediest among us to put food on the table for their families. Bills and amendments have been proposed that would cut tens of billions of dollars from the food stamp program, eliminating nutrition assistance for millions of Americans and denying hundreds of thousands of American children school meals. I am proud that time and again during this Congress the Senate has defeated such proposals. I will continue to help fight back against such attacks.

The bipartisan Senate-passed farm bill makes an investment in American agriculture that benefits our producers, our dairy farmers, our rural communities, our Main Street businesses, our taxpayers, and our consumers. Now it is being held hostage by House Republicans who are demanding Draconian cuts in food assistance programs just as we are coming out of the worst recession in generations. They are preventing final action on a bill that touches every community and millions of our fellow citizens across the Nation. It is ironic that during this holiday season, opponents of nutrition programs that help the poor are insisting on making it drastically more difficult, or impossible, for these families and their children to simply eat.

No Member of the Senate, no Member of the House of Representatives goes hungry except by choice. None of us do. We don't know what that is like. We don't go home and look at our children and say: We can't feed you tonight; hold on for another day. I know you are hungry. I know you are crying. I know you can't sleep. But we can't feed you today. None of us face that. But I can tell my colleagues that there are people in every single State we represent where that is their reality.

Those advocating for these drastic cuts couldn't have chosen a worse time. As winter approaches, Vermonters and others across the country are going to find the demands for paying for heat, electricity, and food a large strain on their family's budget. All this is before we even take into account those areas where they are recovering from such terrible natural disasters and those communities who probably face disasters in the future. I know there are Vermonters, as

there are so many other Americans, who struggle every day to make ends meet and are forced to make tough decisions about whether to pay for rent or heat or medications or food. We are talking about essentials.

The Presiding Officer and I represent two of the most beautiful States in this country, but we also know that both our States can get very cold in the wintertime. When it is 5 and 10 below zero, heat is not a luxury and food shouldn't be a luxury. When it is 5 below zero, the choice should not be, can we heat or can we eat? This in America? That is wrong.

While the economy continues to recover, and we hope it will, we still have many Americans who rely on basic assistance to get by each month. Thankfully, the Supplemental Nutrition Assistance Program, or SNAP, has helped fill the gap. It offers the most comprehensive assistance available to the poorest Americans.

No one can deny the effects of hunger on Americans, especially children. Children who live in food insecure homes are at a greater risk of developmental delays, poor academic performance, nutrient deficiencies, obesity, and depression. Yet participation in food assistance programs turns these statistics on their head. Federal nutrition programs have been shown to lessen the risk that a child will develop health problems, and they are associated with decreases in the incidence of child abuse. Children from families who receive SNAP have higher achievement in math and reading. They have improved behavior, social interactions, and diet quality than children who go without this nutrition help.

It is unfortunate that during this fall's campaign, we saw candidates who were intent on spreading misconceptions about a program that lifts millions of Americans above the poverty line each year. The contention that SNAP beneficiaries are largely out-of-work Americans is far from accurate. Two-thirds of the beneficiaries are children, the disabled, or the elderly who cannot be expected to work. The remaining participants are subjected to rigorous work requirements in order to receive continuing benefits. And while SNAP offers crucial support to a family's grocery expenses, the benefits far from cover all of a family's food needs. With a benefit average of \$1.25 per person, per meal, it is understandable that families typically fall short on benefits by the middle of the month.

Vermont has done a remarkable job at urging Vermonters to register for our SNAP program. We call it 3Squares. But the unfortunate reality is that thousands of Vermonters continue to go without food they could receive. I hear from Vermont families who participate in 3Squares about the importance of Federal food assistance. Parents have told me they ignore their

own hunger to ensure their kids are fed, but they don't know how they can cope if benefits are cut further. Kathy, a mother from Barre, VT, where my father was born, says her child has come to her crying, wondering whether they will have enough money for food. Others have noted that expenses for necessities, such as heating and rent, are fixed costs. When 3Squares benefits run out, skipping breakfast or lunch is the only way to scrape by.

Unfortunately, both the Senate bill and the committee-passed farm bill in the House include cuts to the nutrition assistance. Nonetheless, the Senate bill takes a more sensible approach. Of the \$23 billion in deficit reduction included in our bill, \$4.5 billion comes from nutrition programs, nearly four times less than the House Agriculture Committee bill. I do not support the cuts in the Senate bill, and I supported an amendment during the Floor debate to restore this funding to SNAP, so that families across the country would not lose an average of \$90 per month in benefits. But the cuts in the Senate bill represent a concession from our Chair, and ultimately the Senate farm bill passed the Senate on a bipartisan vote, including mine, as it always has.

This concession is not enough for many House Republicans. The \$16 billion reduction in nutrition programs they wish to see in a farm bill would devastate nutrition programs nationwide. Millions in every State in this country would be left without means to purchase food. These drastic reductions would result in the elimination of food assistance for an estimated 2 to 3 million people, and 280,000 children would lose eligibility for free school meals. This is shameful.

The budget choices we make in Congress reflect who we are as Americans. The American people want budget decisions that are fair and sensible. Americans do not want their friends, neighbors, or family members struggling to feed themselves or their children. Proposed cuts to food assistance programs will mean more hungry families in America. I have spent nearly 38 years in the Senate fighting hunger and I will continue to oppose efforts in the farm bill to further roll back hunger assistance programs that help our neediest fellow Americans. In a nation that spends billions on wasted diet fads, I would like to see us spend some money to feed the hungry in the most powerful Nation on Earth.

Madam President, I see my good friend from Oklahoma on the floor, and I know he wishes to speak on behalf of his nominee.

I yield the floor.

COMMEMORATING THE 84TH  
BIRTHDAY OF HIS MAJESTY  
KING BHUMIBOL ADULYADEJ

Mr. KERRY. Mr. President, on December 5, His Majesty King Bhumibol

Adulyadej of Thailand celebrated his 85th birthday, and this year marks the 66th year of his reign. I would like to mark the occasion by sending warm wishes to King Bhumibol and to all the people of Thailand as they celebrate this happy event.

The United States and Thailand have a long, rich, and growing partnership that has brought tremendous benefits to the people of both nations. Our bilateral relationship dates back 179 years and Thailand is our longest-standing diplomatic partner in East Asia. Over almost 60 years as modern treaty allies, the United States and Thailand have created flourishing business and cultural ties, underpinned by our shared values of democracy and rule of law. Our relationship has been cemented through our work together to face regional and global security challenges, often at great cost to our two peoples.

Overseeing and guiding this has been King Bhumibol Adulyadej. His support for the relationship between the United States and Thailand has been immeasurable, and the respect with which he is regarded in Washington is correspondingly great.

I send my congratulations to King Bhumibol Adulyadej and to all the people of Thailand.

#### TRIBUTE TO PAT GODFREY

Mr. HATCH. Mr. President. I appreciate this opportunity to pay tribute today to a wonderful staff member who is a true example of a dedicated public servant. Pat recently retired after 27 years of wonderful service to my office and the people of Utah.

Pat was the public face and voice of my office. She managed the front office and phones with kindness as she greeted literally thousands of people each year. No matter the issue or the anger, Pat would answer each constituent with grace and compassion.

She loved people, and it showed in her every day interactions. She always made the time to listen to visitors to our office, and she truly cared about the problems they were facing. She became the first-line advocate for many, many Utahns who were having problems with the Federal Government, and she would make sure that their calls were returned and their issues addressed.

At times the front desk phones would get extremely busy and many of the calls were from angry constituents. Yet you could always find Pat with a smile on her face and a calm demeanor. She was a strong advocate for the policies and issues I was fighting for on behalf of Utah in our Nation's Capital and always conveyed this in a down-to-earth manner. No matter the disagreement, most callers left a conversation with Pat feeling better about why they called.

Pat made friends with everyone and was well known throughout the Federal Building. Many employees from various agencies would look out for Pat and always inquired about her well-being. She had the building management staff and security guards on speed dial and was always able to get the needs of the office addressed in a timely, efficient manner.

Pat's talents were in evident display at the office, but perhaps her great achievements came as a loving mother and grandmother. She dearly loves her family and expresses it often. Her pride and care for her children and grandchildren is evident and central to her life. I want to commend her children, and most especially Deanna, who are lovingly caring for their mother now in her time of need.

Pat has a strong belief in our Heavenly Father and his son our Savior Jesus Christ. She has made her testimony in the Church of Jesus Christ of Latter-day Saints an important component of her life and has spent countless hours serving others in various capacities.

Mr. President. I am truly grateful for the tremendous service Pat Godfrey rendered to me, to our community, and to the thousands of constituents whose lives she touched with her kindness and compassion. I want to wish Pat the very best in retirement and know that she will make many more wonderful memories in the loving strength of her family. May our Heavenly Father bless Pat for the person she is and the service she has rendered to so many.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO VICE ADMIRAL RAY RIUTTA

• Mr. BEGICH. Mr. President, today I wish to recognize an Alaskan for his extraordinary 34 years of service to the United States Coast Guard and our Nation as well as 10 years of leadership within the Alaska seafood industry where he had a tremendous positive impact for our fishermen.

Ray Riutta has held the position of executive director of the Alaska Seafood Marketing Institute, ASMI, since August 2002. Since then, he has guided the organization through pivotal changes, including the implementation of the sustainability platform to showcase Alaska's commitment to responsibly managed fisheries. ASMI has worked diligently to increase the economic value of Alaska seafood resources through a collaborative partnership with the seafood industry. Since Mr. Riutta's arrival in 2002, the value of Alaska seafood exports increased nearly 23 percent from \$1.78 billion to \$2.2 billion in 2011.

Prior to joining ASMI, Mr. Riutta served in the United States Coast

Guard for 34 years, retiring at the rank of vice admiral. During his career, he served on six ships, commanding four of them with over 12 years of sea service in the Bering Sea, Atlantic and Pacific Oceans as well as the Great Lakes and the Caribbean Sea. For 3 years he was assigned to the U.S. Embassy in London. While assigned to Coast Guard Headquarters in Washington, DC, Mr. Riutta was deputy chief of the Office of Law Enforcement and Defense Operations and later chief of operations.

During his tenure as district commander for Alaska, Mr. Riutta served as a member of the North Pacific Fisheries Management Council. He worked closely with the Pacific Region Coast Guards, China, Japan, Korea, Canada and Russia, while in command of all U.S. Coast Guard forces in the Pacific, a post he held on September 11, 2001. Mr. Riutta is originally from Astoria, OR, where many members of his family were involved in the fishing industry. Prior to entering the service, he worked part time commercial fishing on the Columbia River.

Mr. Riutta is a 1968 graduate of the U.S. Coast Guard Academy and a 1990 graduate of the National War College. He is married to Barbara Starr Kramer of Chester Springs, PA. They have two sons, Ian and Aaron.

On behalf of the State of Alaska, I ask my distinguished colleagues to join me in recognizing Vice Admiral Riutta's exceptional career. We owe him a debt of gratitude for his commitment to the Coast Guard, our Nation and Alaska's seafood industry. We wish him well in his retirement.●

##### ARKANSAS FARM FAMILY OF THE YEAR

• Mr. BOOZMAN. Mr. President, today I wish to congratulate the DeSalvo family for earning the distinction of 2012's Arkansas Farm Family of the Year.

This honor reflects the dedication of Tony DeSalvo, his son Phillip, daughter-in-law Beth, and grandchildren Benjamin and Isabelle to ranching and the importance of agriculture as Arkansas's No. 1 industry.

As owners of Big D Ranch, the DeSalvos oversee a 350-head commercial cow-calf operation. It is one of the largest herd of registered Ultrablack cattle in the State, and includes a 150-head of registered Ultrablack cattle 30 to 40 of which are registered bulls. The DeSalvos also grow around 900 acres of wheat and sorghum-sudan silage and Bermuda hay on the ranch. The DeSalvo family settled near Center Ridge in the late 1800s, and the family continues to work on that same land today. Phillip is passing along his passion for ranching with Benjamin and Isabella, and now they are learning the rewards of farm work.

The Arkansas Farm Bureau's program honors farm families across the

State for their outstanding work both on their farms and in their communities. This recognition is a reflection of the contribution to agriculture at the community and State level and its implications for improved farm practices and management. The DeSalvos are well-deserving of this honor.

I congratulate Tony, Phillip, Beth, Benjamin, and Isabelle on their outstanding achievements in ranching and agriculture and ask my fellow colleagues to join me in honoring them for this accomplishment. I wish them continued success in their future endeavors and look forward to the contributions they will continue to offer Arkansas ranching and agriculture.●

#### TRIBUTE TO JOHN GRAY

● Mr. MERKLEY. Mr. President, today I wish to celebrate the life of John Gray, a son of the great State of Oregon, and a true pioneering spirit whose legacy will live on through his contributions to communities throughout our State.

John Gray, born in the small town of Monroe, OR, to a family of modest means, achieved personal success most can only dream of.

It was once written about John Gray that one "might expect a man such as Gray, who has made it so big so quickly, to behave like the tycoon he is. Instead, he has the manner of a bashful lepidopterist making his first trip to the big city."

At the time of that profile, Salishan was a new community, Sunriver had yet to open, and Skamania was but a twinkle in John Gray's eye. More than 4 decades later, the man who has forever changed the landscape of Oregon remains humble.

John Gray's longstanding commitment to preserving and protecting Oregon's natural beauty is evident in the communities he's developed, such as Sunriver, which complement their surroundings with signature elegance.

That commitment was matched by his passion for strengthening urban communities. Over the last several years, John Gray gave \$2 million to Habitat for Humanity in Oregon. His cornerstone contribution of \$1 million to Habitat's "Block by Block" initiative laid the foundation for a \$10 million land-bank fund, which allowed Habitat to purchase large groups of home lots on Portland's east side. On these lots, Habitat will build entire blocks of new homes for low-income families, most of whom will be first-time homeowners.

Mr. Gray's generosity was expansive, extending beyond homeownership to a range of efforts to make Portland a better place. Twenty years ago, he established a fund at Reed College to make sure the school's students are able to enjoy "cultural, social, and recreational programs of excellent qual-

ity" outside the classroom. In 2011, he gave nearly half a million dollars to a private Portland-area school serving students from homeless and very low-income families to build a new classroom for its expanding roster of students. That same year, he pledged \$5 million to the Knight Cancer Institute at Oregon Health & Science University to create an endowed professorship and to fund research and clinical care.

Mr. Gray's professional and civic accomplishments are widely known. As a developer, he created several of Oregon's signature communities. As a businessman, he led Omark Industries and was a director of Tektronix, Precision Castparts and First Interstate Bank. As a philanthropist, he has given millions of dollars to make Portland a place that offers opportunity for all.

But, not many people know that he is also a decorated veteran. He served with the Army's 82nd Airborne Division during World War II, rising to the rank of Lieutenant Colonel and receiving the prestigious Bronze Star for his service.

This Friday, December 14, we will be opening an affordable housing development that will house dozens of homeless veterans. It is a fitting tribute that the development will bear John Gray's name.●

#### RECOGNIZING FOLIA JEWELRY

● Ms. SNOWE. Mr. President, a piece of jewelry can tell a story, trigger a memory, or commemorate a special occasion. The beauty and charm captured in a ring or a necklace can precisely convey a meaning without words. For birthdays, engagements, celebrations, and sometimes "just because," a piece of jewelry is a popular and personal gift. Today I wish to recognize a jewelry store whose emphasis on detail, creativity, and quality sets it apart.

A downtown staple for nearly two decades, Folia Jewelry in Portland, ME, specializes in custom-made pieces of jewelry fashioned from precious metals and gemstones. The owner and creative mind behind these beautiful pieces of wearable art is Edith Armstrong. Edith studied jewelry making and metalsmithing at the Rhode Island School of Design and brings more than 25 years of expertise to the custom jewelry market. It is her passion and imagination that first brought Folia to Portland. Her work is now known throughout the area and even the world for its excellence and originality.

The custom design and quality of Edith and the other designers at Folia is exquisite. Folia showcases the talents of several of Maine's gifted and experienced artisans. The designers at Folia individually sit down with each customer interested in specially crafted pieces to discuss, sketch, and render models to exact specifications prior to work on the actual piece. This detail-

oriented process yields pieces which are unique, beautiful, and personal. The philosophy of Folia is all in the personalization. If you do not see exactly what you're looking for in the many display cases, Edith and her team of artists will happily work with you to give form to your vision. Through their dedication to their craft and attention to detail, the designers at Folia have garnered a reputation as one of the best jewelry stores in Maine, and it is easy to see why.

Along with custom jewelry making, Folia also offers a wide array of prefabricated designs for customers to choose from, all made from the highest quality stones and metals. These designs are ready-made but each has that artistic flare so characteristic of Folia's custom creations. The intricacy with which each piece is fashioned is truly outstanding. Their expert craftsmen also specialize in restoration and repair of older jewelry.

In a world increasingly concerned with on-demand and instant gratification, it is comforting to know that there are delightful shops like Folia, run by designers who care more about their final product and intimate relationships with customers than the bottom line. I proudly offer my congratulations to Folia on their success and wish Edith and everyone at Folia all the best in the future.●

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with amendments:

S. 2024. A bill to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. 3546. A bill to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages.

S. 3548. A bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3669. A bill to provide assistance for watersheds adversely affected by qualifying natural disasters; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:



By Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mrs. FEINSTEIN, Ms. COLLINS, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. WICKER, Mrs. SHAHEEN, Mr. CRAPO, Mr. NELSON of Florida, Mr. INHOFE, Mrs. BOXER, Mr. BLUNT, Mr. WYDEN, Mr. KIRK, Mr. TESTER, Mr. ROBERTS, Mr. LAUTENBERG, Mr. ISAKSON, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. KYL, Mr. MENENDEZ, Mr. BARRASSO, Mr. JOHNSON of Wisconsin, Mr. BOOZMAN, Mr. BURR, Mr. UDALL of Colorado, Mr. JOHANNIS, Mr. WHITEHOUSE, Mr. CORNYN, Mr. COONS, Mr. BROWN of Massachusetts, Mr. FRANKEN, Ms. AYOTTE, Ms. KLOBUCHAR, Mr. COATS, Mr. SCHUMER, Mr. LEE, Ms. MIKULSKI, Mr. MORAN, Mrs. MCCASKILL, Mr. HOEVEN, Mr. PRYOR, Mr. PORTMAN, Mr. BEGICH, Mr. MCCAIN, Mr. CARPER, Mr. THUNE, Mr. MCCONNELL, Mr. BENNET, Mr. ENZI, and Mr. JOHNSON of South Dakota):

S. Res. 613. A resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 465

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 465, a bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, and their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 3208

At the request of Mr. PORTMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3208, a bill to reauthorize the Multinational Species Conservation Funds Semipostal Stamp, and for other purposes.

S. 3518

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3518, a bill to make it a principal negotiating objective of the United States in trade negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3665

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3665, a bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 613—URGING THE GOVERNMENTS OF EUROPE AND THE EUROPEAN UNION TO DESIGNATE HIZBALLAH AS A TERRORIST ORGANIZATION AND IMPOSE SANCTIONS, AND URGING THE PRESIDENT TO PROVIDE INFORMATION ABOUT HIZBALLAH TO THE EUROPEAN ALLIES OF THE UNITED STATES AND TO SUPPORT TO THE GOVERNMENT OF BULGARIA IN INVESTIGATING THE JULY 18, 2012, TERRORIST ATTACK IN BURGAS

Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mrs. FEINSTEIN, Ms. COLLINS, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. WICKER, Mrs. SHAHEEN, Mr. CRAPO, Mr. NELSON of Florida, Mr. INHOFE, Mrs. BOXER, Mr. BLUNT, Mr. WYDEN, Mr. KIRK, Mr. TESTER, Mr. ROBERTS, Mr. LAUTENBERG, Mr. ISAKSON, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. KYL, Mr. MENENDEZ, Mr. BARRASSO, Mr. JOHNSON of Wisconsin, Mr. BOOZMAN, Mr. BURR, Mr. UDALL of Colorado, Mr. JOHANNIS, Mr. WHITEHOUSE, Mr. CORNYN, Mr. COONS, Mr. BROWN of Massachusetts, Mr. FRANKEN, Ms. AYOTTE, Ms. KLOBUCHAR, Mr. COATS, Mr. SCHUMER, Mr. LEE, Ms. MIKULSKI, Mr. MORAN, Mrs. MCCASKILL, Mr. HOEVEN, Mr. PRYOR, Mr. PORTMAN, Mr. BEGICH, Mr. MCCAIN, Mr. CARPER, Mr. THUNE, Mr. MCCONNELL, Mr. BENNET, Mr. ENZI, and Mr. JOHNSON of South Dakota) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 613

Whereas the Department of State has designated Hizballah as a foreign terrorist organization since October 1997;

Whereas the United States Government designated Hizballah a specially designated terrorist organization in January 1995 and a "Specially Designated Global Terrorist" pursuant to Executive Order 13224 (66 Fed. Reg. 49079) in October 2001;

Whereas Hizballah was established in 1982 through the direct sponsorship and support of Iran's Islamic Revolutionary Guards Corps (IRGC) Quds Force and continues to receive training, weapons, and explosives, as well as political, diplomatic, monetary, and organizational aid, from Iran;

Whereas Hizballah has been implicated in multiple acts of terrorism over the past 30 years, including the bombings in Lebanon in

1983 of the United States Embassy, the United States Marine barracks, and the French Army barracks, the airline hijackings and the kidnapping of European, American, and other Western hostages in the 1980s and 1990s, and support of the Khobar Towers attack in Saudi Arabia that killed 19 Americans in 1996;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, "Since at least 2004, Hizballah has provided training to select Iraqi Shia militants, including on the construction and use of improvised explosive devices (IEDs) that can penetrate heavily-armored vehicles.";

Whereas, in 2007, a senior Hizballah operative, Ali Mussa Daqduq, was captured in Iraq with detailed documents that discussed tactics to attack Iraqi and coalition forces, and has been directly implicated in a terrorist attack that resulted in the murder of 5 members of the United States Armed Forces;

Whereas Hizballah has been implicated in the terrorist attacks in Buenos Aires, Argentina on the Israeli Embassy in 1992 and the Argentine Israelite Mutual Association in 1994;

Whereas Hizballah has been implicated in acts of terrorism and extrajudicial violence in Lebanon, including the assassination of political opponents;

Whereas, in June 2011, the Special Tribunal for Lebanon, an international tribunal for the prosecution of those responsible for the February 14, 2005, assassination of former Lebanese Prime Minister Rafiq Hariri, issued arrest warrants against 4 senior Hizballah members, including its top military commander, Mustafa Badr al-Din, identified as the primary suspect in the assassination;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, Hizballah is "the likely perpetrator" of 2 bomb attacks that wounded United Nations Interim Force in Lebanon (UNIFIL) peacekeepers in Lebanon during 2011;

Whereas, according to the October 18, 2012, report of the Secretary-General of the United Nations to the United Nations Security Council on the implementation of Security Council Resolution 1559 (2004) (in this preamble referred to as the "October 18 Report"), "The maintenance by Hizballah of sizeable sophisticated military capabilities outside the control of the Government of Lebanon . . . creates an atmosphere of intimidation in the country[.] . . . puts Lebanon in violation of its obligations under Resolution 1559 (2004)[,] and constitutes a threat to regional peace and stability.";

Whereas John Brennan, Assistant to the President for Homeland Security and Counterterrorism, stated on October 26, 2012, that Hizballah's "social and political activities must not obscure [its] true nature or prevent us from seeing it for what it is—an international terrorist organization actively supported by Iran's Islamic Revolutionary Guards Corps – Quds Force";

Whereas David Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence, stated on August 10, 2012, "Before al Qaeda's attack on the U.S. on September 11, 2001, Hizballah was responsible for killing more Americans in terrorist attacks than any other terrorist group.";

Whereas, according to a September 13, 2012, Department of the Treasury press release, "The last year has witnessed Hizballah's most aggressive terrorist plotting outside the Middle East since the 1990s.";

Whereas, since 2011, Hizballah has been implicated in thwarted terrorist plots in Azerbaijan, Cyprus, Thailand, and elsewhere;



Whereas, on July 18, 2012, a suicide bomber attacked a bus in Burgas, Bulgaria, murdering 5 Israeli tourists and the Bulgarian bus driver in a terrorist attack that, according to Mr. Brennan, “bore the hallmarks of a Hizballah attack”;

Whereas Israeli prime minister Benjamin Netanyahu has stated of the Burgas terrorist attack, “We have unquestionable, fully substantiated evidence that this was done by Hizballah backed by Iran.”;

Whereas Bulgaria is a member of the European Union and a member of the North Atlantic Treaty Organization (NATO);

Whereas, according to the October 18 Report, “There have been credible reports suggesting involvement by Hizballah and other Lebanese political forces in support of the parties in the conflict in Syria. . . . Such militant activities by Hizballah in Syria contradict and undermine the disassociation policy of the Government of Lebanon, of which Hizballah is a coalition member.”;

Whereas, on October 26, 2012, Mr. Brennan stated, “We have seen Hizballah training militants in Yemen and Syria, where it continues to provide material support to the regime of Bashar al Assad, in part to preserve its weapon supply lines.”;

Whereas, on August 10, 2012, the Department of the Treasury designated Hizballah pursuant to Executive Order 13582 (76 Fed Reg. 52209), which targets those responsible for human rights abuses in Syria, for providing support to the Government of Syria;

Whereas, according to the Department of the Treasury, since early 2011, Hizballah “has provided training, advice and extensive logistical support to the Government of Syria’s increasingly ruthless effort to fight against the opposition” and has “directly trained Syrian government personnel inside Syria and has facilitated the training of Syrian forces by Iran’s terrorism arm, the Islamic Revolutionary Guards Corps – Qods Force”;

Whereas, on September 13, 2012, the Department of the Treasury designated the Secretary-General of Hizballah, Hasan Nasrallah, for overseeing “Hizballah’s efforts to help the Syrian regime’s violent crackdown on the Syrian civilian population”;

Whereas, on October 26, 2012, Mr. Brennan stated, “Even in Europe, many countries . . . have not yet designated Hizballah as a terrorist organization. Nor has the European Union. Let me be clear: failure to designate Hizballah as a terrorist organization makes it harder to defend our countries and protect our citizens. As a result, for example, countries that have arrested Hizballah suspects for plotting in Europe have been unable to prosecute them on terrorism charges.”; and

Whereas, on October 26, 2012, Mr. Brennan called on the European Union to designate Hizballah as a terrorist organization, saying, “European nations are our most sophisticated and important counterterrorism partners, and together we must make it clear that we will not tolerate Hizballah’s criminal and terrorist activities.”; Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the governments of Europe and the European Union to designate Hizballah as a terrorist organization so that Hizballah cannot use the territories of the European Union for fundraising, recruitment, financing, logistical support, training, and propaganda;

(2) urges the governments of Europe and the European Union to impose sanctions on Hizballah for providing material support to Bashar al Assad’s ongoing campaign of violent repression against the people of Syria;

(3) expresses support for the Government of Bulgaria as it conducts an investigation into the July 18, 2012, terrorist attack in Burgas, and expresses hope that the investigation can be successfully concluded and that the perpetrators can be identified as quickly as possible;

(4) urges the President to provide all necessary diplomatic, intelligence, and law enforcement support to the Government of Bulgaria to investigate the July 18, 2012, terrorist attack in Burgas;

(5) reaffirms support for the Government of Bulgaria by the United States as a member of the North Atlantic Treaty Organization (NATO), and urges the United States, NATO, and the European Union to work with the Government of Bulgaria to safeguard its territory and citizens from the threat of terrorism; and

(6) urges the President to make available to European allies and the European public information about Hizballah’s terrorist activities and material support to Bashar al Assad’s campaign of violence in Syria.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3312. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

SA 3313. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3314. Mr. REID proposed an amendment to the bill S. 3637, supra.

SA 3315. Mr. REID proposed an amendment to amendment SA 3314 proposed by Mr. REID to the bill S. 3637, supra.

SA 3316. Mr. REID proposed an amendment to the bill S. 3637, supra.

SA 3317. Mr. REID proposed an amendment to amendment SA 3316 proposed by Mr. REID to the bill S. 3637, supra.

SA 3318. Mr. REID proposed an amendment to amendment SA 3317 proposed by Mr. REID to the amendment SA 3316 proposed by Mr. REID to the bill S. 3637, supra.

SA 3319. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3320. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3321. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3322. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3323. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3324. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3325. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3326. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest De-

classification Act of 2000 until 2018 and for other purposes.

SA 3327. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, supra.

SA 3328. Mrs. GILLIBRAND (for herself, Mr. ROCKEFELLER, and Mr. TOOMEY) proposed an amendment to the bill H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3312.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. \_\_\_\_ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of that section 714 shall be completed before the end of calendar year 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit described in subsection (a) shall be—

(A) submitted by the Comptroller General of the United States to Congress before the end of the 90-day period beginning on the date on which such audit is completed; and

(B) made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the chairman and ranking member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Section 714(b) of title 31, United States Code, is amended by striking all after “in writing.”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

**SA 3313.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1 and insert the following:

#### SECTION 1. TEMPORARY CONTINUATION OF THE TRANSACTION ACCOUNT GUARANTEE PROGRAM FOR INSURED DEPOSITORY INSTITUTIONS.

(a) TEMPORARY EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (B) and (C) of

section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) **PROSPECTIVE REPEAL.**—Effective on January 1, 2015, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking “DEPOSIT.—” and all that follows through “clause (ii), the net amount” in clause (i), and inserting “DEPOSIT.—The net amount”; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (C), by striking “subparagraph (B)(i)” and inserting “subparagraph (B)”.

(c) **FEE SYSTEM.**—

(1) **IN GENERAL.**—The Federal Deposit Insurance Corporation (in this section referred to as the “Corporation”) shall establish, by rule, a fee system to fully offset the cost of the transaction account guarantee program under clauses (ii) and (iii) of section 11(A)(1)(B) of the Federal Deposit Insurance Act, such that there is no net cost to the Deposit Insurance Fund.

(2) **PRICING SYSTEM REQUIREMENTS.**—The fee system established by the Corporation under this subsection shall provide that—

(A) those depository institutions that voluntarily participate in the program shall be required to pay a pro rata share of such fees; and

(B) the 6 largest insured depository institutions, based on total assets, as determined by the Corporation, shall each be required to pay a share of such fees.

**SA 3314.** Mr. REID proposed an amendment to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

At the end, add the following new section:

**Sec. \_\_\_\_\_**  
This Act shall become effective 5 days after enactment.

**SA 3315.** Mr. REID proposed an amendment to amendment SA 3314 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

**SA 3316.** Mr. REID proposed an amendment to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

At the end, add the following new section:

**Sec. \_\_\_\_\_**  
This Act shall become effective 3 days after enactment.

**SA 3317.** Mr. REID proposed an amendment to amendment SA 3316 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 3318.** Mr. REID proposed an amendment to amendment SA 3317 proposed by Mr. REID to the amendment

SA 3316 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 3319.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ CREDIT UNION SMALL BUSINESS DEVELOPMENT.**

(a) **DEFINITIONS.**—In this section—

(1) the term “Board” means the National Credit Union Administration Board;

(2) the term “insured credit union” has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term “member business loan” has the same meaning as in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term “net worth” has the same meaning as in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term “well capitalized” has the same meaning as in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

(b) **LIMITS ON MEMBER BUSINESS LOANS.**—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

“(a) **LIMITATION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

“(A) 1.75 times the actual net worth of the credit union; or

“(B) 12.25 percent of the total assets of the credit union.

“(2) **ADDITIONAL AUTHORITY.**—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

“(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

“(B) is well capitalized, as defined in section 216(c)(1)(A);

“(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

“(D) has the requisite policies and experience in managing member business loans; and

“(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

“(3) **EFFECT OF NOT BEING WELL CAPITALIZED.**—An insured credit union that has made

member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized (as defined in section 216(c)(1)(A)), as reflected in a subsequent quarterly call report, and obtains the approval of the Board.”.

(c) **IMPLEMENTATION.**—

(1) **TIERED APPROVAL PROCESS.**—The National Credit Union Administration Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this section). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) **RULEMAKING REQUIRED.**—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (b) is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (b), and as defined by the rules issued by the Board under this paragraph.

(3) **CONSIDERATIONS.**—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this section; and

(C) such other factors as the Board determines necessary or appropriate.

(d) **REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.**—

(1) **REPORT OF THE BOARD.**—

(A) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) **REPORT.**—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section and the amendments made by this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this section;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2) of the

Federal Credit Union Act, as amended by this section, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

**(2) GAO STUDY AND REPORT.—**

(A) **STUDY.**—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

- (i) trends in such lending;
- (ii) types and amounts of member business loans;
- (iii) the effectiveness of this section in enhancing small business lending;
- (iv) recommendations for legislative action, if any, with respect to such lending; and
- (v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

**SA 3320.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . CONFIDENTIALITY OF INFORMATION SHARED BETWEEN STATE AND FEDERAL FINANCIAL SERVICES REGULATORS.**

Section 1512(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5111(a)) is amended by inserting “or financial services” before “industry”.

**SA 3321.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—FHA EMERGENCY FISCAL SOLVENCY**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “FHA Emergency Fiscal Solvency Act of 2012”.

**SEC. 202. FHA ANNUAL MORTGAGE INSURANCE PREMIUMS.**

(a) **IN GENERAL.**—Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

- (1) in the matter preceding clause (i)—  
(A) by striking “may” and inserting “shall”;
- (B) by striking “not exceeding 1.5 percent” and inserting “not less than 0.55 percent”; and
- (C) by inserting “and not exceeding 2.0 percent of such remaining insured principal balance” before “for the following periods:”;
- and
- (2) in clause (ii), by striking “1.55 percent” and inserting “2.05 percent”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act.

**SEC. 203. INDEMNIFICATION BY FHA MORTGAGEES.**

Section 202 of the National Housing Act (12 U.S.C. 1708) is amended by adding at the end the following new subsection:

**“(i) INDEMNIFICATION BY MORTGAGEES.—**

“(1) **IN GENERAL.**—If the Secretary determines that the mortgagee knew, or should have known, of a serious or material violation of the requirements established by the Secretary with respect to a mortgage executed by a mortgagee approved by the Secretary under the direct endorsement program or insured by a mortgagee pursuant to the delegation of authority under section 256 such that the mortgage loan should not have been approved and endorsed for insurance, and the Secretary pays an insurance claim with respect to the mortgage within a reasonable period specified by the Secretary, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

“(2) **FRAUD OR MISREPRESENTATION.**—If fraud or misrepresentation was involved in connection with the origination or underwriting and the Secretary determines that the mortgagee knew or should have known of the fraud or misrepresentation, the Secretary shall require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

“(3) **APPEALS PROCESS.**—The Secretary shall, by regulation, establish an appeals process for mortgagees to appeal indemnification determinations made pursuant to paragraph (1) or (2).

“(4) **REQUIREMENTS AND PROCEDURES.**—The Secretary shall issue regulations establishing appropriate requirements and procedures governing the indemnification of the Secretary by the mortgagee, including public reporting on—

- “(A) the number of loans that—  
(i) were not originated or underwritten in accordance with the requirements established by the Secretary; and  
(ii) involved fraud or misrepresentation in connection with the origination or underwriting; and

“(B) the financial impact on the Mutual Mortgage Insurance Fund when indemnification is required.”.

**SEC. 204. EARLY PERIOD DELINQUENCIES.**

Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended by adding at the end the following new paragraphs:

“(8) **PROGRAMMATIC REVIEW OF EARLY PERIOD DELINQUENCIES.**—The Secretary shall establish and maintain a program—

- “(A) to review the cause of each early period delinquency on a mortgage that is an obligation of the Mutual Mortgage Insurance Fund;
- “(B) to require indemnification of the Secretary for a loss associated with any such early period delinquency that is the result of a material violation, as determined by the Secretary, of any provision, regulation, or other guideline established or promulgated pursuant to this title; and
- “(C) to publicly report—

“(i) a summary of the results of all early period delinquencies reviewed under subparagraph (A);

“(ii) any indemnifications required under subparagraph (B); and

“(iii) the financial impact on the Mutual Mortgage Insurance Fund of any such indemnifications.

“(9) **DEFINITION OF EARLY PERIOD DELINQUENCY.**—For purposes of this section, the term ‘early period delinquency’ means, with respect to a mortgage, that the mortgage becomes 90 or more days delinquent within 24 months of the origination of such mortgage.”.

**SEC. 205. SEMIANNUAL ACTUARIAL STUDIES OF MMIF DURING PERIODS OF CAPITAL DEPLETION.**

(a) **IN GENERAL.**—Paragraph (4) of section 202(a) of the National Housing Act (12 U.S.C. 1708(a)(4)) is amended—

(1) in the first sentence, by inserting “except as provided in subparagraph (B),” after “to be conducted annually.”;

(2) in the second sentence, by inserting “, except as provided in subparagraph (B),” after “annually”;

(3) by striking the paragraph designation and heading and all that follows through “The Secretary shall provide” and inserting the following:

“(4) **INDEPENDENT ACTUARIAL STUDY.—**

“(A) **ANNUAL STUDY.**—The Secretary shall provide”; and

(4) by adding at the end the following new subparagraph:

“(B) **SEMIANNUAL STUDIES DURING PERIODS OF CAPITAL DEPLETION.**—During any period that the Fund fails to maintain sufficient capital to comply with the capital ratio requirement under section 205(f)(2)—

- “(i) the independent study required by subparagraph (A) shall be conducted semiannually and shall analyze the financial position of the Fund as of September 30 and March 31 of each fiscal year during such period; and
- “(ii) the Secretary shall submit a report meeting the requirements of subparagraph (A) for each such semiannual study.”.

(b) **ANALYSIS OF QUARTERLY ACTUARIAL STUDIES.**—The Secretary of Housing and Urban Development shall conduct an analysis of the cost and feasibility of providing for an independent actuarial study of the Mutual Mortgage Insurance Fund on a calendar quarterly basis, which shall compare the cost and feasibility of conducting such a study on a quarterly basis as compared to a semi-annual basis and shall determine whether such an actuarial study can be conducted on a quarterly basis without substantial additional costs to the taxpayers. Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the findings and conclusion of the analysis conducted pursuant to this subsection.

**SEC. 206. DELEGATION OF FHA INSURING AUTHORITY.**

Section 256 of the National Housing Act (12 U.S.C. 1715z–21) is amended—

- (1) by striking subsection (c);
- (2) in subsection (e), by striking “, including” and all that follows through “by the mortgagee”; and
- (3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 207. AUTHORITY TO TERMINATE FHA MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.**

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

- (1) in the first sentence of subsection (b), by inserting “or areas or on a nationwide

basis" after "area" each place such term appears; and

(2) in subsection (c), by striking "(c)" and all that follows through "The Secretary" in the first sentence of paragraph (2) and inserting the following:

"(c) TERMINATION OF MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.—

"(1) TERMINATION AUTHORITY.—If the Secretary determines, under the comparison provided in subsection (b), that a mortgagee has a rate of early defaults and claims that is excessive, the Secretary may terminate the approval of the mortgagee to originate or underwrite single family mortgages for any area, or areas, or on a nationwide basis, notwithstanding section 202(c) of this Act.

"(2) PROCEDURE.—The Secretary".

**SEC. 208. AUTHORIZATION TO PARTICIPATE IN THE ORIGINATION OF FHA-INSURED LOANS.**

(a) SINGLE FAMILY MORTGAGES.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) Have been made to a mortgagee approved by the Secretary or to a person or entity authorized by the Secretary under section 202(d)(1) to participate in the origination of the mortgage, and be held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly."

(b) HOME EQUITY CONVERSION MORTGAGES.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) have been originated by a mortgagee approved by, or by a person or entity authorized under section 202(d)(1) to participate in the origination by, the Secretary;"

**SEC. 209. REPORTING OF MORTGAGEE ACTIONS TAKEN AGAINST OTHER MORTGAGEES.**

Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

"(j) NOTIFICATION OF MORTGAGEE ACTIONS.—The Secretary shall require each mortgagee, as a condition for approval by the Secretary to originate or underwrite mortgages on single family or multifamily housing that are insured by the Secretary, if such mortgagee engages in the purchase of mortgages insured by the Secretary and originated by other mortgagees or in the purchase of the servicing rights to such mortgages, and such mortgagee at any time takes action to terminate or discontinue such purchases from another mortgagee based on any determination or evidence of fraud or material misrepresentation in connection with the origination of such mortgages, to notify the Secretary of the action taken and the reasons for such action not later than 15 days after taking such action."

**SEC. 210. DEFAULT AND ORIGINATION INFORMATION BY LOAN SERVICER AND ORIGINATING DIRECT ENDORSEMENT LENDER.**

(a) COLLECTION OF INFORMATION.—Paragraph (2) of section 540(b) of the National Housing Act (12 U.S.C. 1712 U.S.C. 1735f–18(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) For each entity that services insured mortgages, data on the number of claims paid to each servicing mortgagee during each calendar quarter occurring during the applicable collection period."

(b) APPLICABILITY.—Information described in subparagraph (C) of section 540(b)(2) of the

National Housing Act, as added by subsection (a) of this section, shall first be made available under such section 540 for the applicable collection period (as such term is defined in such section) relating to the first calendar quarter ending after the expiration of the 12-month period that begins on the date of the enactment of this Act.

**SEC. 211. DEPUTY ASSISTANT SECRETARY OF FHA FOR RISK MANAGEMENT AND REGULATORY AFFAIRS.**

(a) ESTABLISHMENT OF POSITION.—Subsection (b) of section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) There shall be in the Department, within the Federal Housing Administration, a Deputy Assistant Secretary for Risk Management and Regulatory Affairs, who shall be appointed by the Secretary and shall be responsible to the Federal Housing Commissioner for all matters relating to managing and mitigating risk to the mortgage insurance funds of the Department and ensuring the performance of mortgages insured by the Department."

(b) TERMINATION.—Upon the appointment of the initial Deputy Assistant Secretary for Risk Management and Regulatory Affairs pursuant to section 4(b)(2) of the Department of Housing and Urban Development Act, as amended by subsection (a) of this section, the position of chief risk officer within the Federal Housing Administration, filled by appointment by the Federal Housing Commissioner, is abolished.

**SEC. 212. ESTABLISHMENT OF CHIEF RISK OFFICER FOR GNMA.**

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding after subsection (g), as added by section 1442 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2163), the following new subsection:

"(h) There shall be in the Department a Chief Risk Officer for the Government National Mortgage Association, who shall—

"(1) be designated by the Secretary;

"(2) be responsible to the President of the Association for all matters related to evaluating, managing, and mitigating risk to the programs of the Association;

"(3) be in the competitive service or the senior executive service;

"(4) be a career appointee;

"(5) be designated from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in risk evaluation practices in large governmental or business entities; and

"(6) shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States before submitting to the Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments if such submission include a statement indicating that the views expressed therein are those of the Chief Risk Officer of the Association and do not necessarily represent the views of the Secretary."

**SEC. 213. REPORT ON MORTGAGE SERVICERS.**

(a) EXAMINATION.—The Secretary of Housing and Urban Development shall conduct an examination into mortgage servicer compliance with the loan servicing, loss mitigation, and insurance claim submission guidelines of the FHA mortgage insurance programs under the National Housing Act (12 U.S.C. 1701 et

seq.), and an estimate of the annual costs to the Mutual Mortgage Insurance Fund, since 2008, resulting from any failures by mortgage servicers to comply with such guidelines.

(b) REPORT.—Not later than the expiration of the 120-day period that begins upon the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the examination conducted pursuant to subsection (a), including recommendations for any administrative and legislative actions to improve mortgage servicer compliance with the guidelines referred to in subsection (a).

**SEC. 214. FHA EMERGENCY CAPITAL PLAN.**

(a) ESTABLISHMENT.—Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall develop, submit to the Congress, and commence implementation of an emergency capital plan for the restoration of the fiscal solvency of the Mutual Mortgage Insurance Fund (in this section referred to as the "Fund").

(b) CONTENTS.—The emergency capital plan developed pursuant to this section shall—

(1) provide a detailed explanation of the processes and controls by which amounts of capital that are assets of the Fund are monitored and tracked;

(2) establish a plan to ensure the financial safety and soundness of the Fund that avoids the need for borrowing amounts from the Treasury of the United States to meet obligations of the Fund; and

(3) describe the procedure by which, if necessary, any amounts from the Treasury needed to meet obligations of the Fund will be obtained from the Treasury.

(c) MONTHLY REPORTS.—

(1) REPORTS.—Subject to paragraph (3), upon the conclusion of each calendar month ending after the 14-day period that begins on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report assessing the financial status of the Fund at the conclusion of such month and setting forth the information described in paragraph (2).

(2) CONTENTS.—Each report required under paragraph (1) for a month shall contain the following information regarding the Fund as of the conclusion of such month:

(A) The number of mortgages that are obligations of the Fund that are 60 or more days delinquent, the expected losses to the Fund associated with such delinquent mortgages, and the methodology used to make such calculation.

(B) The number of mortgages that are obligations of the Fund that have a loan-to-value ratio at the time of origination that is less than 80 percent and the percentage of all mortgages that are obligations of the Fund having such a ratio.

(C) The number of mortgages that are obligations of the Fund that had an original principal obligation exceeding 125 percent of the median house price, for a home of the size of the residence subject to the mortgage, for the area in which such residence is located, and the percentage of all mortgages that are obligations of the Fund having such an original principal obligation.

(D) The number of mortgages that are obligations of the Fund for which the mortgagor's income at the time of origination of the mortgage is greater than the median income for the area in which the residence subject to the mortgage is located, and the percentage of all mortgages that are obligations of the Fund for which the mortgagor has such an income.

(E) The balances for the financing and capital reserve accounts of the Fund.

(F) Any actions taken during such month to help ensure the financial soundness of the Fund and compliance with section 205(f) of the National Housing Act (12 U.S.C. 1711(f); relating to a capital ratio requirement).

(3) **TERMINATION OF REPORTING REQUIREMENT.**—The requirement to submit reports under paragraph (1) shall terminate on the first date after the date of the enactment of this Act that the Fund attains a capital ratio (as such term is defined in section 205(f)(3) of the National Housing Act) of 2.0 percent.

#### **SEC. 215. FHA SAFETY AND SOUNDNESS REVIEW.**

(a) **REVIEW.**—The Comptroller General of the United States shall provide for an independent third party to—

(1) conduct a one-time review of the mortgage insurance programs and funds of the Secretary of Housing and Urban Development that shall determine, as of the time of such review—

(A) the financial safety and soundness of such programs and funds; and

(B) the extent of loan loss reserves and capital adequacy of such programs and funds; and

(2) to submit a report under subsection (b). Such review shall be conducted in accordance with generally accepted accounting principles applicable to the private sector and Federal entities.

(b) **REPORT.**—The report under this subsection shall describe the methodology and standards used to conduct the review under subsection (a)(1), set forth the results and findings of the review, including the extent of loan loss reserves and capital adequacy of the mortgage insurance programs and funds of the Secretary of Housing and Urban Development, and include recommendations regarding restoring such reserves and capital to maintain such programs and funds in a safe and sound condition.

(c) **TIMING.**—The review required under subsection (a) shall be completed, and the report required under subsection (b) shall be submitted, not later than the expiration of the 60-day period beginning on the date of the enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to alter or affect, or exempt the Secretary of Housing and Urban Development from complying with, any laws, regulations, or guidance relating to preparation or submission of budgets or audits or financial or management statements or reports.

#### **SEC. 216. FHA DISCLOSURE STANDARDS.**

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall review and revise all standards and requirements relating to disclosure of information regarding the mortgage insurance programs and funds, including actuarial studies conducted under section 202(a)(4) of the National Housing Act (12 U.S.C. 1708(a)(4)), quarterly reports under section 202(a)(5) of such Act, and annual audited financial statements under section 538 of such Act (12 U.S.C. 1735f-16), to ensure that, after the date of the enactment of this Act, such disclosures—

(1) provide meaningful financial and other information that is timely, comprehensive, and accurate;

(2) do not contain any material misstatements or misrepresentations;

(3) make available all relevant information; and

(4) prohibit material omissions that make the contents of the disclosure misleading.

#### **SEC. 217. REPORT ON STREAMLINING FHA PROGRAMS.**

(a) **EXAMINATION.**—The Secretary of Housing and Urban Development shall conduct an examination of the mortgage insurance and any other programs of the Federal Housing Administration to identify—

(1) the level of use and need for such programs;

(2) any such programs that are unused or underused; and

(3) methods for streamlining, consolidating, simplifying, increasing the efficiency of, and reducing the number of such programs.

(b) **REPORT.**—Not later than the expiration of the 12-month period that begins upon the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the examination conducted pursuant to subsection (a), including recommendations for any administrative and legislative actions to streamline, consolidate, simplify, increase the efficiency of, and reduce the number of such programs.

#### **SEC. 218. BUDGET COMPLIANCE.**

The Secretary of Housing and Urban Development shall allocate \$2,500,000 from the account for Administrative Contract Expenses each fiscal year through September 30, 2017, which amounts shall be available only for the purposes of this title and the amendments made by this title, including such additional actuarial reviews as may be required by section 205 of this title and the amendments made by such section.

**SA 3322.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 3. FHA STABILIZATION AND REFORM.**

(a) **ESTABLISHING MINIMUM FICO SCORE REQUIREMENT.**—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by inserting after paragraph (7) the following:

“(8) Have been made to a mortgagor having a FICO score of not less than 620.”

(b) **REDUCING LOAN LIMIT.**—Section 203(b)(2)(A) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by adding “or” at the end; and

(3) by inserting before the undesignated matter following clause (ii) the following:

“(iii) \$625,000;”

(c) **HECM MORATORIUM.**—During the 24-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development may not enter into an agreement to insure a home equity conversion mortgage under section 255 of the National Housing Act (12 U.S.C. 1715z-20).

(d) **LIMITATION ON LOANS TO BORROWERS WITH FORECLOSURES.**—Section 203(b)(9)(A) of the National Housing Act (12 U.S.C. 1709(b)(9)(A)) is amended—

(1) by striking the period at the end and inserting “; or”;

(2) by striking “amount equal to not less” and inserting the following: “amount equal to—

“(A) not less”; and

(3) by adding at the end the following:

“(B) in the case of a mortgagor who was the mortgagor under a mortgage that was foreclosed upon during the 7-year period end-

ing on the date on which the mortgagor applies for the mortgage insured under this section, not less than 20 percent of the appraised value of the property or such larger amount as the Secretary may determine.”

**SA 3323.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 14 and all that follows through page 3, line 6 and insert the following:

(c) **RECOVERY OF LIABILITY INCREASE.**—The Federal Deposit Insurance Corporation (in this section referred to as the “Corporation”) shall fully and properly reserve, in each calendar year, for the increased prospective liability of the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) that occurs as a result of section 11(a)(1)(B)(ii) of that Act, by—

(1) estimating the amount of deposits of insured depository institutions that are insured as a result of section 11(a)(1)(B)(ii) of that Act; and

(2) collecting, at the same time as and in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)), an amount that bears the same proportion to the assessments that would otherwise be collected as the amount of deposits estimated pursuant to subparagraph (1) bears to the total amount of insured deposits of insured depository institutions, less that estimated amount as of the end of the most recent preceding calendar quarter.

On page 4, strike lines 13 through 20 and insert the following:

(c) **RECOVERY OF LIABILITY INCREASE.**—The National Credit Union Administration (in this section referred to as the “Administration”) shall fully and properly reserve, in each calendar year, for the increased prospective liability of the National Credit Union Share Insurance Fund established under section 203(a) of the Federal Credit Union Act (12 U.S.C. 1783(a)) that occurs as a result of section 207(k)(1) of that Act (12 U.S.C. 1787(k)(1)), by—

(1) estimating the amount of deposits of insured credit unions that are insured as a result of section 207(k)(1)(B) of that Act; and

(2) collecting, at the same time as and in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782), an amount that bears the same proportion to the assessments that would otherwise be collected as the amount of deposits estimated pursuant to subparagraph (1) bears to the total amount of insured deposits of insured credit unions, less that estimated amount as of the end of the most recent preceding calendar quarter.

**SA 3324.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 24 and all that follows through page 4, line 20 and insert the following:

(2) collecting from participating insured depository institutions (as defined in section 11(a)(1)(B)(iv) of that Act) an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)).

(d) DEPOSIT INSURANCE VOLUNTARY PARTICIPATION.—Effective on January 1, 2013, section 11(a)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(B)) is amended—

(1) in clause (ii), by striking “an insured depository institution” and inserting “a participating insured depository institution”; and

(2) by adding at the end the following: “(iv) PARTICIPATING INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this subparagraph, the term ‘participating insured depository institution’ means an insured depository institution that elects, in a manner and during a time period for such election specified by the Corporation, to have all of its noninterest-bearing transaction accounts fully insured by the Corporation.”

On page 4, strike lines 13 through 20 and insert the following:

(2) collecting from each participating insured credit union an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782).

(d) CREDIT UNION INSURANCE VOLUNTARY PARTICIPATION.—Effective on January 1, 2013, section 207(k)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)(A)) is amended—

(1) in clause (ii), by striking “an insured credit union” and inserting “a participating insured credit union”; and

(2) by adding at the end the following: “(iv) PARTICIPATING INSURED CREDIT UNION DEFINED.—For purposes of this subparagraph, the term ‘participating insured credit union’ means an insured credit union that elects, in a manner and during a time period for such election specified by the Administration, to have all of its noninterest-bearing transaction accounts fully insured by the Administration.”

**SA 3325.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 1, strike “December 31” and insert “September 30”.

On page 3, line 13, strike “December 31” and insert “September 30”.

At the end, add the following:

#### SEC. \_\_\_\_ LIMITS ON GUARANTEE AMOUNTS.

(a) DEPOSIT INSURANCE.—Section 11(a)(1)(B)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(B)(ii)) is amended—

(1) by striking “shall fully insure the net amount that any” and inserting “shall in-

sure not more than \$1,000,000 of the amount that any single”; and

(2) by striking the second sentence.

(b) CREDIT UNION INSURANCE.—Section 207(k)(1)(A)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)(A)(ii)) is amended—

(1) by striking “shall fully insure the net amount that any” and inserting “shall insure not more than \$1,000,000 of the amount that any single”; and

(2) by striking the second sentence.

**SA 3326.** Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Interest Declassification Board Reauthorization Act of 2012”.

#### SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting “from the date of the appointment.”

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking “A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.”

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking “2012.” inserting “2014.”

**SA 3327.** Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes; as follows:

Amend the title so as to read: “To extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.”

**SA 3328.** Mrs. GILLIBRAND (for herself, Mr. ROCKEFELLER, and Mr. TOOMEY) proposed an amendment to the bill H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes; as follows:

On page 2, line 20, after “clothing to” insert “the local airport authority or other local authorities for donation to charity, including”.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 11, 2012, at 10:30 a.m., to conduct a hearing entitled “Streamlining and Strengthening HUD’s Rental Housing Assistance Programs, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 11, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 11, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDING THE FEDERAL DEPOSIT INSURANCE ACT

#### AMENDING THE ELECTRONIC FUND TRANSFER ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following bills en bloc: Calendar No. 344, H.R. 4014; and H.R. 4367, which was received from the House and is at the desk.

There being no objection, the Senate proceeded to consider the bills en bloc.

#### ATM FEE DISCLOSURE

Mr. HARKIN. Mr. President, in the last few years, a number of colleagues and I have grown increasingly worried about the fees that consumers face when using an automated teller machine, ATM. According to Bankrate.com 2010 Checking Survey, the average surcharge a consumer pays to use an ATM has increased to \$2.33. Over 99 percent of ATM operators charge this fee. Some ATM operators also charge balance inquiry fees.

In addition, consumers are also increasingly likely to face a fee from their own financial institution for using an ATM not owned by their institution. According to the same Bankrate study, 75 percent of checking accounts charge this fee, which is now up to \$1.41 on average. Therefore, frequently, consumers may face fees of almost \$4.00 for accessing their own cash.

Consumers who use prepaid cards are especially likely to pay a variety of fees for using an ATM. They can face ATM withdrawal fees, balance inquiry fees, and denied transaction fees. They may get no notice at the ATM of fees charged by the prepaid card.



Mr. UDALL of New Mexico. I thank the Senator.

I too am concerned by the rising consumer ATM costs. As you know, the Senate recently passed legislation that does away with the requirement that ATMs post a physical sign notifying consumers that they may be charged multiple fees for a transaction. In many ways this requirement was outdated and it put our local institutions at risk for frivolous lawsuits. While I supported the bill we passed, I believe we must proceed with caution.

All of my friends speaking on this issue today, myself included, believe that this legislation was only intended to remove duplicative disclosures and not to lessen the important information consumers rely on when making an ATM transactions. We are concerned that one of the unintended consequences of this legislation is that consumers will lose access to information about the fees that they might face at an ATM, including, for example, fees for simple transactions like a balance inquiry and additional fees imposed by their own institution.

I would like to ask Senator JOHNSON, the distinguished chairman of the Banking Committee, for his input on this point as well.

Mr. JOHNSON of South Dakota. I thank Senators UDALL and HARKIN.

The Senator has raised an important point about this legislation. The intent of this legislation is not to lessen the amount of information that a consumer receives prior to conducting a transaction at an ATM. As the Senator has laid out, it is important that consumers be fully informed of the types of fees that they may face at the time of the transaction. The point was to modernize the information that consumers get, taking into account technological changes. But this bill is only one step toward modernization. The CFPB may wish to look at other steps to ensure that consumers are fully informed about the fees they may incur, whether that be through improved onscreen ATM disclosures, better disclosures at point of sale, or other methods.

I understand that the Consumer Financial Protection Bureau is already taking a look at this issue as part of an existing rulemaking to streamline inherited regulations, and I agree that it is important for them to keep this fact in mind as they move forward on this rulemaking.

Mr. MERKLEY: I thank Chairman JOHNSON.

Yes, I would like to reiterate that the intent of this bill is to streamline duplicative disclosures and not make consumers less aware of potential fees that they face. Like you, I encourage the Bureau to use their upcoming rulemaking to ensure that this is not the case. I now turn to my friend from Minnesota.

Mr. FRANKEN. I thank Senator MERKLEY.

I would like to echo the concerns of my friends and colleagues, Senators HARKIN, UDALL, MERKLEY, and Chairman JOHNSON. This legislation is intended to provide relief from a physical signage requirement that is subject to abuse, not reduce the disclosure available to consumers using ATM machines. I encourage the CFPB to issue regulations that clarify that consumers should have, at a minimum, the same access to timely information as they had prior to the passage of this legislation. Consumers are in the best position to make the financial decisions that are best for them, but to do so, they must have the relevant information at the appropriate time. I am pleased that so many of my colleagues have come together to support this legislative effort—one that remedies a problem affecting so many of our community banks and credit unions, but that retains protections for American consumers.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read three times and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements to these matters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 4014 and H.R. 4367) were ordered to a third reading, were read the third time, and passed.

#### BRIDGEPORT INDIAN COLONY LAND TRUST, HEALTH, AND ECONOMIC DEVELOPMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 534, H.R. 2467.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2467) to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2467) was ordered to a third reading, was read the third time, and passed.

#### PUBLIC INTEREST DECLASSIFICATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 3564 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2018, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Lieberman substitute amendment which is at the desk be agreed to, the bill, as amended, be read three times and passed, the Lieberman title amendment which is at the desk be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3326) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Interest Declassification Board Reauthorization Act of 2012".

#### SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting "from the date of the appointment."

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking "A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term."

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking "2012." inserting "2014."

The amendment (No. 3327) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "To extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes."

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3564), as amended, was passed.

#### PASCUA YAQUI TRIBE MEMBERSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on



Indian Affairs be discharged from further consideration of H.R. 3319 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3319) to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3319) was ordered to a third reading, was read the third time, and passed.

#### CLOTHE A HOMELESS HERO ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6328 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6328) to amend title 49 United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Gillibrand amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be considered made and laid

upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3328) was agreed to, as follows:

(Purpose: To clarify that the clothing should be transferred to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families)

On page 2, line 20, after "clothing to" insert "the local airport authority or other local authorities for donation to charity, including".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6328) was read the third time and passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 6328) entitled "An Act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.", do pass with the following amendment:

On page 2, line 20, after "clothing to" insert "the local airport authority or other local authorities for donation to charity, including".

#### ORDER FOR STAR PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the report to accompany Calendar No. 514, (S. 76), be star-printed with changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, DECEMBER 12, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 12, 2012; that following the

prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate will be in a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that the previous order with respect to the remarks of retiring Senators be amended to occur from 11:30 a.m. until 2 p.m.; and that following morning business, the Senate resume consideration of S. 3637, the TAG extension legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. During today's session, cloture was filed on S. 3637. As a result, the filing deadline for all first-degree amendments to the bill is 1 p.m. Wednesday. Under the rule, that cloture vote will be Thursday morning.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Wednesday, December 12, 2012, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, December 11, 2012:

##### THE JUDICIARY

JOHN E. DOWDELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

JESUS G. BERNAL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. VISCLOSKY. Mr. Speaker, on December 5, 2012, I was absent from the House and missed rollcall votes 617, 618, and 619.

Had I been present for rollcall vote 617, on the motion to suspend the Rules and agree to S. Con. Res. 50, expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, I would have voted "yes."

Had I been present for rollcall vote 618, on the motion to suspend the Rules and pass H.R. 6602, to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, I would have voted "yes."

Had I been present for rollcall vote 619, on the motion to suspend the Rules and pass S. 2367, to strike the word "lunatic" from Federal law, and for other purposes, I would have voted "yes."

### CONGRATULATING THE THOMPSONS ON THEIR 50TH WEDDING ANNIVERSARY

#### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. MARCHANT. Mr. Speaker, I rise today to congratulate Paula and Homer Thompson on the fiftieth anniversary of their wedding.

Paula and Homer were married on December 7, 1962, in the home of Paula's parents in Mineral Wells, Texas. Since that day, they have lived in Carrollton, Texas. During their life together, they raised three children—Tracey Hutcherson, born on May 11, 1965; Scott Thompson, born on February 27, 1972; and Marc Thompson, born on January 30, 1975. They are also the proud grandparents of Joni, Micah, Jordan, and Emma.

Since 1974, Paula and Homer have been active members of the First Baptist Church in Carrollton. They have taught Sunday school, attended adult Sunday school, and sung in both the Sanctuary Choir and Live Wire Choir. The celebration of their fiftieth wedding anniversary will be held at the church on December 15.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Paula and Homer Thompson on the fiftieth anniversary of their wedding. This landmark in their lives stands as an example of the timeless value and endurance of mutual honor and dedication.

### HONORING MR. DON GLASER

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Don Glaser for his service as the U.S. Bureau of Reclamation's Mid-Pacific Regional Director. Over the years he has practiced careful and productive stewardship over our nation's water and power resources. His reverence for our natural resources and his commitment to public service have made him an exceptional public servant. This January, Mr. Glaser will continue his efforts in Denver, Colorado, where he will work on several high priority projects for the Bureau of Reclamation.

Mr. Glaser has over twenty years of experience with the Bureau of Reclamation, where he has held a number of positions throughout the West and Washington, D.C. He was recently honored with the Department of Interior's highest recognition, the Distinguished Service Award. He has been active in non-profits engaged in water education, open space preservation, and fish and wildlife conservation and restoration. As Regional Director, Mr. Glaser oversaw the management of Reclamation's water projects in an area that encompasses the northern two-thirds of California, most of western Nevada, and part of southern Oregon. His breadth of experience has certainly been an asset to the Mid-Pacific region.

The Central Valley Project (CVP) is perhaps one of the most complicated and intricate federal water projects in the United States. Managing the CVP requires delicately balancing the often conflicting needs of farmers, ranchers, cities, fish, wildlife, tribal communities, and recreational users. As the principal supervisor of projects like the CVP, Mr. Glaser consistently brought the skills necessary to troubleshoot problems. His expertise and ability to foster relationships helped to address the competing needs of all water users, making him a responsible guardian of one of our most precious resources—water.

Mr. Glaser's job called for the ability to address and resolve conflicts, and to understand the nuances and sensitivities of the water resources industry. He has demonstrated a strong grasp of program planning, analysis, policy formulation, and implementation, which enabled him to represent the Department on many difficult issues. Mr. Glaser's capacity to balance local implications and "the big picture" allows him to successfully create innovative solutions to seemingly impossible conflicts.

Mr. Speaker, I ask my colleagues to join me in recognizing Don Glaser for his tireless dedication to being a conscientious keeper of America's water and power resources. His in-

novative work and enthusiasm on behalf of the Bureau of Reclamation make him a role model and source of pride for all Americans.

### TRIBUTE TO MICHAEL BOWLDS

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize and celebrate the life of Michael Bowlds, my constituent and a man of unique vision. Michael passed away last month after a courageous battle with cancer. Even until his final days, Michael worked tirelessly to make a difference in the lives of others.

Michael was an award-winning sales, business development, and marketing professional. A highly regarded government contracting expert, he established Mountaintop Marketing Group, one of the top government marketing firms in the country.

Michael's accomplishments as a business leader were widely recognized. He was named the 2009 "Advocate of the Year" by the U.S. Department of Commerce's Minority Business Development Agency and commended for his leadership, guidance and support in assisting small and minority-owned firms with securing over \$200 million in government contracts in that year alone. Nationally recognized as a leading Minority Business Champion, Michael and Mountaintop Marketing Group hosted the Annual Minority Business Awards Gala in conjunction with Congressional Black Caucus Foundation. He was a recipient of the prestigious "Yeti Zanders Outstanding Advocate of the Year" Award presented by the National Capital Area Minority Business Opportunities Center, selected as one of the "2010 Top 25 CEOs" by the Gazette of Business and Politics, and named one of the "50 Powerful Men In Business" by the Minority Enterprise Executive Council.

Michael served as Board Chairman for the National Capital Area Minority Business Opportunities Center Advisory Board and on the Board of Directors of the Montgomery County Chamber of Commerce, and was a founding member and financial underwriter of the Montgomery County Chamber's Government Contracting Network. He also served on the Board of Directors for the National Women's Business Center.

An active member of his community, Michael was deeply involved in mentoring small businesses through the Montgomery County Small Business Mentorship Program. He also was a founding member and instructor of the Montgomery Chamber of Commerce's Veteran Institute for Procurement.

I send my condolences to his wife Courtney, his three children and his many friends and colleagues throughout our community. He will be deeply missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO SERGEANT  
KAUFFMAN, CAPTAIN MIHELICH,  
OFFICER BLASINGAME, AND OF-  
FICER GOLEZ OF FAIRFIELD,  
CALIFORNIA

### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GARAMENDI. Mr. Speaker, I rise today to honor Sergeant Kauffman, Captain Mihelich, Officer Blasingame, and Officer Golez of Fairfield, California.

Sergeant Kauffman will retire after nearly 30 years of law enforcement service with the City of Fairfield. He was hired as a Public Safety Officer with the Fairfield Police Department on July 5, 1983. Sergeant Kauffman served the community in a number of non-emergency patrol functions while putting himself through the police academy. After graduation, he was required as a Police Officer on June 30, 1986 where he worked in various capacities that included Patrol, Investigations, Solano Narcotics Enforcement Team (Sol-NET), and Field Training. Sergeant Kauffman earned the Police Officer of the Quarter award in November 1999 for his reliability and commitment to community service. On December 31, 1999, he was promoted to Police Corporal and then earned the City Manager's Commendation on July 28, 2003 for his contributions and dedication to the City's Driver Training program.

On March 3, 2006, Sergeant Kauffman was promoted to Police Sergeant and ultimately supervised a number of different units including Patrol, Professional Standards, and Major Crimes. In 2009, as the Police Department experienced changes in leadership and command staff, he stepped in and assisted City management in filling the gaps. Sergeant Kauffman assumed the Police Lieutenant's position and managed Patrol Operations for several months. He has a can-do attitude and he consistently provides quality service to the community.

Sergeant Kauffman has been a valued employee and leader, and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Captain Mihelich will retire after nearly 29 years of law enforcement service, with 25 years of that service to the City of Fairfield. After serving over three years as a Reserve Officer and Police Officer with the South San Francisco Police Department, Captain Mihelich was hired as a Police Officer with the Fairfield Police Department on October 12, 1987. As an officer, he worked in various capacities that included Patrol, Investigations, Drug Abuse Resistance Education (DARE), Special Operations, Gang Suppression, Special Activity Felony Enforcement (SAFE) Team, and Field Training.

Captain Mihelich was promoted to Police Corporal on December 31, 1999 and then to Police Sergeant on December 28, 2001. He skillfully mentored and supervised units in Patrol and Training & Personnel, and was named Manager of the Year in 2006. After being promoted to Lieutenant on June 6, 2008, Captain

Mihelich served as a Commander for Patrol, Quality of Life, and Administrative Services Bureaus. He was a strong and decisive leader and as the Police Department experienced changes in leadership and command staff, he consistently stepped in and assisted City management in filling the gaps. He assumed the Police Captain's position and managed the Support Services Division beginning in April 2011 before being formally promoted on February 10, 2012.

Captain Mihelich has been a valued employee and leader, and his commitment to the City and community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic. Captain Mihelich is commended for his selfless contribution to Fairfield and its constituents.

Officer Blasingame will retire after 30 years of law enforcement service, with 23 years of that service to the City of Fairfield. After serving seven years as a Correctional Officer and Deputy Sheriff with the Solano County Sheriff's Office, he was hired as a Police Officer with the Fairfield Police Department on September 25, 1989, and served the community in a number of capacities within the Patrol and Investigations Bureaus.

Officer Blasingame has received numerous commendations from citizens and coworkers for his consistent and skillful performance. Some of his most significant contributions to the Police Department have been sharing his knowledge and experience of solid investigative skills, exceptional memory, and quality reporting techniques with fellow officers. Officer Blasingame has been a dedicated team member, mentor and positive representation of the Fairfield Police Department.

Officer Golez will retire after nearly 30 years of law enforcement service to the City of Fairfield. He was hired as a Public Safety Officer with the Fairfield Police Department on January 7, 1983, and served the community in a number of police and fire functions until he attended the police academy in early 1985. After graduation, he was promoted to Police Officer on May 20, 1985, where he worked in various capacities within the Patrol and Traffic units.

Officer Golez has received numerous commendations from citizens and coworkers for his consistent and exemplary performance. Some of his most significant contributions to the Police Department have been the development of the Police Cadet Program and sharing his motorcycle expertise with fellow officers. Officer Golez has been a dedicated teacher, mentor and a positive representation of the Fairfield Police Department.

Sergeant Kauffman and Captain Mihelich will be presented with their retirement memorabilia at 3 p.m. on Thursday, December 13, 2012, during an Employee Recognition reception in Willow Hall at the Fairfield Community Center. Officers Blasingame and Golez will be recognized in early January. All are welcome to join the celebration of these distinguished careers.

HONORING YOUR NEWS NOW  
"YNN"

### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GIBSON. Mr. Speaker, I rise today to honor Your News Now "YNN," a local 24-hour news channel exclusively provided seven days a week by Time Warner Cable. Serving the State of New York, YNN is celebrating its 10th Anniversary.

Across Upstate New York, my constituents rely on YNN for their local news. Since its debut, YNN has provided in-depth coverage of national, state, and local news stories, community events, high school sports, and weather forecasting. This has allowed New Yorkers the ability to access local news coverage regardless of the time of day.

YNN also provides the only statewide political program, "Capital Tonight," covering the State Capitol, U.S. Capitol, and political news from across the Empire State each weekday evening.

Mr. Speaker, please join me in recognizing the commitment Time Warner and YNN have made to ensuring quality local news programming throughout New York State. As Thomas Jefferson once said, "Whenever the people are well-informed, they can be trusted with their own government." YNN is an important part of this effort for my constituents in the 20th District of New York and across our state, and I congratulate them on their 10th Anniversary.

REMEMBERING JACK BROOKS,  
FORMER JUDICIARY COMMITTEE  
CHAIRMAN

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONYERS. Mr. Speaker, I was saddened to learn of the passing of my friend and former colleague Jack Brooks.

As long-time members of the House Judiciary Committee and the Government Reform Committee, Jack Brooks and I worked closely together. I saw firsthand his dedication to serving our nation and his constituents in Texas. Through his leadership as a senior member of the Judiciary Committee in the 1960s, both the Civil Rights Act and the Voting Rights Act made their way through the committee and ultimately passed into law. Less than a decade later, he led the effort to hold President Nixon accountable to the public, and helped draft the articles of impeachment against Nixon. As Chairman of the House Judiciary Committee from 1989 to 1995, Jack Brooks oversaw the passage of the Americans with Disabilities Act, the Violence Crime Control and Law Enforcement Act, and the modernization of the Civil Rights Act. Chairman Brooks was also a longstanding champion of competition, antitrust and government accountability.

Jack Brooks will be remembered by many. His lasting contributions will continue to be felt in our civil rights laws across the country.

I'M STANDING IN HONOR OF AN  
AMERICAN HERO, SGT JOSHUA  
WETZEL, 2ND INFANTRY EARTH  
PIGS, THE UNITED STATES  
ARMY

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. ADERHOLT. Mr. Speaker, I rise today in honor of one of Alabama's most heroic sons, Joshua Wetzel of The United States Army. While out on patrol on May 31, 2012 Joshua was almost killed in an IED explosion in Kandahar Afghanistan. While he lost his legs and suffered numerous other injuries, he never lost his faith. As he said to me the first time I met him in a hospital bed at Walter Reed, I'm still standing! And that pretty much sums up this man's will to live and can do spirit. He makes all of America proud and his town of Glencoe. With the help of his family and wonderful wife Paige, he has already made such great strides in such a short time and it's going to be hard to catch up to him. I ask that this poem penned in his honor by Albert Caswell be placed in the RECORD.

#### I'M STILL STANDING

I'm . . .  
I'm still standing . . .  
Here on this very day . . .  
You may take my two strong legs,  
but my heart you can not so sway!  
I'm still standing!  
Look at me out on my way!  
For I've got mountains to so climb,  
and so many hearts to so inspire,  
and such hope to so convey all in my time  
along the way!  
Yea, I'm still standing,  
as I fight this new fight each and every day!  
All at speed,  
as my heart so gives me all that I so need  
. . .  
so you better get out of my way!  
You see,  
War Eagles do not so hesitate!  
For I am Army Strong,  
as my heart beats loud and long . . .  
to fight for freedom night and day!  
2nd Infantry, EARTH PIGS who fight and  
lead!  
And The University of Auburn,  
is all part of my very DNA!  
Because, sweet Alabama was where I was  
born and raised!  
And all of my children are going to graduate  
from there one day!  
For I am a grunt!  
Ever on the hunt!  
To evil to so confront!  
As I was on that fateful day!  
As when my short life almost went away!  
Without legs, and halfway to death as there  
I lay!  
As I had a choice,  
as when inside of me I so heard a voice,  
telling me to stay!  
And I got up and run for the first time in my  
life without legs!  
With the tears running down my eyes,  
I began to pray!  
As along side of me my Lord God ran with  
me that day!  
Helping me chase all of that heartache and  
doubt away!  
As now I must rebuild!  
As so inside of me my hearts instills!

The courage and the strength to so will!  
Because, I'm Standing Still!  
Heartache and pity get out of my way!  
Don't cry for me,  
but for all of my Brothers in Arms who now  
lie in such soft quiet graves!  
And I'm going back home to sweet Alabama,  
running one day!  
And to this our world,  
my life still has so much more to say!  
And I've got a wonderful wife,  
who is the light of my life who has shown me  
that true love really stays!  
And this War Eagle,  
stands so regal with his courage he displays!  
As I'm still standing even taller on this day!

### TRIBUTE TO OFFICER LAWRENCE BANKS

### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GARAMENDI. Mr. Speaker, I rise today to honor Officer Lawrence Banks, who will retire after nearly 26 years of law enforcement service with the City of Fairfield.

Officer Banks began his law enforcement service with the City of Pittsburg as a volunteer Reserve Officer in 1985 and, after putting himself through police academy, he was hired as a Police Officer with the Fairfield Police Department on March 16, 1987. He has served the community in various capacities that included Patrol and Youth Services.

Officer Banks received numerous commendations from citizens and coworkers, and he was named Police Officer of the Year for 1993 for his consistent and exemplary performance within our local schools. Some of his most significant contributions to the Police Department have been the special assignments he has held including School Resource Officer, Drug Abuse Resistance Education, DARE, Instructor, and on the Police-Probation Team. Officer Banks was invaluable in these roles because he is skilled at developing better relationships with not only juveniles he came in contact with, but with parents and school administrators. He has taken community service to a new level through his dedicated teaching, collaboration, and positive representation of the City of Fairfield and the Fairfield Police Department.

Officer Banks has been a valued employee and his commitment to the community was evidenced on a daily basis. He is a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Officer Banks will be presented with his retirement memorabilia in early January. All are invited to celebrate his distinguished career.

### A TRIBUTE TO KARA KNACK

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Kara Knack, who will be retiring from

the Friends of the Observatory, FOTO, Board this month after thirty-four years of dedicated service.

Kara Knack's enthusiasm for the Griffith Observatory began long before she joined FOTO. She first visited the Observatory on a vacation in the 1950's, at which point she was so enthralled that when she moved to Southern California in the early 1960's, she quickly became a regular visitor to the Observatory. Her ardent interest in astronomy came to the attention of Griffith Observatory Director Dr. Ed Krupp, who encouraged her to become a more active member of FOTO by joining the Board of Directors. Upon joining the Board in 1978, Kara began writing and editing FOTO's Update newsletter, which she continued to do for the next 10 years. Since 1985 she has penned the FOTO Notes section in the Griffith Observer, the Observatory's magazine.

Ms. Knack's passion for astronomy and dedication to the Observatory culminated in 2008, when over 2,200 of her celestially themed items were used for the Cosmic Connection timeline, now on display in the Griffith Observatory. For over two decades, Kara has collected celestial objects and jewelry and when the Observatory underwent renovation in 2006, she saw an opportunity to share her collection with the institution she devoted so much of her time to, and with the support of the Observatory staff, the Cosmic Connection was created.

As a member of FOTO's board, Kara has served as the secretary for four terms, as vice president two terms, and as president for three terms. In addition she has also served on the Master Plan Committee, the Architectural Committee, the Selection Committee, the Renovation and Expansion Steering Committee, the Exhibit Planning Committee, the Planetarium Planning Committee, the Reopening Committee and the Volunteer Neighborhood Oversight Committee.

For decades, Kara has demonstrated unparalleled enthusiasm not just for the Observatory, but for public education about astronomy. She has donated her time, her possessions, and her heart to the pursuit of astronomy, and her extraordinary generosity shall continue to be felt at the Griffith Observatory for years to come.

I ask all Members of Congress to join me today in honoring Kara Knack for her exemplary service to the Griffith Observatory.

### 8TH ANNUAL "SPIRIT OF INNOVATION" INDUCTION CEREMONY

### HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. VISCLOSKEY. Mr. Speaker, it is with great sincerity and admiration that I offer congratulations to Ivy Tech Community College Northwest and its regional partners, who recently celebrated their 8th Annual "Spirit of Innovation" Induction Ceremony. At the ceremony, thirty individuals and teams were inducted as members of the 2012-2013 class of the Society of Innovators of Northwest Indiana. Of these individuals, certain members

were inducted as Society Fellows for their exceptional efforts in innovation, including Eugene S. Smotkin, Ph.D., Pearl Prince, Olga Petryszyn, Gus Olympidis, and Neal H. Haskell, Ph.D. Additionally, Gregg A. VanDusseldorp Sr. was honored at the event with the Gerald I. Lamkin Fellow for Innovation and Service, a special recognition named for the president of Ivy Tech Community College of Indiana. Also honored were the Chanute Prize team recipients, the Center for Innovation through Visualization and Simulation of Purdue University Calumet and "S-in motion," ArcelorMittal Global R&D Center, East Chicago. For their truly remarkable contributions to the community of Northwest Indiana and their continuous efforts to cultivate a culture of innovation, these honorees were inducted during a prestigious event that took place at the Horseshoe Casino in Hammond, Indiana, on October 18, 2012.

The Society of Innovators of Northwest Indiana was created by Chancellor J. Guadalupe Valtierra of Ivy Tech Northwest with the goal of highlighting and encouraging innovative individuals and groups within the not-for-profit, public, and private sectors, as well as building a "culture of innovation" in Northwest Indiana. The importance of innovation in Northwest Indiana, as well as globally, is crucial in today's ever-changing economy.

These five Fellows selected by the Society of Innovators were chosen for their extraordinary innovative leadership and the impact of their accomplishments throughout the community of Northwest Indiana and the world. Eugene S. Smotkin, Ph.D. is a professor of Chemistry at Northwestern University and the Chief Executive Officer of NuVant Systems, Incorporated in Crown Point. NuVant develops and distributes electrochemical equipment and materials for the research and development, manufacturing, and educational markets. Pearl Prince is the principal of Frankie Woods McCullough Girls Academy in Gary, the city's first public all girls school for kindergarten through seventh grade students. Pearl developed and implemented an educational model that has led the academy to become an award winning elementary school for students from low income areas. Olga Petryszyn was named one of the top hosta plant hybridizers in the United States. Since 1993, she has registered twenty-four hosta plants with twenty-two varieties commercialized. In 2012, the world famous "Niagara Falls" variety was honored by the American Hosta Society. Gus Olympidis, Founder and Chief Executive Officer of Family Express, developed a nationally recognized business model that measures up to global competitors. The business model includes the "Living Brand" for customer service, innovative logistics, and state-of-the-art technology linking the 57 stores to their headquarters in Valparaiso. Neal Haskell, Ph.D., Saint Joseph College, Rensselaer, is one of the foremost scientists of forensic entomology in the world. Using his expertise of the life cycles of insects to determine time and location of death in criminal cases, Dr. Haskell is a pioneer and truly an innovative leader. He has assisted the FBI, Indiana State Police, New York State Police, Florida Department of Law Enforcement, and Canada's Office of the Chief Coroner, among others, with criminal cases across the county and throughout the world.

I am also honored to represent Gregg A. VanDusseldorp Sr., who was awarded the Gerald I. Lamkin Fellow for Innovation and Service. Gregg is the President of Omnitech Systems, Incorporated in Valparaiso, Indiana. Gregg founded this medical device company that has developed products to assist with surgeries associated with urology and gynecology. He currently holds eight patents for products that are used by surgeons worldwide.

Finally, the recipients of the Chanute Prize for Team Innovation should be commended for their contributions. The Center for Innovation through Visualization and Simulation of Purdue University Calumet has been able to save more than \$30 million dollars for local business, industry, and communities by implementing its modeling, visualization and simulation technologies, researchers. Additionally, "S-in motion" is a revolutionary concept of designing lighter and safer automobiles utilizing new steel products that was created with the assistance of ArcelorMittal Global R&D Center in East Chicago. This innovative program works to create steel for automobiles that reduces the weight of vehicles in order to meet higher fuel standards and to guarantee the use of steel in automobiles in the future.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding innovators. The contributions they have made to society, here in Northwest Indiana and worldwide, are immeasurable and lifelong. For their truly brilliant innovative ideas, projects, and leadership, each recipient is worthy of the highest commendation.

CONGRATULATING MS. DEBORAH WASYLIK, RECIPIENT OF THE 2012 RICHARD C. BARTLETT ENVIRONMENTAL EDUCATION AWARD

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Ms. Deborah Wasylik of Orlando, Florida on being named the recipient of the 2012 Richard C. Bartlett Environmental Education Award. This annual award is presented to an outstanding middle or high school teacher who integrates environmental studies in their curriculum and engages students in interdisciplinary solutions to environmental challenges.

Ms. Wasylik teaches Advanced Placement Environmental Science and Marine Science to juniors and seniors at Dr. Phillips High School. In spite of not having a science budget and having to construct curriculum on her own, not only have her students on average scored over thirty points above the national average on their Advanced Placement exams, but they also hold the highest Advanced Placement passing rate in Orange County Public Schools. Ms. Wasylik succeeds in engaging her students, as well as her fellow colleagues, in environmental studies by integrating environmental education across subject areas beyond science, including history, language arts and

mathematics. Her reinforcement of student learning facilitates students making real world and local connections associated with environmental issues.

In addition to their academic successes, her students have excelled significantly in achievements beyond the traditional classroom. Her students started a recycling program for Dr. Phillips High School's campus and created an outreach program to educate other school groups on aquaponics. With Ms. Wasylik's help, her students have been able to give back to their community in various ways including cleaning up beaches, removing invasive plants, and giving tours of the ecosystem section at the Orlando Science Center.

Her spirit of dedication and commitment to her students is an example of the life-changing impact a dedicated educator can have on a community and on the individual lives of students. She is a shining example of the fruits of selflessness demonstrated by educators who devote themselves to Florida's future by investing in Florida's students.

On behalf of the citizens of Central Florida, I am pleased to recognize and applaud Ms. Deborah Wasylik for her hard work, dedication, and leadership. She is most deserving of the 2012 Richard C. Bartlett Environmental Education Award. May her investment in our nation's students, environment and educational institutions inspire others to follow in her footsteps.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,370,056,245,929.64. We've added \$5,743,179,197,016.56 to our debt in nearly 4 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

COMMEMORATING THE CITY OF SOUTHFIELD

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. LEVIN. Mr. Speaker, I rise to commemorate the City of Southfield, and thank the residents of Southfield who have provided me with the honor of representing them in Congress for 30 years. My beloved late wife, Vicki and I, called Southfield our home when I was first elected to Congress, and our Congressional office was based there for many years. I have been proud to see the fabric of this community diversify racially and to watch it develop economically.

Historically, when Governor Cass first ordered the area in the "south fields" of Bloomfield Township surveyed in 1817, he could not

have guessed at the fine city it would become. Though it became a township in 1830, it wasn't until 1958, over 100 years later, that Southfield would formally incorporate into a city.

Southfield has earned its moniker, "The Center of It All." Strong neighborhoods. Good schools. Manufacturing. Office high-rises which house more than 100 Fortune 500 companies. And, a deep sense of community and friendship.

I have enjoyed participating in so many activities and events like the annual Dr. Martin Luther King Day peace walk and commemoration, ceremonies at the VFW, activities sponsored by your schools and your strong and vibrant religious institutions, and the effort many years ago to cleanup the Rouge River, which I actually got into. I am pleased at what a leader your community has become in the Veterans History Project interviewing over 200 veterans and placing their histories at the Library of Congress. And, congratulations to Dr. Wanda Cook-Robinson, the Superintendent of Southfield Schools, who was recently named the 2013 Superintendent of the Year by the Michigan Association of School Administrators.

I was proud to fight for the federal dollars needed to create the Center for Innovative Materials Research. This partnership between Lawrence Technological University, TARDEC and the Army Research Lab, was established for the research, development and testing of carbon-fiber composite materials for defense applications.

Mayor Lawrence, former mayor and current City Councilman Don Fracassi, along with all of the dedicated City Council members and other local elected officials continue to move the City of Southfield forward, and I look forward to following their success in the years to come.

As I close, I can say with confidence that the City of Southfield and its residents are in good hands with Congressman GARY PETERS. My office will, of course, stay in close touch on issues that impact Oakland County and southeast Michigan as we all work together to revitalize our Michigan economy.

#### HONORING THE LIFE AND SERVICE OF WALTER NEWMAN

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Ms. PELOSI. Mr. Speaker, I rise to pay final tribute to a prominent San Francisco businessman, philanthropist, and civic leader: Walter Newman. San Francisco has been blessed by Walter's life, vision, leadership, and generosity. His legacy will leave an everlasting impact on our city.

Walter Newman was a third generation Californian, a dedicated patriot, and a proud American. He served our country as an Army infantry captain during World War II. He earned a Purple Heart for wounds sustained while leading his troops into Normandy. He earned the gratitude and accolades of the people of France, the recipient of that country's highest civilian honor, the Chevalier of the National Order of the Legion of Honor.

Mr. Newman continued his service in our beloved hometown of San Francisco. As head of the Planning Commission and the Redevelopment Commission, he helped lead the effort to develop major civic projects ranging from the Transamerica Pyramid to Mission Bay. As president of the San Francisco Fine Arts Museum, he was instrumental in bringing King Tut artifacts to San Francisco as one of our first great art exhibitions.

He played a vital role in the establishment of University High School in San Francisco. He was a member of the Board of Governors of the University of California, San Francisco; a member of the UCSF Conflict of Interest Committee; and a member of the board of the San Francisco General Hospital Foundation.

In a true reflection of his dedication to his fellow veterans, he served on the Board of Directors of NCIRE—The Veterans Health Research Institute, a national leader in advancing veterans' health research based in San Francisco. He helped establish a veterans' resource center at the City College of San Francisco. It is a testament to Mr. Newman's longstanding dedication to San Francisco and our veterans that UCSF will soon have a 42,000-square-foot Veterans Affairs Medical Center in Mission Bay.

Walter will be remembered for his positive attitude and compassion, for his unyielding commitment to the education of our children and the health of our people, for his unending devotion to the well-being of our veterans.

He will be remembered for his exemplary will and exceptional values—for the way he inspired others to action, even in moments of his own grief. Indeed, when his son Bob tragically passed away from a malignant brain tumor, Walter responded in characteristic fashion. At a time when so many others would, understandably, turn inward with grief, he honored his son's memory by co-founding and becoming President of the National Brain Tumor Foundation—an organization that assists thousands of people suffering from brain cancer.

A cherished civic leader. A proud San Franciscan. A champion for our city, our state, and our country. This is how we will all remember Walter Newman.

Yet, as devoted as he was to civic and cultural causes in San Francisco, he was above all devoted to his beloved wife Ellen, his sons Walter Jr. and John, and brother-in-law Jerry. I hope it is a comfort to his family and loved ones that so many join them in mourning his passing.

#### HONORING COLONEL PAUL W. BRICKER

#### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GIBSON. Mr. Speaker, I rise today on behalf of the people in New York's 20th District to express our sincere appreciation for the selfless service, dedication, and sacrifice to the United States by Colonel Paul W. Bricker who retired this year after 25 years of service. As a tribute, I wish to enter the poem written by the Poet, Albert Carey Caswell, entitled "Brick by Brick."

BRICK, BY BRICK

Brick!

Brick, by Brick!

Are but built, all of those men of honor who our Nation now so picks! To so lead our magnificent men and women off to war!

Whose fine hearts, all in the midst of such hell so ever soar!

Who all so valiantly, all so charge off so forth!

Brick, by Brick!

Whose hearts are Air Borne!

Who lead with such honor and such speed!

Who take off and hover over danger, with hearts so very warm indeed!

Who crank and bank, who we all so thank. . . who our Lord so adores!

Who cry when their Brothers and Sisters In Arms so die!

Who in times of war will leave all that they so love with tears in eyes!

But, for The Greater Good they do not so ask why!

Who on the ground and in the air their fine hearts to new height's so fly!

Brick, by Brick. . . as their fine hearts are so molded to so pick!

To make those tough choices, to send magnificent heroes off to die!

Built on courage and such faith!

Whose brilliant hearts shall not so wave!

With words like Honor, Duty, and Country their foundations are all so made!

Brick, by Brick!

Showing us all how men and leaders of honor so behave!

Who each day walk by the grave!

All so to lead!

All so our nation can so succeed!

Can so live all in such peace!

As we so thank all of them and all of these!

Who Brick by Brick, but build the very bedrock of our peace!

Who are Army Strong, whose lives are like a song!

Air Borne, Colonel Bricker. . . in hearts we carry you now so very warm!

Hoo. . . oh!

—By Albert Carey Caswell

#### TO RECOGNIZE THE 2012 LIFECIRCLE ALLIANCE KUDOS FOR CAREGIVERS HONOREES

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the winners of the 2012 LifeCircle Alliances Kudos for Community Caregivers Awards. LifeCircle Alliances, a non-profit organization based in Fairfax County, Virginia, is a leader in promoting and enabling independent living for older adults with developmental, intellectual, or physical disabilities, including our Wounded Warriors.

LifeCircle Alliances has formed public-private partnerships to create innovative long-term care solutions, enhance existing programs, and address workforce, mobility and transportation issues. The goal of these efforts is independence for life; ensuring that our older adults and adults with disabilities are able to live independently and with dignity in their communities of choice.

The LifeCircle Alliances Kudos for Community Caregivers Award celebration recognizes

the efforts of six outstanding caregivers, who tirelessly provide dedicated care, day in and day out. The recipients of the 2012 Kudos Awards are:

**Stephanie Mensh**—Stephanie Mensh has been a caregiver for Mr. Paul Berger for 25 years. Additionally, she has volunteered her time supporting stroke and TBI survivors and their families. She also provides support and advice to other caregivers by hosting a support group as well as providing individual support by phone, email, and in person.

**Liza Ruiz**—The loving mother of two daughters, Mrs. Ruiz has been caring almost daily for her 65 year old daughter, Cynthia, who was brain injured at birth and her husband who has been diagnosed with dementia. For many years, she did this while working as a full-time employee of the federal government. Mrs. Ruiz was instrumental in helping to establish the Northern Virginia Training Center, which opened in 1973.

**Maureen Renault**—A dedicated and tireless caregiver, Maureen Renault has taken on the daunting task of caring for her mother, a resident at Herndon Harbor Adult Day Health Care Center. During this time Maureen has been actively involved in her mother's care at the center in addition to her needs at home.

**Steven Nehl**—Care-giving is an around the clock job for Mr. Nehl. He cares for his autistic son, Michael, and wife, Joanne, who is continuing to recover from two brain aneurysms. Since the time of her illness in 2008, Joanne is unable to work and Mr. Nehl may only maintain short-term positions due to the tremendous requirements of his time at home.

**Cecilia Ortega-Shew**—For almost two decades, Cecilia Ortega-Shew has given selflessly to individuals living with HIV/AIDS. In her role as a mental health clinician and program clinical manager for Inova Juniper Group, she helps pregnant women have healthy, HIV-free babies and continues to counsel people on the difficulties of living with HIV. She inspires young staff to be better clinicians and instills in them a passion for caring for those with HIV.

**Natascha Dixon Edelin**—Passionate and dedicated to helping women and children in need, Natascha Dixon Edelin tirelessly works to assist the battered women of Fairfax, Virginia and honor them for their strength, courage and commitment. She partnered with the co-founders of the Duffy House in 2011 to organize the "Duffy House Day of Pampering" for victims of domestic violence and sexual abuse which provided, at no charge, a much needed day of respite for approximately 50 women and 80 children. Her continued work with the Duffy House brings joy into this special community.

I congratulate this year's winners and recognize each of them for their dedication and personal sacrifices. These individuals are examples of the many caregivers who put the needs of their families, friends and colleagues above their own. Mr. Speaker, I ask that my colleagues join me in paying tribute to the 2012 LifeCircle Alliances awardees and in thanking the volunteers, staff, and partners of LifeCircle Alliances for their efforts in providing assistance to not only those in need of care, but to those who provide the care here in our community.

IN HONOR OF MR. LOREE SOGGS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Loree Soggs and his countless contributions to the labor communities of both the City of Cleveland and State of Ohio. Mr. Soggs has been an active member of and staunch advocate for unions and union members since he entered the workforce nearly fifty years ago.

Mr. Soggs began his affiliation with the labor community in 1964 as an operating engineer. As a member of the International Union of Operating Engineers (IUOE), Local 18, he served as a business agent, apprenticeship coordinator, steward director, officer and fringe benefit fund trustee. In 1994, Mr. Soggs was elected to the office of Executive Secretary for Cleveland's Building and Construction Trades Council (CBCTD), being the first operating engineer to hold this office in the Council's history. In his capacity as president, Mr. Soggs has successfully negotiated numerous contracts fighting for the betterment of working men and women within the community.

In addition to his dedicated work with IOUE Local 18 and the CBCTD, Mr. Soggs has also affiliated himself with numerous labor organizations and programs throughout Northeast Ohio and the State of Ohio. He has served as President of the North Shore Federation of Labor; Vice President of the Ohio State Building and Construction Trades Council; Trustee of the Union Construction Industry Partnership; Chairman of the Union Construction Industry Partnership/Apprenticeship Skills Achievement Program; Executive Director of the Northern Ohio Building Trades Real Estate Investment Program; Vice President of the United Labor Agency; President of Pinzone Towers; Vice President of Lupica Towers; and Co-Chair to the Labor Initiative of United Way of Greater Cleveland. He is also a member of the Cuyahoga County/City of Cleveland Workforce Investment Board; Executive Committee of the Cleveland Catholic Diocese Building Commission; Executive Committee of the Cuyahoga Democratic Party; board member of the Ohio Water Development Authority; and member of Mayor Jackson's Sustainability Cabinet.

Mr. Speaker and colleagues, please join me in honor of Mr. Loree Soggs who has dedicated his life and career to the labor communities of Ohio.

IN RECOGNITION OF THE ARGYLE  
HIGH SCHOOL MARCHING BAND

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor the Argyle High School Marching Band, which has earned their 5th victory at the University Interscholastic League (UIL) State Marching Band contest. The Eagle Marching Band has competed six times in the UIL state

marching finals, and out of those competitions, the band has achieved first place honors an astonishing five times!

The Argyle High School Marching Band's achievements are based upon the devotion and hard work that each individual student member puts into their performance, giving it their best efforts from the first hot practice in the blazing summer sun, through repeated practices, football game half-times and progressively competitive marching contests. Student leaders for the 2012 Argyle High School Marching Band are Drum Majors Randi Martin, Cameron Schafer and Lindsey Johnson. This fall, the crowning attainment for 120-plus band members was winning the UIL Class 3A championship for a third consecutive time with their remarkable program: "Moving Parts." Led by Director of Bands, Kathy Johnson and Assistant Directors, Michael Lemish, Lucy Pascasio, Evan Fletcher, and Color Guard Instructor Sarah Ross, the leadership team for the Argyle High School Marching Band is to be commended as well.

I join the citizens of Argyle, the band booster organization and band parents in congratulating the Argyle High School Marching Band for their tremendous winning record. They have been excellent musical ambassadors for their school, community and the 26th District of Texas. It is my privilege to serve the administrators, teachers, staff and students of the Argyle Independent School District in the U.S. House of Representatives.

NAMING THE JESSE HELMS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

### HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mrs. ELLMERS. Mr. Speaker, recently I introduced a bill to rename the Century Postal Station in Raleigh, North Carolina in honor of former United States Senator Jesse Helms.

Senator Helms, North Carolina's longest serving Senator, was a genuine man who fought for what he believed. He himself said, "I didn't come to Washington to be a 'yes man' for any president, Democrat or Republican. I didn't come to Washington to get along and win any popularity contests." His steadfast nature even earned him the nickname "Senator No," to which he had no objection.

While voters would many times disagree with his policies, they always knew where he stood. Former North Carolina Senator Elizabeth Dole said, "Even those who disagreed with Jesse on an issue could respect the fact that he always stood tall and firm for his convictions, his faith, his family, and his home State of North Carolina."

Despite sometimes being a controversial figure during his 30 years in the Senate, Helms faithfully served North Carolina and its citizens. He became a leading voice in the United States Senate fighting against communism, for a balanced budget, and simplifying the tax code. He served on the Senate Agriculture Committee, where he served as chairman from 1981 to 1987, as well as the



powerful Foreign Relations Committee where he served as chairman from 1995 to 2001.

His legislative work may have been controversial, but his other Congressional duties were the opposite. Constituent service in Jesse Helms' office was second to none and set a new standard. Democrat or Republican, liberal or conservative, he made sure the constituents he worked for received prompt attention. Helms did everything he could to be accessible to his constituents, and showed genuine kindness and consideration to every one of them. He cared about his state and his fellow citizens.

Born in Monroe, North Carolina, Helms started his career in journalism. It was in his 11 years in journalism, including working for the Raleigh News and Observer, that he met his wife, Dorothy Coble, and went on to marry her in 1942. Senator Helms' first interest in politics is said to have come from his conversations with his conservative father-in-law. Senator Helms raised his family in Raleigh, and after he retired he continued to make Raleigh his home. Helms and his wife had three children—Jane, Nancy, and Charles, a child with cerebral palsy, adopted at 9 by the Senator and his wife.

Through this experience with Charles, Senator Helms became involved with Easter Seals and fighting for children with disabilities. He continued his humanitarian work later in his career by supporting efforts to fight AIDS in Africa during his final term. Bono, lead singer of U2, even praised Helms' work by saying "without his taking a stance on AIDS, we would have lost a lot more lives."

From his humanitarian work, to office's renowned constituent services, to his consistently passionate legislative work on Capitol Hill, Senator Helms, North Carolina's longest serving Senator was a man well deserving of this honor. He was a great North Carolinian and a great American. For these reasons, it is appropriate to ensure that future generations remember his legacy by having this building bear his name.

RECOGNIZING BILL LAUER FOR  
HIS LIFETIME OF CONTRIBUTIONS  
TO THE NORTHERN VIRGINIA  
COMMUNITY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize William H. "Bill" Lauer for receiving Devotion to Children's Community Legacy Award. As a native of the Washington area, Bill has followed the age-old advice to "bloom where you are planted" and set a model example for using your talents to help not only yourself but also your neighbors.

Devotion to Children is a Northern Virginia nonprofit organization dedicated to working with other community partners to provide high-quality education and child-care programming for low-income families and children under the age of six. The Legacy award is presented annually at its Red, Heart and Soul Gala to recognize someone who has promoted public

awareness of the organization and local needs, provided funding for programs and services, collaborated with other community organizations to support local children, or engaged in other activities that support the organization's mission. Bill Lauer has done each of those and so much more.

To many people, Bill may be known more for his professional accomplishments. He has spent the last four decades working in the residential and commercial real estate market. Bill worked for some of the region's premier homebuilders early in his career, including Gulf Reston, which led the visionary development for the new town of Reston. Bill founded Tetra Partners in 1981 and has amassed a distinguished record in the real estate industry. He is a former president and Life Director of the Northern Virginia Building Industry Association, which recognized him with its highest honor, the Emil Keen Award, for 25 years of exemplary work within the industry. He is a past president and board director for the National Association of Industrial and Office Properties Northern Virginia Chapter. He also has played a role with several of the local chambers of commerce and was a charter member of the Northern Virginia Transportation Alliance.

Those are no doubt noteworthy achievements, but it is Bill's charitable activities that have proven invaluable to the community and that serve as an inspiration to a new generation of community leaders. Bill has been an active and financial supporter of local Habitat for Humanity and Ronald McDonald House, and he is a member of the board of Reston Interfaith. I was pleased to have him serve on the Affordable Housing Task Force that I launched during my tenure as Chairman of the Fairfax County Board of Supervisors. Through that effort, he worked to help expand rental and home ownership opportunities for low-income families. Bill and I also worked together on my homeless prevention initiative, and he continues to serve on the governing board of the Partnership to Prevent and End Homelessness. Thanks to the efforts of Bill and the Partnership, Fairfax has been one of the few communities to actually reduce homelessness during the Great Recession.

And, of course, Bill is active with Devotion to Children. During the past decade, Bill has worked to expand awareness of the growing need for affordable child care and early childhood resources, and he has not only supported those efforts with his own resources but also recruited his colleagues in the private sector to join in the cause. Bill also has helped develop new partnerships with Devotion to Children, Reston Interfaith and the Reston YMCA, including an evening child care program to help those parents taking nighttime classes.

Mr. Speaker, based on Bill's lifetime of professional and charitable accomplishments, this recognition could easily have been renamed the "devotion to community" award. I want to personally thank Bill for his tireless efforts to assist at-risk families and children across Northern Virginia, and I ask my colleagues to join me in congratulating Bill on this well-deserved recognition. His work is a reminder to us all that our community's strength and success is the product of every child and every family having an opportunity to succeed.

IN HONOR OF MR. OSCAR GUMUCIO

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Oscar Gumucio a profoundly respected friend, leader and advocate of the Greater Cleveland Community, and in recognition of his dedication to civic engagement, education and health care.

As the educational specialist for the MetroHealth Pediatric Hispanic Clinic, Mr. Gumucio is the advocate for Hispanic children when they need help with medical, psychosocial or even school issues. Many times, language and cultural barriers make it hard for Hispanic immigrants to stay healthy or excel in school; Mr. Gumucio does everything he can to remove those barriers or help children overcome them.

Mr. Gumucio developed his sincerity and devotion to the betterment of others when he was a Jesuit priest in the Catholic Church. His compassion for the less fortunate, profound knowledge of human behavior and love for everyone he meets have made him a highly respected person in Cleveland's educational, health and religious communities.

Born in Bolivia, Mr. Gumucio received his Doctorate in Philosophy and Master of Divinity in Argentina, and his master's degree in Spanish literature in Columbia. He taught philosophy at the University of Havana in Cuba and Spanish Literature in Puerto Rico.

Upon leaving the priesthood, Mr. Gumucio eventually moved to Cleveland, where he worked in the Cleveland Municipal School District for 33 years. He is a co-founder of the district's bilingual program, the Mental Health Suicide Prevention Center and the Urban Community School.

Mr. Speaker and colleagues, please join me in honoring the leadership and outstanding achievements of Mr. Gumucio for his work in the Greater Cleveland Community and commitment to MetroHealth and the Hispanic community.

**KENT FISHER**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kent Fisher, a dedicated public servant and community leader from Atchison County, Missouri.

Kent Fisher has served as Atchison County South District Commissioner since November of 1998, filling a two-year unexpired term followed by re-election to three subsequent four year terms. During his tenure as an elected official, Kent has served Atchison County's citizens through numerous natural disasters and reconstruction efforts including Presidentially-declared disasters for flooding and ice storms. He has been an instrumental part of the reconstruction efforts, collaborating with local, state and federal agencies to secure grant

funding and ensure the county rebuilds and prospers.

Kent has been involved with various organizations for the betterment of the citizens of Atchison County and Northwest Missouri, including serving as a board member of Community Services of Northwest Missouri, the Fairfax Kiwanis Club, Fairfax Lodge #483, Scottish Rite Bodies of St. Joseph, and the Moila Shrine Temple. Kent is also a Leadership Northwest Missouri Graduate, and Past President of the Northwest Missouri Commissioners Association.

Mr. Speaker, I proudly ask you to join me in commending Kent Fisher for his service to the citizens of Atchison County and Northwest Missouri. It is an honor to have had the opportunity to work with Kent for the betterment of Atchison County and Northwest Missouri. It is an honor to serve Kent in the United States Congress.

A TRIBUTE TO ALICE HAIGAZIAN  
BERMAN

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. STEARNS. Mr. Speaker, I submit the following:

June 25, 1925–November 12, 2003.

Teacher, mentor, beloved mother and daughter.

“A lady of grace and nobility. A legacy of inspiration and passion.”

Alice Haigazian Berman, first generation American daughter of Armenian immigrants, Avedis and Baidzar Haigazian. She was born in Chicago, lived in Los Angeles, New York City, Ocala Florida. Wife of Harry Berman of the Music Corporation of America. Mother of Lloyd Berman Bellows.

Alice was a tenacious advocate for recognition of the 1915 Genocide that took the lives of over one and a half million Armenians, including several members of her mother's family. She was a classical Ballet instructor, a champion of the arts, a horse breeder, a registered securities broker. She wrote radio copy as a student. She appeared in traveling theatrical productions that included such personalities as Bob Hope, Harvey Korman and Dom Deluise. Alice was a mentor of young people and an inspiration and role model for all. Her character and undying spirit will be missed by all who knew her and all those whose lives she touched.

RECOGNIZING RECIPIENTS OF 2012  
FAIRFAX COUNTY HISTORY COMMISSION AWARDS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the efforts of local Fairfax County historians and to congratulate the recipients of the 2012 Fairfax County History Commission Awards.

Established in 1969, the Fairfax County History Commission continues to pursue its goal of helping to identify, document, record, and preserve Fairfax County's historic past. Most recently, the Commission has focused on local aspects of the Civil War Sesquicentennial. The Commission consists of a 20 member board appointed by the Fairfax County Board of Supervisors.

The History Commission annually recognizes research and achievements in Fairfax County history as well as historic preservation. It is my honor to enter the names of the following 2012 recipients of the Fairfax County History Commission Awards into the CONGRESSIONAL RECORD:

The Nan Netherton Award: C. Denise Barrett for her work in chronicling the history of the Lakewood Estates neighborhood in Southwest Fairfax County.

The C.J.S. Durhan Award: Lisa Friedrich Becker for her nomination of the Sydenstricker School to the National Registry and efforts to renovate that site.

The Beth Mitchell Award: David G. Farmer for his collection of Flint Hill Cemetery records going back to 1875.

The Distinguished Service Award: Evelyn Fox for her work on the play and subsequent video “Capitan John Smith: A History of McLean & Great Falls, Virginia.”

The Lifetime Achievement Award: Suzanne Levy for her more than 30 years of service in the Virginia Room of the Fairfax City Library and her devotion to promoting history, genealogy and historical preservation.

Mr. Speaker, I ask my colleagues to join me in congratulating the 2012 Fairfax County History Commission Awards recipients and in commending the Commission's continued efforts to preserve, identify, document and record the history of Fairfax County.

IN HONOR OF MR. FRED ZIWICH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Fred Ziwich, who is one of the country's prominent polka musicians.

Mr. Ziwich began playing the accordion at the young age of five. In 1977, at the age of 14, he began studying the clarinet and formed his band, the International Sound Machine. Mr. Ziwich also began playing the button box in high school. Later, he would earn a Bachelor of Music Education degree from Indiana University.

As a child, Mr. Ziwich was heavily influenced by Slovenian polka artists, Johnny Pecon and Eddie Stampfl. He transformed that influence into a polka style that is unique and well-received throughout the world. Mr. Ziwich is best known for his Viennese Waltzes and Slovenian Polkas. He is an accomplished musician who is proficient at playing the accordion, button box, saxophone, clarinet, flute and drums among others. Throughout his career in the music industry he has collaborated with artists such as Hank Haller, Don Lipovac and Adam Barthalt.

A full-time musician, Mr. Ziwich has continued to play the accordion with the International Sound Machine for more than thirty years. In 2007, the band was nominated for a Grammy Award. In addition to being an international Grammy nominee, Mr. Ziwich has been honored on numerous occasions by the National Cleveland-Style Polka Hall of Fame. He is the recipient of accolades which include being named the Musician of the Year, Button Box Musician of the Year and producing the Recording of the Year.

Mr. Speaker and colleagues, please join me in honoring Mr. Fred Ziwich, a polka legend from Northeast Ohio.

IN HONOR OF JOHN T. COLLINS

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. FARR. Mr. Speaker, I rise today to recognize Mr. John T. Collins, II, MPH who served for the past ten years as an elected Trustee of the Santa Cruz City School Board. A native of Santa Cruz, California, Mr. Collins earned his Master of Public Health Degree from San Jose State University, and his Bachelor of Science Degree in Health and Human Services Administration from Southern Illinois University, Carbondale. In addition, I am honored to know John on a personal level as a dear friend.

As the Senior Vice President of Workforce Development Programs to Goodwill Industries of Santa Cruz, Monterey and San Luis Obispo Counties, Inc. John brought his passion for creating opportunities into the Santa Cruz schools as an advocate for the Individuals with Disabilities Education Act, ensuring services to children with disabilities. He also addressed the needs of the Spanish speaking community with programs to help early language learners, and promoted the School to Careers program.

During his tenure, the Board passed four parcel taxes enabling them to build a new pool and a stadium for two high schools, improve their IT infrastructure, make classroom upgrades, and place solar arrays on nearly every school. Those years also saw improved test scores and college admission rates including to the highest ranked colleges such as the UC Berkeley, Harvard, Princeton, UCLA and Stanford.

Mr. Speaker, as John steps down as Trustee, I know that the many projects, issues, and problems that he helped tackle and solve have made the school district a better place for learning and growing. His guidance enriched the lives of the students, as well as the Monterey Bay region as a whole, and I know the whole House joins me in thanking John for his years of leadership in public education—well done!

INTRODUCTION OF GLOBAL  
PARTNERSHIPS ACT OF 2012**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BERMAN. Mr. Speaker, today I am pleased to introduce the Global Partnerships Act of 2012, a bill to establish a framework for effective, transparent, and accountable United States foreign assistance.

This legislation represents the culmination of nearly five years of effort, starting in March 2008 when I assumed the chairmanship of the Committee on Foreign Affairs. In reviewing the vast array of issues and problems that demanded the Committee's time and attention, I decided that reform of our antiquated foreign aid system should be high on the agenda.

At a time when our headlines are dominated by urgent crises and new openings abroad—whether it's the rebellion in Syria, the humanitarian catastrophe in Congo or the transition in Burma—some have questioned why I would choose to focus on foreign aid reform. The answer is really quite simple: because our foreign assistance laws have a significant impact on our ability to respond to all of those events.

Regrettably, over the past few years we have witnessed an increasingly destructive and divisive assault on our foreign assistance program and on U.S. international engagement more broadly. It is easy to find fault with the current system, but rather than taking cheap shots and mindlessly slashing programs, I believe it is incumbent upon us to find a responsible way to fix them.

It makes no sense that, under the current system, it is almost impossible to give small grants directly to local groups that are leading the way towards peaceful, democratic change. Our diplomats and development professionals shouldn't have to sit at their desks writing reports that duplicate information that is easily available on the Internet. There ought not to be situations where two agencies are doing the same thing in the same place and aren't even aware of it—or worse yet, undermining each other's efforts.

I recognize that there have been many attempts over the years to correct the problems with U.S. foreign assistance, which include bureaucratic fragmentation, program incoherence, and obsolete, inconsistent and rigid laws. I regret that this process has taken much longer, and proven much more complicated, than I originally anticipated. The easy road would be to leave foreign aid reform to the Administration, and wash our hands of any responsibility to update and repair the laws under which these programs are carried out. But such inaction is neither wise nor consistent with our obligations as lawmakers.

The bill I submit today lays the foundation for real progress. It sets forth a comprehensive framework for advancing American interests by working in cooperation with other countries to make our world a better, safer place.

The Global Partnerships Act of 2012 replaces both the Foreign Assistance Act of 1961, which covers economic and development assistance, and the Arms Export Control

Act, which deals with arms sales and military aid. Together, these Acts, like this proposed rewrite, cover the full spectrum of foreign assistance programs, from development and democracy to peace and security. Each type of assistance has its own title in the bill, which describes the specific purposes, goals and objectives to be achieved.

This bill is the result of a long and complex process involving repeated consultations with interested groups, relevant committees, international partners, and federal agencies. We held hearings and roundtable discussions, issued concept notes and discussion papers, solicited written feedback, visited programs in the field, and read the academic research. Last September, we posted a draft bill on the Committee website and received detailed comments from hundreds of organizations, both individually and as coalitions. This bill encapsulates not only the direct feedback we've received in those forums, but also many of the recommendations of the Presidential Policy Directive on Global Development and the Quadrennial Diplomacy and Development Review, or QDDR.

The most fundamental change that this bill would make is to transform the donor-recipient relationship to one of equal partners working toward mutually agreed and mutually beneficial goals. Instead of dictating what needs to be done from Washington, we will listen to what our local partners and our own development professionals are saying, and we will hold both sides accountable for achieving results. Instead of doing things "for" another country, we will build their capacity for self-reliance. Sometimes our partners will be national governments; other times we will join up with non-governmental organizations, businesses or local communities. But our aid is unlikely to have a long-lasting impact unless the people most directly affected feel they have a stake in its success. That's what we call "country ownership", and that's why we're calling this the "Global Partnerships Act".

Second, this proposal would convert assistance from an input-oriented process, where the primary issue is how much we spend, into an outcome-oriented process, where the focus is on what we achieve. Two programs that were initiated by the Bush Administration—the HIV/AIDS effort known as PEPFAR, and the Millennium Challenge Corporation or MCC—have successfully pioneered this approach. Congress would be consulted from the outset, to build consensus over goals and priorities and establish agreement on what would constitute success.

To make this transformation, this bill brings more facts and evidence into the foreign aid process. Whether the purpose of our aid is to promote economic growth, stabilize a fragile peace, or ensure that a long-time ally is able to defend itself, our funding decisions should be based on reliable information about impact and performance rather than on hunches and intuition. Without solid empirical data about what works, it is impossible to ensure that our money is being effectively spent and achieving the desired results. And without evidence that our programs are having a significant, positive impact, we will lose the support and confidence of the American people.

There is a danger, of course, that the desire for tangible results could be misconstrued as

a preference for short-term gains that can be quantitatively measured. This would be a grave mistake. Development is a long-term process, and no amount of goal-setting, indicator-selection, or measurement will give us a quick win. Objectives like promoting democracy are notoriously difficult to measure, and impossible to impose from without. We must always remember that monitoring and evaluation are tools to an end, not substitutes for good policy.

The bill also aims to make aid more strategic, in the sense of having a clear goal and a plan and timetable for pursuing it. We still need to preserve flexibility to respond quickly to changing situations on the ground. But for the most part, our aid suffers from a lack of clarity on what constitutes success and how we will know when we achieve it.

We also need to provide much greater transparency about what we are doing—not only for the American public, who deserve to know how their taxpayer money is being spent, but also for the intended beneficiaries, who can tell us whether the aid is reaching them and meeting the agreed objectives.

Let me say a few words about what is not included in this legislation. The first thing is spending levels. The bill contains no authorizations of funds, no mandatory spending, no entitlements, no recommended levels of appropriations. It is designed to change the way we provide assistance, rather than to dictate how much or to whom. It would not supersede the regular authorization and appropriations process.

Second, for the most part we did not include country-specific or region-specific provisions, which would distract from the main purpose of creating a new structure for assistance. Except for a few key sections, most of which were part of the old Foreign Assistance Act and required continuation, we have tried to write a generic framework that can withstand the test of time.

It is true that some of the reforms I have mentioned are already being implemented by the Administration. USAID has reinstituted a process for developing 5-year country strategies, with clearly defined goals and indicators. The Millennium Challenge Corporation has just released its first set of rigorous, independent impact evaluations, which provide important lessons for the broader development community. And under the policy guidance of the National Security Staff, the Department of State and USAID created the Foreign Assistance Dashboard, a website that enables users to examine, research, and track aid investments in a standard and easy-to-understand format.

But each of these initiatives needs to be codified, accelerated and expanded. Without legislation, these improvements could be terminated or rolled back at any time. And none of them contain any requirement or standards for congressional consultation.

Through legislation, we engage in a process of give-and-take, consensus and compromise that is absent when the Administration charts its own course. Proceeding without congressional buy-in only increases the chances that each initiative will be second-guessed, blocked or reversed. And it risks triggering the same vicious cycle that created this vast web of convoluted rules and tortuous procedures, leading

to waste, inefficiency, and increasing paralysis.

To overcome the fear and inertia that have made progress on reform so elusive, we must begin by building public awareness and clearing up misperceptions about foreign assistance. Many Americans think that foreign assistance accounts for 15 to 20 percent of the federal budget, when in truth it's just 1 percent, and less than half of that goes for humanitarian and development programs. People who don't understand what foreign assistance does or how it helps them, or who have no confidence that it works, are unlikely to support it, particularly in this economic environment. The failure to communicate the importance of foreign assistance only leads to calls for more cuts while ignoring the real solutions.

In this period of belt-tightening and economic uncertainty, some seem to think that foreign assistance is a luxury we can no longer afford. However, with one out of five American jobs tied to international trade, and our fastest growing markets—accounting for roughly half of U.S. exports—located in developing countries, America can't afford a course of isolation and retreat. Our economic fate is interconnected with the rest of the world, and the collapse of developing economies will unavoidably mean our own decline.

For all these reasons, it's time to overhaul not just the legislation, but also the terms of the debate on foreign assistance. We must recognize the historic achievements that have occurred with the help of our foreign aid programs—the eradication of smallpox from the face of the earth, the Asian miracle that began with the Green Revolution, the millions of lives that have been saved and the human rights that have been won. Of course, aid alone cannot solve all the world's problems, but it is one of the best, safest and least expensive tools at our disposal.

Today, more than ever, our health, security, and prosperity depend on a world in which basic human needs are met, fundamental rights and freedoms are respected, conflicts are resolved peacefully, and the world's resources are used wisely. There is no escaping our obligations to help foster this environment. Not only are we morally bound to do so, but our economic and political interests demand that we address widespread poverty and chaos in the world.

Our creditors and competitors understand this. China is aggressively investing in the very countries that steep budget cuts may force us to abandon. We will soon come to regret it if we fail to share our knowledge and promote our values in the very places where they are in greatest demand.

I have said it before but it bears repeating: aid is not a gift. The United States provides foreign assistance because it serves our interests. Helping countries become more democratic, more stable, more capable of defending themselves and better at pulling themselves out of poverty is just as important for us as it is for them. Our task, therefore, is to make sure that we provide this assistance in the most efficient and effective way.

The Global Partnerships Act of 2012 is the first comprehensive proposal to adapt our laws to reflect the lessons we've learned over the past 50 years. Previous reform efforts in the

early 1990s sought to revise and streamline our statutes and repeal Cold War barnacles, but they did not fundamentally alter the way that we plan, manage, and carry out assistance programs. I recognize that there is not enough time to consider and pass this legislation in what remains of the 112th Congress. However, I believe this legislation offers a valid and constructive starting point for the future, and that is why I am so pleased that my distinguished colleague and good friend from Virginia, Mr. CONNOLLY, is joining me in introducing the bill today. He is well-acquainted with the Foreign Assistance Act of 1961 and acutely aware of the need for reform, and I am confident that he will take a leadership role in moving this process forward in the next Congress.

WE WON'T REALIZE HOW MUCH  
WE MISS THE NEWS & MES-  
SENGER UNTIL IT IS GONE

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I share the pain of the many Prince William County residents and activists who are mourning the loss of the News & Messenger.

For the first time in 143 years, the Prince William community will no longer have a daily "newspaper of record" to document the births, deaths, and daily comings and goings of life in this vibrant county of nearly half-a-million people.

A community newspaper serves many roles for its readers. It is a necessary watchdog on local government. Its pages chronicle the triumphs and defeats of a community and its citizens. Its opinion pages reflect the varied views of county residents on issues of concern. It showcases the exploits of generations of high school athletes and awards bestowed on student scholars. And it provides a portal for local businesses to advertise their wares and services and local organizations to promote their activities.

No longer will the people of Prince William have a daily newspaper they can turn to and find out what happened at the previous night's Board of Supervisors, planning commission, or school board meetings. No longer will reporters localize the actions of the Congress or the White House so their readers understand how national policies and legislation will affect the county and its citizens. And no longer will proud parents be able to clip a story or photo about their child's game-winning goal, touchdown, or homerun and paste it in a scrapbook for the next generation to enjoy.

The News & Messenger, and the Potomac News and the Manassas Journal Messenger before it, have served a vital role in Prince William County for generations. Over the decades, the paper's reporters and editors made it their business to become experts on their Prince William community, its government, and its characters. They've had the unique role of digging deep into the fabric of their community and reporting what they saw in an unfiltered manner and without interference.

Since Prince William voters elected me to Congress, I've had the pleasure of dealing with the News & Messenger and Potomac News reporters and editors on many issues, and the honor of winning the endorsement of the paper's editorial board. I can say, unequivocally, that the staff of the News and Messenger were professionals in every sense of the word and they've made lasting contributions to the community they have served.

To Keith Walker, Aleks Dolzenko, Kari Pugh, Kip Hanley, Amanda Stewart, and all of the other staff members, past and present, who gave life and breath to the News & Messenger, I say thank you for a job well done. I also wish you the best of luck in your future endeavors.

As the News & Messenger's 143-year run draws to a close, I join with Prince William residents in bidding farewell to this venerable publication. The newspaper will be missed, and most of us won't realize how much we miss it until it's gone.

IN HONOR OF MR. STEVE H.  
TAYLOR

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise in honor of Steve H. Taylor, the Director of the Cleveland Metroparks Zoo. Steve, who is also a constituent and resident of Rocky River in Ohio's 10th Congressional District, is retiring on December 4, 2012.

Steve became Director of the Zoo in January, 1989. Immediately, he worked on and completed the popular RainForest in November 1992. Since then, the Zoo has opened several major new exhibits, including Wolf Wilderness and Australian Adventure. In addition, the Zoo renovated all its food and gift facilities, built the Reinberger Education Center, and opened the \$10 million Sarah Allison Steffee Center for Zoological Medicine and the adjacent Rising Waters Safari Camp.

Steve has a passion for zoos and their conservation mission. He is active professionally and was on the Board of the Association of Zoo and Aquarium (AZA) between 1987 and 1993. He is an active member of the World Zoo and Aquarium Association. He has visited more than 210 of the 223 AZA accredited zoos and aquariums in North America, many of which were as chair of their accreditation visiting team. A California native, Steve was Director of the Sacramento Zoo, Children's Zoo Manager for the San Francisco Zoological Society, and Animal Keeper and Associate Curator at the Los Angeles Zoo before coming to Cleveland.

Since coming to Cleveland, Steve became a member of the Board of Directors of Positively Cleveland (formerly the Convention and Visitors Bureau) and is a graduate of Leadership Cleveland. Steve strongly believes in ecotourism as a way to help wildlife and wild places. Together with his wife Sarah, who is the Controller for the Cleveland Indians, he has led numerous ecotourism trips to Africa, Costa Rica, and Australia.

Mr. Speaker and colleagues, please join me in wishing Steve much success in his retirement and the next phases of his life and career.

REGARDING THE IMPACT THAT  
SEQUESTRATION AND OTHER  
BUDGET DECISIONS WOULD  
HAVE ON CHILDREN AND THEIR  
FAMILIES

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to make my colleagues aware of a letter I was recently presented from Members-elect from California who are concerned about the impact of impending budget decisions on infants, toddlers, preschoolers and their families in California and throughout the Nation. I commend our colleagues for this letter and I share their concerns.

The letter, signed by 11 Representatives-elect from California, led by Rep.-elect JULIA BROWNLEY with the support of First 5 LA highlights the impact of sequestration on children in California and urges Congress to "protect the youngest among us."

I join the Members-elect in urging Congress to champion the needs of our most vulnerable population—our children—as we consider the pending decisions regarding the budget.

The full text of letter is copied below. Signers include Representatives-elect JULIA BROWNLEY (CA-26), SCOTT PETERS (CA-52), ALAN LOWENTHAL (CA-47), RAUL RUIZ (CA-36), MARK TAKANO (CA-41), JARED HUFFMAN (CA-02), AMI BERA (CA-07), TONY CÁRDENAS (CA-29), GLORIA NEGRETE MCLEOD (CA-35), JUAN VARGAS (CA-51), AND ERIC SWALWELL (CA-15).

CONGRESS OF THE UNITED STATES,

*Washington, DC, November 28, 2012.*

U.S. HOUSE OF REPRESENTATIVES,  
U.S. SENATE.

DEAR COLLEAGUE: In January, we will take office in the 113th Congress. Joining many of you to work together to address the pressing issues facing our constituents and the nation. Today we write, in advance, to share our concern about the impact of sequestration and other budget decisions in the days ahead on infants, toddlers, preschoolers, and their families in California and throughout the nation.

According to the a report issued by Chairman of the Senate Appropriations Subcommittee on Labor, HHS, Education and Related Agencies Appropriations, allowing the automatic scheduled cuts to take effect the day before we enter into office would mean that 120,000 young children and their mothers in California will lose vital nutrition benefits through the WIC program and more than 11,900 infants, toddlers and preschoolers in the state would be without Head Start services proven to alter their life trajectory and increase the chance that they will complete college, get a good job and become productive, contributing citizens. Further, in California alone, 5,100 low-income children would lose access to child care services which their parents rely on to help them work to support their families.

Today, children under the age of 5 represent 12 percent of our national population,

but 100 percent of our future. Cuts to programs that serve this critical population are shortsighted and will result in larger costs down the line.

We stand ready to work with you as colleagues next year to tackle the challenges which face our nation—challenges which know no partisan bounds. For now, know that, as your constituents, we stand behind you with the interests of the youngest among us in mind as you deliberate the fate of our fiscal house and a burgeoning problem which should not be left to address tomorrow.

Collegially,  
Incoming First Term Members-Elect in the California Delegation—Julia Brownley, Scott Peters, Alan Lowenthal, Raul Ruiz, Mark Takano, Jared Huffman, Ami Bera, Tony Cárdenas, Gloria Negrete McLeod, Juan Vargas, Eric Swalwell.

A TRIBUTE TO MR. HECTOR  
MACLEAN

**HON. MIKE McINTYRE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 11, 2012*

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. Hector MacLean, one of the most influential leaders ever to live in my own hometown of Lumberton, North Carolina. Mr. MacLean passed away on December 7, and he will be remembered as a banker, lawyer, World War II hero, mayor, state legislator, civic leader, philanthropist, Sunday School teacher, and friend. He will be dearly missed.

Mr. MacLean was born Sept. 15, 1920, to Angus Wilton MacLean, who served as North Carolina's governor from 1925 to 1929, and Margaret French MacLean in Baltimore. Mr. MacLean grew up in Lumberton and graduated from my own alma mater, Lumberton High School, in 1937. He then went on to graduate from Davidson College with a Bachelor of Science degree in 1941.

A courageous servant to his Nation during World War II, Mr. MacLean served as a Captain in General George Patton's 3rd Army during its successful campaigns in Europe. He was honorably discharged with the rank of Major and a Bronze Star Award in recognition of meritorious service in a combat zone.

Upon returning from military service, Mr. MacLean enrolled in law school at the University of North Carolina at Chapel Hill, receiving his LLB degree in 1948. He returned to Lumberton to practice law, and his strong leadership in the community led to his being elected Mayor of Lumberton (1949–1953). He became president of the Bank of Lumberton, later called the Southern National Bank, in 1953. He also served as president of the Virginia and Carolina Southern Railroad Company.

Mr. MacLean continued as an effective leader when he was appointed to the North Carolina Senate in 1961, where he served for 10 years. During his tenure, he sponsored bills that led to Pembroke State College becoming a part of the UNC System and the establishment of the North Carolina Zoo in Asheboro. He was also instrumental in bringing Interstate 95 through Lumberton when it was originally built. In 1997, it was my honor to lead the ef-

fort to designate that portion of I-95 which is in the city limits of Lumberton as the "Hector MacLean Highway."

During his life, Mr. MacLean contributed to numerous boards and civic groups, including serving as chairman of the board for St. Andrews Presbyterian College and on the boards for Peace College and Flora MacDonald College.

Mr. MacLean has received numerous accolades for his generosity and dedication to improving the lives of others, including the UNC-Chapel Hill's Distinguished Service Award, and honorary doctor of humane letters degrees at St. Andrews Presbyterian College and UNC-Pembroke. Mr. MacLean was inducted into the N.C. Business Hall of Fame and awarded the Order of the Long Leaf Pine, our State's highest civilian honor. Mr. Speaker, during his 92 years Hector MacLean proved himself a devoted and effective public servant and a man of good character. He was a giant of a man who touched so many lives in so many ways—in church, community, and professional life.

He was also a devoted family man and dear friend. He was my neighbor growing up, and he was close friends with my mother, who was also a banker, and my father, who was a fellow Elder at our church, First Presbyterian of Lumberton. In fact, my father and I used to substitute for Mr. MacLean and teach the Lacy McKenzie Bible Class, broadcast live over local radio, in his absence when he was away on business trips. He was a mentor to me inasmuch as I sought his advice and counsel when I first contemplated running for the United States Congress.

While Mr. MacLean chaired the Bicentennial Celebration of both Lumberton and Robeson County in 1986–87, I chaired the Bicentennial Celebration of the U.S. Constitution for our county. Together, we worked on numerous projects that we presented as joint celebrations. He loved Lumberton, Robeson County, North Carolina, and our great country.

May we never forget the goodness, humility, service, and character that defined the life of Hector MacLean. May God continue to bless all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

TRIBUTE TO REPRESENTATIVE  
YVONNE KENNEDY

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BONNER. Mr. Speaker, it is with sadness that I rise to note the untimely passing of a beloved South Alabama leader who devoted her life's work to advancing the cause of education among Alabama's youth.

On December 8, 2012, the people of Mobile received the sad news that State Representative Yvonne Kennedy passed away at age 67 after a brief illness. Her family was reported to be by her side. She leaves behind a rich legacy of leadership in both the Alabama Legislature as well as in Alabama higher education.

Born on January 8, 1945, Yvonne Kennedy received her B.S. from Alabama State University, an M.A. from Morgan State University in

Baltimore, Maryland, a Ph.D. from the University of Alabama, and an Honorary Doctorate of Letters from Lane College in Jackson, Tennessee.

After completing her education she returned to Mobile to teach English at Bishop State Community College where she quickly assumed leadership roles, including assisting in the college's efforts to secure full accreditation.

First elected to the Alabama House of Representatives in a special election in 1979, Representative Kennedy served nearly 34 years in Montgomery, placing her among the most senior members of the Alabama legislature.

In the State Capitol, she was an active and influential member of the House Transportation, Utilities and Infrastructure Committee, the Economic Development and Tourism Committee (Ranking Minority Member), and the Children and Senior Advocacy Committee (Ranking Minority Member). She was also former Chairperson of the Alabama Legislative Black Caucus.

Believing that public service also involved engaging and preparing our youth for future careers, Representative Kennedy was a luminary in the Mobile education community. In 1981, she assumed the presidency of Bishop State Community College, serving until 2007. She was the first African American woman to head an Alabama state college. Under her leadership, Bishop State expanded its size from one to three campuses. She was a member of the Board of the American Association for Higher Education, and served as a Trustee of Miles College.

She gave much of her time to organizations devoted to uplifting our youth. Most notably, she served as National President of Delta Sigma Theta Sorority, a non-profit organization devoted to economic and educational development, physical and mental health, and political involvement. She was active in the Junior Miss Scholarship Foundation and served as Youth Director for the Board of Christian Education of the Southeast Alabama Conference of the CME Church. She was also Chairman of the Mobile County United Negro College Fund Campaign.

Representative Kennedy was a long-time member of the Christian Methodist Episcopal Church in Mobile.

On behalf of the people of Alabama, I offer my personal condolences to the family and many friends of Representative Kennedy. She was a good friend to many in our community where her selfless attention to the needs of our young people changed many lives for the better. She will be greatly missed.

IN RECOGNITION OF MARC A.  
CEVASCO

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise to recognize the exceptional service of Marc Cevasco, who has served with great distinction on my staff for more than seven years.

From his humble start as an intern in my Washington DC office to ultimately serving as my Chief of Staff, Marc has demonstrated an unparalleled work ethic, poise under pressure, tremendous intelligence, and the highest moral character. Over the past seven years he has held nearly every position on my staff and, regardless of the task at hand, always approached his duties with the utmost professionalism. Marc is truly one of the most effective, reliable and ethical people I have ever met. He is also indefatigable, as it was routine for him to be the first one into the office in the morning and the last one to leave at night.

As a member of my senior staff, Marc served as my primary policy advisor and directed the legislative staff. In addition, he was responsible for helping me with my top priority as a Member of Congress: ensuring the security of our country. In addition to all his other responsibilities, Marc served, brilliantly, as my staffer on national security issues, managing my work on the Defense Appropriations Subcommittee.

Marc was born in Belleville, New Jersey. His parents, Andrew and Doreen Cevasco, raised him and his sister, Alison, and his two brothers, Andrew and Kevin, in Rutherford, New Jersey. He attended St. Peter's Preparatory School in Jersey City, New Jersey and then went on to earn a Bachelor of Arts in Political Science and Philosophy from Loyola College in Baltimore, Maryland. While he worked long hours in my office, Marc made time to further advance his education, earning a Master's Degree in National Security and Strategic Studies from the United States Naval War College in 2010. Marc and his wonderful wife, Jenna Grant Cevasco, were married last June and they are expecting their first child next spring.

Prior to joining my staff, Marc served in the Jesuit Volunteer Corps in Sacramento, California. He worked at a transitional housing agency for homeless individuals who suffered with mental illness and substance abuse. Marc has not forgotten these experiences working with the overlooked and marginalized in our society and he carried the ideals of service and social justice with him to his work on Capitol Hill.

Marc has provided indispensable leadership to my staff and has been a trusted voice of counsel to me. He has my deepest respect and greatest appreciation for all of the many contributions he has made to my office and the well-being of my constituents and our country.

Mr. Speaker, I would like to formally and forever thank Marc Cevasco for his service to me, to the House of Representatives, to his home state of New Jersey, and to his country.

RECOGNIZING MR. WILLIAM SHINN

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to recognize Mr. William Shinn as he retires after 45 years in public service to the people of Contra Costa County and the City of Concord. Bill Shinn has been

known throughout the community as a man of integrity, and he has served with uncommon selflessness; we are all beneficiaries of his efforts.

Following his graduation from Mt. Diablo High School in 1959, Bill entered the United States Navy and served our country with distinction. Upon his release, he returned to Concord and joined the Contra Costa County Sheriff's Department as a Deputy Sheriff. He quickly worked his way up the ranks to Captain, managing the County Detention System and security for Superior Court judges and courthouses.

During this time, Bill earned an Associate of Arts from Diablo Valley College, a Bachelor of Arts in Sociology and Criminal Justice from Sacramento State University, and a Master of Business Administration from Golden Gate University. In addition, Bill is a graduate of the FBI National Academy. After 29 years serving the people of Contra Costa County in law enforcement, Bill retired his badge to continue engaging in community work.

In 2004, Bill was elected to the Concord City Council, beginning his third "career" in public service. He served on the County-wide Committee on Ending Homelessness and chaired the city's Redevelopment Agency, the East Bay Regional Communications System, the County Parole Commission and the Concord Human Relations Commission. Bill was re-elected to City Council in 2008 and continued work on issues important to his constituents. Bill also served as Vice Mayor as well as Mayor of the City of Concord.

As dedicated as Bill is to community service, he is equally devoted to his wonderful family. He and his wife, Gale, raised two daughters and now enjoy the company of their four grandchildren.

Mr. Speaker, I invite this chamber to join me in honoring Councilman William Shinn for his life-long service to our nation, our county and our community; and to join his family, friends and colleagues in congratulating him on a highly successful career. We wish Bill the very best as he begins a well-deserved retirement.

AMENDMENTS TO H.R. 2838, THE  
COAST GUARD AUTHORIZATION  
ACT OF 2012

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of the legislation before us today to authorize the activities of the United States Coast Guard.

While I am dismayed that the measure does not include broader provisions to authorize the Coast Guard's important homeland security missions, I am pleased that it provides a much-needed and long overdue refinement to the Transportation Worker Identification Credential program.

The Transportation Worker Identification Credential (TWIC) program, administered by the Transportation Security Administration (TSA) and Coast Guard, is focused on protecting the Nation's maritime transportation facilities and vessels by requiring workers who

need unescorted access to secure port facilities to obtain a biometric identification card.

Currently, workers must travel to TWIC enrollment centers to enroll in the program and then make a second trip to pick up and activate their approved TWICs.

This unnecessary process of requiring workers to make two trips to enrollment centers, which may be hundreds of miles from their home or workplace, has burdened American maritime and transportation workers since the program's inception in 2007.

The measure before us streamlines the program by requiring DHS to develop a process to mail TWICs to approved applicants rather than making workers return to an enrollment center to do so.

Unfortunately, however, this bill fails to fully address a number of maritime security provisions that passed in the House this Congress.

Nevertheless, on balance I support the legislation before us today and in particular the provision to streamline the TWIC process for American workers.

I urge Members to give it their support.

#### PERSONAL EXPLANATION

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent and missed roll call votes during the week of December 3, 2012. Had I been present, I would have voted "aye" on rollcall votes, 614, 615, 617, 618, 619 and "no" on rollcall vote 616.

#### HONORING THE SERVICE OF CAROLYN FOSTER TO FAIR WISCONSIN

#### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Carolyn Foster for her service to Fair Wisconsin, and by extension, all lesbian, gay, bisexual, and transgender Wisconsinites.

Fair Wisconsin is the statewide advocacy organization for LGBT individuals and families. Its mission is to advance, achieve, and protect equality for all LGBT citizens of Wisconsin. Ms. Foster joined the Fair Wisconsin staff in 2009 as the organization's accountant, at a challenging time for the organization.

She has ably assisted the organization in bringing order, stability, and consistency to its financial recordkeeping, policies, and procedures, which has made a critical difference in the overall management of the organization. She has been key to good financial management and stewardship of the organization's resources.

In the face of dealing with a terminal illness, Ms. Foster brings a strong sense of responsibility and an incredible work ethic to her work, as well as a quick wit and warm regard for her co-workers. The boards of directors and the

staff of Fair Wisconsin are in awe of her tenacity, her dedication, and conscientiousness, and her strong and positive spirit. She is an invaluable and deeply valued member of the Fair Wisconsin team.

As a founder of Fair Wisconsin, I wish to extend my deep appreciation to Carolyn Foster for her service to the organization and the cause of equality for LGBT Wisconsinites. I wish her all the best.

#### CONGRATULATING MOBILE'S UMS-WRIGHT FOR CAPTURING 4-A FOOTBALL TITLE

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BONNER. Mr. Speaker, I rise to congratulate Mobile's UMS-Wright Preparatory School for a hard-fought season and a tremendous victory to capture the Alabama High School Athletic Association's (AHSAA) 4-A football championship.

On December 7, 2012, the UMS-Wright Bulldogs (13-2) defeated the Oneonta Redskins (14-1) by a resounding 42 to 14 margin.

Reaching the pinnacle of gridiron achievement is familiar territory for the Bulldogs. UMS-Wright has appeared in the AHSAA state championship game on seven different occasions, winning six ('87, '01, '02, '05, '08, '12).

UMS-Wright has more division 4-A state titles than any other school in Alabama and Head Coach and Athletic Director Terry Curtis shares the AHSAA record for most state title victories held by a single coach at five. Over his 13-year tenure, Coach Curtis has amassed a record of 155 and 38.

The 2012 UMS-Wright seniors had never been to the Super 6 championship game. With four years having passed since the last trip, this trip also marked the first time for any at the school, coaches included, to have the opportunity to play on the home field of the Auburn Tigers. The Super 6 was previously held at Birmingham's Legion Field, but, like the celebrated college Iron Bowl, the game venue now rotates between Tuscaloosa's Bryant-Denny and Auburn's Jordan-Hare stadium. What a truly amazing experience it must be for these young men to play on the same field they often watch in awe on any given fall football Saturday.

The championship game was a thrilling contest that ultimately proved the superiority of the Bulldogs over the top-ranked Redskins. Seconds before the half, UMS-Wright Safety Sam Pettway forced a fumble on the Bulldog three yard line that resulted in a touchback. A touchdown would have evened the game at 21. In the third quarter, after a couple of stalled drives by both squads and coming on 3rd and 32, QB Gunner Roach completed a 33 yard strike to T.J. Dixon in the back of the end zone, making the score 28 to 14. Dixon finished the day with five catches for 86 yards and a touchdown. Sophomore RB Troy Dixon was named Class 5A MVP. He ran for 232 yards on 23 carries and scored three times. UMS-Wright stopped Oneonta twice on fourth down, recovered three fumbles and picked off a pair of passes.

Congratulations to Head Coach Terry Curtis, Assistant Coaches Brett Boutwell, Brandon Dean, Richard Ellisor, Gerald Jones, and Jim Sudeiha, and to the Bulldogs, Troy Dixon, Tyrone Dixon, Charles Philips, George Williams, Kendrell Perine, Richard Pipkins, Sam Pettway, Christian Pearsall, Bobby Guthans, Tanner Allen, Robert Beard, Douglas Barber, Easton Russ, Gunner Roach, John Watts, Gordan Stimpson, D'andre Smith, Allen Ladd, Jack White, Timothy Shaw, Jaylon Jones, Hunter Lanier, Champ White, Johnathan Thornton, Jawon McDowell, Benjamin Radcliff, Henry Vanhaneghan, John Pipes, Dex Harvey, Cutter Stimpson, Kemper Sarrett, Thomas Harmon, Walker Chandler, Thomas Taylor, Tucker Powell, Christopher Majure, Kyle Pugh, Cory Fillingim, Nelson Lyons, Christopher Quinnelly, Forbes Sirmon, Kahlil Traywick, Bobby Weinacker, Landon Powell, Christian Hollinghead, Brett Patterson, Glen Barlow, Charles Roush, Andrew Howell, Tyler Guesnard, Gus Addison, Jacob Hurdle, Jack Blankenship, Thomas Iturbe, John Mostellar, Garrett Hollinghead, Charlie Hon, Timothy Squires, Blakely Addison, Hayden Williams, Will Baynes, Andrew Bradley, Ethan Jones, Marvin Mostellar, Emerson Majure, Trenton Fowler, Breland Meador, and Chauncey Callier.

#### IN RECOGNITION OF SHARON A. BARKELOO

#### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. MICA. Mr. Speaker, it is my honor to recognize Sharon A. Barkeloo upon her retirement.

Sharon has provided outstanding professional service as a member of the House Committee on Transportation and Infrastructure staff since 1999, serving each of the past four Chairmen in a bipartisan manner.

During this time, her expertise in budget issues has been instrumental to achieving the Committee's goals, especially with regard to the budgetary treatment of the transportation trust funds. In addition to her Full Committee assignments, Sharon also served on the Subcommittee on Aviation staff during my chairmanship of that Subcommittee, assisting in the development of the nation's legislative response to the terrorist attacks of September 11, 2001, as well as other aviation legislation. Sharon is one of the most talented and knowledgeable people in the United States when it comes to navigating the complicated and cumbersome federal transportation budgeting processes. I know I speak for several of my colleagues when I say that we will miss her expertise, her guidance, her counsel and her smiling face.

Prior to her tenure with the Committee, Sharon also served for eight years in the Office of Management and Budget's Transportation Branch, and four years with the Department of Justice Budget Staff.

I thank Sharon for her assistance to me and our Committee, her commitment to good government, and her professional work over the



past 25 years. I know her parents, Ed and Mary Ellen Barkeloo, are very proud of Sharon, as are we all, and I wish her every future success as she retires from Federal service and returns to her home State of Ohio.

A TRIBUTE TO MR. WALLACE  
LEINWAND

**HON. MIKE MCINTYRE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. Wallace Leinwand, of Elizabethtown, North Carolina, for his commitment and service to his community. Mr. Leinwand was a public servant, community businessman, devoted family man and a dear friend to me and my family. Mr. Leinwand passed away on December 6, 2012, and he will be dearly missed by all who knew him.

Mr. Leinwand was born in Branchtown, South Carolina, but moved to Elizabethtown,

North Carolina at the age of 13. He served in the United States Air Force from 1943–1946, when he was honorably discharged as a Sergeant. He then returned to Elizabethtown to aid his father in running the family business, Leinwand's, which he would in turn come to own, and which is now the oldest continuous business in Elizabethtown after 77 years in operation.

Yet, Mr. Leinwand served as more than just a business owner to the people of Bladen County. Driven by love for his community and its people, he served as Mayor Pro-Tempore, and later, Mayor of Elizabethtown, President of Elizabethtown Rotary Club and Elizabethtown Jaycees, Chairman of the East Bladen High School Advisory Council, and as a member of the Board of Directors of Wachovia Bank. His contributions to these and numerous other civic organizations demonstrate his lifelong pride in his community.

Mr. Leinwand was also an avid supporter of Bladen County athletics. In addition to his work as a founding organizer of the Elizabethtown Little League, he was also a chief boost-

er for the athletics programs of Elizabethtown High School, Bladen Central High School, East Bladen High School, and middle school sports.

Mr. Speaker, may we never forget the goodness, humility, service, and character that defined the life of Wallace Leinwand. His record of community and civic service will long be a legacy that will benefit all of the citizens of Elizabethtown and Bladen County. I know that his personal friendship with my father and their work together in the North Carolina Jaycees established a relationship with his family that has continued to bless my family now for three generations, and I'm sure will continue into the future. In fact, his son, Ricky Leinwand, who now runs the family business and serves on the Town Council of Elizabethtown, has continued his father's legacy of a very special friendship with my family.

May God continue to bless Mr. Leinwand's beloved wife, Shirley, all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

## SENATE—Wednesday, December 12, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You provide for us light and salvation; whom shall we fear? You provide strength for our lives; of whom shall we be afraid?

Provide our lawmakers this day boundless energy to accomplish Your purposes. Lift them over the hurdles of fear and panic as You energize them with kindness, peace, and patience. Lord, astound them with the many ways You can help them find solutions to the problems that beset our land. Help them to consider any indecision that may bring catastrophic consequences. May the tone and tenor of their words and deeds this day build bridges of cooperation for the good of our Nation and world.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 12, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business until 2 p.m. today. The Republicans will control the first 30 minutes and the majority the final 30 minutes.

The time from 11:30 until 2 p.m. will be for remarks by our retiring Senators.

Following morning business, we will resume consideration of S. 3637, the TAG extension legislation. The filing deadline for first-degree amendments to that legislation is 1 p.m. today.

### FISCAL CLIFF

Mr. REID. Madam President, the headline news for the last many weeks has been the fiscal cliff. In speaking to the President 6 months before the election, a few weeks before the election, a few days before the election and immediately after the election, he indicated we needed to get our financial house in order, and that his goal—to do just that.

But to do that, and because of past experiences, he laid out what he wanted, and it is very simple: The rates for those who have been blessed with economic security in this country will have to be a little higher and middle-class Americans will keep the same tax structure they have had for the last many years. He will not raise taxes on the middle class, but those people who have done well will have to pay a little bit more. The American people think this is the way it should be.

Now just a little bit of history. I have said this before, but I will go into a little more detail today. When I first became the leader, I took a trip with a number of Senators to South America, countries that we American Senators had never been to, such as Bolivia. It was a wonderful trip. It was great for our country and good for the Senators to learn more about that most important part of the world to America.

I was very fixed on who I wanted to go on that trip with me, but the two I asked to go were Judd Gregg of New Hampshire, who had been chairman of the Budget Committee, and KENT CONRAD, who was the chairman of the Budget Committee at the time. Those two fine Senators spent about 18 hours seated side by side, both having tablets to write on, and they were working on the No. 1 issue they thought important for this country, which was what we should do about the future of our country economically. They came up with an idea that was very good. It had worked before on closing military bases.

We had military bases that we had been trying to close since World War I, and we couldn't do it. We didn't have the political will to do it. So we had a base closing commission. With the base closing commission we said: OK, we are going to have a commission that will work on this and they will report back to us. There will be no filibusters, no amendments, just an up-or-down vote. We did that. We had two rounds of those, and we closed scores of bases and saved the country hundreds of billions of dollars.

That is what Judd Gregg and KENT CONRAD patterned their legislation on. They would have an appointed commission that would report back to us, no amendments, no filibusters. I thought it was novel, a great idea. So the legislation was drafted and I brought it to the Senate floor. Seven Republicans who had cosponsored the legislation wouldn't vote for it. We couldn't get 60 votes to bring it to the floor. So a number of us asked President Obama if he would do a commission and he did. It was the Bowles-Simpson Commission.

The Bowles-Simpson Commission didn't have the potential the Judd Gregg-Kent Conrad work had, because although they would send us something here, we could amend it and filibuster it. But we didn't have to worry about that, because we couldn't get enough votes from the commissioners to do that. So that was a failure.

Then President Obama entered into negotiations with the Speaker and they had talks that went on for weeks. They failed. They had another round of talks. That failed. JOE BIDEN, our Vice President, met with the majority leader of the House of Representatives, the Republican ERIC CANTOR. CANTOR walked out of those meetings.

After all that, there was an agreement made here that we would have a supercommittee. It would work under the same terms and conditions as the program Judd Gregg and KENT CONRAD came up with. The supercommittee would have 3 members appointed by me, Senator MCCONNELL, the Speaker, and Leader PELOSI—12 in all. Then we would bring their work to the floor, with no amendments, no filibusters. About a week before they were ready—they had to report by statute—I got a letter signed by virtually every Republican Senator saying: No revenue.

So the President is not going to fall for that again. Because every time we have done this—and I just went over what has happened, and we can add to that the Gang of Six, the Gang of Eight, and other well-intentioned Senators—never, ever could they agree on

revenue. So the President is not going to fall for that again. He is not going to do that again.

It is as though we are going to have a card game and they say, you show us all your cards and then we will show you ours. But when it comes time to show the cards of the person you are playing against—nope. It reminds me of the “Charlie Brown” cartoon. How many times is Charlie Brown going to try to kick that football? Because we know every time he approaches that football it will be taken away from him. He can’t do it. That is what has happened here, and we are not going to fall for that again.

The American people aren’t going to be under the illusion the Republicans will, sometime in the future, come up with revenue. They are either going to agree to raising the rates or we are going over the cliff. How many times do we have to go through this drill to know it is an unfair game? So President Obama is not going to fall for that again. He has been very, very clear.

I heard Leader PELOSI say on the news this morning she has hopes Speaker BOEHNER will come around. I hope that, in fact, is the case. But to this point there hasn’t been a lot of progress, and I am very disappointed.

#### TRIBUTES TO DEPARTING SENATORS

JOE LIEBERMAN

Mr. REID. Madam President, I want to talk this morning about JOE LIEBERMAN.

The very modest apartment, with no hot water, where JOSEPH LIEBERMAN was raised has long since been demolished, but the values he learned in that little apartment—in the flat above his grandparents’ house—are still there. They are the same values of devotion and public service that have driven him not only to overcome humble beginnings but to serve the country for 24 years here in the U.S. Senate.

Two years ago, on the day he announced his retirement from the Senate, JOE LIEBERMAN described his rise from cold-water flat to Congress as follows:

My four grandparents . . . came to America seeking freedom and they found it. They came to America hoping for opportunities and they got them. But even they could not have dreamed that their grandson would end up a U.S. Senator.

JOE was always a natural-born leader. He was president of his high school graduating class. He got undergraduate and law degrees from Yale—one of the most prestigious universities in the world—where he was chairman of the Yale Daily News.

He was a civil rights activist early on as a young man. He was inspired, as many of us were, by the words of John Kennedy. JOE defeated an incumbent to win a seat in the Connecticut State

Senate, where he served for 10 years, including 6 as the majority leader of the Connecticut State Legislature.

After returning to private practice for 2 years, he served as the first full-time Connecticut attorney general. It was during his years as attorney general that he met the love of his life, Hadassah. Today, they have 4 children and 12 grandchildren.

In 1988, he again took on one of the giants of politics in the State of Connecticut in a race no one thought he could win, but he did. He defeated an incumbent U.S. Senator, and for the last 24 years he has served the people of Connecticut and this country with honor and distinction.

I was pleased to have had an opportunity to support Senator LIEBERMAN’s historic candidacy for Vice President in 2000. JOE was the first Jewish major party candidate for Vice President.

Senator LIEBERMAN is a devout and observant Jew. He has even written a book about the importance of keeping the Sabbath as a day of rest. I read the book. I was so impressed with that book. Our Sabbaths may be on different days, but the solemnity of the Sabbath is important to both of us. I was so impressed by that book I bought 20 of them and sent them to my friends and my family, who I thought would gain a great deal by learning from this book that JOE had written.

JOE LIEBERMAN says his faith is the basis for his strong desire to serve the State of Connecticut and our country. During his four terms representing Connecticut in the Senate, JOE LIEBERMAN played a key role in drafting and passing many different pieces of legislation, including the 1990 Clean Air Act amendments, which have literally saved lives by eliminating harmful smog, acid rain, and other toxins in our air and water. He has been chairman of the very important Homeland Security and Governmental Affairs Committee. He is a powerful voice on security issues, and he has been exemplary in working on a bipartisan basis with Senator SUSAN COLLINS, who has been the ranking member of that committee.

JOE led the charge to create the 9/11 commission and to implement its recommendations. He was a leading voice for the creation of that department, Homeland Security, which we now look to for keeping this country safe.

As a member of the Senate Armed Services Committee, Senator LIEBERMAN was a strong advocate for repeal of the discriminatory don’t ask, don’t tell policy that unjustly forced gay and lesbian servicemembers into the closet. He fought to ensure our military is the best prepared and best equipped fighting force in the world. We have much in common. We don’t always agree on policy issues, but we do 90 percent of the time. Regardless of the few differences we have, I have never, ever

doubted JOE LIEBERMAN’s principles or his patriotism, and I respect his independent streak as it stems from strong convictions. JOE said it best himself:

I have not always fit comfortably into conventional political boxes. Maybe you’ve noticed that. Democrat, Republican, liberal, conservative. Because I’ve always thought my first responsibility is not to serve a political party, but to serve my constituents, my state and my country. . . . Whatever the partisan or policy differences that divide us, they are much less important than the shared values and dreams that unite us.

I have watched up close. He has been a wonderful Member of the Democratic caucus. I so admire and respect him. I agree with Senator LIEBERMAN’s values. He has been an asset to the Democratic caucus and our country. I am pleased to have shared the dream of serving in the Senate with such an extraordinary man and exceptional Senator. I congratulate JOE and Hadassah on their years of dedicated service because they have worked together. I wish them both happiness.

The ACTING PRESIDENT *pro tempore*. The Republican leader.

#### THE FISCAL CLIFF

Mr. MCCONNELL. Madam President, yesterday I came to the floor to point out something that shouldn’t need repeating but does: Any agreement on debt and deficit reduction has to include cuts on government spending.

The reason I shouldn’t have to repeat this is because the President himself has been running around the country for 2 years saying any agreement has to be balanced—meaning both revenue and cuts. This was the message he ran on, and it also happens to be one that the overwhelming majority of Americans actually support, especially the part about cuts, which more than three-fourths say they support. If you heard some of the wasteful projects I detailed yesterday, you would see why.

I don’t think there is a single person outside of Washington who doesn’t think we waste massive amounts of money in this town and who doesn’t wonder why it is so hard for us to agree to cut back. Yet now, with the election behind him, President Obama is suddenly silent on the need for spending cuts. He keeps talking about balance. That polls well, but when it comes to specific cuts he is largely silent. All of a sudden it is all tax hikes all the time. Forget balance. Just raise taxes and spend even more.

The President and his allies have taken so many things off the table, the only thing left is the varnish. The President now seems to think, after his reelection, if all he talks about is the need for tax hikes and that is all reporters write about, we will all magically forget the part about needing balance. It is a classic bait-and-switch, and we are seeing new versions of it nearly every day now.

Democrats campaigned for 2 years saying we needed to take a balanced approach to our problems. Yet now that the President has been reelected, they are walking back, and the only thing left are the taxes. What the President should be doing after his reelection is bringing people together and showing that he has the desire and the ability to lead the two parties to an agreement that is good for the economy and good for the country.

So far, at least, he has chosen a different path—a path aimed at pleasing the most partisan elements of his base. A month after his reelection and weeks before the fiscal cliff, he would still rather campaign than cooperate. We will find out this week if he has the will to change paths and get something done or just double down on the campaigning.

Look, the election is over. The President may enjoy these political rallies, but it is time to get serious. The American people are gravely concerned about the Nation's future. They are counting on us to prevent the kind of crisis that we have seen unfolding all across Europe.

Republicans have engaged in these discussions in good faith. We have agreed to make tough choices. The question is, Where is the President? Where is the President? Where is the only man in the country who can make it happen?

Well, it appears that with just a couple weeks left to resolve this crisis, he is busy moving the goal posts. Instead of leading as he was elected to do, he is out campaigning and playing games with the Nation's future.

So my sincere plea this morning is that the President get serious; that he put the campaign behind him and lead. If he does, he will have willing partners. The first sign is seriousness—seriousness about spending cuts.

OLYMPIA SNOWE

Madam President, yesterday I began the difficult task of saying an early good-bye to now six Members of our conference who will be leaving the Senate at the end of the year. This morning I would like to say a few words about my friend and longtime colleague, Senator SNOWE.

She has devoted the last 40 years of her life to serving the people of Maine. It has been an honor to work alongside this remarkable woman for the last 18 years and to see up close her tenacity and tough-mindedness in the service of her constituents. Some have described Senator SNOWE's advocacy for Mainers as ferocious, and I think there are few better examples of that than the fight she waged on behalf of Maine after the BRAC recommendations of 2005.

When the list of targeted facilities came out, Senator SNOWE mounted what has been described as a relentless months-long campaign akin to a defense at a trial. She marshaled all the

data and the best arguments. When decision day finally arrived, not only were two of the three Maine facilities told to remain open, one of them was actually expanded. It is stories such as this that help explain why OLYMPIA's constituents keep sending her back to Washington by such wide margins and why so many were shocked to hear that she would be leaving at the end of the year.

As one shipyard worker in Portsmouth whose job she helped save put it:

We love her, and she loves us. [And] I can't recall ever saying that publicly about a U.S. Senator, but truly she's such a wonderful person.

As Senator SNOWE will tell you, many of her political views solidified during her modest Maine upbringing. Her parents ran a diner near Augusta. While they didn't have much, her father was adamant she receive a good education. So much so that he was dismayed to learn her kindergarten only lasted half the day. "He was convinced," she once said, "that I was getting off on the wrong foot."

It was at school that OLYMPIA first discovered her passion for politics. At St. Basil's Academy, a Greek Orthodox girls' school she attended until she was 15, she won her first election—as dorm president. She later graduated from Edward Little High School in Auburn, ME, and subsequently attended the University of Maine where, in 1969, she earned a degree in political science. It was also in college that she met Peter SNOWE. Peter shared OLYMPIA's passion for politics. They married shortly after graduation. In 1972, Peter was elected to the State legislature, while OLYMPIA went to work as a legislative staffer for Maine Congressman Bill Cohen.

The young couple seemed well on their way to building a life together, but in 1973, in the midst of a winter snowstorm, tragedy struck. Peter was killed in a car crash, and at a still young age OLYMPIA was left to build a life for herself.

What could have marked the end of her political aspirations became a new beginning instead. As OLYMPIA once put it, she resolved to "make a positive out of a terrible negative." She ran for office in the special election held to fill her late husband's seat, and she won. It was the start of a long and distinguished career in public service.

OLYMPIA was subsequently reelected to the Maine House in 1974 and elected to the Maine Senate in 1976. In 1978, when Bill Cohen, her friend and former boss, ran for the U.S. Senate, she ran for his seat in the House of Representatives and won again.

At the age of 31, she was at the time the youngest Republican woman ever elected to Congress and 1 of just 16 women in the House. OLYMPIA served eight terms in the House. She was a member of the House Budget Com-

mittee, the House Foreign Affairs Committee, and the former House Select Committee on Aging. Working with an Arizona lawyer named JON KYL and a Mississippi whip named Trent Lott, she helped turn minority Republicans into a potent legislative force, ensuring some of the biggest legislative victories of the Reagan era.

It was while serving in the House that OLYMPIA met Jock McKernan, who was a rising political star in his own right. Elected as Maine's second Congressman in 1982, Jock served alongside OLYMPIA in the House and was later elected Governor of Maine. The two were married in 1989, and they have been a great team since. As OLYMPIA puts it:

I have a wonderful partner in life. We've been able to ride the waves together.

When George Mitchell announced his retirement in 1994, OLYMPIA threw her hat into the ring and won by a landslide with 60 percent of the vote against her opponent's 36 percent and carrying every county in the State. Believe it or not, it was the smallest margin of victory she has enjoyed in three Senate races. With this victory, OLYMPIA became the only woman in history to serve in both houses of her State legislature and both Houses of Congress.

In the Senate, OLYMPIA has worked tirelessly as a member of the Finance Committee, the Armed Services Committee, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and as chair of the Committee on Small Business and Entrepreneurship.

A lot of people like to focus on OLYMPIA's independent streak, but my experience is that she herself has always cared most deeply about the people of Maine. She has gone through great efforts over the years to talk to her constituents directly. She once said:

I've made main street tours across this state a hallmark of my tenure in public office. They are like my secret poll.

It is through these tours that OLYMPIA decides which problems to fix—whether it was storm relief after the 1998 ice storm, the fight I already mentioned to keep Maine's military facilities open, or reauthorization of the Northeast Dairy Compact on behalf of Maine's dairy farmers.

Of course, this isn't to downplay OLYMPIA's penchant for independence or for joining gangs. Senator SNOWE's maternal grandparents immigrated to the United States from Sparta, which may help explain her fighting spirit. Just like the Spartan King Leonidas, she has never been afraid of a fight—even with members of her own party.

She headed the Centrist Coalition with Senator Breaux. She cochaired the Common Ground Coalition with Senator LANDRIEU. In 1999 she was one of five Republicans to vote to acquit President Clinton of both articles of

impeachment. And in 2005 she joined the bipartisan Gang of 14, which helped defuse an earlier dispute about threats to change the Senate rules.

Yet what many fail to mention is that despite her vaunted independence, OLYMPIA has always been a very proud Republican. She recently said:

We believe as Republicans that the individual is more important than the state. We believe that the great days of our past can be a stepping stone to an even greater future. We believe a job is preferential to a handout and independence is better than dependence. We believe that the private sector is more productive than big government will ever be.

When it comes to a balanced budget—a top priority for the party—Senator SNOWE has been a true leader. She has been a long-time supporter of a balanced budget amendment. As far back as 1993, when she was still serving in the House, she was one of four initial sponsors of the legislation that would have mandated a balanced budget. One of her first acts as a Senator was to deliver a speech before a Senate committee in support of a balanced budget amendment.

OLYMPIA's many accomplishments have attracted broad notice outside of Washington. In 2004 *Forbes* named her "one of 100 most powerful women in the world," rating her even more influential than J.K. Rowling or Oprah. In 2006 *Time* named her one of the "ten best senators," noting that she is "in the center of every policy debate in Washington."

I do not think anything compares with the honor that was bestowed on Senator SNOWE by the townspeople of Bethel, ME, who, in 1999, created the "Olympia SnowWoman," a 122-foot tall snowman that still ranks as the tallest snowman—or woman—ever built. It required 13 million pounds of snow, took more than 1 month to build, wore a 100-foot-long scarf, had two entire 27-foot evergreen trees for arms, and required 16 pairs of skis for eyelashes.

"It's just my luck," Senator SNOWE said of the monument, "I'd have a world record breaking monument named after me, and it will be gone by summer."

OLYMPIA, you have had a truly remarkable career. We thank you for your service to this Chamber and most especially to the people of the great State of Maine. We wish you all the best in the next phase of your life and, as you think of what to put in your memoir, I would only ask one thing: Please, go easy on us.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under previous order, the Senate

will be in a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

Mr. BROWN of Massachusetts. Madam President, I commend the minority leader for his nice tribute to Senator SNOWE.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

#### FAREWELL TO THE SENATE

Mr. BROWN of Massachusetts. Madam President, I rise to give my closing floor speech for this session of the Senate.

From the date of my swearing in on February 4, 2010, until the last day I serve in this great Chamber, which is 1 month shy of 3 years serving, I still say and believe that, aside from my marriage to my wife Gail of 26 years and the birth of my two children, Ayla and Arianna, serving in the greatest deliberative body for the Commonwealth of the Massachusetts, in the people's seat, has been the greatest honor I ever had in my life. I thank the people of Massachusetts for that opportunity. To think that someone such as myself, whose parents were married and divorced 4 times each, who lived in 17 houses by the time he was 18 and was subjected to various forms of abuse growing up, still has the honor to serve in one of the greatest deliberative bodies, as I said, in the world is something I will not soon forget.

To the young people sitting here and who may be watching, take it from me that in this country, even when it seems that you are fighting against all odds, anything is possible for you. There are no obstacles that cannot be overcome so do not give up and always follow your dreams.

As I have said before, people have no business in politics unless they respect the judgment of the voters. If you run for office, you have to be able to take victory or defeat in a gracious manner. I do respect the judgment of the voters. I accept their decision in this election with the same attitude and sense of appreciation I held when I arrived in this Chamber almost 3 years ago.

When I was sworn in, I was the 1,914th Senator accepting the oath of office by signing the book right up at the clerk's table. There were many Senators who served before me and there will be many Senators who serve after my service is over. That my name is listed amongst them is very humbling.

To all the people of Massachusetts, I greatly appreciate the confidence you placed in me for the past 3 years in allowing me to represent them in the Senate. To my colleagues, I thank them for the courtesy and friendship

they afforded me during my time here. When I arrived, I promised I would read the bills, see how they affected Massachusetts, see how they affected our country, our debt and our deficit and I would vote in an independent manner based on the merits of that issue rather than political partisan politics. I am proud I did keep that promise to be independent. I am proud my voting record has identified me as the second most bipartisan Senator in the Senate, as referenced by Congressional Quarterly, and that I was named as the least partisan Senator in the Senate by Washingtonian magazine.

It was that independent and bipartisan approach that provided me with an opportunity to stand with the President at the White House on three separate occasions in the past 2 years to see bills I had either sponsored or played a key role in securing their passage signed into law. I was honored to work with my colleagues—many who are here today and many who are listening—on both sides of the aisle on legislation that was signed into law to move our country forward, including the STOCK Act to ban insider trading by Members of Congress—I know the Presiding Officer played a key role in that as well—the hire a hero veterans bill to help our veterans who are fighting for jobs actually have opportunities to be hired by employers who are looking for those heroes; the crowdfunding legislation which will help young entrepreneurs get access to new capital and create jobs, something I hope the SEC will immediately come up with a rule on so these people can start creating jobs and raising money; legislation to reform Wall Street, where I was the deciding vote to strengthen our country's financial system; legislation to eliminate an onerous 3-percent withholding tax; eliminating a stealth tax that would have affected government contractors—that is also gone; legislation to ensure our fallen heroes receive the dignity and respect they deserve at the Arlington National Cemetery, that is something now that is also fixed; and many other congressional actions that have made a difference not only in Massachusetts but in this great country. These are all shared successes, and I was proud to be part of each and every one of them.

I have always said in order to do our business as our country's leaders we must do our work in a bipartisan, bicameral manner to ensure the actions taken by Congress benefit all Americans, not just those of one political party or one political ideology. During my time here and now as I am leaving, I have been and still am deeply concerned about the lack of bipartisan efforts to solve our country's most pressing economic challenges and in turn move our country forward. Many times political party and personal gain is put before the needs of our country. I know

we can do it better. The American people expect us to do it better. As I leave, I challenge the leadership on both sides of the aisle to make the process more open and transparent. I challenge Members to work with each other in a more open and honest manner, and I challenge the President and the congressional leadership to also work together immediately to address the concerns and needs of our country because, after all, we are Americans first and our country deserves better.

In closing, I see my staff here. Many of them were here from the beginning. They came from applicants, over 4,000, for a very select few jobs. I thank Vanessa Sindors, my chief of staff, and each and every one of the staff for the amazing work they have done in very interesting times. To come here as the 41st or the 60th Senator and have the media scrutiny and all the commentary from every special interest group around the country, in the middle of a Senate that was gridlocked—to come here and have an opportunity to make a difference and do it well without making any mistakes is something I think benefited Massachusetts but also benefited this great country. It allowed for the debate to resume once again to eliminate a supermajority so one side could ram through things in which the other side had no play or no involvement.

That is not what our country is about. That is not what this Chamber is about. We deserve better. The people of Massachusetts and the people of this country deserve better. They deserve to have their voices heard. Every person in this Chamber has one vote. To think that one side or the other, depending on who is in charge, is going to stifle that one Senator, from whatever part of the country, not to let him or her have their moment to express their views on something that is important to them and their constituency, to shut that off and put your thumb on it is not the way we should be doing it.

I am deeply concerned about any changes in the rules that are being proposed to eliminate the ability for both sides to do battle in a thoughtful, respectful manner. If you see the movie "Lincoln," you see that even back then they were battling most of the time to convince each other to go one way or the other. Since when has it been a problem to have vibrant debate in the Senate, in this great Chamber? Since when? What is everybody scared about? I don't understand that. I am hopeful the leaders will come together and recognize we need to have that vibrant debate. That is what makes this Chamber unique among any other form of government around the world. To take that away and limit it I think is a big mistake.

I wish to say thank you, obviously, to the people of Massachusetts for entrusting me to sit in the people's seat

for the past 3 years. I thank my colleagues who are here, with whom I have had some great friendships and opportunities to work together. As I said many times before, victory and defeat is temporary depending on what happens and where we go. All of us, obviously, may meet again, but I am looking forward to continuing on with those friendships, continuing on working with my staff.

I thank you for this opportunity to speak.

Mr. CONRAD. Mr. President, I rise today to honor my colleague, Senator SCOTT BROWN, who will leave the Senate at the conclusion of the 112th Congress. Senator BROWN won a special election in 2010 to fill the seat of the late Senator Edward Kennedy, but his service to the State of Massachusetts began many years ago.

Senator BROWN began his career in public service in 1992, working as a real estate assessor for the town of Wrentham, MA. In 1998, he was elected to the Massachusetts House. Six years later, he was elected to the State senate, where he was known as a strong advocate for veterans issues. As a State senator, he championed legislation that created a check-off box on State income tax forms for veterans to indicate service in Iraq or Afghanistan so that they could be efficiently notified of benefits.

His work on behalf of veterans is not surprising considering Senator BROWN has proudly served in the Army National Guard since enlisting at age 19 when he attended college at Tufts University. Once elected to the U.S. Senate, his commitment to military and veterans issues continued as he served on the Homeland Security & Governmental Affairs, Armed Services, and the Veteran's Affairs Committees.

Although his time in the Senate was short, Senator BROWN advanced several initiatives, including several that assist servicemembers and their families. He successfully included a provision in the 2012 National Defense Authorization Act, which made certain that members of the National Guard and their families receive a fair housing allowance when deployed overseas. Senator BROWN also worked across the aisle on legislation that demonstrated his commitment to our troops. He fought to provide greater oversight at Arlington National Cemetery, ensuring proper burials of America's fallen heroes and secured a provision to create the Office of Service Member Affairs at the Consumer Financial Protection Bureau to help returning servicemembers avoid financial fraud.

The hard work and dedication that Senator BROWN has shown during his years of public service will surely bring him continued success in the future. I thank Senator BROWN for his service in the Senate and wish him the best.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MIDDLE-CLASS TAX RATES

Mr. DURBIN. Madam President, the House of Representatives is back, and we welcome them. It is good to have them back in business in Washington. I hope the first order of business this week is to pass a bill that we enacted in July of this year which would protect 98 percent of American families from any increase in income taxes because of the fiscal cliff. I hope both Democrats and Republicans in the House agree these working families don't need a tax increase. Those who should pay an additional amount are those in the highest income categories. That is what President Obama said.

When we voted in the Senate, we said those families making \$250,000 or less should have no increase in income tax. I appeal to Speaker BOEHNER—before he takes another recess in the House—please call this measure and pass it. It will give peace of mind to literally millions of American families who are wondering what is going to happen January 1. These are many families who struggle from paycheck to paycheck. I have several letters.

From Lansing, IL, Linda wrote:

Please vote to keep middle class taxes from rising. \$2,000 will help me to keep food on the table and gas in my car. It could even help me help someone else. Please vote for the middle class.

I will.

This letter is from Jeremy in Princeville, IL:

I am reaching out to you to ask you to continue to push for extensions of middle class tax cuts. We are a family of four making one hundred thousand annually. A two thousand dollar increase will hurt our family in many ways. Our family is trying to better ourselves but a \$2,000 tax increase will hurt our bottom line and the chances of enhancing our children's lives.

Joan from Naperville writes:

Very high earners should pay more in taxes. And as a former small business owner, I know this will not hurt small businesses—very, very few of us make over \$250,000 a year . . . I know the gap between the rich and everyone is the greatest it's been since the Gilded Age. Smart, brave politicians helped give the middle class a chance—and we need that from you now.

She wrote that to my office. I support her, and I think she and the President are right. I am waiting for Speaker BOEHNER to finally break out of this

back-and-forth as to whether the wealthy in America should pay a little bit more in taxes. For goodness' sake, that is obvious to everybody in America but the Speaker.

Mr. Speaker, get back to Ohio and ask some of those families about whether middle-income families should pay higher taxes come January 1. The answer is clear: They should not. It is within the power of Speaker BOEHNER to bring to the floor of the House today a measure that passed the Senate in July that will protect families making \$250,000 a year or less.

What I hear from the Speaker is, We won't protect middle-income families until you agree to raise the eligibility age for Medicare.

I have said to all who have asked, I believe in entitlement reform. I believe Medicare going broke in 12 years is a serious challenge to all of us, but I am loathe to see us make a policy change in Medicare in the closing days of this month that we have to live with and cannot explain.

Here is the part we cannot explain: If we increase the eligibility age for Medicare from 65 to 67, what is a person to do who retires at 63 or 64 with a medical condition? Where are they going to go for health insurance, the insurance exchanges created by health care reform? Remember the Republicans and their blood oath to kill that the first chance they got? Is that going to be the only rescue, the only option for a senior waiting for Medicare eligibility? Are the Republicans prepared to say they will now stand behind the insurance exchanges and make sure there is an affordable, accessible health insurance plan that covers seniors until they are Medicare eligible? That is the key question. Until they answer that, I basically think the proposal of raising that Medicare retirement age is one that cannot be supported in good conscience.

Let's get down to business. Let's protect the middle-income families in America. Let's do it now. Let's do it before January 1. Let's make sure they have the confidence of knowing their income taxes are not going up. One person has the power to do it, and that is Speaker JOHN BOEHNER. If he calls the bill that passed the Senate, as he is being urged to even by Members of his own party, we can give a good holiday gift—if not a gift, at least a holiday reference—to families all across America who are looking for some help not only in this holiday season but beyond.

#### VOTING RIGHTS

Mr. DURBIN. Madam President, after a prolonged debate, a lot of television commercials, robo-calls, and literally tons of political literature, the 2012 campaign is finally over. America can breathe a sigh of political relief. When it was all said and done, more than 120 million Americans participated.

As we know, the American people have returned a divided government to Washington. We have a Democratic Senate with an increased majority, a Democratic President, and a Republican House of Representatives. Yet by a margin of 3.4 million popular votes and 126 electoral votes, President Obama was reelected.

Now that the dust has settled, we begin the time-honored tradition of inaugurating the President, swearing in new Members of Congress, and beginning a new session. The peaceful transfer of power and start of a new legislative session are what we are all about in a democracy. We don't anticipate any new obstacles with new Members of Congress assuming power. However, we can't say the same about many citizens who tried to vote in this election. Unfortunately, we know there were far too many voters who ran into obstacles and obstruction and unreasonable delays at the polls.

In his address to the Nation on the night of the election, President Obama said: "We have to fix that." He is right. As we move forward, we must look back and thoroughly examine the problems so many Americans have encountered when they tried to exercise their legal, constitutional right to vote. Many of these problems were traceable to new voting laws enacted by Republican-controlled legislatures across the country who were trying to make it harder for Americans to vote.

The ALEC, American Legislative Exchange Council, is a group of businesses that put millions of dollars together to create obstacles and obstructions for people to vote. Their idea was to diminish the vote among the poor, minorities, and the elderly because they believed those groups leaned Democratic. So if they could keep them away from the polls and discourage them from voting, it would help the Republican candidates.

It didn't work, but they sure tried, and they made life miserable on election day for millions of Americans who were just trying to do their civic duty. Too many people stood in long lines. Too many people were unable to vote because they could not wait in long lines.

For example, in Florida published reports indicate some voters waited in line for as long as 7 hours. They could not cast their ballots until 2:30 in the morning. Why would a voter hang in there? Some of them were just mad. They were mad that the State of Florida and this Republican-inspired organization, ALEC, were doing everything they could to deny their right to vote. They were darned determined to vote even if it meant staying there 7 hours to vote.

Too many people were required to cast provisional ballots when they were, in fact, eligible and should have received a regular ballot. For example,

Pennsylvania issued double the number of provisional ballots than it did in 2008. The provisional ballot is given to a voter when there is some question as to their eligibility. In many cases that question was raised because voters showed up at their polling place only to find their name missing from the registration books.

In Arizona more than 174,000 provisional ballots were cast. That is 7.4 percent of all ballots. That is higher than any previous election. According to a recent analysis by a leading Arizona paper, minority precincts—those with African Americans and Hispanics—submitted a disproportionately high number of provisional ballots. Arizona has declared war on those minorities who were voting, and they saw it when many of them could not get their ballot counted on election day. It was put in a separate box to be looked at later.

Across the States with new voter ID requirements, hundreds of thousands of people could not vote because they didn't have or could not obtain the required ID.

In Pennsylvania, South Carolina, and Wisconsin many voters were confused by these new ID requirements and the extent they were enforced on election day.

In Pennsylvania, for example, even though a court ruled that the State's voter ID law could not be enforced during this election, some voters were still asked for an ID, and in some cases they were denied the right to vote.

Too many eligible voters were unable to register. On election day too many voters who thought they were registered learned that their names were not actually on the voter rolls. For example, Florida imposed owners' requirements on third-party groups, such as the League of Women Voters and individuals who traditionally have conducted voter registration drives. Those penalties were so awful, the League of Women Voters in Florida stopped registering voters for the first time in more than 70 years.

High school teachers faced fines of \$1,000 under the law if they helped their students to register for the first time and didn't follow the exact letter of their new statutory law. As a result, new voter registration in Florida actually dropped 14 percent. That is bad news. Overall voter turnout was down compared to 2008.

If this is going to be a healthy, growing, vibrant democracy, people who are eligible to vote should be given that opportunity, not penalized and denied. These problems—and other problems—encountered by voters at the polls were not limited to one State or region. These problems were experienced by voters across the country. Many of the problems that voters encountered on election day were foreseeable and could have been prevented.

Last year I started raising concerns about these new State voting laws and



what they were going to do. As chairman of the Judiciary Subcommittee on Constitution, Civil Rights, and Human Rights, I chaired the first hearing to examine the potential impact of these laws in both Florida and Ohio. In both States we heard from experts and election administrators who warned that these new State laws would result in fewer registered voters, long delays on election day, confusion about ID requirements, and an increase in provisional ballots. This is just plain wrong.

In a country where we want every eligible American to get out and vote and we want higher percentages of participation, we have State legislatures inspired by ALEC dreaming up obstacles and ways to discourage voters. It is sickening to think of how many lives have been lost by patriotic Americans to protect our right to vote, and then to have these lobbyists, for their own political purposes, denying that right over and over to thousands of eligible American voters.

One of the strongest tools we have to ensure the right to vote and to make sure it is not denied on account of a voter's race, sex, or any other discriminatory basis is the Voting Rights Act. As we work to continue to perfect our Union, the importance of this law cannot be overstated. That is why the Voting Rights Act enjoys a broad spectrum of support.

In 2006 the Senate voted unanimously, 98 to 0, to reauthorize it. Just this year the Department of Justice used its authority under section 5 of the Voting Rights Act to object to new voter identification laws that threaten to disenfranchise hundreds of thousands of voters.

In Texas, according to the State's own data, more than 795,000 registered voters did not have the ID required under their brand-new law. In South Carolina the State's data indicated 240,000 registered voters were without the required ID and would not be able to vote under the State's law. In those two States alone, over 1 million people were going to be denied the right to vote, even though they were registered voters, because they didn't possess the newly defined voter ID in each of those States. That is more than 1 million registered voters, I repeat, who would have been turned away. Well, thanks to the Justice Department and court decisions, that didn't happen, but it would have. That was the plan.

Since the civil rights movement, women's suffrage movement, and other historic fights to expand the right to vote are now in the history books, some people think our generation's responsibility to protect the right to vote is over. They are just plain wrong. When groups such as the ALEC, with businesses, corporations, and conservative groups behind them, have an all-out effort to deny and discourage the right to vote, we have a job ahead of

us. We shouldn't be surprised that people all across America are angry about what happened in this election. These State legislatures, instead of encouraging people to exercise their civic duty, were doing their best to discourage them. It is time for us to get serious about this. So next Congress, after the first of the year, I am going to hold additional hearings on voting rights in my Judiciary subcommittee.

I am committed to thoroughly examining this issue. There is no excuse in America for standing in line 7 hours to vote, for goodness sake. Other countries that do this by paper ballot don't make people stand in lines that long and they calculate the results the same night. We should be embarrassed by what is going on, and the States should grow up and pay attention to what they are doing to this great democracy in America. They are undermining the right to vote just as surely as if they attacked it openly, by using these new obstacles they are creating—these IDs, limiting the early voting.

Listen, States such as Oregon and others have figured out people can vote by mail without fraud, people can have opportunities to vote extended through early voting and absentee voting and give people their voice in this democracy. If we want to restore the confidence of the American people in our government, we have to give them their voice on election day. Standing in line 7 hours is an embarrassment in every State where it happened, and we have to make sure it doesn't occur when it applies to Federal elections.

I know the tradition. State laws determine election standards. That is the way it goes. But when it comes to Federal elections, we have a voice in the process and we have to make sure we come together on a bipartisan basis to deal with it. I am pleased Chairman LEAHY and I are going to be able to work together to hold a hearing of the full Judiciary Committee next Wednesday, December 19, to continue to explore this issue, and then into the new Congress we will be proposing specific legislation to deal with this issue. Although another election season may have ended, our work to protect our Union and preserve our democracy has not.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

#### RECOGNIZING THE LIFE OF RANDY ATKINSON

Mr. UDALL of Colorado. Madam President, I rise today to first recognize the life of a very unique and remarkable Coloradan, and then I will speak to a cause that is near and dear to me, as it is I think to the Presiding Officer as well, and that is our wind energy industry and the threat it faces.

I wish to speak about a man by the name of Randy Atkinson whom we lost

this year on October 9, 2012, at the way-too-young age of 60. He was a firefighter. He dedicated himself to serving his community and, as he put it, brothers and sisters in Colorado's fire departments.

Randy was an example to all of us because he dedicated his entire adult life to helping others. He started at the age of 19, in 1972, by joining the Denver Fire Department and Denver Firefighters Local 858. Not long after that, he took a more active role in representing his fellow firefighters as an advocate and a legislative consultant for the Colorado Professional Firefighters and Denver Local 858. He was held in high esteem not just by his fellow firefighters but by Colorado legislators on both sides of the aisle. Why was that? He was intelligent. He was caring. He had a great sense of humor. We all appreciated that when we came into contact with him, whether we were Democrats or Republicans.

He was a leader and because of that he kept rising through the ranks. In 1995, he was elected president of the Colorado Professional Firefighters. In 2007, he was elected as vice president for the International Association of Firefighters in the 9th District. When he died, he was serving in both of those positions.

I know the Presiding Officer has a phenomenal crew of firefighters in her home State. We know what they did on 9/11 and what they do every day. Randy was a man who served in that spirit. While he represented firefighters, he always was fighting for fair pay and making sure those who stand up for us in times of hazard and emergency have the best possible safety equipment to carry out their dangerous and often unsung responsibilities. While at times Randy had to be pretty hard-nosed when it came to negotiating and standing up for firefighters, he always had a positive relationship with policymakers, even when he was tangling with them. I have to say I am glad we agreed more often than we disagreed.

Randy Atkinson was truly an admired figure. As I think about him, I wish we had more people such as Randy right here in Washington, DC. We would certainly get more done and we would have stronger relationships with one another.

Late this fall more than 500 of us gathered to celebrate his life, including family members, friends, and work associates. We laughed and we cried and showed our appreciation for his life and service. I was honored that day to be a part of that celebration.

I want to extend my sincerest condolences to his family, including his son Randy, Jr., and his two daughters, Brenda and Denisa. We all loved him, as I have said. I hope the viewers all understand how much I admired him, how hard he worked, and how grateful we are to have known him. I am honored to be able to stand here on the

floor of the Senate, remembering Randy smiling, to recognize his life and his accomplishments and, above all, his enduring spirit and his strong character. I think we have to keep his spirit alive in our attitudes and in our actions.

I thank the Chair for her interest in another firefighter.

#### WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Madam President, I now wish to turn to the wind production tax credit. The Presiding Officer has been in the chair listening on a number of occasions and she has been gracious in her interest and support of what we are trying to do.

This is my 26th speech urging all of us to extend the wind production tax credit. It is known simply as the PTC in the abbreviated form. It is going to expire in 4 weeks—less than 4 weeks, actually—if we don't extend it. I am so worried about what is going to happen to this important industry.

The PTC has created good-paying middle-class jobs in the wind energy industry not only in my own State—I have a bias about my own State—but all across the Nation. Almost every State has a stake in the wind energy industry. When we think about what the PTC has done, we realize it has also stimulated the growth of our clean energy economy as well as promoted clean energy security. The Presiding Officer serves on the Armed Services Committee so she knows the importance of energy to national security.

We have 75,000 jobs in the wind industry right now in Colorado. We are on track to produce 20 percent of our electricity through the wind, by harvesting the wind, by 2030. But if we let the PTC expire, estimates suggest we will lose half of those jobs. We would be down to 37,000 jobs. We also undermine our Nation's pursuit of true energy security.

Our inaction, although the tax credit hasn't expired, has halted further development in the wind energy industry because that set of leaders can't in good faith bring that capital to bear and make those investments if they think the wind energy credit will truly expire. We have had hundreds of layoffs in Colorado. The business has nearly ground to a halt, and we see that all over the country. Then we get a ripple effect in those communities because tax receipts go down, people aren't as upbeat about the future, and it is a downward spiral we have to end. We should be doing everything we can coming out of this tough economic recession—the great recession—to make strategic investments in our economy and in our energy portfolio.

So with that general outline of what we face, I wish to turn to the State of Maine today. The Presiding Officer and I have great respect for both of our

Maine Senators. We are going to miss Senator SNOWE, and Senator COLLINS has been a strong supporter as well.

Maine is well positioned to become a major player in the wind energy industry going forward. Maine has the potential for significant economic development and environmental benefits. In 2011, wind energy provided 2.9 percent of the Pine Tree State's power and Maine's wind farms power the equivalent of about 100,000 homes. The outlook for their wind energy industry is bright. The State has another 34 megawatts of wind power under construction and enough untapped potential to power three times the State's current electricity needs. Three times their needs will be powered by harvesting all the wind resources there. So I will say the PTC is crucial to their continued growth and the capacity they have to tap into their available wind resources.

Maine, of course, has a vast interior, but it also is on the coast. Right now Maine is New England's leading land-based wind producer, and experts predict it could become the leading offshore wind producer in the coming years. The University of Maine has a center called the Advanced Structures and Composites Center, and their research and development is paving the way for this additional offshore development.

There is also an expiring tax credit called the investment tax credit—the ITC—and that provides additional incentives. The ITC will be vital to the growth of offshore and distributed wind power development as well. It is also at risk. We need to include a discussion of the ITC as we consider the extenders package.

I have mentioned that what the wind projects do is to lift local economies. The Presiding Officer has a lot of rural economies in the north and the west of New York, a lot of agricultural-based economic activity. Wind power, when it is properly developed, is a cash crop that always comes in. As we face the consequences of this economic slowdown, wind power has helped a lot of local economies have additional revenue, economic activity, and jobs.

In that context, I wanted to talk about the Bull Hill Wind Project in Maine. It is in Hancock County, down here on the coast. I think it is called down east if one is from Maine. That project was just completed. It will generate \$100,000 annually in tax revenue, and it has supported about 100 jobs during the peak of the construction. That is a significant number of jobs in a rural county in a State such as Maine.

I have to put a pitch in for Colorado. This project uses wind turbines which are made by Vestas which manufactures blades, nacelles, and towers in Colorado.

Much like in Colorado, the production tax credit creates and sustains

manufacturing jobs, and it is creating growth in Maine. I know we have some job numbers in the manufacturing sector that I will share with my colleagues. There are four facilities in Maine that produce components for the wind energy industry and the installed wind projects across the State to which I have alluded. Those jobs number about 500—500 being actual jobs. Speaking of tax payments, property tax payments, about \$6 million comes in from those wind projects to local governments. That money helps infrastructure improvements and other vital services for local Maine communities.

So it is obvious that the growth of our domestic wind energy industry, aided by the wind production tax credit, has helped create jobs, encouraged energy security, and grown a clean energy economy in Maine and all across our country. It is really that simple. The wind energy PTC powers good-paying middle-class jobs. However, if we do not extend it—it is a bipartisan policy, by the way, and the father of the wind PTC is our own Senator GRASSLEY from Iowa—if we do not extend this, we are going to lose thousands of jobs. At a time when our economy is still in imbalance, that is not acceptable. It cannot happen in Maine, it cannot happen in Colorado, and it should not be happening to thousands of families across our country. So it is simple.

The PTC equals jobs. We need to pass it ASAP. Let's work together. Our inaction is stunting the growth of a 21st-century clean energy economic opportunity for us. Those jobs are not necessarily going to be lost if we do not do what we should do, but they are going to go to places such as China, Europe. The world is investing in big numbers in wind energy because of all the possibilities for economic development.

So let's, in sum, remember that the production tax credit equals jobs. The PTC equals jobs. Let's pass it as soon as possible. Time is running out. The clock is ticking.

I thank the Acting President pro tempore for her interest and for her support. New York has great wind energy potential.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. CORKER. Madam President, I notice the Chamber is empty today, and I guess most of us are waiting to see if there is going to be an arrangement made between the President and

Speaker BOEHNER on our fiscal cliff that is coming up in just a few weeks. I know all of us want to see that happen. I think each of us knows the very best thing that can happen for the economy in New York or Tennessee or any other place is for us to get this behind us and for businesses to begin this next year knowing that Congress and the White House have worked out an arrangement to put this fiscal issue in the rearview mirror. I know we are moving, hopefully—what we would like to do is move not just beyond the fiscal cliff but have a fiscal reform bill in place that is in the \$4 trillion, \$4.5 trillion range so we can at least for a period of time put this issue in the rearview mirror.

So, Madam President, I want to tell you that I am hopeful that is going to occur. I know there have been a lot of discussions in our caucus, in the Acting President pro tempore's caucus about that happening. On the other hand, it is my understanding that these negotiations really are not moving along very rapidly. We only have a few weeks left in this year, and it is beginning to look as though, at a minimum, if there is an arrangement made, it is not going to be one of the size that all of us would like to see happen.

I know one of the issues all of us have talked about is the middle-income citizens in our country. I know at some point both Chambers will come to the rescue of 98 percent of the people in our country and pass some resolution dealing with the tax issues for 98 percent of our people. I would say, the sooner we do that, the better. Actually, that alone would move us beyond this fiscal cliff at year end. Again, I know there are a lot of discussions taking place in both Chambers about the best way for that to happen.

But what I guess I am leading to is that it looks as though, based on where the negotiations are right now, this issue is going to move into next year and that we are still not going to be at the dollar amount I know the Acting President pro tempore has talked about and I have talked about and that we are still going to have this issue to deal with. As a matter of fact, what it looks like may well happen is that all we do this year is, hopefully, move beyond the fiscal cliff.

I know over in the House there are discussions about, when do you do this? Do you do it on January the 3rd or do you do that in this calendar year?

I would argue the very best way for us to deal with this would be to deal with it prior to year end and go ahead and take our responsibility seriously, make sure we rescue the 98 percent of the people in our country before year end so they go into the new year knowing that has been dealt with, and then there are other ways we can deal with the other 2 percent.

I know in New York, for instance, \$250,000 a year is not considered to be

extremely wealthy. So it may be that we deal with the other machinations other than what has been laid out in public by the President. But I think we are going to deal with this issue.

I wish to come to the debt ceiling. Everyone in this country knows what damage was done to our country when we pressed right up against the debt ceiling two Augusts ago. I do not want to see that happen again. I do think the arrangement that has been created between the White House and Congress during this fiscal dilemma, where we raised the debt ceiling by \$1 for every \$1 in cuts that are made—I think that is an appropriate arrangement for us until we get through this fiscal issue.

Again, what I would rather see happen is that we just deal with that all right now, and we start off next year with people knowing that is done. Since it looks like every day that goes by, it looks like it is increasingly unlikely that is going to happen, I wanted to offer a proposal for the leadership of the Senate; that is, since it looks like the debt ceiling could be coming up early next year—as a matter of fact, it may coincide very closely with the continuing resolution. There are two, if you will, moments in time where we have to make big decisions for our country.

I would offer that we go ahead and begin the process of the debt ceiling. I would make the proposal that the first roughly \$1 trillion—\$900 billion to \$1 trillion in raises in the debt ceiling are accompanied by \$900 billion to \$1 trillion in cuts in entitlement spending to actually cause those programs to be solvent. I think all of us want to make sure seniors in this country are protected. We know we have to make some adjustments to Medicare, Social Security, and Medicaid, which deal with the poor, to make sure these programs over time are solvent, are not a huge drain on the States that support them in the case of Medicaid.

What I am saying is why do we not go ahead and get started. I know most of us did not particularly like the process last time, where basically these discussions took place in private and at the last moment we understood what the deal was. Then, after that, if you remember, we had a process, a supercommittee that was put in place, six Republicans, six Democrats, highly qualified folks. But they did not come to a resolution so we have ended up with sequestration.

What I would propose is instead of doing things in private such, let's go ahead and address the issue now in regular order. What I would like to propose to the leadership of the Senate and offer to the House also is that since we know the debt ceiling is coming up and since none of us—none of us wants to jeopardize the credit rating of this country, I would propose we finish our work at least 1 month in advance of the debt ceiling needing to be raised.

That way everyone in the world knows we have solved this problem. I would also propose we do it through regular order in the committee process so people can see how we are moving along. Are we making progress? Are we doing the things that are necessary to be able to raise the debt ceiling during this period of time when we have so many fiscal issues?

My third suggestion is that 100 percent of the first raise all be oriented toward entitlements. We all are taught to lead by example. My daddy used to tell me: Son, never ask someone to do something you would not do yourself. What I plan to do over the next couple days is to offer a piece of legislation that would cut and reform Medicare, Social Security, and Medicaid by \$900 billion to \$1 trillion. I hope to do that over the next couple days, offer that as one suggestion as to how we raise the debt ceiling by \$900 billion to \$1 trillion.

I know that again is going to be coming up in February or March. I know we are going to have the issue of the CR coming up. But if the President and Speaker BOEHNER are unable to come to an arrangement, I do not think there is any question that people around here are going to become very focused on the debt ceiling and certainly the continuing resolution.

What I would say is let's get busy. Let's not wait until the last minute. Let's not have closed-door meetings. Let's work this through the committee process. Then, when the Senate passes their bill and the House passes their bill, let's have a conference and let's deal with the legislation that is necessary to make sure we continue the precedent that, by the way, the President set this last time with Congress; that is, for every \$1 we raise the debt ceiling, we reduce spending by \$1.

We know this precedent is not going to continue forever. But I think that where we are in the country, we know we have tremendous fiscal issues. We have \$16 trillion of debt right now, and it is rising. I know all of us know that is the No. 1 threat to our Nation. In fact, every developed country in the world knows the greatest threat to America and, candidly, to the world right now is our solvency. Economists on both sides of the aisle have said the greatest threat to our country is solvency.

Let's face it. We are probably going to deal with the revenue at year end. We all know that. We can kid around, we can put our heads in the sand, but we know we are going to be dealing with a portion of the revenue issue at year end. At some point we have to rescue the 98 percent. What I would say to my friends in the House is that, candidly, if we are able to rescue the 98 percent and then we dealt with the other 2 percent either with rates or by tax deductions—I am open to both, and

we even protect the small businesses as so many people on both sides of the aisle have suggested—I would say to my friends in the House that the revenue figure that would accompany these changes is much smaller, candidly, than maybe the first offer that was made from the House to the President.

This is actually a better way for those of us who believe spending is the issue. There is a better way to cause revenue to be at the appropriate mix level, if you will, in solving our fiscal issues. We have had a lot of talk about entitlement reform. Let me stop for a minute before I go there.

People all over the world know this is the No. 1 threat to our country. Economists on both sides of the aisle know it is the No. 1 threat to our country. I think for that reason, what we have been doing is saying we are not going to voice vote debt ceilings any more. I know we have a lot of people on Wall Street and other places who talk about how the credit rating of our country is so important. Believe me, I know that well. I could not agree more. So the last thing we need to do again is to get in a situation where we wait until the last minute and the whole world is wondering whether we are going to default on our debt and people are all shaken up about where America is.

I would say, since we know that if the President and the Speaker do not agree to a large deal, since we know the debt ceiling is likely to be the next event, if you will, the next forcing event that causes us to come to terms with the solvency of this Nation—the way I know the White House has said certain things about the debt ceiling, what we may want to do is make sure the CR and the debt ceiling stay tied together and working along together at the same time so we have both those forcing moments happening together.

But in order to make sure we do not threaten the credit of this great Nation, let's go ahead and work now. As a matter of fact, what I am going to do in the next couple days is I am going to offer a bill to raise the debt ceiling of our Nation. Think about that. A Republican, I am going to offer a bill to raise the debt ceiling of our Nation. I am going to offer a bill that is going to raise the debt ceiling by \$900 billion to \$1 trillion. I am going to offer that bill in December.

The debt ceiling is probably not coming until maybe February or March. In order to raise that debt ceiling by that amount, it is going to be accompanied by entitlement changes in equal amounts. It is the same precedent the President and the Speaker agreed to last year and this body agreed to. I think we are going to follow that formula likely into this next year, unless there is a large deal announced soon.

What I would say to other Members in the House: Look, I am just one Sen-

ator. I am just one Senator. There are other Senators here who certainly have as good or better ideas. So why do we not start the process of formally offering on the floor entitlement reforms. I would suggest that is the place we start. I mean, what we have done around here is we have done discretionary cuts. We created sequestration.

At the end of this year, in some form or fashion, whether we embarrass ourselves and wait and go over the cliff in the next year or before this year ends, we are going to offer revenues. I do not know how anybody can believe revenues are not coming. What I would say to everyone here: Let's move to entitlement reform. That is the only thing, candidly, that has not been talked about in this debate.

No one—no one—has offered publicly concrete entitlement reform in legislative language in the Senate. Nobody has done that in the House. That is what has been missing in this debate. In order to kick off this debate in what I consider to be an appropriate way, I am going to offer a debt ceiling increase bill. I am going to offer it in the next 24 to 48 hours. I may offer it today.

It is going to have dollar-for-dollar entitlement reforms. That will save this Nation from catastrophe and make sure seniors have these benefits down the road. What I would ask the leaders to do is to consider putting in place a process through regular order to consider these bills, to deal with the debt ceiling so we can do it way in advance and everybody can see the process and see the debate and watch our Nation function in an appropriate way so we get this done well in advance of the Treasury Secretary telling us the debt ceiling needs to be raised.

Let me close by saying, the best thing that can happen to this Nation, even though it is odd, I have to tell you it is odd, is we turn on the television at night or we read the paper in the morning, we see where the President called Speaker BOEHNER or maybe Speaker BOEHNER called the President, and there is drama. None of us knows what is said. I have a pretty good idea.

But our Nation is sitting here while this silly debate—here is the Senate, the greatest deliberative body in the world. What are we doing? We are hearing about the discussions on the telephone. By the way, if that solves the problem, I am all for it. I am all for a solution that comes that way. Candidly, I hope it is a big solution. I hope it is a \$4½-trillion solution that they come to. But I am doubtful that is going to happen based on where we are today on December 12.

So I am going to offer a debt ceiling bill to move us on. It will move us toward fiscal solvency. It will keep us from jeopardizing the credit of this Nation. We can move those things through regular order. I ask the leader-

ship of the Senate, Majority Leader REID, to hopefully set up a process soon. Because, candidly, we are probably going to need to drop debt ceiling bills soon, probably January 3, to make the dates that are necessary to actually raise our debt ceiling and not have the credit implications we had last August.

I have been a little bit despondent about this process because it just feels as though things are not moving ahead in a way that we are going to be able to put this in the rearview mirror and start this year—this next year with tremendous economic growth because people know we have solved this problem. I have been despondent about that.

But I woke this morning with almost a eureka moment thinking that, you know what, if they are not going to deal with this issue, we know we have to deal with the debt ceiling, we know we have to deal with the CR, there is great opportunity for all of us to put out entitlement reforms on the floor, for all of us to debate in committee and to pass legislation so, dollar for dollar, we can raise the debt ceiling way in advance of any time to cause any kind of credit problems for our country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TRIBUTES TO DEPARTING SENATORS

OLYMPIA SNOWE AND KAY BAILEY HUTCHISON

Ms. MIKULSKI. Madam President, I rise during this morning business hour to speak—particularly during this time of tension as we are looking at the fiscal cliff—to really use a few minutes to pay a tribute to two wonderful, outstanding Senators with whom I have served and who will be leaving us at the end of this term. They are wonderful women named Senator OLYMPIA SNOWE of Maine and Senator KAY BAILEY HUTCHISON of Texas, dear friends across the aisle. Although they were on the other side of the aisle, there was no great divide between us. We have known each other for many years.

I would like to say a few words about my very dear friend, Senator OLYMPIA SNOWE. I served with Senator OLYMPIA SNOWE in the U.S. House of Representatives and then in the U.S. Senate. Wow. What an outstanding Senator and Congressperson she has been, and I know we will continue to see Senator

SNOWE in some type of role in public service because that is just the kind of person she is. She is deeply, in her DNA, a public servant.

Senator SNOWE has served her State of Maine and our Nation so well. She is one of our most respected Members of Congress, known for her civility, her sensibility, and her mastery of the issues. I might add that she brings that New England sense of a more frugal government but at the same time shows that you can do it in a compassionate, smart way.

I know her as a cherished friend, a dear colleague, and a crucial partner on so many issues. As I said, we served in the House and the Senate together. We worked on those issues I talk about, the macro issues and the macaroni-and-cheese issues. We fought for a better economy, particularly in the area of small business; a safer country, as we worked on the Intelligence Committee together; and a more efficient government. Also, we worked together on many issues pertaining to women. In the area of small business, she is currently the ranking member on the Small Business Committee, with our other colleague, Senator MARY LANDRIEU. She knows the backbone of Maine's economy is small business, and she also knows it is the backbone of the American economy.

I have watched her day in and day out being concerned about her fishermen who were out there working in the cold waters off of Georges Bank for lobsters and the small shop owner on Main Street. From the potato fields and lumber yards to L.L. Bean, OLYMPIA SNOWE has stood for them but also for the big issues in terms of jobs in the Bath shipyards.

In national security, we have worked together to look out for our troops over there and to protect our communities from predators back here. She has been steadfast and true. It is a committee that meets often behind closed doors, but I will tell you, this is a Senator who continually looks after the safety of the American people.

One of the areas in which I have worked the closest with her is the area of women's health. You might be interested to know that Senator SNOWE and I received the Good Housekeeping Outstanding Achievement Award for what we did to advance the cause of finding a cure for breast cancer. Now, when I called my sister and told her I was getting a Good Housekeeping award, she thought it was the funniest thing she had ever heard. When I told her I was getting it with OLYMPIA SNOWE, she knew it had credibility. I say that because what we did in working together was in medical research and in clinical trials.

You might be interested to know that when I came to the Senate, the only other woman Senator was Nancy Kassebaum—another wonderful person

across the aisle. Women were not included in the protocols at NIH. Can you believe that? That famous study—take an aspirin a day, keep a heart attack away—was done with 10,000 male medical students. Not one woman was there. They regarded including women in research as presenting deviant results. We were known as the deviant results. Well, Pat Schroeder; OLYMPIA SNOWE; another Republican Congresswoman, Connie Morella from Maryland—we said this couldn't continue. So we organized across the dome, across the aisle, and we went across the beltway to NIH. We pulled up and we demanded answers, scientific answers, on why we weren't included.

The day we pulled up in our cars on a bipartisan basis, George Bush the elder appointed Bernadine Healey to head NIH. Then, again working together across the aisle and across the dome, working with Senators Kennedy and HARKIN, we established the Office of Research on Women's Health at NIH. The famous hormonal replacement therapy study was done. It resulted in massive change in the way doctors treated women, and it has reduced breast cancer rates 15 percent.

So I say to all, when you ask, what did OLYMPIA SNOWE do, she would say: I worked on a bipartisan basis. And because of what she did, we did, we all did working together, men and women, House and Senate, we have saved the lives of women 1 million at a time. I think that is a terrific accomplishment. And no matter what Senator SNOWE does, she can cherish in her heart that she did that.

But while we were busy doing the big picture, she helped me with an individual picture. We went to the refugee camps of Cambodia together, along with the Congresswomen. It was when the killing fields were at that time the highest. We saw the horrible consequences of war. We worked together to feed the children. We worked together to feed the children and care for the children.

I met a young girl in a refugee camp, in the Catholic Relief feeding camp. Working with Senator SNOWE, we brought that little girl to the United States of America. She is alive here today, married and living as an American citizen.

So what did OLYMPIA SNOWE do? She saved jobs and she saved lives. I am proud to work with her, and we are going to miss her.

Then there is my good friend KAY BAILEY HUTCHISON, who has just come to the floor. I am glad she is going to be here to hear what I am going to say about her. I hold her in such enormously high esteem.

Senator KAY BAILEY HUTCHISON is known for her competence, her strong character, and being an outstanding champion for Texas, an advocate for women, and a real patriot dedicated to

serving our Nation. I too know her as a dear friend, someone deeply committed to creating that zone of civility among the women in the Senate.

When Senator HUTCHISON arrived in the Senate in 1983, there were prickly politics beginning to emerge. She came from the Texas Legislature and knew the dynamics of a rough-and-tumble legislative body. But as we worked together on something called the homemaker IRA, we said: Why don't we just get together to see if we can create a zone of civility? That was when we brought the women together for those monthly dinners. The rules were no staff, no leaks, and no memos. We talked about everything from hairdos to the hair-raising and how we could stop the global war on terror and fight the deadly scourge against breast cancer. We worked together, again across the aisle.

In 1992 we also worked to hold these power workshops to make sure every woman would know how to get started in the Senate, and we worked together on that.

The other thing Senator KAY BAILEY HUTCHISON and I helped establish was that we could disagree without being disagreeable. We, the women of the Senate, do not have a caucus because we represent States. That is what the Constitution says is our job—we are here to represent States. We also have different philosophies and viewpoints on governance. But we also know we can disagree without being disagreeable.

A story I like to tell is that during debate on the Lilly Ledbetter Fair Pay Act, Senator HUTCHISON and I agreed on absolutely the same goal: equal pay for equal or comparable work for women. However, we disagreed on the means. Senator HUTCHISON had about nine amendments, and we duked it out here. We went earring-to-earring in terms of our debate, and the Senate commented on what intellectual rigor it had, what a sense of comity and exchanging of ideas. At the end of the day, we not only passed the legislation, but we did it in a way where everybody could feel proud of the process. Why can't we do that every day? Gee, I wish we could.

Then working with Senator HUTCHISON—and this is how we got started, was on the homemaker IRA. This was Senator HUTCHISON's idea. She came to me and she said: You know, Senator BARB, they are stay-at-home moms, and they are limited to only \$500 that they can contribute to an IRA. If they have the money and if they have the will and the wallet, we should give them the same tax opportunities as if they were working in the marketplace because their work at home should be valued as well.

Absolutely. We changed that legislation. I have pending here legislation to permanently change the name of that

homemaker IRA to the Hutchison IRA because she really did lead the way. I was an able ally, and we made a difference.

So I could go through item after item—the way we have worked on breast cancer together, the way we have worked on appropriations. She was my ranking member on Commerce-Justice-Science. We have worked together on the space program. We have worked together to keep our areas safe. From the start, we shared a personal commitment that technology and space could help America remain exceptional, a belief in supporting research and science, leading to new ideas that would be not only new areas that we would explore but new technologies for new products and new jobs. Yes, I visited her down at mission control, and I have been there during the great research we were able to see being done in that area.

Remember, the home of the Komen foundation is in Texas. Senator HUTCHISON was very clear that she wanted to be sure that she too was an advocate for women's health. We worked together on mammogram quality standards. Were you aware that in the early days—and I know that sometimes we sound like we built the Pyramids together when I tell these stories; it is both ancient history and a recent reality. If you went into a doctor's office 10, 12 years ago for a mammogram, you might have gotten a chest X ray and they would have called it a mammogram. It was often given by untrained technicians. There were no standards for the equipment that it would really work the way it was supposed to work, and it was often uncalibrated and ineffectual.

Senator HUTCHISON and I worked using sound science, thorough hearings, working with the Institute of Medicine, FDA, and the National Institute of Standards. Now if you go into your doctor's office for that mammogram, you will see a certificate from your government that says this is a place where you know the technology will work and the people who will be giving it will be trained. You know, once again, this is early detection and screening, saving lives a million at a time. Isn't that fantastic? Again, across the aisle, we were able to do that.

We also did a book together. She was the leader in helping us publish our famous book, "Nine and Counting." Maybe there will be time for another book, but when the chapter of the history of the Senate is written, we want to be sure that the chapter really includes a big statement to the work of Senator KAY BAILEY HUTCHISON.

Again, in this institution it is the personal relationships built often on policy. I went to Texas to tour the space program with Senator HUTCHISON. That is where we heard

about the National Space Biomedical Research Institute at Baylor. When I was there, I met Senator HUTCHISON's brother, who faced the same blood cancer disease Geraldine Ferraro faced. Gerry and her brother became fast friends, so KAY and BARB teamed up. Again we pushed research at NIH. You know, cancer knows no party. It knows no ZIP Code. It knows no ideology. But it knows that we need to work together to be able to do it. On that wonderful day of friendship, where we learned the best ideas that will come out of our work in the space program to deal with the dread cancer word, the kinds of things that we study in space will help us be more effective here on Earth.

KAY invited me to the Houston livestock show and rodeo. Now, I grew up in Baltimore, and you have been there many times yourself. You know it is a city known for its row houses, not for its rodeos.

KAY invited me to come to the rodeo in the Astrodome. Well, I showed up, to her surprise. I had little boots, a cowboy hat, and a vest. She put me in a buckboard, and, to "Deep in the Heart of Texas," we circled the Astrodome together. I was in a buckboard, and she was on a palomino next to me. The American flags were waving, and so was I, yelling "giddy up, little doggie." At the end of the evening, I was there munching on barbecue, affectionately called Buckboard BARB—and I have the pictures to show it. They are locked up. I don't widely distribute them. But it was a heck of an evening.

I say that because, again, out of that comes great friendships that also lead to paving the way to where we put our heads together to solve our national problems and to do it in a way where we get the best ideas from a variety of government approaches. And at the end of the day, we feel better, but America is better off.

I am pretty emotional, actually, when I think about OLYMPIA and KAY. We have been together a long time. We welcome the Acting President pro tempore and your generation, but for those of us who maybe didn't build the pyramids—and I hope Senator HUTCHISON can say the same—there is a lot of meaning in a Latin phrase I learned in Catholic girls school many years ago: *Exegi aere perennius*: We will build a monument more lasting than bronze.

When Senator HUTCHISON returns to Texas again to find a new way to serve the people of this country, she will know that here in this institution, along with Senator OLYMPIA SNOWE, they built monuments to last far longer than any statues made of bronze. They made a difference in the lives of people, and they have done it in a way they can be proud of and for which we can all be grateful.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. I am so touched by the comments of my colleague Senator MIKULSKI about myself and OLYMPIA. I appreciate so much that she has singled us out because Senator MIKULSKI is a pioneer. She didn't build the pyramids, I might say, but it was close. She was in the House first and then came to the Senate. She is our longest serving woman Senator and she will probably be dean of all the Senate at some point because she is a legend. She is a legend in the Senate, she is a legend in Maryland, and she is a legend in our country.

I think back now on the things we have been able to accomplish—and it was not just because we were women—here in this deliberative body where we have 100 people representing 50 very different States. It is not that the men were against anything we have teamed up to do, but it is because of our experiences that we brought to the table. Sometimes it wasn't thought of before, before Senator MIKULSKI and other women came.

I will point out a couple of things and embellish a little on what the Senator said. When we wrote the book "Nine and Counting," there were nine women in the Senate at the time. But it came from something much bigger. It came from a meeting Senator MIKULSKI pulled together of the women of Ireland and Northern Ireland. It was the Catholics and the Protestants who were trying to probe the women Senators, the nine of us who were here, about how they could be effective in making peace in Northern Ireland.

When we started telling our stories to them, to encourage them that they could make a difference in Northern Ireland, BARBARA MIKULSKI and I looked at each other and we said: You know, there is a book here. There is a book about the obstacles women have faced getting to the U.S. Senate and a book that can encourage our girls and young women to play a part in settling the major issues of our country.

From that background, we contacted Bob Barnett, who was an agent of Senators and House Members who write books, and also Cabinet members and Presidents, and we said we would like to get together and write a book. He immediately got to work. It was Claire Wachtel at HarperCollins who said: "Oh, I love this. I love it." She got a writer who went to each of us and interviewed us and then wrote our stories, which were in our own words.

Afterward, we got together and decided to give all of the proceeds to the Girl Scouts of America, which was a common organization that had affected almost every one of the women at the time. The Girl Scouts were giving leadership capabilities to the girls in our country. I had been a Girl Scout and so had BARBARA. Our book is still in print and it has raised tens of thousands, if not hundreds of thousands, of dollars



for the Girl Scouts to continue their leadership programs. And it all came from something we learned about each other.

I think the multiple myeloma disease, which my brother has, and which Geraldine Ferraro had, was another area where BARBARA and I bonded. I bonded with Geraldine Ferraro too, who was a champion for women up and coming in our political system. She encouraged me a lot.

But together with BARBARA MIKULSKI, who was a dear friend of Geraldine Ferraro's, and who spoke at her funeral—we both went to that funeral—we were able to pass legislation that provided funding for research and education for multiple myeloma. We named it the Geraldine Ferraro Multiple Myeloma Education Program so that more could be learned about this very rare disease.

Gerri was a fighter and she only died a year and a half ago. My brother is a fighter and he is still doing great. And now, because of our research, we are maintaining and we are letting people live a quality life because we teamed up.

BARBARA told the story, but I will tell the other side—the rest of the story—about the Houston rodeo, because they still talk about Buckboard BARB. She came to the rodeo from her ethnic background in Baltimore, and she was such a great sport. I was riding my horse in the grand entry and BARB was in the buckboard. She was waving and having the best time, and of course all of us were in our rodeo attire, which was sort of foreign to BARB. I have to say. But she was right in there with her boots and her big cowgirl hairdo. And BARBARA leaned over to me at one of the rodeo events and she said: KAY, if we were here Monday morning and we went to a chamber of commerce meeting, would these people look like this?

I still tell that story in Houston, TX, which they love, and, of course, I said: Oh, yeah. Which wasn't true. But I loved it. She was the best sport, and they still talk about her. They did give her a cowboy hat that was to die for.

Let me mention one other thing. I know Senator AKAKA is here, so I won't take up much more time. We teamed up on the issue of single-sex schools. The Senator from Maryland mentioned her Catholic girls school upbringing. Well, Hillary Clinton, BARBARA MIKULSKI, SUSAN COLLINS, and myself teamed up to ensure that every girl in this country has the opportunity, if their school board decides to offer it as an option, to go to a girls school. And likewise for every boy whose school board decides that it would be better for boys—in middle school especially and high school. We teamed up after about 15 years of trying, starting with Jack Danforth from Missouri. He started the effort to allow single-sex schools

in our public entities in America. When I came here in 1993, we finally passed it with our coalition saying: We know this can be better for some girls and some boys. Not all.

I will say to the distinguished Acting President pro tempore that it was the Young Women's Leadership Academy in Harlem, NY, that gave us the courage to say this can be done, because they fought all the efforts to not allow it; all the lawsuits. They stood up. Hillary Clinton went to visit the Young Women's Leadership Academy, and I took Rod Paige, the Secretary of Education, right there to New York and I said: Secretary Paige, we can do this for all Americans. We can. Hillary and I and BARBARA and SUSAN said: We are going to do it. We did, and it was a great accomplishment.

I just want to end by saying that I so appreciate BARBARA MIKULSKI and JOHN CORNYN introducing the bill to name the Homemaker IRA for me. It means so much to me, because I experienced as a young single woman starting an IRA, getting married, and being told I couldn't provide any more for my own retirement security. And I knew there were so many women who, through divorce or the death of a husband, had gone in and out of the workforce or never been in the outside workforce, couldn't save for their own retirement security. When I went to BARBARA, I said: BARBARA, it is a Democratic Senate, so I will make this bill the Mikulski-Hutchison bill to get it passed. Senator MIKULSKI said: Not on your life, it will be Hutchison-Mikulski because it is your idea. And she worked just as hard as if it were the reverse. That says more about the Senator from Maryland than anything I could say. So thank you, BARBARA, for introducing the bill that would name it for me because I know it will help women long after I leave.

I yield the floor.

Mr. CONRAD. Mr. President, I rise today to honor my colleague, Senator KAY BAILEY HUTCHISON, who will be leaving the Senate at the end of this term. Senator HUTCHISON has represented the State of Texas in the Senate since her election in 1993.

Senator HUTCHISON has deep Texas roots, with her great-great-grandfather signing Texas Declaration of Independence in 1836. Growing up in La Marque, TX, Senator HUTCHISON has represented her State as only a true Texan could. Senator HUTCHISON attended the University of Texas at Austin, graduating with bachelor of arts degree. She then went on to earn her J.D. from the University of Texas Law School in 1967. Senator HUTCHISON began her career as a political and legal reporter for KPRC in Houston.

In 1972, Senator HUTCHISON began her long career of public service by twice being elected to represent Houston in the Texas House of Representatives. In

1990, Senator HUTCHISON was elected Texas State treasurer. In 1993, Senator HUTCHISON won a special election, becoming the first and only woman to date to represent Texas in the U.S. Senate. She has continued to represent Texas for almost 20 years in the Senate, repeatedly winning her seat by overwhelming margins, including her reelection in 2000 with more votes than any statewide candidate in Texas history.

Throughout her Senate career, Senator HUTCHISON has been known as a strong leader on defense issues. In 1993, Senator HUTCHISON became the first woman to serve on the Senate Armed Services Committee since 1974. In 2003, Senator HUTCHISON introduced the legislation creating an overseas basing commission, which ensured our forces were capable of meeting the threats we face in the 21st century. Following the September 11 attacks, Senator HUTCHISON was instrumental in securing provisions to increase air cargo screening as part of the National Intelligence Reform Act.

Senator HUTCHISON has also been a champion of education during her time in the Senate. She has used her firm belief that every child is deserving of a quality education to advocate for increased investments in science, technology, and education.

Senator HUTCHISON has served the people of the State of Texas with integrity. I wish her success in whatever she chooses to do in the next chapter of her life.

DAN AKAKA

• Mr. INOUE. Mr. President, today I would like to honor the legacy and service of my colleague and dear friend, Senator DANIEL K. AKAKA.

My brother, Senator DANIEL AKAKA, has been my friend and partner in Washington for 36 years.

During that time, he has fought hard for Native Hawaiians, veterans, and the needs of Hawaii.

I am sad at the thought of the Senate without him and I am sorry I am unable to join him on the floor today.

DAN AKAKA is the spirit of Aloha.

I have always relied on his even keel and hard work to help me represent the people of Hawaii. And I have never, ever heard him utter a harsh word or do anything to harm another person.

There are few words to describe a kind man of his stature, but I assure you, Hawaii and this Nation are better because of his work.

On behalf of the people of Hawaii, thank you DANNY. There will never be another like you.●

Mr. CONRAD. Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague and dear friend who will be retiring from the U.S. Senate at the end of the term. Senator AKAKA has represented the State of Hawaii with distinction for 36 years. He has been a firm advocate for



his constituents, especially for Native Hawaiians.

I have had the honor and privilege to work alongside Senator AKAKA on the Indian Affairs Committee. During this time and throughout his tenure as chairman, I have witnessed his commitment to improving the overall well-being of Native Hawaiians as well as all indigenous people. He has been a tireless advocate for their rights, and, with his leadership and bipartisan dedication, he has brought many issues they confront to the forefront. For more than a decade, Senator AKAKA has championed the Native Hawaiian Government Reorganization Act, which establishes a process for Native Hawaiians to gain Federal recognition. He has also been the driving force in advancing the Native Hawaiian language movement. His dedication and leadership has ensured survival of the language.

As part of the greatest generation and a veteran, Senator AKAKA also used his time as chairman of the Committee on Veterans' Affairs to champion laws to improve health care and benefits for countless veterans, servicemembers, and their families.

Known for breaking down barriers and building relationships, Senator AKAKA has served the people of Hawaii with integrity and humility. He is a true statesman, gentleman, and patriot, and our country is better for his service. He leaves a distinguished legacy and will be greatly missed by us all. I thank Senator AKAKA for his friendship and service to our Nation, and I wish him and his wife Millie all the best for the future.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

#### FAREWELL TO THE SENATE

Mr. AKAKA. Madam President, I rise to give my remarks and my aloha to the U.S. Senate.

Before I begin, I would like to take a moment to wish my good friend, my colleague of 36 years, my brother, DAN INOUE, Hawaii's senior Senator, a speedy recovery and return to the Senate.

I rise today to say aloha to this institution. I have been honored to be a Member of the U.S. Senate for 22 years. It has been an incredible journey that I never imagined.

As a senior in high school going to Kamehameha School for Boys, which was noted as a military school, my life was changed forever when I saw Japanese fighter planes attacking Pearl Harbor. Like most men in my generation, I joined the war effort. My path was forever altered.

When the war ended, I believe I was suffering from PTSD. It was an act of Congress that allowed me, and the veterans of my generation, to build a successful new life. Congress passed the GI

bill, and I say with certainty that I would not be standing before you today without the opportunity the GI bill gave me, not only to get an education but to have structure and a path forward—and the feeling that there was a way for me to help people. This proved to me that when Congress acts responsibly, it can build a better America.

That is why, when I was blessed with the opportunity to lead the Senate Committee on Veterans' Affairs, I dedicated myself to helping our servicemembers and veterans and their families, and worked with my colleagues to expand VA services and pass a new 21st-century GI bill.

So I want to take this moment to urge all of my colleagues and all of the incoming Senators and Representatives to do everything they can for our veterans and their families because we ask them to sacrifice so much for us. They put their lives on the line while their wives and husbands watch over their families. Caring for them is one of our most sacred obligations as a nation.

Not everyone on the front lines making our Nation stronger wears a uniform. In many critical fields the Federal Government struggles to compete with the private sector to recruit and retain the skilled people our Nation needs: experts in cyber security and intelligence analysis, doctors and nurses to care for our wounded warriors, and accountants to protect taxpayers during billion-dollar defense acquisitions. These are just a few examples. After I leave the Senate, it is my hope other Members will continue to focus on making the Federal Government an employer of choice. We need the best and brightest working for our Nation.

The work of the Congress will never end, but careers come to a close. Like the great men whose names are etched in this desk, I am humbled to know I have left my mark on this institution. I am proud to be the first Native Hawaiian ever to serve in the Senate, just as I am so proud to be one of the three U.S. Army World War II veterans who remain in the Senate today.

The United States is a great country. One of the things that makes us so great is that though we have made mistakes, we change, we correct them, we right past wrongs. It is our responsibility as a nation to do right by America's native people, those who exercised sovereignty on lands that later became part of the United States. While we can never change the past, we have the power to change the future.

Throughout my career I have worked to ensure that my colleagues understand the Federal relationship with native peoples and its origins in the Constitution. The U.S. policy of supporting self-determination and self-governance for indigenous peoples leads to native self-sufficiency, resulting in our continued ability to be productive and to contribute to the well-being of our

families, our communities, and our great Nation. That is why I worked to secure parity in Federal policy for my people—the Native Hawaiians.

The United States has recognized hundreds of Alaska Native and American Indian communities. It is long past time for the Native Hawaiian people to have the same rights, same privileges, and same opportunities as every other federally recognized native people.

For more than 12 years now, I have worked with the Native Hawaiian community and many others to develop the Native Hawaiian Reauthorization Act, which has the strong support of Hawaii's Legislature and Governor as the best path forward toward reconciliation.

My bill has encountered many challenges, but it is pono—it is right—and it is long overdue. Although I will not be the bill's sponsor in the 113th Congress, it will forever bear my highest aspirations and heartfelt commitment to the Native Hawaiian people, the State of Hawaii, and the United States of America.

I know I am just one in a long line working to ensure that our language, our culture, and our people continue to thrive for generations to come. I believe Hawaii has so much to teach the world and this institution. In Congress and in our Nation, we are truly all together, in the same canoe. If we paddle together in unison, we can travel great distances. If the two sides of the canoe paddle in opposite directions, we will only go in circles.

I urge my colleagues to take this traditional Hawaiian symbol to heart and put the American people first—by working together.

I want to say mahalo nui loa—thank you very much—to my incredible staff. After 36 years there are far too many individuals to name, so I will just thank all of my current and former staff members in my Senate and House offices and on my committees, including Indian Affairs, Veterans' Affairs, and the Subcommittees on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

I want to thank the hundreds of employees who work for the Architect of the Capitol and the Sergeant-at-Arms. Without the hard work they do every day, we could not do what we do in the Senate. Mahalo. Thank you to the floor and leadership staff as well.

I also want to thank Senate Chaplain Barry Black, who has provided me so much guidance and strength and has done more to bring the two sides of the Chamber together and find common ground than just about anyone. I want to thank our colleagues who join together every week for the Prayer Breakfast and Bible study as well. All of these have helped to shape me and the things I do here.

There is no one I owe more to than my lovely wife of 65 years, Millie. She is literally there for me whenever I need her. Nearly every day that I have served in the Senate for the past 22 years, Millie has come to the office with me. She helps me greet constituents, she makes me lunch, she keeps me focused, and she makes sure I know what is happening back home. She means the world to me. Every honor I have received belongs to her and to my family, my children, my grandchildren, and great-grandchildren. This speech is their farewell speech too. So mahalo, Millie and my ohana, my family.

In life there are seasons. While leaving Congress is bittersweet, I am looking forward to spending more time with our five children and getting to know our 15 great-grandchildren, and—can you believe this—we are expecting our 16th great-grandchild next year, and I will be home to see it.

I am looking forward to speaking with students and mentoring up and coming leaders and visiting places in Hawaii that I have worked for over my career. My goal was to bring the spirit of aloha to our Nation's Capital in everything I do. In Hawaii, we look out for one another, we work together, and we treat each other with respect. I hope I succeeded in sharing a little bit of Hawaii with all of you.

As I come to the end of 22 years in this Chamber, and a total of 36 years serving in Congress, I offer my profound gratitude and humble thanks to the people of Hawaii for giving me the opportunity to serve them for so many years. It truly was an experience of a lifetime. All I ever wanted was to be able to help people, and you gave me that opportunity. So mahalo nui loa. Thank you very much.

In Hawaii, when we part, we don't say goodbye. Instead, we say a hui hou, which means until we meet again.

Although I am retiring, I see this as the start of a new chapter, a new season. And I am blessed to have made friendships and partnerships that will last forever.

God bless Hawaii, and God bless the United States of America with the spirit of aloha. A hui hou.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

#### FAREWELL TO THE SENATE

Mr. LUGAR. Madam President, I rise today to address my colleagues on a number of issues important to the future of the United States and to offer some perspective on Senate service.

In a few weeks, I will leave the Senate for new pursuits that will allow me to devote much deeper attention to a number of issues that have been a part of my Senate service. Among these are preventing the proliferation of weapons of mass destruction and developing

more efficient ways to feed the world. I am especially pleased that I will be serving on the faculty of the University of Indianapolis and helping that institution establish a Washington internship program. I look forward to announcing additional endeavors of service in coming weeks.

My service in the Senate would not have been possible without the encouragement and constant support of my loving wife Char, our four sons—Mark, Bob, John, and David—and the entire Lugar family. Their strength and sacrifices have been indispensable to my public service. I also am indebted to a great number of talented and loyal friends who have served with me in the Senate, including more than 300 Senators, hundreds of personal and committee staff members, and more than a thousand interns. In my experience, it is difficult to conceive of a better platform from which to devote oneself to public service and the search for solutions to national and international problems. At its best, the Senate is one of the Founders' most important creations.

A great deal has been written recently about political discord in the United States, with some commentators judging that partisanship is at an all-time high. Having seen quite a few periods in the Congress when political struggles were portrayed this way, I hesitate to describe our current state as the most partisan ever. But I do believe that as an institution we have not lived up to the expectations of our constituents to make excellence in governance our top priority.

Many of us have had some type of executive experience as Governors, mayors, corporation chiefs, and cabinet officials. I had the good fortune of serving two terms as the Mayor of Indianapolis prior to my Senate service. For the last 36 years, I have attempted to apply lessons learned during those early governing experiences to my work in the Senate. As mayor, my responsibility for what happened in my city was comprehensive and inescapable. Citizens held the mayor's office accountable for the prosaic tasks of daily life, like trash collection and snow removal, but also for executing strategies for the economic and social advancement of the city.

In legislative life, by contrast, we are responsible for positions expressed through votes, cosponsorships, interviews, and other means. It takes courage to declare dozens or even hundreds of positions and stand for office, knowing that with each position, you are displeasing some group of voters. But we do our country a disservice if we mistake the act of taking positions for governance. They are not the same thing. Governance requires adaptation to shifting circumstances. It often requires finding common ground with Americans who have a different vision

than your own. It requires leaders who believe, like Edmund Burke, that their first responsibility to their constituents is to apply their best judgment.

It is possible to be elected and re-elected, again and again and gain prominence in the Senate while giving very little thought to governance. One even can gain considerable notoriety by devoting one's career to the political aspects of a Senator's job—promoting the party line, raising money, and focusing on public relations. Responsibility for legislative shortcomings can be pinned on the other party or even intractable members of one's own party. None of us are above politics, nor did the Founders expect us to be. But, obviously, we should be aspiring to something greater than this.

Too often in recent years, Members of Congress have locked themselves into a slate of inflexible positions, many of which have no hope of being implemented in a divided government. Some of these positions have been further calcified by pledges signed for political purposes. Too often we have failed to listen to one another and question whether the orthodox views being promulgated by our parties make strategic sense for America's future. The result has been intractably negative public perceptions of Congress. A Rasmussen Reports poll conducted this month found that only 10 percent of likely voters gave Congress a rating of "excellent" or "good."

For me, the irony is that having seen several generations of lawmakers pass through this body, I can attest that the vast majority are hardworking, genuinely interested in public service, and eager to contribute to the welfare of our country. Often, the public does not believe that. It is easier to assume that Congressional failings arise from the incompetence or even the malfeasance of individual legislators. Or perhaps, as some believe, Washington, D.C. itself is corrupting. It is far more disconcerting to think that our democracy's shortcomings are complex and defy simple solutions, but the Founders were realists who understood the power of factionalism, parochialism, and personal ambition. They understood that good intentions would not always prevail. Accordingly, they designed a system to check abuse and prevent power from accumulating in a few hands. But they knew that the efficient operation of such a republic would require a great deal of cooperation. They knew that it would require most elected officials to have a dedication to governance, and they trusted that leaders would arise in every era to make their vision work.

The Senate has a unique role to play in good governance. We have attributes not possessed by the executive branch, including staying power. Administrations turn over every 4 or 8 years. But Senators can have careers spanning decades that allow them to apply expertise and political understanding to

problems over many years, even as administrations come and go. We also can confer a bipartisan framework on a policy. Even a small bipartisan group of Senators cooperating on a difficult problem is a powerful signal of the possibility for a unifying solution.

My hope is that Senators will devote much more of their energies to governance. In a perfect world, we would not only govern, we would execute a coherent strategy. That is a very high bar for any legislative body to clear. But we must aspire to it in cooperation with the President because we are facing fundamental changes in the world order that will deeply affect America's security and standard of living.

The list of such changes is long, but it starts in Asia with the rise of China and India as economic, political, and military powers. The Obama administration has conspicuously announced a "pivot" to Asia. At the center of this pivot is China, which exists as both an adversary to certain U.S. interests, and a fellow traveler sharing mutual goals and vulnerabilities on others. The ongoing challenge will be for the United States to discern, sometimes issue by issue, whether China is an adversary or a partner. This calibration will impact America's relations with the rest of Asia and may ultimately determine prospects for war or peace in this world.

While visiting Indonesia, Thailand, and the Philippines in October, I was reminded of the economic vitality of Southeast Asia and the fact that the ten countries comprising ASEAN represent the fourth largest export market of the United States. These countries are center stage to the circumstances with China. We must stand firm with our friends throughout Asia and actively pursue prospects for free trade with open sea lanes and other policies that will strengthen America's economic growth.

More broadly, we face the specter of global resource constraints, especially deficiencies of energy and food that could stimulate conflict and deepen poverty. We have made startling gains in domestic energy production, but we remain highly vulnerable to our dependency on oil. Perhaps equally important, even if we are able to produce more energy at home, we cannot insulate ourselves from energy-driven shocks to the global economy. In other words, we have to cooperate with other nations in improving the global system of manufacturing and moving energy supplies. Currently, a key to this is helping to ensure the completion of the southern energy corridor serving Central and Southeastern Europe and unleashing our own liquified natural gas exports to address the energy vulnerabilities of our closest allies.

The potential global crisis over food production is less well understood. Whereas research is opening many new

frontiers in the energy sphere, the productivity of global agriculture will not keep up with projected food demand unless many countries change their policies. This starts with a much wider embrace of agriculture technology, including genetically modified techniques. The risks of climate change intensify this imperative.

Even as we deal with potential resource constraints, our country remains vulnerable to terrorism and asymmetric warfare. Access to the internet and social media has deeply altered international politics, in most cases for the better. But it also has contributed to instability through sudden upheavals like the Arab Spring; it has allowed destructive terrorist movements like al Qaeda to franchise themselves; and it has intensified risks of cyber-attacks, espionage, and the proliferation of weapons of mass destruction. The potential catastrophe remains of a major terrorist attack on American soil employing weapons of mass destruction. If that happens, in addition to the lives lost, our expectations for economic growth and budget balancing could be set back by a decade or more. Having devoted considerable time to this problem, my experience is that there are no silver bullets. Protecting the United States from weapons of mass destruction is a painstaking process that every day must employ our best technological, diplomatic, and military tools.

Amidst all these security risks, we must maintain the competitiveness of the United States in the international economy. We should see education, energy efficiency, access to global markets, the attraction of immigrant entrepreneurs, and other factors as national security issues. My own view is that the fundamentals of American society still offer us the best hand to play in global competitiveness. No other country can match the quality and variety of our post-secondary education. We have the broadest scientific and technological base and the most advanced agricultural system. Our population is younger and more mobile than most other industrialized nations. We still can flourish in this global marketplace if we nurture the competitive genius of the American people that has allowed us time and again to reinvent our economy.

But we must deal with failures of governance that have delayed resolutions to obvious problems. No rational strategy for our long term growth and security, for example, should fail to restrain current entitlement spending. And no attempt to gain the maximum strategic advantage from our human resource potential should fail to enact comprehensive immigration reform that resolves the status of undocumented immigrants and encourages the most talented immigrants to contribute to America's future.

Faced with immense responsibilities, there is a need to elevate our Senate debate. It is vital that the President and Congress establish a closer working relationship, especially on national security. This is not just a matter of process. It is necessary to undergird national unity in the event of severe crises, such as war with Iran or another catastrophic terrorist attack.

This cooperation depends both on Congressional leaders who are willing to set aside partisan advantage and on administration officials who understand that the benefits of having the support of Congress is worth the effort it takes to secure it. Currently, the national security dialog between the President and Congress is one of the least constructive that I have ever witnessed. There is little foundation for resolving national security disputes or even the expectation that this can occur. Before the next 9/11, the President must be willing to call Republicans to the Oval Office to establish the basis for a working partnership in foreign policy. And Republicans must be willing to suspend reflexive opposition that serves no purpose but to limit their own role in strategic questions and render cooperation impossible. All parties should recognize the need for unity in the coming year when events in Iran, Syria, Afghanistan, North Korea, and other locations may test American national security in extreme ways.

I commend each of you, my Senate colleagues, for the commitment that led you to stand for election to the United States Senate. Running for office is a difficult endeavor that is usually accompanied by great personal risk and cost. Each one of you is capable of being a positive force for changing the tone of debate in our country. Each one of you has a responsibility not only to act with integrity and represent your constituents, but also to make the informed and imaginative choices on which good governance for our country depends.

I am optimistic about our country's future. I believe that both internal divisions and external threats can be overcome. The United States will continue to serve as the inspiration for peoples seeking peace, freedom and economic prosperity. And the United States Senate should and will be at the forefront of this advancement.

May we seek each day from God our creator, the wisdom and the will to do our best in the governance of our country. And may God continue to bless the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Indiana.

Mr. COATS. Mr. President, I rise today to honor the service of Senator RICHARD LUGAR and to pay tribute to his legacy. I served alongside Senator LUGAR as the junior Senator of Indiana

during my two tours of service in the Senate. All of us who seek public service want to make a difference, and most certainly Senator LUGAR has done that.

At an early age DICK LUGAR developed a passion for knowledge. A native of Indianapolis, he was valedictorian at Shortridge High School. It was then and is still a distinguished institution where knowledge is at the forefront of everything done in that school. One of our former Members, Ted Stevens, was also a graduate of Shortridge High School.

DICK LUGAR went on then to become valedictorian in college when he graduated from Denison University with a bachelor's degree in economics. He went on to attend Pembroke College at Oxford University as a Rhodes Scholar and obtained a second bachelor's degree and master's degree in politics, philosophy, and economics. Today he is one of the most decorated scholars in the Senate with 46 honorary degrees from 15 States and the District of Columbia.

Following these most impressive academic achievements, Senator LUGAR spent several years in the U.S. Navy ultimately serving as an intelligence briefer for ADM Arleigh Burke, Chief of Naval Operations. The Navy and Admiral Burke chose the best person they could for that particular job. DICK LUGAR quickly became well known for not only his hard work but his leadership ability and his intellectual prowess. Senator LUGAR then returned to Indiana where at the young age of 35 he became the mayor of Indianapolis, serving two terms from 1968 to 1975. There is no question that DICK LUGAR is recognized as one of the most influential and visionary mayors Indiana has ever seen, and maybe the country has ever seen.

Having just left military service myself, I was working full time attending Indiana Law School at night. That didn't leave much time for Marsha and me to enjoy the amenities of Indianapolis but, frankly, there were very few amenities to enjoy at that particular time. It was then that our newly elected mayor began a remarkable transformation of Indianapolis into now what has become one of the most attractive and livable cities in America.

As mayor, DICK LUGAR worked carefully with the Indiana General Assembly and then-Governor Ed Whitcomb to extend the boundaries of the city and merge the governments of Indianapolis and Marion County to provide common essential services more efficiently—a concept then called Unigov. Unigov wasn't without controversy, but because of DICK LUGAR's vision, careful negotiations, and decisive action, Indianapolis became a model for other cities across the Nation.

When the law took effect in 1970, Indianapolis's population rose from

476,000 to 793,000. Indianapolis moved from the 26th largest city to one of the Nation's largest dozen cities literally overnight. When I think of the numerous positive changes in Indianapolis over the past 40 years, I see the fulfillment of the vision of then-Mayor DICK LUGAR.

The Midwest has a way of producing men and women of sense and decency. However, not all of us fall into that category. Sometimes that sense is questioned, but we do have individuals who have the ability to see to the heart of the matter and to find a way to resolve a problem. Such skill is extremely valuable in the U.S. Senate, a body that by its very design is supposed to foster compromise between legislators on issues before the Nation. So it was a natural progression that following his success as mayor, DICK LUGAR's next job would be serving Hoosiers as a U.S. Senator.

Since 1977, Senator LUGAR has represented Hoosiers and served our Nation admirably. Without question, Senator LUGAR is the type of lawmaker and leader who works hard to bring both parties together, find common ground, and pass needed legislation. Although his contributions are many—including his long and valued service on the Senate Agriculture Committee—Senator LUGAR's most important role in the Senate has to be his leadership on the Senate Foreign Relations Committee. As a two-time chairman of this committee, he has been one of the most influential minds on foreign policy in the Senate's history. He has worked tirelessly on policies and legislation to promote arms control, control and dismantle nuclear arms, and to address the global food crisis.

Among his many accomplishments in the field of foreign relations, his signature piece of legislation, no doubt, is the Cooperative Threat Reduction Program, more commonly known as Nunn-Lugar. When Senator LUGAR joined the Foreign Relations Committee in 1979, he traveled to the former Soviet Union on multiple occasions to gain a better understanding of how the United States could secure and dismantle weapons of mass destruction.

His experiences led him to champion the landmark legislation that successfully resulted in the deactivation of nuclear warheads, making this world a safer place. To date, the Nunn-Lugar program has deactivated more than 7,500 nuclear warheads that were once aimed at the United States. It is a contribution to which Americans can never give enough thanks.

Over his 36 years in this institution, Senators from both sides of the aisle have considered DICK LUGAR a trusted resource when it comes to foreign policy and many other important issues. He has been a consistent resource for those who seek thoughtful answers to difficult political questions.

When I first arrived here in 1989, Senator LUGAR and I operated a unique joint office arrangement in Indiana. We shared office space and staff in our State. Many of our colleagues were surprised by this arrangement, but DICK LUGAR and I like to tell Hoosiers that they are getting twice the service for half the price. All those who work in this Chamber can learn from DICK LUGAR's passion for public service. His sincere desire to reach across the aisle and find common ground complements his unique talent for forging coalitions and bringing people together to accomplish big things.

A tribute to Senator LUGAR would be incomplete without recognizing the support of his wife Charlene, his four sons, and his extended family. Public service places unique demands on our families, and their sacrifice and support plays an important role in any Senator's success.

It has been an honor for me to work with Senator LUGAR. I am thankful for his service to Indiana and to our country.

My wife Marsha and I wish Senator LUGAR, Char, and his family nothing but the best as my dear friend begins this next chapter of his life. Senator LUGAR has dedicated so much of his service to our country. He has outlined many other ways in which he will be continuing to do that and that is a great benefit to our Nation and to our State. I am certain we will continue to learn and benefit from the Senator's lifetime of public service.

I know my colleagues join me in thanking Senator LUGAR for his many years of dedicated and distinguished service. It has been a pleasure to serve as a junior Senator from Indiana under the Senator's leadership.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me add my words of commendation to those of Senator COATS for Senator LUGAR. I have often joked with him that he has been my Secretary of State while I have served here in the Senate. We could count on Senator LUGAR to give good, unbiased advice on complicated foreign relations issues, and we will very much miss Senator LUGAR's voice here in the Senate, and also his better half, Char Lugar, who I think we all know is a bright light. It has been an honor and a privilege to serve with Senator LUGAR, and I know his voice will continue to be heard on the important issues of the day.

In both Indiana and North Dakota, agriculture is a pillar of the economy. Senator LUGAR fully understands the importance of farming, and it has always been near his heart. He still manages a 600-acre corn, soybean, and tree operation back home. Here in the Senate, he has been a champion for his State's farmers, serving on the Agriculture Committee since his first term.

I have worked with him as a member of that committee since I joined the Senate a decade later. He twice served as chairman, most notably during the passage of the 1996 farm bill.

I had the privilege to work with Senator LUGAR in crafting numerous farm bills. During the Agriculture Committee's debate of the last farm bill, Senator LUGAR and I teamed up to fund rural energy programs. We both understand the importance of getting more energy from the Midwest instead of the Middle East. Rather than sending our dollars outside of the country to buy oil, we can invest in renewable energy that is produced at home. Without DICK's support, the Senate's version of the farm bill would have lacked these important provisions.

When the history books are written about our era, Senator LUGAR will be remembered as one of the Senate's leading voices on foreign policy. A proven leader, DICK has been recognized by his colleagues for his clear-eyed analysis and practical solutions to global problems. His expertise has been invaluable to the Senate, whether it was regarding the threats of the Soviet Union during the Cold War or Islamic terrorism today. One of Senator LUGAR's brightest achievements was the creation of the Cooperative Threat Reduction Program, commonly known as Nunn-Lugar. Through this program, the United States helps partner countries destroy and secure weapons of mass destruction. It has deactivated over 7,600 nuclear warheads that once threatened our Nation. Our world is undoubtedly a safer place because of Senator LUGAR's unwavering commitment to secure nuclear material.

DICK has been one of the most pragmatic Members of the Senate. He understood that compromising with others does not mean betraying one's beliefs. He was willing to work with Members on both sides of the aisle to achieve sensible solutions to our Nation's problems. At a time when our country desperately needs to set aside inflexible partisan rigidity in order to advance the common good, Senator LUGAR will be greatly missed.

I thank Senator LUGAR for his service in the Senate, to his State and the country. I thank him for being a friend to me, and I wish him and his family the very best in the future.

#### FAREWELL TO THE SENATE

Mr. President, we have this long tradition in the Senate of Senators giving farewell remarks. I want to alert colleagues that mine will be especially long, so they might want to go have lunch and then come back. I don't consider this my final speech because I am still hopeful we will reach an agreement on the farm bill. The distinguished Chair is here. I hope we can reach agreement on averting the fiscal cliff because that is important to the country. I hope we will have additional

chances to communicate with colleagues and the public before we are done.

These are my farewell remarks and observations of 26 years of service here, and it has been an incredible experience.

The first thing I want to do is say thank you to the people of North Dakota for having confidence in me when I was only 38 years old in sending me to represent them in the Senate. I was 38, but I looked about 25, and the people of North Dakota elected me in a stunning upset of a long-established incumbent. I treasure the confidence they have had in me.

I also want to thank my colleagues for the responsibilities they have given me. I also want to thank the leadership team of Senator REID, Senator DURBIN, Senator SCHUMER, and Senator MURRAY and the confidence they have had in me. I have been so blessed to have people who have been with me on my staff in many cases for more than 20 years. My chiefs of staff, include Jim Margolis, who is one of the top media gurus in the country. He has done much of the advertising for the President in this last campaign. Also, my thanks to David Herring and Mary Wakefield, as well as Kent Hall, who died an untimely death while working for me.

Thank you to Sara Garland, Bob Van Heuvelen, and Wally Rustad. Thanks also to Tom Mahr, who was my legislative director for than 20 years.

I also wish to thank my executive assistant, who has been with me more than 20 years; Geri Gaginis, who we all fondly call Mom in my office because she cracks the whip and makes sure the trains run on time; Mary Naylor, my long-time director on the Budget Committee and who has also been with me more than 20 years.

My Budget Committee deputies John Righter and Joel Friedman have done extraordinary work on behalf of the people of this country. Stu Nagurka is here with me today and is going to help me with charts and has been my long-time communications director.

There are so many more people I want to thank. Most of all, I want to thank my family. My wife Lucy, who has been my great partner through all of this. She was my campaign manager when I first ran for the Senate. My daughter Jessie, who has in many ways, perhaps, sacrificed the most, because when a person is in this job they miss birthdays and other important events. She has been a great daughter. She was here last night for our farewell party and we had a lovely time. Our son Ivan and his wife Kendra, who are in Oregon where they have a small farm called Tipping Tree Farm. We wish they could be here today. Our grandson Carter, who is a proud member of the University of Oregon marching band, The Ducks, and who served as

an intern for me—not at government expense, by the way, it was at our expense; and our little dog Dakota who has become sort of a mascot of the U.S. Senate. Brian Williams, when he did a show on "A Day in the Life of the Senate," concluded that program by calling Dakota the "101st Senator." I think he will be missed perhaps more than I am as I leave the Senate.

In 1964, I came here. I sat up in the gallery—in fact, it was the gallery right up there—I was 16 years old, and I watched a debate on civil rights. Hubert Humphrey was leading that debate. It so inspired me that I thought, you know, someday I would like to be down on that floor and I would like to debate the great issues of the day and I would like to represent the people of North Dakota. So I went home and wrote out on the back of an envelope that I would run for the U.S. Senate in 1986 or 1988, and I ran in 1986 and was successful. That is the power of a plan. To the young pages who are here, if any of you seeks to be in the U.S. Senate someday, have a plan, because there are so many people who sort of drift through life without one. If you have a plan, you will be light years ahead.

In that race, as I indicated, my now-wife Lucy was my campaign manager. We won what was then believed to be the biggest political upset in the history of our State. I was proud of that victory and proud to have a chance to represent North Dakota here.

I think we all know our country needs a plan now, and we know plans have worked before. I was here in 1993 when we had just come off the largest deficit in the history of the United States. The country was in the doldrums. The economy was just plugging along, not doing very well, we had a weak recovery from a deep recession, and we passed a plan to get the country back on track. We did it the old-fashioned way. We made tough decisions, some that were unpopular, but it was the right thing to do and it worked. We balanced the budget. We had the longest period of uninterrupted economic growth in the Nation's history. Twenty-three million jobs were created, and we were actually paying down the debt of the United States at the end of the Clinton administration.

We did it again when disaster struck my State in 1997. We had one of the worst disasters ever in North Dakota, a 500-year flood that followed the worst winter storm in 50 years. Many of my colleagues may recall the images from that disaster when firemen were fighting an enormous conflagration in downtown Grand Forks in the middle of a blizzard and there was also a massive flood. Grand Forks was devastated.

Again, we had a plan, a \$500 million disaster recovery plan that became a \$1 billion plan, and it worked, and we did

it the old-fashioned way. We made tough decisions, some that were unpopular, but it was the right thing to do and it worked. The community held a recognition event for me last week-end. The leadership of the community was there, and many people from of the community reported on the remarkable recovery in Grand Forks. It is, I think, an example of what can be done when government responds and does so intelligently and effectively.

Now we face a new challenge. We have a fiscal cliff or a fiscal curb or whatever one terms it, but what we know is that if we fail to act, we could be pushed back into recession. Our country needs a plan—a plan to get us back on track, to revitalize economic growth, to secure our long-term economic future, and to get the country moving again, and we can do it. We have done much tougher work in the past.

Sometimes I hear people being critical of this institution when they leave here. Let me say I am not in their ranks. I leave this institution with enormous respect. The U.S. Senate is the greatest deliberative body in the world, and I sincerely believe the vast majority of my colleagues are serious-minded and have the best interests of the country at heart. I believe the vast majority of my colleagues want to do what is right for the country. We have differences—enormous differences—about what is the right thing to do, but I have no doubt most of our colleagues are well intentioned.

In many circles it is fashionable now to bash government and play down its importance. I personally think we would do well to remember what it has accomplished. I can remember so clearly being called to an emergency meeting in this building in the fall of 2008. I was handed a note saying I was urgently requested to come here. It was about 6 o'clock in the evening. I was the last one to arrive. When I walked into the leader's office, there were the leaders of the House and the Senate, Republicans and Democrats, the Secretary of the Treasury from the Bush administration, and the Chairman of the Federal Reserve. I instantly understood something very serious was afoot. They closed the door and told us they were going to take over AIG, the large insurance company, the next day. They weren't there to ask for our approval or seek our agreement; they were there to tell us they were taking this step and they told us they were taking this step because they believed if they did not, there would be a financial collapse in this country within days, and they gave great specificity as to what would happen if there was a failure to take the action they were about to take.

The public reaction was harshly negative. The notion of the Government of the United States bailing out a large

private insurance company created controversy and criticism from almost every corner. Ultimately, the rescue of that company cost \$180 billion—a staggering sum. But do my colleagues know what. We have learned this week that the taxpayers will make money on the deal. Yes, it cost us \$180 billion, but the taxpayers are going to make \$22 billion on the transaction. If we hadn't done it, we would have risked going into a depression.

So when people say there is no role for government or it should be a limited, shrunken roll, I say, Really? Would we have wanted to stand by and risk this country going into another Great Depression? Let's recall what that was like. More than 20 percent of the people in this country were out of work. I know my own grandfather, who refused to take bankruptcy, owned stock in the local bank. In those days people had unlimited liability if they owned stock in a bank. So when there was a run on the bank, as there was, he was called to bring money to the bank, which he did. He did it over and over, and it took him 9 years to recover. People were hungry. People were desperate. That is what a depression is about.

So when I reflect back to those decisions, I believe they were the right decisions to make. It is not just my view; that is the view of two of the most distinguished economists in this country, Mark Zandi, who was a key economic adviser to Senator JOHN MCCAIN in his Presidential race, and Alan Blinder, the former Deputy Chairman of the Federal Reserve. Here is what they say: Without that Federal response, we would have had 8 million fewer jobs and a 16-percent level of unemployment in this country, and we would have been in the second Great Depression. They call it "Depression 2.0."

So let's remember where we were when President Obama came to office. The Nation was facing the worst economic catastrophe since the Great Depression. In the fourth quarter of 2008, the economy shrank at a rate of almost 9 percent. After the Federal actions, positive economic growth returned in the third quarter of 2009 and we have now had 13 consecutive quarters of economic growth. We have come a long way. This is a remarkable turnaround in a very short time, measured against previous financial crises. In fact, there has been an academic study just completed that suggests typically it takes 8 to 10 years to recover from a financial crisis. So the recovery here, while not everything we would have hoped, is a dramatic turnaround.

At the same time, our constituents know, and we know, the price has been high. We know we are currently borrowing 31 cents of every dollar we spend. That is somewhat of an improvement, because we were borrowing 40 cents of every dollar we spend. So

this is an improvement, but we have a long way to go. And the public understands we face both a spending and a revenue problem. Spending is near a 60-year high, as this chart shows. The red line is the spending line; the green line is the revenue line. But for those who say it is just a spending problem, I don't think the facts bear that out, because the revenue is near a 60-year low. I think most logical people would say we have to work both sides of this equation.

When we look at our debt, we see that our gross debt has now surpassed 100 percent of our gross domestic product. There was a landmark work done a couple of years ago by Rogoff and Reinhart. They looked at 200 years of economic history and they concluded that once our debt exceeds 90 percent of GDP, our future economic prospects are reduced, and reduced quite significantly: future economic growth reduced by 25 to 33 percent. So this is not just numbers on a page; this is a question of future economic opportunity.

This growing debt is why many of us called for action a long time ago. In fact, it was 6 years ago this month that Senator Gregg and I came up with the idea of a commission to tackle the debt. That idea ultimately led to the President appointing the Bowles-Simpson Commission. Its bipartisan report recommended \$4 trillion in deficit reduction in a balanced way, and I think in a fair way. It protected low-income programs, it actually improved the progressivity of the tax system quite significantly, and it was balanced between revenue and spending. Other bipartisan groups have concluded the same, that we need spending restraint and we need revenue. So there is a critical role for government here. We have seen it in the past and we will find it in the future.

But I think we also have to acknowledge there are problems here. There are problems in this Chamber. As proud as I am of this institution, and I will forever be, I have detected over the 26 years I have been here, a change. It has happened kind of gradually, but it has clearly happened. We now spend too much of our time seeking partisan advantage, and it happens on both sides, and it is all understandable. I understand it. I am not being critical of individuals. We spend too little time trying to solve problems. We spend too little time in our caucuses, in our meetings, focused on how to solve the problems facing the country. I deeply believe this observation is true.

I believe we can do better than this. The institutions of our government have a proud history. The genius of our Founding Fathers can be found in every part of our history. Whether it was conquering the last Great Depression or winning World War I and World War II or launching a man into space or conquering dread diseases, over and



over our country has organized to better the plight of mankind. We need that same kind of focus and effort now to address our challenges. I am confident we can do this, but it is not enough to be confident. It is not enough to be hopeful. It requires a plan, and I would like to take the next few minutes to lay out my belief of what that plan should include.

Much of what I will talk about reflects the work of the Bowles-Simpson Commission, the Group of 6 that I have been a part of, and the Group of 8.

It starts by looking at what both sides have laid down. Republicans have laid down the spending cut plan; the President has laid down a revenue plan. My own belief is we should take them both. We should take what the Republicans have proposed on spending, with some modest modifications which I will discuss, and we should take the President's plan on revenue.

The President laid down a plan that said we ought to raise \$1.6 trillion over the next 10 years. Boy, that sounds like an awful lot of money, doesn't it—\$1.6 trillion. Not billion, not million, trillion. And people will be quick to say: Oh, my God, that is the biggest tax increase in the history of mankind. Terrible. We cannot do that.

Well, we need to put it in perspective. The first thing we should recognize is this will take us to a revenue level that is 19.9 percent of our GDP. The last five times we have balanced the budget in this country, going back to 1969, we have been at 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, and 19.5 percent. Does 19.9 percent fit in? These are the only times we balanced the budget going back to 1969.

To put it in even more perspective, how much revenue are we going to raise over the next 10 years without any change? Well, here is the number: \$37.4 trillion. Nobody ever puts these things in perspective. These big numbers are in relationship to what; \$1.6 trillion is what in relationship to \$37.4 trillion? As a percentage that is an increase of 4.3 percent. My goodness, we cannot increase the revenue by 4.3 percent in this country over the next 10 years? Of course we can. Of course we can, especially if it means we get our house in order and put the country on a more firm fiscal footing.

It does not just matter how much money we raise; it also matters how we raise it. We have a Tax Code now which I cannot defend. I cannot defend it. I took a study that was done by a man named Martin Sullivan last year. He did a very interesting thing. He looked at one building on Park Avenue in New York, and he was able to do it because they happened to have the statistics that isolated that one building. Do you know what he found? The average income in that building was \$1,167,000 for the year—\$1,167,000. The average tax rate of the people in that building was 14.7 percent.

The janitor in that building had an income of \$33,000. He paid a tax rate of 24.9 percent. Is this fair? Is it fair that people making \$1.1 million paid a tax rate of 14.7 percent, and the janitor who served them earning \$33,000 a year paid a tax rate of 24.9 percent? Well, I personally do not think so.

I know all of the arguments. I have served on the Finance Committee. I have heard it all. The biggest reason for this differential, by the way, is not the earned-income tax rate, which has had almost all of the attention in this national discussion. Almost all of the attention has been on the earned-income tax rate and raising it from 35 percent to 39.6 percent.

Almost no attention has been paid to the unearned-income tax rate on capital gains and dividends. The unearned rate is currently at 15 percent. That is what allows very wealthy people to pay a tax rate that is a fraction of those who work full time and are paying rates of 25 percent.

So I hope as we move to conclusion we will pay a little more attention to the unearned rates. The truth is, we would not have to have as much of an increase as is being proposed on the earned-income side and have more of an increase on the unearned-income side, and we would make the Tax Code fairer and we could raise the same amount of revenue. That is the revenue side.

But the spending side Republicans have down. They have put out a proposal that asks for savings out of entitlements and other discretionary spending. And if we look at their proposal and break it down—again, let's look at health care. We are going to spend \$11 trillion over the next 10 years on health care. Republicans are proposing saving \$600 million. If we had a compromise between Republicans and Democrats let's say at \$500 million, that would be a savings of, again the magic, 4 percent.

We are going to increase revenue 4 percent. If we had savings in health care of 4½ percent, we would save \$500 billion. Now, I have had conversations with colleagues who tell me we cannot possibly save \$500 billion out of health care, just like people say, well, we cannot possibly increase revenue \$1.6 trillion.

Really, we cannot save \$500 billion out of a pot of money where we are going to spend \$11 trillion? I do not think that is true. I think we can save \$500 billion. And I will tell you, there is someone sitting on this floor who has a pretty good idea of how to do it. Senator SHELDON WHITEHOUSE has said to us over and over and over: We are spending more than any other country in the world as a share of our national income on health care. We are spending 18 percent of our GDP on health care. No other country spends more than 11½ percent.

The best minds in this country have told us we are wasting hundreds of billions of dollars in health care that do not improve health care outcomes at all. If we would save money in overall health care, 40 percent of that savings would flow through to the Federal Government. Senator WHITEHOUSE is right about this. We ought to focus like a laser on where the waste is.

We do not need to increase the eligibility age for Medicare. We absolutely do not have to do it to save \$500 billion. But what it would do, if we save \$500 billion, is it would keep the growth in health care spending about equal to the growth in the overall economy. That would stabilize the growth of health care spending. That would be a huge contribution to the economic competitive position of the United States.

Republicans have also said: Hey, let's save \$300 billion on domestic discretionary savings. Now, I will be the first to say we have already had lots of savings on the discretionary accounts. We have saved over \$1 trillion in the discretionary accounts. But they say, ok, let's save another \$300 billion. I think we should say we will do it if they go with us on the revenue. We will do it because that represents a savings of 2.6 percent of the \$11.6 trillion we are going to spend in the discretionary accounts over the next 10 years.

Now, I think we have gotten into a situation where we use numbers that are absolutely big numbers, but we do not put them in perspective. We cannot save 2.6 percent out of discretionary accounts. Well, I believe we can. I absolutely believe we can. I believe we can save more out of defense.

I have supported every penny—I did not vote for going to war in Iraq. I thought that was a huge mistake. But I have supported every dollar of spending for our troops in the field. I can tell you as the Budget Committee chairman, we can save more money in defense. There are lots of Republicans who know we can do it too.

Other mandatory. That is another category the Republicans said to save \$300 billion there. I think they are \$100 billion too high because we are already saving over \$100 billion out of other mandatory programs to offset the cost of extending certain policies just last year. So let's save \$200 billion. That would represent, again, 4 percent of what we are projected to spend over the next 10 years in other mandatory spending; \$5.1 trillion is what we are programmed to spend. Two hundred billion dollars of savings there would represent 4 percent.

Again, I have had colleagues tell me we cannot possibly save \$200 billion. I have had staff people tell me we cannot save \$200 billion. So I say, how much are we going to spend? How much are we going to spend? That \$200 billion represents 4 percent of what we are going to spend. We cannot save 4 percent? Yes, we can. Yes, we can.



I was elected on the slogan, in 1986, of "Yes We Can." And somebody else used that slogan a few years later. President Obama used that slogan, "Yes We Can." He called me up.

He said: Do I owe you royalties?

I said: No, I am glad you are using it.

But, yes we can. We need more of a yes-we-can attitude around here.

So when I rack it all up and I look at what we have already done, we have saved \$1 trillion in the Budget Control Act of last year. Here is other mandatory savings I just talked about: more than \$100 billion that we have already done to offset the cost of extending certain policies, \$900 billion of other discretionary savings already done. So we put that in the bank. We use that as the base.

We put it all together and here is what we have: We save another \$200 billion on defense; we have revenue of \$1.6 trillion, which is the President's proposal; we have \$100 billion of non-defense. That gets us the \$300 billion the Republicans have asked for.

On health care we do \$500 billion. That is close to what they have asked for, \$100 billion less. Other mandatory, \$200 billion; that is close to what they asked for. The \$100 billion difference reflects what we have already done.

Interest savings. Because we are spending less and we have more revenue, we save interest, \$400 billion. That gives us a total of spending cuts of \$1.4 trillion. We add in what has already been done \$1.050 trillion, and we have a total of \$2.450 trillion. We add that to the \$1.6 trillion of revenue, we have \$4.050 trillion of savings.

Then I personally would extend the payroll tax holiday because CBO tells us, on the tax side, that holiday is the biggest bang for the buck in giving a lift to the economy. It will cost us \$200 billion, for a net deficit reduction of \$3.850 trillion. For those wondering what happens to AMT and what happens to the doc fix, we have those in the baseline so they are covered in this proposal. We can correct the alternative minimum tax. We can eliminate the doc fix and be done with them.

This magnitude of package is precisely what was called for in the fiscal commission. In The Moment of Truth report, this is what they called for. I think they were right to call for it. I was proud to be part of that effort. I believe this is precisely what we need to do now. So that is the plan. Now we need action. We should do it the old-fashioned way. We should make tough decisions, even some that will be unpopular.

It will be the right thing to do, and it will work. It will stabilize our debt and begin to bring it down. It will provide certainty to our economy. I believe it will unleash the \$1.7 trillion that is in the balance sheets of our corporations, and it will unlock the investment potential that lies all across this country.

Let me end as I began by simply saying thank you. Thank you to the people of North Dakota, thank you to my colleagues, thank you to my staff and, most of all, thanks to my family—to my wife Lucy, to my daughter Jessie, to our son Ivan and his wife Kendra, and to our grandson Carter. To all my family members, my cousins, who have been with me in every campaign, I will never forget your support and your help. I will always consider serving here the honor of my life.

I also thank my colleague Senator HOEVEN, who, in the 2 years he and I have overlapped, has been a good colleague. I have enjoyed working with him very much.

I just close by noting, because as many of you know, I am sort of a numbers guy, that I started these remarks in the 12th hour of the 12th day of the 12th month of 2012. I am sure numerologists will make much of those relationships. I began this speech in the 12th hour of the 12th day of the 12th month of 2012, and I leave here forever grateful for the opportunity to serve.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Michigan is recognized.

Ms. STABENOW. I wish to take a moment to thank our distinguished colleague and my dear friend for his wonderful service. We serve on three committees together. It has been my honor to serve on the committee Senator CONRAD chairs, the Budget Committee, and to have him serve as a senior member of the Agriculture Committee, which I chair. Both of us sit on the Finance Committee together.

Today he has done what he has always done for us, which is to provide vision, common sense, intelligence, and a lot of numbers. They add up, and they make sense. In listening to Senator CONRAD's farewell speech, I want to thank him again for giving us a path forward. He is someone who will forever be in Senate history as one of the great statesmen of our country, someone with intelligence, respect on both sides, compassion, and a fighter from North Dakota like I have never seen. He is someone who serves in the best tradition of what it means to be an honorable public servant.

He has been a role model for me all the way through to this point and a dear friend. I wish him, Lucy, and Dakota—he is, in fact, the 101st Senator—wonderful opportunities going forward in the future. The Senator from North Dakota will be greatly missed, but his contributions will forever be a part of the positive tradition of this great body.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I yield to the distinguished chairman of the Judiciary Committee, the Senator from Vermont.

Mr. LEAHY. I thank the Senator. I will be speaking later on to the senior Senator from North Dakota.

Mr. President, I have had the privilege to serve with several hundred Senators since coming here. I have put in a very small list those who are extraordinary both for their talents and for our personal friendship, and KENT CONRAD is in that short list very easily. In fact, he defines it in many ways. Because of what we heard here, as I whispered to him a minute ago, it was nice to hear a grownup speak on the floor.

I have seen him reach across the aisle. We have been privileged, both of us have been privileged to serve with fine Senators from both parties. But KENT CONRAD is unique. Marcelle and I value more than I could possibly say here our friendship with Kent and his wife Lucy and the 101st Senator, Dakota.

As I said, I will speak later about this Senator, but what we heard today was a real giant of the Senate speaking, and I hope all Americans will listen to the lesson he gave us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Before the junior Senator from North Dakota speaks—and I appreciate his courtesy in allowing us to make a few brief, personal remarks before he speaks—I wanted to say to my friend and my chairman, the senior Senator from North Dakota, that, yes, in the most obvious respect, he is leaving the Senate, and we will be a smaller Senate for his departure. But in some very important ways, KENT CONRAD is not leaving the Senate. I can assure him that for as long as I remain a U.S. Senator and have the privilege to serve in this body, KENT CONRAD will remain in this Senate as an example that I will never forget as a young Senator tutored by him in the Budget Committee. I can speak for myself when I say that, and I will only speak for myself when I say that, but I am absolutely confident there are dozens of other Members of this body who can say exactly the same thing. In that sense, KENT CONRAD will continue to be an important part of this Senate, and the effect he will have in those years through the example he has set, echoed down the hallways of time by people who had the opportunity to serve with him, is going to be an immensely valuable one.

He displays the characteristics of diligence—an underrated attribute but an important one—of courtesy, of determination. It is an interesting combination, courtesy and determination, but Chairman CONRAD knows very well when to yield and when to fight. There was a politician hundreds of years ago in another country who said, "One ought not to be obstinate," and then he continued, "unless one ought to be, and then one ought to be unshakable." On

the things that count, Senator CONRAD has always been unshakable. Where progress can be made, he has never been obstinate. It has been my honor to serve with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. HOEVEN. I rise to speak on behalf of the senior Senator from North Dakota and to thank him for his dedicated service on behalf of the people of North Dakota and on behalf of the people of this great Nation.

I think this is 26 years that he has served in the Senate, and he has always served with great distinction and great commitment. He has been a leader in agriculture, in energy, and in fiscal efforts and many other areas.

I have to say on a personal note that since I came to the Senate last year, he has reached out to me and to my family in a very warm and positive way, both personally and professionally, and I would say the same about his wife Lucy. I think this is in the finest tradition of the Senate, in the tradition of bipartisanship, in the tradition of working together, and in the tradition of truly caring and being committed to getting things done. It wasn't just that he reached out on a personal level and said: All right, how can I be helpful, how can we work together; when I had questions or needed assistance, he was there. He was more than helpful.

In terms of working on legislation that matters, a farm bill, working together on the Agriculture Committee—Senator CONRAD has an amazing knowledge of agriculture and obviously incredible experience over the past 26 years building good farm policy for this Nation. So to work with him on the Agriculture Committee was not only rewarding but really an opportunity to craft good long-term policy for this country that will make a difference.

I start with that example because when you look at it, here we are at a time when we need good policy for our country, but at the same time we need to find savings, real savings that will help us address the deficit and the debt. So we went to work on a farm bill—a farm bill that is not only responsive to the farmers, the ranchers, and the producers of this country who produce the highest quality of food supply in the world at the lowest cost—every American benefits from that. They wanted more crop insurance, and we went to work. We improved the farm bill in terms of the kind of crop insurance it provides, but at the same time we saved \$23 billion to help with the deficit and the debt. That is doing it the right way.

If you think about it and you went across all aspects of what we are doing here, all of the different types of policies that we have, if we could do the same—craft good policy and find real, meaningful savings on a bipartisan

basis that empowers the very people who are impacted by that policy, the farmers and the ranchers who do such a great job producing food, fuel, and fiber, but at the same time grow our economy, create a favorable balance of trade and an incredible number of jobs—that is what we have to do, whether it is agriculture, whether it is energy, whether it is disaster assistance when we have floods and hurricanes, whether it is our military.

I am very pleased and honored to have had the opportunity to work with Senator CONRAD on those types of issues to try to make a real difference for the people of this country. As Senator CONRAD departs the Senate after 26 years—think about it: 26 years here, conducting himself in a professional manner with respect to this institution. He built relationships with Senators on both sides of the aisle but always with a commitment to the people of North Dakota and this country.

As I look at the legacy he leaves, I think one of the most important right now is his willingness to work in a bipartisan way to get things done. He brings a practical, pragmatic approach that recognizes solutions are imperfect but that we have an obligation in a bipartisan way to come together and find real solutions for the people of the greatest Nation on Earth. It is that legacy, that willingness to be bipartisan and work together that I saw up close and personal here every day. I believe it is that legacy, as well as many others, that will continue here in this body when we think about Senator KENT CONRAD and his service to North Dakota and his service to this great country.

I rise to say thank you on behalf of the people of North Dakota and this country to my distinguished colleague for 26 years of dedicated service. Thank you, good luck, and God bless in your future endeavors.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I want to thank Senator HOEVEN, my colleague, for his kind words. I have really enjoyed the relationship. I think you can tell we worked together very well, and I hope that serves as an example to others of our colleagues. Even if you are on other side of the political aisle, you can work together, and you can get things done.

I also thank Senator LEAHY, my dear friend. He and his wife are very close friends of mine and my wife's.

To Senator STABENOW, the distinguished chairman of the Agriculture Committee, and Senator WHITEHOUSE, who served with me on the Budget Committee, I want to take special note of the friendships we have enjoyed. Senator STABENOW and Senator WHITEHOUSE will be friends of ours for as long as we are on this Earth.

I look forward to our continuing relationship with the Leahys, who, as I have indicated, have become very dear personal friends.

In closing, to Senator HOEVEN, the best part of service here is getting things done. And Senator HOEVEN has come with that attitude to this Chamber—to get results for the people we represent—and I appreciate that attitude, and I appreciate the friendship.

Finally, I say to the distinguished occupant of the chair, we have had a very good relationship as well. I thank him for his service and for this opportunity to have my farewell remarks before the Senate on this the 12th day of the 12th month of 2012. That is a remarkable set of coincidences.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Mr. LIEBERMAN. Mr. President, my fourth and final term as a U.S. Senator will soon come to an end. As I reflect on that reality, I am, of course, filled with many emotions, but the one I feel most is gratitude—gratitude first to God, creator of life and law, without whose loving kindness nothing would be possible; gratitude to America, the extraordinary land of opportunity which has given someone like me so many opportunities; gratitude to the people of Connecticut, who have entrusted me with the privilege of public service for 40 years, the last 24 in the Senate; gratitude to my Senate colleagues, whom I have come to know as friends and with whom it has been such an honor to serve; gratitude to all the people without whose help, hard work, and support I never would have made it to the Senate or stayed here, the gifted and hard-working staff in Connecticut and Washington who supported, informed, and enriched my service here, and the volunteers in my campaigns who gave so much and asked for nothing in return except that I do what I believed was right; gratitude to all those who labor out of view in the corridors of this Capitol Building, from the maintenance crews to the Capitol Police and everybody else anywhere in this building—thank you for keeping our Capitol running and keeping us safe; and gratitude most of all, of course, to my family for the love, support, and inspiration they have given me every day of my life—my parents, grandparents, and siblings, my children and grandchildren, and Hadassah, my wife of almost 30 years now, the love of

my life, who has been my constant companion, supporter, and partner through this amazing adventure.

So I want to begin this farewell speech by simply saying thank you all. I have a lot to be grateful for. But, Mr. President, being a Senator, and since this is my farewell speech, I do have a few more things I would like to say.

I am leaving the Senate at a moment in our history when America faces daunting challenges both domestic and foreign and when too often our problems seem greater than our government's ability to solve them. But I can tell you I remain deeply optimistic about America's future and constantly inspired by the special destiny I am convinced is ours as Americans.

My optimism is based not in theory or hope but in American history and in personal experience. I think particularly about my time in public life and especially the changes I have witnessed since I took the oath of office as a Senator on January 3, 1989. The fact is that over the past quarter century, America and the world have become freer and more prosperous. The Iron Curtain was peacefully torn down, and the Soviet empire defeated. The eternal values of freedom and opportunity, on which America was founded and for which we still stand, have made global gains that were once unimaginable. We have seen the spread of democracy from Central Europe to Southeast Asia and from Latin America to the Middle East. Hundreds of millions of people have been lifted out of poverty in places such as China, India, and just about every other corner of the globe, and technological advances have transformed almost every aspect of our daily lives.

When I started in the Senate, a BlackBerry was a fruit and tweeting was something only birds did. No more. None of these extraordinary developments happened by accident. In fact, to a significant degree, I would say they were made possible by the principled leadership of the United States, by the global economy and international system America created with our diplomacy and protected with our military and by the unique culture of freedom, innovation, and entrepreneurship that flourishes in our country and that remains the model and inspiration for the rest of the modernizing world.

We have every reason to be proud of the progress of humanity that has happened on America's watch and here at home to be grateful for the countless ways in which our own country has been benefited in the process. We live in a world whose shape and trajectory the United States, more than any other nation, is responsible for. It is certainly not a perfect world. I know that. But it is a better world than the one we inherited. In my opinion, it is actually in so many ways a better world than has ever existed before.

Here at home, over the past quarter century, we have moved closer to the more perfect union our Founders sought—becoming a more free and open society, in ways I would guess those same Founders never could have imagined.

Barriers of discrimination and bigotry that just a few decades ago seemed immovable have been broken, and the doors of opportunity have been opened wider for all Americans—regardless of race, religion, gender, ethnicity, sexual orientation, age or disability.

During my time in Washington, we have had our first female Secretary of State nominated and confirmed and our first African-American President elected and reelected. It will forever remain one of my deepest honors that—thanks to Vice President Gore—I was given the opportunity to be the first Jewish American nominated by a major political party for national office—and, incidentally, thanks to the American people, grateful to have received one-half million more votes than my opponent on the other side. But that is a longer story.

While there is still much work to do and many problems to be solved, I believe we can and should approach our future with a confidence that is based on the real and substantial progress we have made together. What is required now to solve the real urgent problems we still have is leadership—leadership of the kind that is never easy or common but which we as Americans know we can summon in times of need because we have summoned it before.

Today, I regret to say, as I leave the Senate, the greatest obstacle I see standing between us and the brighter American future we all want is right here in Washington. It is the partisan polarization of our politics which prevents us from making the principled compromises on which progress in a democracy depends and which right now prevents us from restoring our fiscal solvency as a nation.

We need bipartisan leadership to break the gridlock in Washington that will unleash all the potential that is in the American people. So I would respectfully make this appeal to my colleagues—especially the 12 new Senators who will take the oath of office for the first time next month. I know how hard each of you has worked to get elected to the Senate, and I know you worked so hard because you wanted to come here to make a difference for the better. There is no magic or mystery about the way to do so in the Senate. It requires reaching across the aisle and finding partners from the opposite party. It means ultimately putting the interests of country and constituents ahead of the dictates of party and ideology.

When I look back at my own career, the legislative achievements I am

proudest to have been part of—such as passing the Clean Air Act of 1990, stopping the genocide in the Balkans, creating the 9/11 Commission and the Department of Homeland Security, reforming the intelligence community, reorganizing FEMA, and repealing don't ask, don't tell—all were achieved only because a critical mass of Democrats and Republicans found common ground. That is what is desperately needed in Washington now to solve our Nation's biggest problems and address our biggest challenges before they become crises or catastrophes.

Our future also depends on our Nation continuing to exercise another kind of leadership; that is, leadership beyond our borders. This too has never been easy or popular. Americans have rarely been eager to entangle ourselves abroad, especially at times when we have faced economic difficulties at home, as we do now. There has been the temptation to turn inward, to tell ourselves that the problems of the world are not our responsibility or that we cannot afford to do anything about them. In fact, the prosperity, security, and freedom of the American people depend more than ever before on what is happening in the rest of the world—and so, too, does the rest of the world depend especially on us.

I know we can't solve all the planet's problems by ourselves, nor should we try. But the fact is that none of the biggest problems facing the world can or will be solved in the absence of American leadership. Here, too, I appeal to my Senate colleagues—and, again, especially those who will take the oath of office for the first time early in January—do not listen to the political consultants or others who tell you that you shouldn't spend time on foreign affairs or national security. They are wrong. The American people need us, the Senate, to stay engaged economically, diplomatically, and militarily in an ever smaller world. Do not underestimate the impact you can have by getting involved in matters of foreign policy and national security, whether by using your voice to stand in solidarity with those who are struggling for the American ideal of freedom in their own countries across the globe or working to strengthen the foreign policy and national security institutions of our own country or by rallying our citizens to embrace the role that we as a country must play on the world stage, as both our interests and our values demand.

None of the challenges we face in a still dangerous world is beyond our ability to meet. Just as we ended the ethnic cleansing in the Balkans, we can stop the slaughter in Syria. Just as we nurtured the democratic transitions after communism fell in Central and Eastern Europe, we can support the forces of freedom in the Middle East today. Just as we were able to prevail

in the long struggle against the Soviet Union during the Cold War, we can prevail in the global conflict with Islamist extremism and terrorism we were forced into by the terrorist attacks of September 11, 2001.

But all that too will require leadership in the Senate. It will require leaders who will stand against the siren song of isolationism, who will defend our defense and foreign assistance budgets, who will support, when necessary, the use of America's military power against our enemies in the world, and who will have the patience and determination when the public grows weary to see our battles through until they are won.

I first set foot in this Chamber almost exactly 50 years ago, in the summer of 1963, inspired like so many of my generation by President John F. Kennedy and his call to service. I spent that summer right here in the Senate as an intern for my home State Senator, Abe Ribicoff. He was and remains another personal hero of mine. Although I never would have admitted so publicly back then, because it was so presumptuous, I came away from that experience with the dream that I might someday, somehow return to serve in this place.

I have been blessed to live that dream, and that is what America is all about. We have always been a nation of dreamers whose destiny is determined only by the bounds of our own imagination and by our willingness to work hard to realize what we have imagined. Indeed, long before the United States came into being as a government of institutions and laws, it was a dream—a dream, an implausible, incredible dream, animated by faith of a country defined not by its borders nor by its rulers nor by the ethnicity of its Founders but by a set of eternal and universal principles—that life, liberty, and the pursuit of happiness are God's endowment to each of us.

That was the dream that gave us our existence and our purpose as a nation, and it is the dream that for more than 200 years, through every passing generation, has been reinventing, renewing, enthralling, and surprising us—the very dreamers who are living that dream.

I leave this Chamber as full of faith in the dream called America as when I stood here nearly one quarter century ago to take the oath of office for the first time—and as when I first came here nearly one-half century ago as a 21-year-old, the grandchild of four immigrants to America, the son of wonderful parents who never had the opportunity even to go to college but made sure my sisters and I did and gave us the confidence to pursue our dreams, which was their American dream for us.

America remains a land of dreams and a nation of dreamers. I know my

own story repeats itself today in millions of American families and their children. As long as that is so, I know our best days as a country are still ahead of us.

So I will end my remarks where our country began a long time ago—with a dream and a prayer that God will continue to bless the United States of America.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will have a lot more to say about my friend from Connecticut in the next few days. In the meantime, I wish to thank him for a very important, a very visionary, and very wonderful statement. We thank him for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to thank my colleague and friend from Connecticut on behalf of all the people of our State for his lifetime of public service.

Our lives have been intertwined personally and professionally for almost 40 years.

I had the privilege of coming to know Senator LIEBERMAN's family, his parents who gave him the values and ideals he has expressed so eloquently and powerfully repeatedly throughout America as he did today on the floor of the Senate. That dream, which they inspired, is indeed a uniquely American dream, but it is rooted also in the Stamford and Connecticut community that we share, those ideals of faith, education and intellect and those qualities of independence and courage and perseverance in the face of adversity which he has embodied and taught to so many young people and others around our State and around the country and, of course, the ideals and goals of civility and, maybe most important for this body, the ideal of public service, which he has exemplified through all of these years, an unrelenting, unstinting, and unwavering commitment to making the world a better place, person by person, individual by individual, helping make America equal to that great ideal and dream he has articulated so eloquently.

I have been privileged, also, to know JOE's wife Hadassah, who has added so extraordinarily to his life and made possible so many of his achievements. This tribute is to her and his family as well as to him.

For the past 2 years I have had the privilege of working with Senator LIEBERMAN, it has been a real honor, and I look forward to continuing my work with him, although it will no longer be in this Chamber, just as I worked with him before reaching here. In a sense, I followed his professional path as a State senator, as attorney general, and now here.

Many of our colleagues will come to the floor in these remaining days of this session to commemorate the tremendous legacy he leaves. It is a legacy of action, not just of words as we have heard today, but action and achievement. He has been a steadfast supporter of family planning and a woman's right to choose, raising awareness and garnering commitment of congressional colleagues for that cause. He has been a champion of equality and justice, exemplified, for example, in his advocacy of the repeal of don't ask, don't tell. He has been a leader on environmental conservation as attorney general of our State, as well as in this body, especially in the fight to protect Long Island Sound, a treasure of Connecticut and the entire Nation.

He was a leader in bringing to the floor of this Chamber one of the first bills on climate change. His legacy will live on in these efforts: the clean air and water he has helped to protect, the urgency with which he has fought to protect our natural treasures in Connecticut and around the country. His spirit of environmental stewardship will inspire generations to come. That ideal of stewardship is also articulated by his remarks here, the stewardship of democracy, of our Republic.

One of Senator LIEBERMAN's signature accomplishments has been the creation of the Department of Homeland Security in which he aimed to consolidate disparate agencies to facilitate interagency communication. In the wake of 9/11, he made that a mission and achieved it as chairman of the Committee on Homeland Security and Government Affairs as well as a leader on the Armed Services Committee. And on that committee, Armed Services, he has championed a strong and vital national defense. That remains essential now as it has been throughout his career.

I am grateful to Senator LIEBERMAN's support for a bill I recently introduced, the End Trafficking in Government Contracting Act, which addresses the serious problem of human trafficking by Federal contractors and subcontractors. I think his support for that measure demonstrates, again, his commitment not only to equality but helping and working with others in this body on a bipartisan basis who share his goals, as that measure has been and was and will be, as is the cause of ending human trafficking and achieving human rights.

Most recently, in a very personal way I observed Senator LIEBERMAN's deep empathy for people who are victims of natural catastrophes. When the recent spate of storms struck Connecticut, Irene and Sandy, I toured with him stricken places, seeing in his eyes and hearing in his voice his sense of how individuals and their families are affected by any kind of natural disaster.

He is a person of heart and of soul—a big heart and a soul that reaches out to people.

I thank him for his great work, his contribution, his unstinting generosity to the people of our State, Connecticut, through all of his years of service in many different positions, in many different ways, in a myriad of places throughout the State and throughout our Nation.

I thank my Connecticut colleague for dedicating his life to public service. I look forward to being with him, if not in this Chamber, in many other places around the country. I continue to admire his great contributions to our country as well as to our State. Thank you, Senator LIEBERMAN.

Mr. CONRAD. Mr. President, I rise today to honor my colleague, Senator JOE LIEBERMAN, who will be leaving the Senate at the end of this term. Senator LIEBERMAN's long career in public service began in the Connecticut State Senate, where he served for 10 years, including three terms as the majority leader. JOE then put his Yale law degree to good use as the attorney general for the State before winning his bid for the U.S. Senate in 1988. He has served in this esteemed body for 24 years, and I am grateful for his dedication and service to our country.

JOE is a true patriot. As Senator, he has made ensuring the security and safety of our Nation his priority. He spearheaded the creation of the Department of Homeland Security in 2002 and has served honorably as the chairman of the Homeland Security and Governmental Affairs Committee. In this position, Senator LIEBERMAN promoted a forward-thinking security strategy of preparing our military to respond to the unique security threats posed in the 21st century. In particular, he has worked to address cyber security issues and prepare our military to respond to evolving warfare tactics.

Senator LIEBERMAN has also worked to ensure that our Nation can stand strong in the face of natural disasters. In 2006, he worked with Senator COLLINS to make the Federal Emergency Management Agency, FEMA, more effective and responsive to communities suffering from the effects of natural disasters. He insisted that FEMA centralize and upgrade its information technology, IT, system to better respond to disasters and the needs of the public.

JOE and I have worked together as members of the Anti-Meth Caucus to fight the methamphetamine epidemic. Senator LIEBERMAN recognizes the threat drugs like methamphetamine pose to the security of our borders, the health of our citizens, and the economic prosperity of our Nation. I was proud to work with him on this important issue.

In 2000, Senator LIEBERMAN ran as the Vice Presidential candidate, be-

coming the first person of the Jewish faith to represent a major political party on a national ticket. Despite rising to the top of the ticket as a representative of the Democratic Party, Senator LIEBERMAN has frequently demonstrated his willingness to work across the aisle to achieve his vision.

I respect JOE's commitment to his personal convictions and his hard work on behalf of the people of Connecticut. I thank him for his service to our country and wish him all the best.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Mr. NELSON of Nebraska. Mr. President, I rise today to thank the people of Nebraska. It is a tremendous honor to have had the opportunity to serve the state for 20 years—8 as Governor and 12 as Senator. The people of Nebraska are generous and hardworking and it has been a true privilege to represent them.

I also want to thank my parents—Birdella and Benjamin. Raising me in McCook, NE they instilled in me the values I have tried to embrace and which serve as guiding principles for me in both public and private.

I especially want to thank my family for their unwavering love and support. As my colleagues know, public service requires our families to sacrifice—sacrifice privacy and sacrifice the ability to determine their own schedule among many other things. And so I sincerely thank my wife Diane, our four kids and five grandkids for their patience and understanding. While it is hard to walk away from this body, I look forward to getting to spend a lot more time together.

As a public official the lens through which I have always tried to view decisions is: how will this policy, this vote or this decision impact my community, my State and my country? This focus and advocacy for my home State has resulted in both praise and criticism at various times but I stand before you today proud of the accomplishments achieved over the last 12 years and grateful for the opportunities afforded to me by the people of Nebraska. Arriving in the Senate in 2001 I recall thinking about what one of my predecessors in this body, Ed Zorinsky, used to say. Senator Zorinsky said that the biggest problem in Washington, D.C. is there are too many Democratic Senators and there are too many Republican Sen-

ators. There are not enough U.S. Senators. Unquestionably my proudest moments in the Senate are those efforts that were bipartisan and pursued by a collective motive to get the best possible result while maintaining the dignity of this institution.

Probably the most straightforward example of this work is the compromise achieved by the Gang of 14. As many of my colleagues will recall, in 2005 there were several judicial nominees presented to the Senate for its consideration but which had not yet received an up or down vote. The majority leader at that time, Senator Frist of Tennessee, was considering what became known as the so-called “nuclear option” which would have changed the Senate's rules so that the minority party couldn't filibuster a judicial nominee.

There was a great deal of concern about how this would impact the Senate's longstanding tradition of majority rule while recognizing minority rights—and what this would mean to the way the Senate conducted its business in the future. At that time, myself and Senator Lott convened 12 of our colleagues—6 additional Democrats and 6 additional Republicans. Together we met and exchanged ideas about how to find a sensible way forward that would satisfy all 14 Senators such that each would agree the Senate was dutifully carrying out its “advise and consent” responsibility without unduly restraining the ability of the minority to assert itself in instances when it found a nominee truly and substantively objectionable or unfit to serve.

Ultimately an agreement was reached by this bipartisan group, there was not a rules change and in the midst of a highly partisan environment, the Senate moved forward in a positive way and I believe we did the right thing. Senator Robert Byrd of West Virginia was a critical member of the Gang of 14. In addition to his many, many, many accomplishments—everyone knew then and knows now that there is not anyone more well versed in the history of the Senate or who was more protective of it as an institution. I will never forget after the agreement was finalized Senator Byrd said that he was proud of the work accomplished and that we had “saved the Senate.”

Hearing those words from Senator Byrd was undoubtedly one of the proudest moments of my career. Besides Senator Byrd, I have had the opportunity to serve with so many public servants in this body, and I thank all of them. I would start naming names, but I know I will leave someone out. So I want to thank all present and past Members of the Senate that I have worked with for the occasions we have had to work together so closely.

I also share the sentiment that many of my colleagues have noted in their farewell addresses, and that is the appreciation for the efforts of staff. Over

the last 12 years I have worked with an incredibly dedicated and talented collection of individuals. We call on our staff to do a lot of work, often in a very stressful environment. I thank everyone in my office back home and at the office in DC for the work they have done on behalf of the State of Nebraska.

If I were to leave this body with one thought and hope for the future, it would be this: Congress needs to change its math, and by that I mean the Members of Congress should be more concerned about addition and multiplication and less involved in division and subtraction which seems to overtake this institution at times. My hope is that in the process of doing this, Congress and our Nation will have a stronger desire to find solutions for the country's greatest challenges more so than any effort to try to drive our citizenry apart.

With that, I will say one more time: Thank you to my family, my staff, my colleagues, and most especially to the people of Nebraska.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNIS. Mr. President, I rise today to pay tribute to my colleague BEN NELSON. In fact, when we visited with each other last night, I said to Senator NELSON that I have spent a significant part of my career following jobs he had done. I was the mayor of Lincoln when BEN NELSON was the Governor of Nebraska, I became the Governor of Nebraska as he was completing his two terms, and then I joined him in the U.S. Senate. Before all of that, I worked with BEN as the Secretary of Agriculture.

I can say from first-hand experience that BEN NELSON always had the best interests of our State at heart. He was enormously hardworking. In fact, I don't hesitate to admit for a second that when I came to the Governor's office, I found the State to be in excellent shape. He often joked about how he was tighter than three coats of paint, and I think that is absolutely true.

He tended to business, balanced the budget, and made sure that money was set aside in the rainy day fund because we in Nebraska know there are going to be days where it might rain. He did a great job as Governor. We worked hand in hand on a number of issues when I was Governor and he was a U.S. Senator. When we became colleagues in

the Senate, that working relationship continued.

I am very pleased to rise today and say to the people of Nebraska that there was never a time where partisan differences ever impacted or interfered with our ability to work together. Senator NELSON was always looking for a way to move the State forward and move our country forward.

I just wanted to come to the floor today and thank my colleague BEN NELSON for his service. We appreciate everything he has done. We wish the Senator the very best, and I have a sense we are going to have an opportunity to work together in future years.

Mr. CONRAD. Mr. President, I rise today to pay tribute to and recognize the achievements of Senator BEN NELSON, who, like me, will be leaving the Senate at the end of this year. I consider Senator NELSON, who has represented Nebraska in the Senate since 2000, a friend and an excellent colleague.

Senator NELSON has had a long and impressive career, spanning both the private sector as well as State and Federal Government service. After graduating from law school at the University of Nebraska, Senator NELSON spent roughly two decades working in the insurance industry, both as a legal practitioner and in leadership roles at the Central National Insurance Group, the National Association of Insurance Commissioners, and the Nebraska Department of Insurance.

It was upon this impressive background that Senator NELSON launched his career in public service when, in 1990, as a moderate Democrat, he was elected Governor of Nebraska. As a testament to his dedicated service and popularity, he was reelected to a second term in 1994 after garnering nearly three-quarters of the vote. Nebraskans then sent him to the U.S. Senate in 2000. Senator NELSON was reelected in 2006 in a landslide.

Nebraska and my State of North Dakota share a great deal in common. Both States are populated by residents who value hard work and who possess an independent streak that places pragmatism above partisan politics. Senator NELSON is a product of his Nebraska roots—he brought those same characteristics to Washington and, as a direct result, was able to work across the aisle and within his party to benefit his State in ways more partisan legislators likely never could have done.

Rural States such as ours also face unique challenges, particularly those involving the agriculture industry, which often go unnoticed by those who live in densely populated areas. I have worked closely with Senator NELSON over the years on farm legislation and know firsthand his passion for the industry and his drive to see family

farmers succeed. Nebraskans should be very proud of Senator NELSON's hard work on the Agriculture, Appropriations, and Armed Services Committees.

I will greatly miss having Senator NELSON as a colleague, but I also know that his wife Diane as well as his children and grandchildren will be excited to have him back home in Nebraska. My wife Lucy and I wish Ben and his family many happy years ahead.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, there are many signs of the fundamental, measurable changes we are causing in the Earth's climate, mainly through our large-scale emission of carbon dioxide from fossil fuels. These are irreversible changes, at least in the short run, so we should take them very seriously.

Over the last 250 years, the global annual average concentration of carbon dioxide in the atmosphere has increased from 280 parts per million to 390 parts per million. That is a 30-percent increase. We have recent direct measurements that the carbon dioxide concentration increased by 15 percent since 1980 when it was 339. In 1980 it was 339 and now it is 390. That is just a dozen years in which the concentration of CO<sub>2</sub> in our atmosphere has increased by more than 50 parts per million. Fifty parts per million is a big shift if one is not aware of the scales we are talking about here. For 8,000 centuries—800,000 years—longer than homo sapiens have existed on the face of the Earth, we can measure that the carbon concentration in the atmosphere has fluctuated between 170 and 300 parts per million. A total range of 130 parts per million has been the total range for 8,000 centuries. We are now outside of that range up to 390, and we have moved 50 points since 1980, in a number of decades. So the consequences are going to be profound, and perhaps no consequence of that carbon pollution will be as profound as the increasing acidification of the world's oceans.

Science, of course, has known since the Civil War era, and most of us understand, that excess carbon dioxide in the atmosphere creates a warmer atmosphere known as the greenhouse effect. There is nothing new about that.



But not all of the carbon dioxide emitted by human activity—by our use of fossil fuels—stays in the atmosphere. Carbon dioxide is soluble in water and the oceans cover 70 percent of the Earth. Where the atmosphere is in contact with the oceans, a portion of the carbon dioxide in the atmosphere dissolves into the oceans, reacts with the sea water to form carbonic acid and increases the overall acidity of the oceans.

There is sometimes quarrel and debate about complex modeling of climate and atmospheric projections, but evidence of ocean acidification is simple to measure and understand. Indeed, even the small noisy chorus of climate change deniers and corporate polluters is noticeably quiet on the issue of ocean acidification because they simply cannot explain away the facts.

National Oceanic and Atmospheric Administration scientists gauge that over the past 200 years, hundreds of billions of tons of carbon dioxide have been absorbed into the oceans. NASA, which is able to put, for instance, a man on the Moon and a Rover on Mars and has reasonably good scientists working there who can accomplish those achievements, reports that:

The amount of carbon dioxide absorbed by the upper layer of the oceans is increasing by about 2 billion tons per year.

NOAA scientists say the oceans are taking up about 1 million tons of carbon dioxide per hour. So in more or less the time my remarks are concluded, the equivalent of more than the weight of the Washington Monument of carbon will have been dumped into our oceans. All of the extra carbon dioxide humans have pumped into the oceans has caused the global pH of the upper ocean water to change—a nearly 30-percent increase in the acidity of the oceans.

As my colleagues can see, the curve is not only moving upward but is steepening. Where is it headed? By the end of this century, it is projected we will have a 160-percent rise in ocean acidity. As we can see, not only are the oceans becoming more acidic, but they are becoming more acidic at a very rapid pace. The rate of change in ocean acidity is already thought to be faster than at any time in the past 50 million years.

I talk, when I give this weekly speech from time to time, about the 800,000 years our planet has had a carbon dioxide concentration between 170 and 300 parts per million and how long a time period that is compared to say humankind having the mastery of fire, humankind having engaged in agriculture, humankind even existing as homo sapiens. It is longer than all of those things. But that is just measuring in the hundreds of thousands of years. We are talking about a rate of increased carbon concentration and ocean acidity climbing faster than at any time in the past 50 million years.

What does that mean? Well, a paper published in the journal *Science*, which is a mainstream, noncrank publication, earlier this year concluded that the current rate of carbon dioxide emission could drive chemical changes in our oceans that are unparalleled in at least the last 300 million years. We are back into geologic time now since we saw that kind of an effect. The authors warn that we may be “entering an unknown territory of marine ecosystem change.” Well, when our range of review is in the hundreds of millions of years and the authors are talking about entering unknown territory, that is really saying something.

Here is what Dr. Peter Brewer, the senior scientist at the Monterey Bay Aquarium Research Institute, has to say. Let me quote him:

The outcome is very clear that we are in uncharted territory in the entire span of Earth history. The primary cause of this is simply the rate of CO<sub>2</sub> change; we are changing Earth far, far faster than any recorded geologic shift ever.

Repeat: “We are changing Earth far, far faster than any recorded geologic shift ever.”

What does this mean for marine life? Well, as the pH of sea water drops, so does the saturation of calcium carbonate, which is the compound found in the sea water that aquatic animals use for the construction of their shells and of their skeletons. Some sea creatures absorb calcium carbonate directly from the water; others ingest it as food and then through their bodies it works out to build their shells. At lower saturations of calcium carbonate, calcium carbonate is not as available to these species, and it becomes more difficult for them to make their shells; species such as oysters, crabs, lobsters, corals, and the plankton that comprises the very base of the oceanic food web. We have seen this happen in real life already with the disaster that befell the Pacific Northwest oyster hatcheries when acidic water came in and killed off all the juveniles that were being grown.

Over 1 billion people on this planet rely on marine protein as their primary source of protein, and then, of course, there are the countless jobs that depend on fisheries, on tourism, on restaurants, boat building, maintenance, shipping, and the list goes on. The Presiding Officer is from Maryland, which is another ocean State. He is clearly aware of the importance of that ocean economy.

As things get harder for the species to survive and thrive, sooner or later it will get harder for the economies they support. Let me give my colleagues a specific example: the tiny pteropod, a type of snail, which is about the size of a very small pea. It is also known as the sea butterfly because its foot has adapted into two butterfly-like wings which allows it to propel itself around

in the ocean. These images show what can happen to the pteropod's shell when the creature's underwater environment is lacking in those compounds and becomes more acidic. That is not good for the pteropods.

Another study compared pteropods incubated in sea water with today's pH to pteropods incubated in water with the acidity and chemical conditions projected for the year 2100. The study found a 28-percent decrease in shell growth. Maintaining their shells against that acidity requires energy—energy that would otherwise go into other biologic processes such as growth or reproduction. So increasing ocean acidity is an external stress that makes it harder for species such as the pteropod to survive.

Who cares about the lowly pteropod? Well, salmon do. Forty-seven percent of the diet of some salmon species in the Pacific is pteropods. The salmon fisheries that support coastal jobs and economies also care about the salmon. Ocean fishing in the United States overall is a multibillion-dollar industry connected to hundreds of thousands of livelihoods, and we should care about our fisheries industry, even if one doesn't care about the salmon or the lowly pteropod.

These unprecedented changes in ocean acidity are not happening alone, unfortunately.

These changes come along with dramatically changing ocean temperature, which is also driven by the same carbon pollution. Just recently, NOAA proposed listing 66 species of coral as endangered or threatened, citing climate change as the driver of those species' three key threats: disease, warmer seas, and greater ocean acidification. When you add to those three conditions the preexisting stressors, such as nutrient pollution and destructive fishing practices, well, 35 percent of the world's reefs are classified as in a critical or threatened stage.

Scientific projections indicate that coral reef ecosystems could be eliminated in 30 to 50 years. The young pages who are on the floor of the Senate listening to this speech may very well live into a time when coral reefs and the ecosystems surrounding them are extinct. The death and decline of coral reefs, which are the most diverse ecosystems on the planet, in turn wounds hundreds of other species that call the reefs home. When a reef ecosystem collapses and does not recover, it quickly becomes dominated by algae, and the rich mix of species developed over hundreds of millions of years that was once present there then disappears.

Scientists think the coral reefs off the coast of Papua, New Guinea offer a window into future effects of ocean acidification because there are natural emissions of carbon dioxide which bubble up from the sea floor through the



ocean and raise the concentration making the sea water more acidic. Researchers have found that many species, especially the more complex framework-building corals, which provide shelter to other organisms, do not thrive where the pH is lower.

These are two photographs taken in the same reef. We see how rich and vibrant this reef looks away from the carbon dioxide. Here, near the carbon, where the acidification is higher, it is a shadow of the healthy reef. The human-driven acidification of the ocean is capable of causing—indeed is destined to cause if we do nothing—a serious imbalance in the ocean's complex ecology. The external stress of carbon pollution will result in a new equilibrium in ocean ecosystems.

When we consider what this portends for our food security, for our planet's biodiversity and economically for ocean-based industries, we cannot afford to ignore these changes that are happening, that are measurable in our oceans.

Unfortunately, ignoring it is exactly what we are doing by failing to curb carbon pollution. There are high stakes involved. Our oceans cover 70 percent of the planet. We cannot change their chemistry without expecting profound consequences. It is time we realize we are, in fact, part of the very food chain being disrupted by the mounting acidification of the ocean.

The disruption of international fishing due to climate change and acidification threatens to destabilize local and global economies and compromise a major basic food source. How much? How much are we willing to sacrifice for the luxury of letting corporate polluters foul our planet with unchecked CO<sub>2</sub> emissions? Carbon pollution from fossil fuels is depleting the health of the oceans as well as affecting the atmosphere. Unless we take serious action to reverse course, the consequences may be dire. We are sleepwalking through history. I implore my colleagues to heed the clear and persistent warnings that nature is giving us: to acknowledge the responsibility presented to us in this moment and to respond appropriately before it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### THE FISCAL CLIFF

Mr. GRASSLEY. Mr. President, a week ago I visited with my colleagues about the necessity of taking a closer look at the problems of Medicare and taking advantage of the opportunity we have now with the fiscal cliff debate, to bring attention to it because I do not think it was getting enough attention.

There is no greater threat to America's growth and prosperity than our

uncontrolled national debt. Currently, the country's debt exceeds \$16 trillion. We face the so-called fiscal cliff that could send our economy into another recession. In these difficult times, we are challenged by the people we represent to find real solutions, not short-term bandaids.

As we move forward, it is clear that we must discuss spending. I emphasize that word, "spending." I know President Obama is hyperfocused on increasing taxes as part of his deficit reduction proposal. I think the election shows he is legitimate in doing that, but he could have declared victory about 3 weeks ago. And in the 3 weeks since then he could have spent time talking about the expenditure side of the ledger because if we are going to be serious about reducing our debt, we must talk about spending—not sometime next year, not only after we talk about taxes, we must talk about spending and talk about it now.

We need to have a thoughtful conversation that focuses on where Federal spending most calls for control and containment. That is the purpose of my charts today. That is the purpose of my remarks. We must have a thoughtful conversation about where our Federal spending is taking us. It is past time for the President to engage on health care entitlements with proposals that affect the long-term growth of health care costs. I am going to try to dissect this issue into 3 divisions and point out where the problems are.

The first division I will do, as shown in this chart, is the total government spending with everything except the interest on the national debt. By the way, this chart is from the Congressional Budget Office. It is not something I put together. It details, as I said, noninterest spending as a percentage of the gross domestic product.

We can see the percentages of GDP of health care, Social Security, and other noninterest spending. So we can see over the period of the next 25 years fairly level noninterest spending. We can see that Social Security, even though it has funding problems over the next 25 years, is going to be fairly constant as well. But when we get to health care costs, we can see a very dramatic rise. I suppose I should have had this on bigger charts so it would be more dramatic than it shows.

So this is the problem I want to address today. The driver of the cost is health care. And even though this chart only goes out 25 years, the board of trustees focuses 75 years ahead on Social Security and Medicare. So if this chart went out 75 years on Medicare, it would show about a \$40 trillion deficit.

So it is a very dramatic increase compared to other parts of Federal Government spending. I want you to look closely at these longer term projections as I proceed with some other

divisions of this problem and segmenting the issue of health care, Medicare and Medicaid.

It is pretty clear that we must address the growth of health care as well as entitlements. I do not think my colleagues on the other side of the aisle can walk away from the issue. We should start by looking at where we are spending the most money in our health care entitlements.

This next chart that we will put up divides this into three categories: Medicare-only health care costs, Medicaid-only health care costs, and then what we call the duals. The duals are people who qualify for both Medicaid and Medicare.

The middle group, as I said dual eligibles, account for just over 10 percent of the entire Medicare-Medicaid population. But we can see by the chart that the amount of money that is spent on that 10 percent is much greater than either Medicare only or Medicaid only. When we talk about the need to find ways to control spending for these dual eligibles, it is for a good reason. They are poorer, they are sicker, and more often they are in need of more extensive, as well as expensive, coordinated care.

The inefficiency created in the misaligned incentives of Medicare and Medicaid is frequently cited as one of the areas in health care in the greatest need of improvement, not only for the quality of health care but also maybe a better caretaker of the taxpayers' money.

ObamaCare created an office in CMS charged with creating demonstration projects to allow for greater coordination of dual eligibles. Those demonstration projects have been moving forward at breakneck pace, with nearly half of the States looking to participate. Essentially, all demonstrations under ObamaCare seek to give States greater control of the acute care of the dual eligibles—in other words, of this group here. CMS has the incredibly broad legal authority under ObamaCare to take these demonstrations nationally if they are successful.

No one argues that the way Medicare and Medicaid coordinate the dual eligibles works very well. The coordination today is akin to asking me and somebody else to compose a letter with the other person writing the consonants and my writing the vowels. Giving the States greater control over duals may be a good answer. Some States might do a good job.

But when we consider the fiscal challenges faced by the States, this should be a decision considered by Congress examining all possible alternatives and in consultation with States rather than something occurring through this regulatory action that we are seeing under ObamaCare and what CMS is doing with those demonstration projects.

Furthermore, moving more responsibility to the States may miss a real opportunity to address an even larger cost problem. While some dual eligibles are expensive and need extensive long-term support and services, there are dual eligibles who, in fact, are relatively low cost. More importantly, though, is that not all the expensive Medicare beneficiaries are dually eligible.

Take a look at this chart. In this chart we see the most expensive individuals in the Medicare Program.

These are beneficiaries who have multiple, chronic conditions and functional impairments. Fifty-seven percent of them are eligible for Medicare only, and 43 percent of them are dually eligible for Medicare and Medicaid.

We have numerous studies showing that the care for high-cost, Medicare-only beneficiaries is just as complex, and the quality of care calls for as much attention as that of the dual-eligibles.

So, then, legitimately ask the question of, Why are we splitting these two groups? These are two groups of similarly situated individuals. They all have need for improved care. They all have multiple conditions that are very expensive. Why do we tell some people: You get Medicare solely because you have income—income that doesn't qualify for Medicaid—and then we tell some people: You should get Medicaid solely because you don't have enough income. Why is it a good idea to give States control of poor beneficiaries? Why should low-income beneficiaries get one of 50 different models to coordinate their care and people with higher incomes get Medicare only? Why is CMS pushing States to take a greater role with a complex, expensive population when they are also being asked to find the resources to cover poor individuals in Medicaid and develop exchanges to cover people in the private market?

Congress should consider what States should do in health care and what are reasonable expectations in those States. Congress should involve States in this conversation. If Congress wants States to administer benefits for the aged, the blind, the disabled, and low-income individuals, along with managing the exchanges for individuals with incomes over or up to 400 percent of poverty, Congress can do so.

If health care is the primary responsibility of States, it is because of decisions made by this Congress. States are being asked to do so much in health care while also overseeing education, public safety, roads, bridges, and meet, in most cases, a balanced budget requirement.

So I think Congress needs to step back and ask where the States are best able to focus on health care. We should ask States.

When we look at the long-term spending growth of our health care en-

titlement, we should use this as an opportunity to reconsider the role of the States in providing health care coverage. What we ask of the States should be thoughtfully considered in any discussion.

I know there are people telling us we shouldn't talk about health care entitlements now. President Obama hasn't come to the table yet on this issue. We don't have a choice. All you have to do is look at the numbers I have given you. Look at the spending. We only make the problem worse by putting it off.

We can save Federal dollars by extracting more from beneficiaries, providers, and States, but that is not going to do the same thing we need to do when we talk about health care changes. It is the very same thing we went through when Obamacare was being considered by a bipartisan group.

We need to do things to change the long-term growth curve of Medicare and Medicaid costs generally. That needs to be done right now. We need to talk about solutions to actually lower the growth curve and do it sooner than later.

We are \$16 trillion in debt. One of every \$4 we will spend in this next decade will be on Medicare and Medicaid. When you get further down the road than 10 years, it is going to grow even more dramatically. We will see health care entitlements double as a percentage of GDP in the next 25 years. I said the trustees look ahead 75 years, and it is even a bigger problem 75 years out.

If we want Medicare and Medicaid to not only survive—and I do—but also to thrive for the next generation, we need to be willing to ask fundamental questions and seek solutions that can affect the growth curve. I sincerely hope we are able to look for solutions that can make a real difference.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. CARDIN. Mr. President, I take this time to share the views of many people who I have talked to in Maryland, and I am sure the same has been said in Oregon and around the Nation. People are frustrated by the inability of Congress to come together on solving the so-called fiscal cliff. We understand this needs to be avoided. Going off the fiscal cliff could cause major damage to our economy.

If we take no action by January 1, as I am sure most people are now aware,

tax rates will revert back to the pre-Bush tax rates. The alternative minimum tax that shields tens of millions of Americans from paying extra income taxes will expire and tens of millions of Americans will be subject to extra taxes. The unemployment insurance program, the extended benefit program, will come to a halt. The payroll tax holiday will end, and individuals' take-home pay will be reduced. We would have a serious problem on Medicare reimbursement to our physicians. They would be subjected to a significant cut, close to 30 percent, which would have an impact on seniors and our disabled population having access to physician care, and we would go through what is known as sequestration, which is across-the-board cuts to almost all Federal programs, ranging from 8 percent to about 10 percent. That would have a major impact on our entire country. We have looked at the numbers in Maryland, and it could mean as many as 60,000 jobs lost in our own State of Maryland. We have a large Federal workforce, with 5.6 percent of our workers working for the Federal Government. That type of across-the-board cut would have an incredibly negative impact on the people of Maryland and throughout the entire country.

We have to avoid that. The impact on our economy is estimated to be about 3 percent. We would go from a positive growth to a negative growth, throwing us into a recession. I understand the frustration of why so close to the end of the year we haven't resolved these issues. We should have resolved them. We should come together, work together to get it done. But I want to point out to the people I represent in Maryland and to the people of this Nation that we have to get this done right. There is a lot at stake.

We have to make sure our country can grow, that we can create the jobs we need to be competitive in the future. We must make sure we deal with this budget crisis in a way that allows us to invest in education, in job training and in rebuilding our highways, our bridges, and our energy grids. We have to make sure we can compete as a nation. That is why so many of us have said we have to have a balanced approach to dealing with the fiscal cliff.

This morning, I listened to Speaker BOEHNER say the ball is in the President's court. I couldn't disagree more with the Speaker of the House. I think it is important to point out that since we have been working on trying to deal with this deficit issue, we have already agreed to over \$1 trillion in spending cuts—in discretionary domestic spending—in some of the most challenging areas that affect our most vulnerable people. We have implemented that, and this is since the recommendations of the Simpson-Bowles Commission came out. We took action and we imposed

caps on discretionary domestic spending.

Our Federal workforce has been through years, a couple years of pay freezes. We have seen programs that have been cut back and the support they give to people who need help. We have already contributed on the spending side. Is it enough? No. Do we need to do more? Absolutely. But we have done that.

The next piece that must be done is the revenue piece. We can't have a balanced approach unless we have the revenues. So many of my colleagues have talked about this. Historically, our revenues are around 20 percent of our economy. They are now in the 15-percent range.

We have a way to do this. The Senate has come together on a way to do this. The Senate passed legislation that has been in the House of Representatives where Speaker BOEHNER is the Speaker of the House. It has been in the House now for months. What that legislation does, first, it gives predictability to the taxpayers of this country. It says the first \$250,000 of taxable income will be subject to the current tax rates and will not go back to the pre-Bush tax rates. That gives certainty to the taxpayers in this country.

I have heard people say: That affects 98 percent of the taxpayers in this country. You know what. It affects 100 percent of the taxpayers of this country. I wish to stress that. If we pass the bill that was sent by the Senate to the House that continues in January the current tax rates for those with taxable incomes up to \$250,000; yes, for the typical taxpayer in Baltimore City earning \$20,000 to \$30,000 of income, they will save \$1,400 in taxes; and, yes, for a taxpayer earning \$40,000 to \$65,000 of taxable income, they will save \$2,000. But guess what. A person with \$250,000 of taxable income will save about \$7,000; and if they earn \$500,000 in taxable income, they will save that same \$7,000. If they earn \$1 million of taxable income, they will get that tax break also. It affects 100 percent of the taxpayers of this country.

What we are saying is we have to have some revenue in this equation. We understand that. Those who are the most well off, do they truly deserve larger tax breaks than that? I would suggest not.

It is not just the tax rates we sent over to the House of Representatives, we also corrected the marriage penalty so that wouldn't change on January 1, the child tax credit, and the AMT—the alternative minimum tax I mentioned earlier. As to the alternative minimum tax, if we don't correct that, tens of millions of Americans will pay extra taxes in the thousands of dollars starting January 1.

I have heard many debates on the floor of the Senate and in the House where no one wants that to happen.

Then pass the bill we sent over from the Senate. If we do that, taxpayers don't have to worry about those rates going up and it gives them a little bit of confidence, hopefully, before Christmas, which would make the season a happier season for all.

This is a balanced approach. As I said before, we started with spending cuts. We have done that. The next step, Speaker BOEHNER has to deal with the revenue side. If the House passes the Senate bill, it provides about \$850 billion in revenue from not extending additional tax relief for those whose incomes are above \$250,000. I mentioned we already did over \$1 trillion of discretionary domestic spending cuts, which would give us \$850 billion of revenue, and that is not enough. We are going to need more revenue. It is not going to be easy to find. But by closing loopholes, we can get some additional revenues. We have all talked about tax reform. We can get some additional revenue from tax reform.

That brings us to additional savings, and we agree we can get additional savings. I have taken to the floor and talked about the fact that we are bringing our troops home from Afghanistan. I applaud the efforts of the chair to try to get those troops home sooner, and I agree with him. But our troops are coming home and our baseline budget reflects a much higher Active troop level than we need. It is called the overseas contingency accounts. We know there are savings there that can be achieved and we can use in that balanced approach to bring our budget under better control.

Just as we have gone through base realignment and closures in the United States, we believe we can do that throughout the world and that can also save us some money in the military budget. So there are military savings that can be achieved.

Yes, we can and must achieve savings on the entitlement side. I was listening to my friend from Iowa talking about the cost of health care. I agree with him. Health care costs have gone up too dramatically in this country. We have to bring down the cost of health care. We started doing that with the Affordable Care Act by investing in prevention—preventing readmissions to hospitals and dealing with high-cost interventions. That will help us bring down the cost of health care. We have to do more in that regard. If we bring down the cost of health care, we save money in Medicare and Medicaid, and we save taxpayer costs, but we also help our economy. What a lot of us are concerned about is just trying to shift the cost to beneficiaries. That doesn't help our economy and that doesn't help solve the problem.

I take the floor now just to challenge Speaker BOEHNER and say to him it is time to act on the bill we sent over months ago. Let us take the next step

and let us work together and develop a framework so our committees can work and achieve policy changes that can bring in the additional revenues we are going to need and the additional savings we know we can achieve. We can do that working together.

I started by saying there are many people in our communities who are frustrated we haven't gotten this done by now. I share that frustration. We should have gotten this done a long time ago. I agree with them. But let's now move this week with the House passing the Senate bill we sent them providing predictability for the taxpayers of this country going into this holiday season. Let's reassure them that next year their rates will not be increased, particularly in this fragile economy. Let's set up a framework where we can responsibly work to reduce health care costs—in greater amounts, I agree—reduce some military spending, and do what is right in a real balanced approach to get our budget in better balance so our economy will grow and create the jobs we need.

It is most important for us to have a climate where we can create more jobs and the type of jobs we want—invest in education, construction, et cetera. That is what we need to do. That is where we need to come together as Democrats and Republicans to get the job done. I urge my colleagues, let's work and get this done as soon as possible.

#### EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I see my distinguished colleague from Utah is on the floor, so I yield the floor and look forward to listening to his comments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my good colleague, and I enjoyed listening to his comments.

#### PROPOSED SMALL BUSINESS TAX HIKES

Mr. HATCH. Mr. President, one thing people admire about firefighters is that when others are running away from a burning building, they run toward it. Conversely, while most people prudently avoid cliffs, President Obama and the congressional Democratic leadership are racing to go over the fiscal cliff "Thelma and Louise" style.

Absent action by Congress and leadership by the President, at the end of

the year almost every Federal income tax payer in America will see an increase in their rates. Some will see a rate increase of 9 percent, while others will see a rate increase of 87 percent.

Although not often discussed—and although the President likes to avoid discussing it—the impact of these rate hikes will have a uniquely damaging impact on small businesses and the jobs they provide. Small businesses are the engine of job creation in our economy, and the rate hikes the President insists on will hit them hard, undermining economic growth and hampering innovation and job creation. Whether we go over the fiscal cliff or whether the President gets his way on raising rates, taxes will go up significantly on small businesses.

The President would like us to think that raising these taxes is no big deal; it will just hit people who already have a lot of money and who can “afford to give a little more.” As President Obama put it in using his own finances as an example, absent tax increases, “I’m able to keep hundreds of thousands of dollars in additional income that I don’t need. . . .”

With due respect, this is an amazingly naive understanding of tax rates and their impact on economic growth. It assumes that all the people hit by these higher tax rates are wealthy wage earners, CEOs, and financiers. It completely negates the impact on small business income that will be subject to these individual rate hikes.

Here we are at Christmastime and the Democrats want Santa to put coal in the socks of all the small businesspeople. Even President Obama acknowledges that two-thirds of the new jobs in our economy are created by small businesses. The vast majority of small businesses are organized as what we call flowthrough business entities, such as partnerships, S corporations, limited liability companies, and sole proprietorships. In other words, these small businesses pay the individual income tax rates.

Because the vast majority of small businesses are flowthrough business entities, the income from these businesses flows through the business directly onto the small business owners’ individual tax returns. Therefore, any increase in individuals’ tax rates means those small businesses get hit with a tax increase. This tax increase lands on those small business owners even if they do not take one penny out of their business’s profits and they put it all back in to be able to hire more people or to get more inventory or whatever that helps their business along. Even if a small business reinvests all its income to hire more workers, pay the workers they already have, or purchase equipment, they will still get hit with this looming tax hike.

The President and those in his party who support these rate hikes owe it to

the American people to explain why their proposal will not adversely impact small businesses and those who depend on them for their livelihoods because the data suggests the impact will be severe. There is no question about that. Why can’t we get the real facts here?

First, according to the Congressional Budget Office, 80 percent of the revenue loss from extending the 2001 and 2003 tax relief provisions is found among those making less than \$200,000 per year if single and \$250,000 if married—the President’s threshold.

Second, the nonpartisan official scorekeeper for Congress on tax issues, the Joint Committee on Taxation, tells us that 53 percent of all flowthrough business income would be subject to the President’s proposed tax hikes. This is our Joint Committee on Taxation, which is a nonpartisan committee: 53 percent of all flowthrough business income is subject to tax hikes on the top two rates.

Given the agreed-upon importance of small businesses to our economic recovery, it is a mystery to me why the President and his Democratic allies would pursue tax increases on these job creators. We simply cannot afford to raise taxes on over half of all this small business income.

President Obama and congressional Democrats defend their plan by claiming that only 3 percent of small businesses would get hit with this tax increase, so we should not fear raising taxes on them. However, they are misreading the Joint Committee on Taxation’s letter on this issue. That letter only talks about the percentage of taxpayers affected, not the percentage of businesses affected.

For instance, if 10 people own one business, President Obama and congressional Democrats count that one business as 10 businesses when they make their statement about a small percentage of businesses affected. Obviously, that is not the right way to look at this. The truth is, they don’t know what percentage of businesses they are proposing to raise taxes on and, what is worse, they don’t seem to care.

The IRS publishes its Statistics of Income Data on its Web site providing the most recent available tax data, which is currently tax year 2010. According to that official IRS data, when looking at the entire United States, 21 percent of owners of S corporations and partnerships, including limited liability companies, make \$200,000 or more.

Since President Obama’s proposed rate hikes occur on singles making \$200,000 or more and married couples making \$250,000 or more, the vast majority of this 21 percent would get hit with a tax increase. The only portion of this 21 percent of S corporation and partnership owners who would not be hit with a tax hike are those who are married and make between \$200,000 and \$250,000.

According to a 2011 Ernst & Young study entitled “The Flow-Through Business Sector and Tax Reform,” citing 2007 data from the U.S. Census Bureau, over 44 million workers employed by S corporations and partnerships, including limited liability companies—over 60 percent of the 69 million employees who work for flowthrough businesses—are going to get hurt. So almost 21 percent of S corporations and partnership owners will be subject to the tax hikes on the top two rates, and over 64 percent of the workers in flowthrough businesses are found in these types of businesses. This is before we even consider the impact on owners of sole proprietorships, which employ the remaining 36 percent of employees in the flowthrough sector.

When the Federal Government takes an additional 5 percent of the money that these small businesses earn, the effects are clear. Far from this being—as the President suggests—money business owners don’t need, it will, in fact, lead to lost jobs, stagnant or reduced wages, and a decrease in investment.

The President campaigned on raising the top rates, and he seems bent on doing so. But he owes it to the American families to come clean about the impact these hikes will have on the economy and on jobs. He should come clean and admit his desire for redistribution trumps all other considerations.

The debate over the fiscal cliff has been quite discouraging for me. The President knows why it is that Republicans support full extension of current tax policy, and it is not because we are trying to defend the so-called rich. It is because we have a genuine and empirically grounded concern about the impact of marginal rate hikes on small businesses, the jobs they create, and the men, women, and families who depend on them. I couldn’t care less about the truly rich.

Instead of acknowledging that marginal rate hikes would have an outsized impact on small businesses, the President has decided instead to demagog this issue, paint Republicans as out of touch, and put political points ahead of jobs. It is well past time for a grownup conversation about tax policy. Our door remains open, and we look forward to having the President walk through it.

#### TAJIKISTAN WTO ACCESSION

Mr. HATCH. Mr. President, I would like to take a few minutes to discuss a matter of great importance in the trade arena.

Last week, the Senate approved legislation granting permanent normal trade relations to Russia and Moldova by a vote of 92 to 4. Such a strong vote would not have been possible without bipartisan cooperation from my Senate colleagues. I would once again like to

express my appreciation to all the Republican members of the Finance Committee who worked with me and my staff in good faith to develop a strong enforcement package which addresses many of the concerns we all have with our bilateral trade relations with Russia.

I also want to again express my appreciation for the hard work and cooperation of Senator BAUCUS, the chairman of the Finance Committee. The process we undertook in the Finance Committee is emblematic of how the Finance Committee should work. It is my sincere hope this will be a model for future legislation.

Unfortunately, things don't always work so smoothly. In fact, I was quite disturbed to receive a letter earlier this week from Ambassador Kirk, our trade ambassador, informing me that the Obama administration intends to support approval of the proposed terms for Tajikistan's accession and the invitation for Tajikistan to become a member of the WTO at the upcoming WTO General Council meeting.

Let me be clear. I support efforts to help advance the rule of law by bringing countries such as Tajikistan into the World Trade Organization. What disturbs me is that the administration had been negotiating the WTO accession package for over 1 year and failed to even mention it to anyone on the Senate Finance Committee.

Even more troubling is the fact that the final WTO working party meeting took place on October 26, 2012, at which Tajikistan's proposed protocol of accession was completed. Yet no one in the Senate received any information about the accession until last week. Why the Obama administration waited 5 additional weeks after completing Tajikistan's WTO accession negotiations before notifying the committee is a mystery for me.

For an administration that touts its commitment to transparency and unprecedented consultations with Congress, their failure to consult with the Finance Committee and the Senate on the terms of Tajikistan's proposed accession protocol reveals that the administration's bold pronouncements about their excellent consultations are nothing more than empty rhetoric.

Moreover, section 122 of the Uruguay Round Agreements Act requires the administration to consult with the Senate Committee on Finance before any vote is taken by the WTO relating to the accession of a new member. While sending a letter to the committee 1 mere week before a vote is taken in the WTO and after the terms of the accession are already completed might technically comply with the letter of the law, it in no way complies with the spirit of the law.

Had Congress been notified of Tajikistan's pending invitation to join the WTO earlier, it might have been

possible to include provisions granting Tajikistan permanent normal trade relations along with the Russia and Moldova bills. But that was not possible. Instead, the Obama administration's lack of transparency and failure to meaningfully consult with Congress rendered that impossible.

As we continue to try to work with the Obama administration to develop policies and advance legislation which create economic growth and open new markets for U.S. workers and job creators, the administration must engage in meaningful consultations. Accordingly, I would expect the way the Tajikistan accession has been handled by the Obama administration will be an exception and not the norm regarding future consultations.

To help ensure that is the case, I will soon be sending a letter to the Office of the U.S. Trade Representative with some detailed questions regarding their consultations with Congress and the private sector trade advisory committees. It is vitally important that we bring more transparency to this process, so I sincerely hope we receive a detailed and substantive response soon.

I also hope we can soon begin to have a meaningful discussion with the administration about their plans for renewing trade promotion authority.

As most of my colleagues know, trade promotion authority is an important tool which helps us pry open foreign markets to U.S. exports. Every President since FDR has sought trade promotion authority from Congress. Despite its critical importance, the administration keeps putting off any meaningful discussion of renewal. In fact, when Ambassador Kirk testified before the Finance Committee last March, I offered to sit down with him that day to start talking about TPA renewal. He declined my offer. Instead, he simply said he would be happy to sit down and talk with me and members of the Finance Committee about TPA renewal "at the appropriate time."

Since that time, there has been no administration dialog with me or with the Finance Committee about TPA, even though the Obama administration intends to conclude the trans-Pacific partnership negotiations by October of next year and is considering launching negotiations for a free-trade agreement with the European Union as early as next month.

Frankly, both of these initiatives are going to require TPA in order to be successful. While TPA should have been renewed long ago, we currently cannot wait any longer. If these trade initiatives are going to succeed we cannot continue to keep putting them off.

The time for the administration to start meaningful consultation with Congress on TPA renewal is now and I would like to see more cooperation. In this Congress we have seen the Korean Free Trade Agreement, we have seen

the Colombian Free Trade Agreement, and we have seen the Panamanian Free Trade Agreement. We have seen the PNTR with Russia. Those would not have happened if we had not been pushing on the Finance Committee to get them done.

In my opinion, the administration has been slow-walking all of those. Those mean balance of trade positives for our companies here in America and I hate to see us playing around in deleterious ways with these types of agreements. I have suggested some other agreements here that need to be entered into. We need to get real on international trade. We need to be able to compete with anybody in this world, and we are able to if we are given the chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### REDUCING REGULATORY BURDENS ACT OF 2011

Mr. ROBERTS. Mr. President, I have come to the floor to discuss legislation we could actually pass. I am not talking about the fiscal cliff or sequester or anything quite so heavy, but nevertheless very important. It has bipartisan support, sort of, been passed out of the Senate Agriculture Committee, passed out of the House of Representatives by over 300 votes, but it has yet to be brought to the Senate floor for debate. That debate could be over within a half hour.

The majority leader talks about bipartisan support for legislation and hurdles to bring the bipartisan legislation to the floor. Obviously we have them. But I want to remind the Senate that this bill has already passed the House, as I have said, with broad bipartisan support and, again, with over 300 votes. That does not happen often in the House of Representatives these days. It passed out of the Senate Agriculture Committee with bipartisan support. It did not even have to have a hearing. Yet the majority leader has not allowed this bill to come to the floor for a vote. I urge him to do that.

I am talking about H.R. 872. What is that? That is the Reducing Regulatory Burdens Act of 2011. How could anybody be opposed to that? It has been pending before the Senate for 17 months. That is long enough. That is certainly long overdue. This bill was placed on the Senate Calendar on June 21 in 2011. We need to pass this bill. We need to debate it very quickly and pass this bill. It is a short bill but it is very critical to address a court decision that endangers the public health and places additional paperwork burdens on States that are facing very difficult budget times.

Let me be clear. This is a pesticide safety bill, pesticides that are used to protect our crops and to protect our

public safety. I am not saying, nobody is saying, nobody ever will say, pesticides should never be regulated. I just do not think it needs to be done twice. H.R. 872 does not alter pesticide regulation. Pesticide applications are subject to the terms that are printed on a product label as approved by the Environmental Protection Agency. It is against the law to apply pesticides in a manner that does not comply with the EPA's approval.

Last December, 25 of our colleagues wrote to our majority leader and our Republican leader requesting an open debate on H.R. 872, a bipartisan bill. I ask unanimous consent to have a copy of the letter printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBERTS. Despite bipartisan requests for consideration, the bill failed to be considered before regulatory requirements went into effect last year. We are already seeing costs to States, to communities, and to businesses that total up millions of dollars. Regulations now in effect are duplicative—a Senate word, a 35-cent word. That means we do not need it. We already have a bill in place. We already have regulation in place. This regulation requires businesses to undertake what amounts to a paperwork exercise. These requirements can slow responses to real public health crises such as West Nile virus.

The Centers for Disease Control and Prevention report over 5,000 cases of West Nile virus this year and sadly over 230 deaths. That is not right. Pesticide applications are currently and should continue to be regulated under FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act. This bill does what all of our constituents are telling us to do and that is to protect human health and eliminate duplicative, unnecessary regulatory actions.

The additional paperwork and permitting processes that States and pesticide applicators must undertake provide no additional environmental protection, zip, zero. It is just additional environmental review. The EPA estimates that approximately 365,000 pesticide applicators will need permits to cover about 5.6 million applications per year. Public health officials, farmers, other pesticide applicators under this regulatory impact would not be facing these requirements if the administration had chosen to vigorously defend its longstanding policy that the protections under the Federal pesticide law were sufficient to protect the environment.

Again, estimates suggest this duplicative regulation will require 365,000 individuals—a requirement that will cost \$50 million and require 1 million hours per year to implement—just to fill out the paperwork. Bottom line, it will not add any environmental protec-

tion. This layer of redtape will place a huge financial burden on the shoulders of cities, of counties, farm families all across the country as well as State governments responsible for enforcement while at the same time facing dire budget situations.

Beyond agency enforcement, they will also now be exposed to the threat of litigation under the clean water law's citizen suit provisions. I think you have the real key as to where this bill was headed. Some of you might say there are special exemptions for public health emergencies, but environmental groups are challenging emergency actions taken this summer to address the mosquito-borne illnesses such as eastern equine encephalitis—not something to take an action against if you are faced with one of these kinds of threats. Yet we have not been able to move H.R. 872, to come up for a vote despite clear bipartisan support.

It seems to me Congress must act to end this regulatory duplication and clarify that they do not need this additional burden when they are trying to prioritize staffing and resources.

I ask my colleagues to join me in supporting this bill to protect human health and put an end to this very costly regulation. With regard to the bill again, it is 872, passed the House by over 300 votes, bipartisan support in the Agriculture Committee, didn't even have to have a hearing. Let's move this bill. It is something we can do. It makes sense.

#### EXHIBIT 1

U.S. SENATE,

Washington, DC, December 8, 2011.

Hon. HARRY REID,

*Senate Majority Leader, The Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,

*Senate Minority Leader, The Capitol, Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: We request your leadership in helping to resolve the following issue at the earliest possible opportunity.

As you are aware, the Environmental Protection Agency (EPA) recently finalized its Pesticide General Permit (PGP) under the Clean Water Act (CWA), pursuant to a ruling by the Court of Appeals for the 6th Circuit in *National Cotton Council v. EPA*. Under this new permitting system, certain pesticide applicators will be required to meet PGP or other permitting requirements in addition to regulation under the Federal Insecticide, Fungicide and Rodenticide Act.

On March 31, the House of Representatives passed H.R. 872, the Reducing Regulatory Burdens Act of 2011, which would address *National Cotton Council v. EPA*. This legislation then passed the Senate Committee on Agriculture, Nutrition and Forestry on June 21 by voice vote.

We are aware that efforts had been made to come to a bipartisan resolution before these new permitting requirements went into effect. However, we believe there is still an opportunity to resolve this matter in a way that will protect the environment while avoiding undue costs on rural communities and municipalities nationwide. Thus, it is our sincere hope that you will allot floor

time for the Senate to have a full, open debate on this matter.

While we recognize that many important legislative items vie for limited floor time, this is a rare opportunity to demonstrate to the American public that Democrats and Republicans are capable of working together to address important issues.

Sincerely,

Mike Crapo, Kay Hagan, Richard Burr, Marco Rubio, David Vitter, James Risch, John Boozman, Mike Johanns, Roy Blunt, Rob Portman, Richard Lugar, Mary Landrieu, Kent Conrad, Tom Carper, Chris Coons, Ben Nelson, Max Baucus, Claire McCaskill, Tim Johnson, Amy Klobuchar, John Hoeven, John Thune, Orrin Hatch, Lamar Alexander, Joe Manchin.

The PRESIDING OFFICER. The Senator from Iowa.

#### THE FISCAL CLIFF

Mr. HARKIN. Mr. President, I come to the floor today to give some perspective on the debate going on in Washington about the so-called fiscal cliff. The so-called fiscal cliff is a misnomer, but what it reflects is the concern that unless we act our economy is going to be hit by significant austerity in 2013. Not at 12:01 on January 1, but over the course of the year. So it is not a cliff, it is more like if we do not do something we are going to start on a slope. But we are not falling off any cliff at 12:01 on January 1.

Fortunately there is an easy way to address one of the major parts of this puzzle. The Senate earlier this year passed a tax relief bill for the middle class. It would extend for 1 full year all of the Bush-era tax cuts on middle-class families. That is sitting in front of the House of Representatives. President Obama has said, If they pick it up and pass it tomorrow I will put my pen to it immediately. That is one thing that could be done right now. But the House Republicans will not take it up. I say if they were to take it up today, pass it, the President signs it, I think you are going to see a lot of middle-class families maybe even do a little bit more Christmas shopping because they know their taxes are not going up next year and that will help spur our economy.

Again, I point out some of my friends on the other side of the aisle, here and in the House, have been talking about doing that very thing. So there are some Republicans who recognize that this would be one of the best things we can do, and that is pass the middle-class tax cut that we passed here in July.

Nonetheless, I keep hearing what we really need to do to address the so-called fiscal cliff is to enact significant entitlement reform. What does that mean, entitlement reform? Let's be upfront with the American people. When you hear our friends the Republicans and others talk about entitlement reform, they are talking about three



things: cutting Social Security, cutting Medicare, and cutting Medicaid. That is it. That is what they are talking about.

For example, let's take a look at Social Security. It has become an article of faith, almost, among a lot of people around this city that one of the ways to reduce the national debt is to "reform Social Security."

That is really fishy because Social Security can pay full benefits, 100 percent, until 2033, and by law it is not allowed to add to the deficit or debt. So, therefore, it is not driving our long-term debt.

What is really going on here? I think one of the ways to figure it out is a close look at the proposals under consideration. If you look closely you will find almost all of these serious proposals to save Social Security purport to do so by cutting it.

For instance, one proposal is to raise the retirement age so that hard-working Americans, including nurses, cashiers, carpenters, mechanics, truck-drivers, have to work even longer before they can retire with full benefits.

I remind people we already raised the retirement age. We did that in the 1980s, from 65 to 67. That is being phased in right now. The Bowles-Simpson Commission, what did they want to do? They wanted to raise it to 69. I remind people that life expectancy at age 65—that is the amount of time you are going to live after you reach 65—has not grown equally among all Americans. Not surprisingly, higher income Americans have seen much larger gains in life expectancy after 65 than low- and moderate-income families. So you raise the retirement age for Social Security, you help those who have money and you hurt those who do not. That is exactly what it is. You hurt low- and moderate-income Americans who work at some of the most physically demanding jobs in our economy. It hits them the hardest. So we can dismiss that.

I was looking at the list of people proposing that we raise the retirement age—Bowles-Simpson; the Third Way; Lloyd Blankfein—CEO of Goldman Sachs, how about that—Senator COBURN, the American Enterprise Institute, Cato Institute, Republican Study Committee. Oh, yes, the Ryan budget, by the way. We know what the voters of America thought about that Ryan budget.

Anyway, there is a whole list of people there who are saying we have to raise the retirement age. Let's see what kinds of jobs they have, what kind of work they do during their lifetime.

Another proposal we have heard about to kind of "fix" Social Security is to base future cost-of-living adjustments, the COLAs, on the so-called chained CPI. That is a phrase you are hearing more and more of. What it does

is basically it reduces annual cost-of-living adjustments. It is nothing more than a benefit cut by using a measurement of inflation that reflects the costs faced by seniors even more poorly than the current measurement. In terms of take-home benefits for an individual beneficiary, the chained CPI will result in a benefit cut of \$136 per year for a 65-year-old. However, because of the compounding, the benefit cut would increase to an average of \$560 per year less for a 75-year-old retiree. That is a severe benefit cut, particularly for the oldest Americans who are the most likely to have gone through all their own retirement savings and must rely totally on Social Security. Furthermore, the chained CPI is simply not a more accurate way to measure inflation. Rather, it more accurately measures the degree to which people are reducing their costs and as a result it can mask big changes in the quality of life for Americans.

I have talked to people in town meetings about chained CPI. If an elderly person is on Social Security and due to heating costs or perhaps some medical bills that person's budget is pretty tight, instead of buying beef for dinner, he decides to buy chicken. This decreases his costs a little bit. Chained CPI would look at that and say that since his costs have gone down, we should reduce his COLA. Now that his COLA is reduced, he is sort of locked in there. Now his budget is a little tighter so he decides to go to beans. In this scenario, he has gone from beef to chicken and is now eating beans. The chained CPI said his costs went down further so we will reduce his COLA even more. Pretty soon he is reduced to drinking warm water for soup and the COLA keeps going down even more. That is what the chained CPI does to an elderly person.

Don't be fooled by a fancy CPI. Chained CPI is akin to being on a boat and you have to swim to shore and someone puts a big log chain around your ankle and tells you to swim. It is going to drag you to the bottom. Chained CPI chains you and drags you down.

There are long-term challenges confronting the Social Security system, and we know that. The baby boomers are retiring and we have fewer workers contributing to the system. Fortunately, we knew this has been coming for decades, and that is why we have the trust fund in the first place. The trust fund pays 100 percent of the benefits until 2033. What happens in 2033? A lot of people say Social Security is going to go belly-up. No, it doesn't. Unless changes are made, the Social Security trust fund will pay out 75 percent of anticipated benefits in 2033. What happens if we reduce unemployment? What if we reduce unemployment from its present 7.7 percent down to 4 percent? Guess what. That 2033 now goes

up because there are more working people paying into the system.

So one of the best ways to fix Social Security is to get jobs back for people in this country. That is why those of us who are committed to honestly strengthening Social Security will resist any effort to cut Social Security and are saying, no, don't make it any part of a grand bargain. It should have no part of it whatsoever. There are approaches that can strengthen Social Security. To do so, I introduced legislation earlier this year that would provide seniors with greater economic security.

My proposal does it three ways. First, we actually raise the amount of Social Security that people get by \$65 a month. Some might ask how can that save money. I thought we were supposed to cut benefits not increase them. I say there is a way. We can increase it by \$65 a month. Others might say that to an upper income person, \$65 is not much. To some who have paid in the minimum amount to Social Security, they have had minimum-wage-type jobs most of their lives, so \$65 a month over 1 year can be quite a bit.

Secondly, my proposal ensures that COLAs better reflect the cost of living for seniors than what we presently do right now, and we certainly don't do chain CPI.

Finally, how do we do this? By applying the payroll tax to every dollar of eligible earnings by removing the so-called wage cap. We don't do it over 1 year; we phase it in over 10 years. For the life of me, I have never been able to understand why it is equitable for someone who is making \$50,000 a year to pay their payroll taxes on every \$1 they earn, but for someone who is making \$500,000 a year, they only pay payroll taxes on the first 20 cents of every \$1 they earn. The rest of the 80 cents they pay no payroll taxes on.

We talked about this for a long time and we have never done it. It is time to remove the wage cap which will allow us to pay \$65 more per month per person. According to the actuaries of Social Security, the 100-percent benefit that would expire in 2033 goes to 75 percent and would be extended beyond 2050. Just by doing that, we will extend the life past 2050, pay \$65 more a month per person, and make it fair for everyone by ensuring that everyone pays into the trust fund on every \$1 they earn. These are the kind of changes we should consider as part of any effort to reform Social Security. Regrettably, I don't hear from those who want to put Social Security on the table as part of a debt reduction package calling for these type of reforms. They want to just cut benefits, that is all.

As we work to resolve the fiscal cliff on our long-term deficits, our core principle should be that we need a resolution that is good for the middle class, and that starts with strengthening and



protecting programs such as Social Security. It also means we should take this opportunity to continue to support hard-working families and create jobs, particularly through programs such as infrastructure investment. We should also continue to provide help, such as the middle-class tax cut, to working Americans by giving them more money to put in their pocket to spend and drive the economy forward.

However, we must not continue the payroll tax cut of the last 2 years because of the threat it poses to the integrity of Social Security. Two years ago, to help middle-class families through tough times, we reduced the amount they paid into Social Security by 2 percent, from 6.2 percent to 4.2 percent. In order to make up for that, we put money from the general fund into the Social Security trust fund. It is the first time we have ever done that. I said it was wrong, and I still say it is wrong. We then extended it for 1 year until the end of this year. I thought that would be the end of it. Now I am hearing voices say we ought to extend this payroll tax cut.

Two of the critical strengths of Social Security are that it is universal and it is self-funded. No dollar paid in benefits comes from any source other than the payroll tax. As such, Social Security does not add one dime to our deficit. Again, that fact alone is a strong argument for those of us defending Social Security from misguided attempts to cut the system in the name of deficit reduction.

I have often argued that Social Security doesn't add one dime to the deficit. It never has. However, if we are taking money out of the general fund, which we know is borrowed money, and we are putting that into the trust fund, then the trust fund is now taking money that is borrowed. No longer can we say every dime paid out of that is from the payroll tax since it is coming from the general fund. I think we made a mistake 1 year ago by extending it. Now it is the time to end it. It must not be extended. I, for one, will do whatever I can as a Senator to stop the extension of the payroll tax cut in order to help solve the deficit and in order to help middle-class families.

How can we help middle-class families? It is very easy. First of all, pass the tax cut extension that we have sitting before the House. Secondly, rather than cutting payroll taxes by 2 percent, we should put in place a modified version of the Making Work Pay tax credit that we did under the American Recovery Reinvestment Act. That credit provided working Americans with \$400 per person, \$800 per couple in 2009 and in 2010. We can adjust that credit and double it to \$1,600 per couple to replace the payroll tax cut. So as we put the 2 percent back to where everyone pays back in at 6.2 percent, what we do on the other side is provide for a

Making Work Pay tax credit that goes to people who are working. Obviously, no one gets the 2-percent payroll tax cut if they are not working. The Making Work Pay tax credit would also go to those who are working and make it a similar amount of money as they had on the Social Security payroll tax fund. This would have a greater bang for the buck because it would better target working Americans of modest means who tend to spend more of what they get back.

I will clarify what I mean by that. Under the Social Security payroll tax cut—the 2-percent cut—the maximum amount of money someone would get would be at the highest level they paid into Social Security, which is approximately \$110,000 on a payroll of \$110,000. So that person would get \$2,200 back. That is for someone making at least \$110,000 a year. If someone is making \$20,000 a year, they would only get \$400 back. So the higher your income, the more they get back; the lower the income, the less they get back. It is just topsy-turvy. It should be the other way around. There should be more benefits to lower income and less benefits to higher income.

With this tax credit, that is what we do. More would go to people who are making \$40,000, \$50,000 \$60,000, \$70,000, \$80,000 a year than to those higher income people. That is why the Making Work Pay tax credit is much better than extending the Social Security payroll tax.

We are at a turning point in our economy. We can either move forward with an agenda that will strengthen the middle class or be dragged backward by misguided policies that consign us to additional decades of unequal growth and stagnant wages for working families.

I stand ready to work with my Senate colleagues to reduce the deficit and debt but not at the expense of hard-working, middle-class families who make this country the great country it is.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CORKER pertaining to the introduction of S. 3673 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORKER. So I thank the chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon will suspend.

The majority leader is recognized.

Mr. REID. Madam President, I ask my friend to yield for a unanimous consent request and then he can have the floor as soon as I am finished.

Mr. MERKLEY. Absolutely.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4310

Mr. REID. Madam President, I ask unanimous consent that when the Senate receives the papers with respect to H.R. 4310, the Senate's passage of H.R. 4310, as amended, be vitiated; that adoption of the Senate amendment be vitiated; that the amendment, the text of S. 3254, as amended by the Senate, be modified with the changes that are at the desk; that no other amendments be in order, and the Senate proceed to vote in relation to the amendment, as modified; that if the substitute amendment, as modified, is agreed to, H.R. 4310, as amended, be read a third time and passed; finally, that the previous request with respect to the Senate's request for conference, including the appointment of conferees, be agreed to; with all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we be in a period of morning business until 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, of course, Senators should be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I extend my appreciation to my friend, the Senator from Oregon.

#### THE FARM BILL

Mr. MERKLEY. Madam President, I rise today to address a critical issue for Oregon's farmers and ranchers.

If we turn the clock back from the most recent national disaster; that is, this terrible Hurricane Sandy that impacted New York and New Jersey and other areas, last summer we had another significant disaster, the worst wildfires to hit the State of Oregon since the 1800s and the worst wildfires in over a century. These wildfires devastated land and livestock. Yet our communities have been left stranded, without the protections they normally have, because of the inaction of the House and the Senate.

The Long Draw Fire in Malheur County burned 557,000 acres. Let's translate that. That is 900 square miles of land. The Miller Homestead Fire burned 160,000 acres or 250 square miles.

We have had many folks coming to the floor to discuss the terrible consequences of natural disasters. It was not long ago that I was on this floor, before Hurricane Sandy, calling for urgent, immediate action. But the challenge is that these emergency programs designed to respond to the ranchers and farmers who have lost so much land, so much forage in Oregon, those measures are in the farm bill.

Never before has the farm bill been unfinished, unaddressed, while Congress took their month-long break in August. Yet there it is. We came back and here we are and we still have no action from the House. We can't have a conference committee because the House hasn't acted. We can't address the changes in the House bill because the House hasn't acted. And who is paying the price? Farmers and ranchers, devastated by the worst wildfires in over 100 years.

Now, let me be clear. I would prefer that we pass the farm bill. But we have not. And we cannot control what the other Chamber is doing. If we do not get these key disaster relief programs, ranchers and farmers who have lost livestock or grazing land in these wildfires will be left with few options. That is wrong. A rancher in southeast Oregon who has already been devastated by the wildfire should not pay the price because the U.S. House of Representatives will not bring the farm bill to the floor. There are farmers all across the country who have been hit hard by drought. They, too, are held hostage. They need disaster assistance.

Well, very soon we are going to be talking about a very substantial disaster bill, and it is appropriate that we will be doing so. I will be supporting it because the devastation that has been wrought in States such as New Jersey and New York is exceptional, and we as a nation need to hold hands with the citizens of these States. We need to help them restore their lives and rebuild. But we need to hold hands in partnership with the ranchers and farmers in Oregon who have been devastated by these wildfires as well.

So if the House has not acted on the farm bill when we come to this floor to address relief for those impacted by Hurricane Sandy, then I am going to ask all my colleagues to work with me in the same partnership in which we supported folks in the South after Katrina, the same partnership we will have in supporting the folks in the Northeast due to the consequences of Hurricane Sandy, to support the ranchers and farmers of Oregon who have been so devastated by these worst ever fires.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. I defer to the lovely lady from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

#### TRIBUTES TO DEPARTING SENATORS

Ms. MIKULSKI. Madam President, I rise to comment about some wonderful men in the Senate who are retiring on both sides of the aisle. Earlier today I spoke about my deep affection and sorry-to-see-go friends OLYMPIA SNOWE and KAY BAILEY HUTCHISON, but I want to rise as the dean of the women in the Senate to say some very special words about very special men on both sides of the aisle. Because when I came to the Senate, it was only Nancy Kassebaum and myself, and yet we worked on so many issues together. There are really wonderful men here who supported me, supported our issues, but really stood up for those States and their communities.

DANNY AKAKA

I want to say goodbye, aloha, to my very good friend DANNY AKAKA, a wonderful man with whom I have served in both the House and the Senate. He has been a real advocate not only for the people of Hawaii but, wow, the way he stood up for the Federal workforce, the civil servants who do such a great job, the outstanding job he has done on the Veterans' Committee.

Lives are better off, particularly for our veterans. I want to say a wonderful goodbye and give a hug to him because he demonstrates that you do not have to be loud to be powerful.

DICK LUGAR

I also wish to pay tribute to someone on the other side of the aisle, my very good friend and someone I admire tremendously, Senator DICK LUGAR from Indiana. Who does not admire Senator LUGAR, a gentleman, a scholar, I might even add a Rhodes Scholar, a definite advocate for Indiana, an incredible thought leader on foreign policy.

I am so proud of him and the work he did and the way he reached across the aisle to work with our colleague Senator Sam Nunn on their famous Nunn-Lugar Cooperative Threat Reduction Program. They truly worked together to begin to end the threat of weapons of mass destruction in the former Soviet Union and made the world a better and safer place.

We want to wish Senator LUGAR a fond farewell and let him know he will

be deeply missed. I certainly will miss him. I valued his thought, his counsel, his observations, particularly in the area of foreign policy. He taught me a little bit about foreign policy too.

JEFF BINGAMAN

I also want to say a goodbye to our friend JEFF BINGAMAN of New Mexico, someone who has also brought intellectual rigor, a lawyer's insistence on thoroughness, and a real commitment to people. It has been an honor and a pleasure to work with him on the HELP Committee, especially on the Affordable Care Act. I was proud to support all that he did, particularly in developing and focusing on the health workforce for the future.

I knew I could count on JEFF in the committee and on the floor as one of those men whom I refer to as a Gallahad, where men of quality always supported us women as we sought equality. Our initiatives to end discrimination against women in health care and in the workplace were some of our proudest achievements in working together.

JON KYL

I also wish to comment about JON KYL. I have worked across the aisle from JON KYL and I have been seated across the table from him at everything from Bible study groups to the Senate Intelligence Committee. We studied the words of the Bible together to make ourselves better, and we worked in our committees to make the world better.

We lived through September 11 and the terrible attacks that occurred in our country and the anthrax attacks in our offices. With his steady leadership, his resourceful mind, his can-do know-how, we worked together to get the job done. I was delighted to be able to work with him in a way that called forth our highest and better selves to look out for our country. I wish him the best in his journey.

KENT CONRAD

I wish to comment too about KENT CONRAD. Wow, what a numbers guy. Those charts—I loved those charts. But we have many other things in common besides a love of charts. We love baseball. We love the Baltimore Orioles and, I might add, an occasional polka at Blob's Beer Garden in Maryland. Now you know KENT. He looks like Clark Kent. And he is a Superman when it comes to the budget. But, wow, when they played "Roll Out the Barrel," he was quite a hooper.

Most of all, what I admired about him is the way he breathed life into the numbers. He not only wanted a more frugal government, but he was also passionate and compassionate about how we could use the power of the purse to improve the world and at the same time maintain sensible spending standards.

I am going to look forward to seeing him with or without his charts and maybe in a dugout.

BEN NELSON

I wish also to say goodbye to BEN NELSON of Nebraska, a brother appropriator. We salute him for his work for the people of Nebraska and the Nation. Using those committee assignments on Appropriations, Agriculture, and Armed Services, he looked out for rural communities and he stood up for men and women in the military. I knew he took it as a personal responsibility, the issues around personnel for our military, that they had the right pay, the right equipment, and we protected their benefits.

HERB KOHL

A comment about HERB KOHL, another brother appropriator, the very essence of civility. He brought a businessman's savvy with a deep compassion and commitment to the people of Wisconsin. Now we all know the Kohl family. They own basketball teams, they own department stores. I tell you, that HERB, he understood retail, whether it was in politics fighting for the people and their day-to-day needs or the national policy of looking out for working families as they build their lives. He stood up for Wisconsin cheese, the Green Bay Packers, his basketball team. But most of all, he stood up for the people. With HERB, what a sense of honor. His handshake was always good. You could count on him. It was a binding contract.

SCOTT BROWN

I wish also to say a word about Senator SCOTT BROWN. Many of you know that I was a social worker and a child abuse worker. I want to say personally, I so admire Senator BROWN's candor and being forthcoming when he shared with the world his own child abuse experience in his book, "Against All Odds." He not only experienced the terrible thing that happened to him, but he went on to talk about how he handled this terrible tragedy. I must say, I compliment him. It was a model, that as a young boy this terrible event would not hold him back. I am sure his powerful words helped many others come into the light. As a former child abuse social worker, I want to thank him publicly for what he has done not only in this institution but to help other boys—and even girls—who also faced a terrible tragedy and refused to be a victim but went on to do well. I wish him well.

JIM WEBB

Senator JIM WEBB, the Senate's own marine and former Secretary of the Navy, I have known him for more than 20 years, since he was Secretary of the Navy under Ronald Reagan. Well, in the beginning we fought on many issues, particularly gender equality. When Senator WEBB was the new Secretary of the Navy and I was a new Senator, we had a different view on where women should be in the military, and we duked it out. But you

know what. Over the years we came to know each other, respect each other, and appreciate each other's views. I so appreciate the fact that he is an unabashed, unrelenting fierce fighter for our men and women in uniform, fighting for them when they are on the front lines and when they return to the homefront.

I am so proud of the fact that I could vote for the 21st century GI bill for those serving in the military, to make sure that when they are on the front line, they get the education here so they will not be on the unemployment line. His bill was the most significant legislation for veterans since World War II. So I say to Senator WEBB, *semper fi*, and God bless you.

JOE LIEBERMAN

Then to my good friend, JOE LIEBERMAN—my friend JOE, a true Independent. We have worked together on issues related to the Middle East and the safety and security of Israel. We worked to bring character education into our schools because we do believe that character counts.

Working with JOE—whether it was to help create national service, move national legislation, or to say that in our schools we should come to understand the need to teach respect, responsibility, fairness, caring, and citizenship—wow, these were values that should be not only in our schools but throughout our country.

JOE has been so faithful to his religious beliefs. He has also been faithful to the Constitution he was sworn to uphold and to the people of Connecticut. I want him to know we so appreciate his service to Connecticut and to the country.

I wanted to be sure that the day would not end without me acknowledging these wonderful people who have given a big part of their lives to making this country a better place. I want to, in the most heartfelt way—I am so sorry we did not have a bipartisan dinner or party to be able to express this. I would have liked to have been in the same room, breaking bread with them, in order to be able to tell them how much we appreciate them, across party lines, across those lines that ordinarily divide us. They came from different parts of the country, they arrived in the Senate with different objectives, they will leave under different circumstances. But I want to again let them know that each and every one of them had a positive impact on me and I think a wonderful impact on the future of this country. So I wish them well. God bless and God-speed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FILIBUSTER REFORM

Mr. McCONNELL. Madam President, over the past few weeks, we have been discussing a plan by the Democratic leadership to break the rules of the Senate in order to change the rules of the Senate; in other words, the nuclear option. This plan would break their very clear commitment, which was given at the end of 2006 when they were still serving in the minority, to respect the rights of the minority. It would break their promise to follow the Golden Rule, and it would break their pledge to never, ever use the nuclear option to break the Senate rules.

They have governed in a much different way. Their actions yesterday on the pending bill related to the Transaction Account Guarantee Program illustrate well the heavyhanded "my way or the highway" manner of running the Senate.

Senate Republicans voted overwhelmingly to get on this bill—voted overwhelmingly to get on the bill. We soon found out, however, that no good deed goes unpunished. Less than a minute after agreeing to adopt a motion to proceed to the bill, the Democratic majority filled the amendment tree to prevent any Senator, Republican or Democrat, from offering any amendments.

Republicans have significant, on-point amendments we would like to offer. For example, Senator CORKER has an amendment that requires the FDIC to charge the full premium necessary to cover the cost of this insurance. Senator VITTER has a similar amendment. Senator CORKER also has an amendment that would make participation in the TAG Program voluntary so banks don't have to pay premiums for insurance they don't use. Senator WICKER has an amendment that would limit the term and exposure of the extension of the TAG Program.

Other Members on both sides of the aisle have additional amendments that are relevant to this bill. No Senators, however, Republican or Democrat, will get to offer any of these amendments because of the autocratic manner in which the Democratic majority is handling this legislation, which is, by the way, the same way they have handled the previous bills nearly 70 times.

Within 2 minutes, after blocking out all amendments, the Democratic leadership filed cloture on the bill so our friends could end debate on this legislation before it even began. This procedural hard ball, like blocking out all amendments by filling the amendment tree, is all too common.

This is the 107th time the Democratic majority has moved to cut off debate

on a matter, be it a bill, an amendment, or a conference report, on the very same day—the very same day the Senate began considering the matter. And to boot, this is a bill that never went through committee. Like so many other bills the Senate has considered under the Democratic majority, it was written behind closed doors. This has happened nearly 70 times as well.

In short, what happened on this bill is a prime example of the Democratic leadership's hat trick: bypass the committee process to write a bill behind closed doors; prevent anyone, Republican or Democrat, from representing their constituents by offering an amendment; and then move to end debate on the bill—again, this is a bill that never went through committee and that no one was allowed to amend—on the very same day the Senate takes up the bill. The Democratic leadership, no doubt, likes running the Senate this way because it gives them nearly total control—nearly total control—or, as they prefer to describe it, this approach is “efficient.” Efficient. Now that they are no longer in the minority, this is what they believe the Senate should aspire to be.

One can describe this heavyhanded approach in a lot of ways, but you can't say it comports with their promise to respect minority rights. You certainly can't say it is an example of the golden rule, and you can't say it resembles anything like how the Senate used to be run, how the Senate is supposed to be run, and how our Democratic colleagues promised they would run it. The heavyhanded way the Democratic majority is handling this bill is a prime example of the fact that we don't have a rules problem around here, we have an attitude problem around here.

So I would call on my Democratic colleagues—especially those who are not in the leadership and who have the experience and wisdom that comes from serving in the minority—to work with us to get the Senate back to how it is supposed to function. I urge them not to be complicit in irreparably changing the Senate as an institution that respects the rights of the minority and the views of the constituents whom the minority represents.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE TAX HIKES

Mr. BARRASSO. Madam President, I rise today to talk about the tax hikes that are going to be hitting middle-class families all across this country, and it is going to do so in a way that many Americans do not realize. Everyone in Washington is talking about the fiscal cliff and the tax increases that might come from that, but today I wish to talk about something different; that is, the tax increases that are coming regardless of what happens with the fiscal cliff. Those are the tax hikes we are seeing because of President Obama's health care law.

People who have been following this closely know that President Obama's health care law guarantees that middle-class families will pay higher taxes. The President promised repeatedly that he would not raise taxes on the middle class. As a matter of fact, he said, “If you're a family making less than \$250,000 a year,” referring to his health care plan, “my plan won't raise your taxes one penny—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.” That is what the President said. But once he got into office, President Obama arranged for his health care plan to be written behind closed doors. Democrats in Congress passed it, and they did it strictly along party lines.

This law included more than 20 different tax increases. These tax increases amount to more than \$1 trillion over the next 10 years. Of those, a dozen taxes specifically targeted middle-class taxpayers. The most famous, of course, is the individual mandate tax. That is the one which requires that all Americans buy a government-approved health insurance plan. If they don't for even 1 single month out of the year, then they have to pay the tax. Members of the Senate ought to remember this one. This is the one the American public still finds very unfavorable, to the point that still a majority of Americans want to change or either completely eliminate and repeal the President's health care law.

The law continues to be very unpopular. One of the main reasons has to do with this tax. It is a tax that is going to hit families harder than single people, and it is going to hit the middle class harder than wealthier Americans. You know what. That is the way it was designed, amazingly. That is the way the Democrats in this body designed the tax—to hit the middle class harder than wealthier Americans. By 2016, 4.7 million low- and middle-income households will face a tax for not buying government-approved health insurance. It was entirely predictable. In fact, a lot of us on the Republican side of the aisle did predict it right here on the floor of the Senate.

Well, this leads me to another aspect of the health care law that the White

House and the Democrats have not been eager to talk about, and it is the role specifically related to this tax, and that is the role of the IRS, the Internal Revenue Service. The law gives the IRS unprecedented new powers to do what? To probe into taxpayers' lives.

Right after the election—and they waited until after the election—the Obama administration started releasing a wave of new health care regulations. These include new rules on how the IRS plans to implement the new health care taxes. Just last week, they put out proposed rules on how they are going to enforce the new Medicare payroll taxes. They still haven't said exactly how they plan to enforce the individual mandate tax.

But we do know IRS agents are going to be verifying who bought health insurance and taxing everyone who didn't. We know the IRS will be doing more tax audits for health care spending. We know the IRS will be able to confiscate Americans' tax refunds. Why? Well, to pay for health care taxes—not to pay for health care but to pay for health care taxes and to assess interest and late fees on people without insurance.

We know we are going to see an army of new IRS agents and auditors—to do what? They are going to investigate the health insurance choices of Americans and their families. The agency is going to have to collect a huge amount of data not just from insurance companies but from the American people. The IRS is going to want to know details such as the cost and the benefit structure of every person's health insurance policy. They are going to want to know who in each household is covered and how long they have been covered. They will want to know the incomes people reported to their insurance company and what other kind of coverage their employer may have offered.

To get all of this information, the Internal Revenue Service will have to develop new layers, additional layers of redtape for businesses and for families, new forms, new filing procedures, and new instructions. It is going to have to come up with some way for taxpayers to resolve any discrepancies, and there are going to be a lot between what their tax returns say and the data the insurance companies report. It is going to be a nightmare. It is not clear how the IRS is going to do this, but people are certainly going to need to keep very careful records. It is also clear that a lot of Americans are going to be defending themselves against audits.

All of that is work the IRS is going to have to do just to get ready for this massive amount of new bureaucracy. The problem is that several independent reviews have found that the agency is seriously unprepared. In one, the Treasury Inspector General for Tax Administration found that the IRS is

not equipped—not equipped—to implement the law contained in what is called the “largest set of tax law changes in more than 20 years.” The IRS hasn’t even conducted a thorough review of the law that it is required to execute. As a result, the Inspector General’s Office said it wasn’t able to determine whether the IRS had adequately planned for the workforce it will need.

There was a separate analysis done. There was an analysis done by the House of Representatives. They found that the IRS could need more than 16,000 new IRS agents, new IRS examiners, new IRS support employees. Well, you know as well as I that the American taxpayers will get hit with the bill to pay for the salaries of all of those new IRS employees—the agents, the examiners, and the support employees.

The American people knew what they wanted from health care reform. What they asked for was the care they need from the doctor they choose at a lower cost. That is what the President and Democrats promised them. It turns out that what the American public has gotten is fewer choices, more regulations, and higher taxes.

In meeting after meeting, when visiting with constituents in Wyoming, I said, “How many of you believe that under the President’s health care law, you are going to pay more for your health insurance?” All of the hands went up.

I said, “How many of you think that the quality and availability of your care because of the President’s health care law is going to go down or it is going to get worse?” Again, all of the hands went up.

Now what these same people are learning is that the IRS is the chief Federal enforcer for key parts of President Obama’s health care law. The people of my State and the people around the country do not like it at all.

What we are going to have as a result of the health care law is a much larger Internal Revenue Service. They are going to have broad new powers—powers to investigate, powers to monitor, and powers to tax the American people. At the same time, there is real doubt about whether the agency is even up to the job.

America’s middle-class families don’t want, don’t need, and cannot afford more taxes. They don’t want, they don’t need, and they cannot afford a more powerful Internal Revenue Service, with more agents looking into the details of their health care choices, but that is exactly what President Obama and every Democrat in this body have given to the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO DR. SANDY GREENBERG

Mr. COONS. Mr. President, I rise today to join with my colleague, Senator PAUL, to discuss the life and work of an exceptional American, Dr. Sandy Greenberg, who is here with us today, along with his wife Sue and his sister Brenda.

Sandy, in my view, is an honorary Delawarean because he spends a month every year at one of our most beautiful beaches, Rehoboth Beach. But he is much more than that. A successful businessman and philanthropist, Sandy has a wide variety of interests and life experiences. He has founded and run software and technology companies, he is a pioneer in the use of technology in medicine, and helped bring telemedicine to rural health care facilities as chairman of the Rural Health Care Corporation.

He was appointed by President Clinton to the Board of the National Science Foundation. As a young man he took a break from his studies at Columbia, where he roomed with Art Garfunkel—a well-known musician—to work as a fellow in Lyndon Johnson’s office.

All of this on its own merits would make for a life well-lived and a substantive, meaningful contribution to our country. But there is one thing I have not yet mentioned. At the young age of 19, Sandy went blind. He lost his sight, and with that all likely hope of the successful completion of his college career or a successful career in life. He was told by the social workers who met with him after glaucoma stole his sight from him that his future would likely consist of assembling screwdriver kits in a sheltered workshop in his hometown in upstate New York.

But because of the kindness and the intervention of his roommates—Art Garfunkel and Jerry Spire—and others who volunteered—Marc Mukasey—who dedicated countless hours reading to him, he was able to finish his class work, to be successful in completing his studies at Columbia, and then to go on to Harvard Law School and to Oxford, and then to go further and further.

He has lived his entire adult life and achieved a career most of us can only dream of while also plunged in darkness. His exceptional courage and his perseverance don’t end there. Today he wants to serve others and catalyze a transformative shift in the health of our Nation by ending blindness by the end of this decade.

Is this outrageous? Is this audacious? Maybe. But that is what experts said when President Kennedy stood before this Congress—in the same year, 1961, that Sandy lost his sight—and challenged our Nation to put a man on the Moon by the end of that decade. The best and brightest minds, the top scientists and researchers of Kennedy’s generation rose to that challenge and achieved his impossible dream. Now, for this generation, Sandy and his wife Sue have once again raised our sights and challenged the best scientific and medical researchers in the world to rise to an enormous challenge—a challenge that has been with us from the beginning of mankind.

In the Bible itself we hear of blindness, of people who could not see with their eyes but only their hearts. For millennia, humanity has struggled to understand and overcome blindness. Yet today we have the scientific tools necessary to reach for a cure—to restore the physical sight so many of us take for granted to those who otherwise live in darkness; to bring to life the 39 million people in this world who live without sight, many in the world’s poorest countries, at a time when experts already believe 80 percent of blindness can be prevented or cured.

We know we can do it. Just think of what an awe-inspiring accomplishment this would be, what a triumph of the human mind, of individual initiative, of collaborative efforts of the scientific method, of modern technology, and of our investment in the belief that America can and should be a world leader in curing the diseases that have aided humanity for generations.

Mr. President, a majority of all research scientists in human history are alive today. That remarkable fact alone carries with it great potential. That is why Sandy and his wife Sue created the Prize to End Blindness by 2020, to take advantage of this incredible historic opportunity to bring together scientists and researchers and end blindness by the end of this decade. To inspire them, the Greenbergs have provided a prize of more than \$2 million in gold. Why gold? Well, it is a reminder of the color of the beautiful shimmering sunsets Sandy and Susan enjoyed together in the waning days of Sandy’s sightedness, and it is a reminder of the beauty of the challenge of a prize to restore sight to millions who live in blindness.

Mr. President, I am no expert on the health or science of the eye, but we are blessed to have in this Senate two Members who are. We had some supportive comments that will be given by Senator BOOZMAN of Arkansas, but I am particularly glad and honored to be joined today by Senator PAUL, by Dr. PAUL, who is not only a tireless advocate for the people of Kentucky, but who, by professional training and background, is an ophthalmologist.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I thank Senator COONS for inviting me, both figuratively and literally, across the aisle to join him on this side—I am glad to be here today—and for introducing me to this prize that Sandy Greenberg has brought forward to end blindness.

I am an eye surgeon. I have also done research on glaucoma and have been a longtime member of Lions Club International, whose primary research and goal is the prevention of blindness.

One of the heroes to the Lions' eye movement and to our work worldwide on blindness has been Helen Keller who, at the age of 19 months, lost not only her vision but her hearing. In 1925, she came to the Lions Club International with this mandate—and this is part of her speech from that day:

You have heard how through a little word dropped from the fingers of another, a ray of light from another soul touched the darkness of my mind and I found myself, found the world, found God. It is because my teacher learned about me and broke through the dark, silent imprisonment which held me that I am able to work for myself and for others. It is the caring we want more than the money. The gift without the sympathy and interest of the giver is empty. If you care, if we can make the people of this great country care, the blind will indeed triumph over blindness.

The opportunity I bring to you, Lions, is this: To foster and sponsor the work of the American Foundation for the Blind. Will you not help me hasten the day when there shall be no preventable blindness; no little deaf, blind child untaught; no blind man or woman unaided?

There is a long history, both in our country and in other countries around the world, of private philanthropy and these prizes. Going back to the early 18th century, there was a prize for longitude. The Harrisons, father and son, worked for nearly 40 years to develop a clock to precisely measure where they were on the Earth, to measure longitude.

We currently have something called the X Prize, which gave money last year to a company that developed a technology to speed up the cleanup of oil in the ocean after BP's disaster.

Siemens Foundation gives a \$100,000 prize. That was given last year to a 17-year-old girl from California who developed a nanoparticle that, with a chemotherapy agent, goes directly to treat tumors. A prize from Siemens was also given to 15-year-old Benjamin Clark, who won the prize for his work in how stars are born.

I love the idea, and I think it is underappreciated, of private philanthropy. Today, I am happy to be here with you to congratulate Sandy Greenberg for putting forward this prize, and I hope it will bring some results.

I think there is within our grasp the ability to treat and, hopefully, prevent blindness.

Mr. COONS. I thank Senator PAUL. I ask unanimous consent to enter into a colloquy with my colleague from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, it certainly hasn't escaped the expert knowledge of my colleagues here today that 2020—the date of the prize of Sue and Sandy whom we have spoken about—is also the numerical indication of perfect vision. So the goal to end blindness by 2020—which is what the Sandy and Sue Greenberg prize is calling us toward—is also a year on the calendar, a year just over 7 years away. In those 7 years, Sandy Greenberg has the courage, the audacity, the strength to believe we can end blindness, working together, by 2020. It is a goal that could transform our society, our world, and the lives of millions who live in darkness today. We can do it.

At earlier times in our history, as Senator PAUL has just reflected, we have come together in response to audacious goals or inspiring prizes to conquer other debilitating diseases. One that Sandy Greenberg shared with me when we sat together and first talked about this was polio, a crippling disease that struck terror into the hearts of parents every summer.

Dr. Jonas Salk convinced medical researchers at charities such as the March of Dimes to instead turn their focus from treatment, with devices such as the iron lung, to ending the disease itself. Because of that kind of forward thinking, polio has now been largely eradicated and does not threaten children in the United States, although it remains in a few isolated outposts around the world.

We can see even more cutting-edge examples today in my home State of Delaware. Just earlier this week, I met with scientific researchers Dr. Kmiec from Delaware State University and the leaders of a company called Orthogenics, who are taking on the audacious goal of ending sickle cell anemia. That particular effort—banishing this disease from bodies around the world through research and development—is something supported by public-private partnership.

In the end, private contributions, extraordinary generosity by Sandy and Sue Greenberg and his family, are critically important.

I happen to believe there is also a vital role for a partnership with the National Institutes of Health, Centers for Disease Control, and others that have the unique ability to bring researchers together, hopefully for efficient and effective advances in medicine.

To continue the citations of the great disability rights advocate Helen Keller: "Alone, we can do little; together, we can do so much."

Even in this era of austerity, these times of budget crunching and belt-

tightening, in my view there are few areas more important for our sustained investment than the development of treatments and cures for a devastating, life-changing health condition such as blindness.

In my view, there is also a pressing economic element to this humanitarian equation. Economists have said that most of the new wealth created in this country in the last century came from biomedical research and its application to fighting and changing the human condition. They have told us that curing and treating ancient diseases and conditions is a lot of what has driven the extraordinary economic growth of this country in the last century.

We know that when we as a nation invest in making possible cutting-edge advances, interconnected networks of learning make possible the next gigantic leap. I am so grateful to Sue and Sandy for making possible this challenge, for putting out this pot of gold to literally lift the sights of teams all over the world, of individuals, of communities of effort. It is an effort that could literally bring sight to the blind.

Senator PAUL, any closing thoughts?

Mr. PAUL. I think what is great about the prize is it didn't set a short and limited goal. It goes for the whole thing: They want to prevent and cure blindness.

I think we need more big thinking. We need to talk about let's cure diabetes, let's cure AIDS. Sometimes it takes an incremental approach. But sometimes it takes a big, grand or bold vision.

The Senator mentioned Dr. Salk. In the early days, with the polio vaccine, some actually died from the vaccine. He had to move forward despite some obstacles and despite some setbacks.

Originally, the whole idea of vaccination came from Dr. Boylston in Boston, preceding the time of our Revolutionary War. There, it was a live vaccine taken from the actual pustules of someone who had smallpox, lanced it, stuck it into the pustules, and then cut into a person who did not have smallpox and gave them the disease. He tried to give them a mild variant of this. For this, Dr. Boylston was hounded through the streets and mobs came to the house. The persons he chose to vaccinate first were his kids. That took a very bold step forward to vaccinate his kids. His kids survived, and the rest is history.

George Washington had his family inoculated. Back at the time of the Revolutionary War, more people died from communicable diseases than died from actual bullets. This was true in most wars up until this century.

I think it takes bold vision, and I think Sandy Greenberg will help to move this along with this prize. I love the idea of incentives. We are a country built on incentives. I don't think

any scientist is going to jump forward and say, I am doing it only for the prize. But prizes don't hurt, and we should acknowledge that these scientists who can come forward and may come forward with a great cure should be rewarded.

I would like to thank Sandy Greenberg and his family for setting up this prize. I hope that out of this some great good will come for those who have gone blind and for prevention.

Mr. COONS. I thank, Senator PAUL. I, like the Senator, am confident that some great good will come out of this bold vision, out of this clear initiative.

As we look forward at the health care debates that have raged throughout this Chamber and this country in the last few years, I will simply say in closing, as we look to the future of the United States, there is a path forward that says the right way to deal with skyrocketing health care costs and the fiscal challenges they provide is to simply crunch down, to limit, to narrow, to cut off access, and to manage downward.

A competing and I think a more compelling and I think, frankly, a more American view is we should take bold risks. We should innovate. We should dare to speak of curing diseases that are immensely harmful and expenses that are challenges and burdens for our whole country and the world.

This prize—this challenge from Sue and Sandy Greenberg—is something I think should lift the sights of all of us in this country to the very real possibilities of working together to find exceptional cures.

I thank the Presiding Officer for letting us speak about this extraordinary American, his wife and his family and his quest to end blindness by the end of this decade.

I urge anyone interested in this topic and interested in working with us further to visit the Web site [endblindnessby2020.com](http://endblindnessby2020.com). I thank Sandy and Sue Greenberg for their courage, their perseverance, and their commitment to bringing light to millions of their fellow men and women around the globe.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

#### EXTENSION OF MORNING BUSINESS

Mr. COONS. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with all the provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

We are in morning business.

#### THE FISCAL CLIFF

Mr. COATS. Mr. President, the clock continues to tick away while we wait for the descent from the summit, when the President and Speaker BOEHNER walk out, with tablets in hand, saying we have a deal. Many of us are beginning to wonder if that is going to be achievable. We are holding our breath. But as we near the end of the year, clearly as has been stated repeatedly on the floor, the necessity of putting something together to avoid the so-called fiscal cliff, the disastrous consequences of our not acting, is clear. Tax increases for every American taxpayer, massive cuts to defense at a time when the threats around the world are as varied and as great as we have seen in a long time, other essential programs of the Federal Government being affected by that—that is the last thing we need. In this tepid economy with a lot of people out of work we are hoping for some consensus to come together to provide a long-term solution to our fiscal problem that continues to have a negative effect on our economy and, more importantly, keeps people out of work.

As that clock ticks, some are saying partisanship is too great in Washington; the country is too divided; we are not going to be able to reach a consensus here in terms of how to address this problem.

I disagree with that. Over the last 2 years and more, we have had a number of proposals brought forward on a bipartisan basis. It started with Simpson-Bowles; Bowles, the former Chief of Staff to President Clinton, and Al Simpson, a Member of this body for a long time, recognized as two individuals who can take a look at the situation we are in and make a proposal. That has been running 2-and-some years now. That was presented, the President's own commission, yet that was rejected by the President.

Then of course there was the Gang of Six, later the Gang of Eight, which met on a bipartisan basis for a number of months, both sides contributing to an attempt at a package put together to submit to the Congress and to the White House. That was a bipartisan effort. The supercommittee of 12, 6 Democrats, 6 Republicans—they were unfortunately unable to come to an agreement.

That has brought us to this particular point in time because failure of our effort to do this ended up in a procedure which drives us here at the end of the year toward this so-called cliff. I have been talking to a number of my colleagues, Republicans and Democrats and others, and there is a majority consensus here for putting together a credible long-term package to deal with our fiscal situation. That would send a message to the world and send a message to our citizens that the Congress and the government are serious about addressing our fiscal situation and putting us on a path to fiscal health. In doing so, it would restore the confidence of the American people. It would restore the confidence of investors around the world that America is getting its act together at a time when Europe is struggling, at a time when Japan is struggling, when China's growth is slowing down. The world is looking to the United States to take the lead as it has so many times and in so many crises before. Yet all they see is a standoff and the inability to do what I think we all know we need to do.

The choice is very clear. We have come to the point where I think most people looking at this understand that if we do not act now, the so-called kicking the can down the road no longer is a viable opportunity. It no longer is something we can afford to do. There is a group called The Can Kicks Back. I can see why the American people are frustrated over our inability to come to some agreement on this.

Obviously we hope the President and Speaker BOEHNER will bring us that grand bargain which we can evaluate and address before the end of the year. I have frequently said from this podium and back to the people I represent in Indiana, if we do not start addressing the spending problem, it doesn't matter how much we raise in taxes or revenue, it doesn't matter how much else we do to address our problem—if we do not address the out-of-control Federal spending, we cannot get from there to here. We cannot put forward a credible package.

It is no secret that over the years—without laying the blame on one party or another—our spending has exceeded our revenues now to the extent that we are plunging into serious debt and serious deficit; over \$1 trillion a year accumulated over the last 4 years, and a significant amount of money before that. It is unsustainable. Whether you are a liberal economist or conservative economist, whether Democrat, Republican, Independent, or Libertarian, just do the math—and it is simple math; it is not calculus, it is third-grade math. You cannot keep spending \$1 trillion a year more than you collect without having severe consequences.



The consequence we have had is a very slow recovery from a very deep recession that has stifled job growth, stifled innovation, kept people out of work. The latest statistics are that over 23 million Americans are either unemployed, underemployed, or have simply given up looking for a job, frustrated trying to find any work whatsoever, and a staggering percentage of those unemployed is young people, people under 30.

Robert Samuelson wrote an article a couple of days ago asking, is this the lost generation, basically saying that those in the under-30 category may have lost—we may lose a whole generation, those who will not have the opportunity to gain meaningful employment, to realize their dreams, to participate in the American dream of getting a good job, of marrying and having a family, of buying a house, paying the mortgage—doing the things which our generation has enjoyed. We have been given that opportunity, but a generation behind us is being denied that opportunity, and will it be the lost generation.

The answer to that question falls on the shoulders of those of us here—not only at the White House with the President and his advisers but with the Congress, the Senate and the House. We now have an opportunity, maybe an historic opportunity—I do believe it is an historic opportunity—to right the wrong and to put in place something that, yes, will have an impact on us. Yes, it is medicine we will have to take for our excessive spending, but it will bring about the cure.

How many of us are thinking about the future for our children, our grandchildren, the Nation's children, the Nation's grandchildren? How many of us can stand here and simply say we are doing OK at our level, our generation, but we are not willing to make any sacrifice whatsoever to ensure that this country can provide for future generations? Most agree if we do not have a package that has \$4 trillion to \$4.5 trillion of spending reduction over the next 10 years it will not be a credible package. There is also now almost universal agreement that we must incorporate long-term entitlement reform. Mandatory spending—over which we have no control of spending levels—and interest costs now eat up 64 percent of our budget and denies those who come to us about improving our roads, providing medical research, supporting education, whatever your interest—those interests are receiving less support than they have before. They will continue to see less support to the point they may receive no support because the mandatories projected with the baby boom retirement accelerate to points which our country can simply not afford. It will drive us into bankruptcy.

If the package that is brought down hopefully from the White House does

not address that, or if we do not address in this body the spending issue that incorporates the restructuring for the preservation of Medicare, Medicaid, and Social Security but also with a realization that unless we do something those programs are going to go bankrupt and have severe impacts on those currently receiving those benefits—unless we do that, we will not have a credible package.

Senator WYDEN and I have proposed comprehensive tax reform as something that needs to be done. Regulatory reform has been suggested by others, which I support. But if we do not acknowledge that the final package presented to us incorporates those long-term solutions, we will simply be back here in the next debt limit crisis. We will be back here in the next fiscal crisis. We will continue to see our country languish in terms of providing growth and job opportunities for our people, and we will not have addressed the problem of kick the can down the road one more time—I think to the disgust and displeasure of the American people.

They are cynical enough about our ability to do something as we speak, let alone what might happen if we cannot come to an agreement that everybody knows we need to come to.

When I decided to run again in 2010 after being out of the Senate for more than a decade, I did not do it just to regain the title of Senator. I did not put retirement on hold and more time with my family aside because I thought it would be fun to be back here. I did it because I want to be able to leave a stronger country for my children and grandchildren and for others' children and grandchildren. I did it because I want to restore this country so that America's future generations can enjoy the kind of life full of promise and opportunity that our generation has been able to enjoy.

I look back over the history of our country and see the sacrifices being made—from the Revolutionary War all the way through the two-plus centuries—the world wars, the fiscal crises, the Depression—the sacrifices that have been made by former generations so that future generations can enjoy the promise of America, unique of any country in the world in terms of providing opportunities for individuals and their families.

All of us have experienced that moment back home when a man or woman looks us in the eye and tells us they are putting their trust in us to do the right thing when we get back to Washington. They are putting their trust and faith in us to make sound decisions; that the votes we take on the Senate floor will strengthen our economy so they can make their mortgage payments, get a job, send their kids to college, and enjoy the opportunities and benefits that have been beneficial to so many of us.

This is a great challenge. It is a historic moment. It is an opportunity to transcend politics, to rise above the petty, partisan decisions and join together to do what is right for the future of this country. We cannot do this without Presidential leadership.

The President seems to have an obsession with raising taxes. We have not heard much from the White House in terms of addressing the spending issues or the issues that are driving our deficit forward. Unless these issues are addressed, it will not result in a credible solution to our problem.

We are asking you, Mr. President, to join us in making the tough decisions, to do what I think we all know needs to be done and not push this into the future anymore. We cannot keep people out of work. There are over 23 million Americans who, on average, were considered underemployed over the past year. Of those underemployed Americans, 41 percent were 30 or under. We need to give them hope for the future and a light at the end of the tunnel. We are asking that you join us, and we are asking you to do a grand bargain and talk more than just about tax increases, which we know can impact our job opportunities and our economy.

The Republicans have put forth ideas in terms of the revenue portion of that without raising rates and destroying the opportunities for the nearly 1 million businesses and others who don't fall in the corporate category.

As David Brooks said recently in the *New York Times*:

It's pointless to cut a short-term deal if entitlement programs are still structured to bankrupt our children. Republicans and Democrats could make 2013 the year of the truly Grand Bargain.

So that is what we are imploring to you, Mr. President, and that is what we are asking all of our colleagues to consider. This historic opportunity is going to be our legacy. It is not about a vote we made in the past, and it might not be about a vote we make in the future. We will be judged at a time when the clock has run out, and there is an absolute necessity for a package that is grand enough to achieve credibility, and go forward to restore the confidence of the American people and the investment community and lead the world to recovery.

This is our chance, Mr. President, and I hope we take that chance.

With that, I yield the floor.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The PRESIDING OFFICER. Under the previous order, the Senate having received the papers from the House with respect to H.R. 4310, passage of the measure, as amended, is vitiated, the adoption of the Senate amendment is vitiated, and the amendment is modified with the changes at the desk.

The amendments (Nos. 3332 and 3333) are as follows:

AMENDMENT NO. 3332

On page 728, of the Senate amendment to H.R. 4310, strike line 4 through page 730, line 18 and insert the following:

**SEC. 12—IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **EXCEPTION.**—The authority to block and prohibit all transactions in all property and interests in property under paragraph (1) does not include the authority to impose sanctions on the importation of property.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—Sanctions imposed under this section may terminate 15 days after the date on which the President determines and reports to the appropriate congressional committees that the person covered by such determination has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date that is 15 days after the date on which the President determines and reports to the appropriate congressional committees that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

AMENDMENT NO. 3333

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The **PRESIDING OFFICER.** The question is on adoption of the Senate amendment, as amended.

The amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The **PRESIDING OFFICER.** Under the previous order, the bill, as amended, is, passed.

The bill (H.R. 4310), as amended, is as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 4310) entitled “An Act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”, do pass with the following Amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2013”.*

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) **DIVISIONS.**—This Act is organized into seven divisions as follows:

(1) *Division A—Department of Defense Authorizations.*

(2) *Division B—Military Construction Authorizations.*

(3) *Division C—Department of Energy National Security Authorizations and Other Authorizations.*

(4) *Division D—Funding Tables.*

(5) *Division E—Housing Assistance for Veterans.*

(6) *Division F—Stolen Valor Act.*

(7) *Division G—Miscellaneous.*

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Scoring of budgetary effects.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Authorization of appropriations.

**Subtitle B—Army Programs**

Sec. 111. Multiyear procurement authority for Army CH-47F helicopters.

**Subtitle C—Navy Programs**

Sec. 121. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 122. Ford class aircraft carriers.

Sec. 123. Limitation on availability of amounts for second Ford class aircraft carrier.

Sec. 124. Multiyear procurement authority for Virginia class submarine program.

Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.

Sec. 126. Authority for relocation of certain AEGIS weapon system assets between and within the DDG-51 class destroyer and AEGIS Ashore programs in order to meet mission requirements.

Sec. 127. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.

Sec. 128. Transfer of certain fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds.

Sec. 129. Transfer of certain fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles.

Sec. 130. Sense of Congress on Marine Corps amphibious lift and presence requirements.

Sec. 131. Sense of Senate on Department of Navy fiscal year 2014 budget request for tactical aviation aircraft.

Sec. 132. SPIDERNet/Spectral Warrior Hardware.

**Subtitle D—Air Force Programs**

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.

Sec. 142. Treatment of certain programs for the F-22A Raptor aircraft as major defense acquisition programs.

Sec. 143. Avionics systems for C-130 aircraft.

Sec. 144. Procurement of space-based infrared system satellites.

Sec. 145. Transfer of certain fiscal year 2011 and 2012 funds for Aircraft Procurement for the Air Force.

**Subtitle E—Joint and Multiservice Matters**

Sec. 151. Multiyear procurement authority for V-22 joint aircraft program.

Sec. 152. Limitation on availability of funds for full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System program.

Sec. 153. Shallow Water Combat Submersible program.

Sec. 154. AC-130 aircraft electro-optical and infrared sensors.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

Sec. 211. Next Generation Foundry for the Defense Microelectronics Activity.

Sec. 212. Advanced rotorcraft initiative.

Sec. 213. Transfer of certain fiscal year 2012 Navy research, development, test, and evaluation funds.

Sec. 214. Authority for Department of Defense laboratories to enter into education partnerships with educational institutions in United States territories and possessions.

Sec. 215. Transfer of certain fiscal year 2012 Air Force research, development, test, and evaluation funds.

Sec. 216. Relocation of C-band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities.

Sec. 217. Detailed Digital Radio Frequency Modulation Countermeasures Studies and Simulations.

**Subtitle C—Missile Defense Matters**

Sec. 231. Homeland ballistic missile defense.

Sec. 232. Regional ballistic missile defense.

Sec. 233. Missile defense cooperation with Russia.

Sec. 234. Next generation Ero-atmospheric Kill Vehicle.

Sec. 235. Modernization of the Patriot air and missile defense system.

Sec. 236. Medium Extended Air Defense System.

Sec. 237. Availability of funds for Iron Dome short-range rocket defense program.

Sec. 238. Readiness and flexibility of intercontinental ballistic missile force.

Sec. 239. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

#### Subtitle D—Reports

Sec. 251. Mission Packages for the Littoral Combat Ship.

Sec. 252. Comptroller General of the United States annual reports on the acquisition program for the Amphibious Combat Vehicle.

Sec. 253. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.

#### Subtitle E—Other Matters

Sec. 271. Transfer of administration of Ocean Research and Resources Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration.

Sec. 272. Sense of Senate on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

#### Subtitle B—Energy and Environmental Provisions

Sec. 311. Department of Defense guidance on environmental exposures at military installations.

Sec. 312. Funding of agreements under the Sikes Act.

Sec. 313. Report on property disposals and additional authorities to assist local communities around closed military installations.

#### Subtitle C—Logistics and Sustainment

Sec. 321. Repeal of certain provisions relating to depot-level maintenance.

Sec. 322. Expansion and reauthorization of multi-trades demonstration project.

Sec. 323. Rating chains for system program managers.

#### Subtitle D—Reports

Sec. 331. Annual report on Department of Defense long-term corrosion strategy.

Sec. 332. Modified deadline for Comptroller General review of annual report on prepositioned materiel and equipment.

#### Subtitle E—Other Matters

Sec. 341. Savings to be achieved in civilian workforce and contractor employee workforce of the Department of Defense.

Sec. 342. NATO Special Operations Headquarters.

Sec. 343. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.

Sec. 344. Sense of the Congress on Navy Fleet requirements.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

#### Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

#### Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

#### Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

### TITLE V—MILITARY PERSONNEL POLICY

#### Subtitle A—Officer Policy

Sec. 501. Extension of relaxation of limitation on selective early discharges.

Sec. 502. Exception to 30-year retirement for regular Navy warrant officers in the grade of chief warrant officer, W-5.

Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.

Sec. 504. Sense of Senate on inclusion of assignments as academic instructor at the military service academies as joint duty assignments.

#### Subtitle B—Reserve Component Management

Sec. 511. Authority for appointment of persons who are lawful permanent residents as officers of the National Guard.

Sec. 512. Reserve component suicide prevention and resilience program.

Sec. 513. Report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty.

#### Subtitle C—General Service Authorities

Sec. 521. Diversity in the Armed Forces and related reporting requirements.

Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 523. Authority for additional behavioral health professionals to conduct pre-separation medical examinations for post-traumatic stress disorder.

Sec. 524. Quarterly reports on involuntary separation of members of the Armed Forces.

Sec. 525. Review of eligibility of victims of domestic terrorism for award of the Purple Heart and the Defense Medal of Freedom.

Sec. 526. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.

Sec. 527. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.

Sec. 528. Research study on resilience in members of the Army.

#### Subtitle D—Military Justice and Legal Matters Generally

Sec. 531. Clarification and enhancement of the role of the Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 532. Additional information in reports on annual surveys of the committee on the Uniform Code of Military Justice.

Subtitle E—Sexual Assault, Hazing, and Related Matters

Sec. 541. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.

Sec. 542. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.

Sec. 543. Hazing in the Armed Forces.

Sec. 544. Retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces.

Sec. 545. Prevention and response to sexual harassment in the Armed Forces.

Sec. 546. Enhancement of annual reports regarding sexual assaults involving members of the Armed Forces.

#### Subtitle F—Education and Training

Sec. 551. Inclusion of the School of Advanced Military Studies Senior Level Course as a senior level service school.

Sec. 552. Modification of eligibility for associate degree programs under the Community College of the Air Force.

Sec. 553. Support of Naval Academy athletic programs.

Sec. 554. Grade of commissioned officers in uniformed medical accession programs.

Sec. 555. Authority for service commitment for Reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.

Sec. 556. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.

Sec. 557. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.

Sec. 558. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior ROTC.

Sec. 559. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.

Sec. 560. Comptroller General of the United States report on the Reserve Officers' Training Corps.

Sec. 561. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.

Sec. 562. Comptroller General of the United States reports on joint professional military education matters.

Sec. 563. Troops-to-Teachers program enhancements.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

Sec. 571. Impact aid for children with severe disabilities.

Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 573. Amendments to the Impact Aid program.

Sec. 574. Military spouses.

Sec. 575. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 576. Sense of Congress regarding support for Yellow Ribbon Day.

Sec. 577. Report on future of family support programs of the Department of Defense.

#### Subtitle H—Other Matters

Sec. 581. Family briefings concerning accountings for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 582. Enhancement of authority to accept gifts and services.

Sec. 583. Clarification of authorized Fisher House residents at the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.

Sec. 584. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.

Sec. 585. Posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### Subtitle A—Pay and Allowances

Sec. 601. Rates of basic allowance for housing for Army National Guard and Air National Guard members on full-time National Guard duty.

Sec. 602. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

#### Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. Increase in amount of officer affiliation bonus for officers in the Selected Reserve.

Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

#### Subtitle C—Travel and Transportation Allowances

Sec. 631. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

Sec. 632. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

#### Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and termination of payment of Survivor Benefit Plan annuity.

Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.

Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

#### Subtitle E—Military Lending Matters

Sec. 651. Enhancement of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 652. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 653. Relief in civil actions for violations of protections on consumer credit extended to members of the Armed Forces and their dependents.

Sec. 654. Modification of definition of dependent for purposes of limitations on terms of consumer credit extended to members of the Armed Forces and their dependents.

Sec. 655. Enforcement of protections on consumer credit for members of the Armed Forces and their dependents.

#### Subtitle F—Other Matters

Sec. 661. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense.

Sec. 662. Report on issuance by Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad.

### TITLE VII—HEALTH CARE PROVISIONS

#### Subtitle A—TRICARE Program

Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.

Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.

Sec. 703. Expansion of evaluation of the effectiveness of the TRICARE program.

Sec. 704. Report on the future availability of TRICARE Prime throughout the United States.

Sec. 705. Certain treatment of developmental disabilities, including autism, under the TRICARE program.

Sec. 706. Sense of Congress on health care for retired members of the uniformed services.

#### Subtitle B—Other Health Care Benefits

Sec. 711. Use of Department of Defense funds for abortions in cases of rape and incest.

Sec. 712. Availability of certain fertility preservation treatments for members of the Armed Forces on active duty.

Sec. 713. Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.

#### Subtitle C—Health Care Administration

Sec. 721. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.

Sec. 722. Research program to enhance Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

#### Subtitle D—Reports and Other Matters

Sec. 731. Reports on performance data on Warriors in Transition programs.

Sec. 732. Report on Department of Defense support of members of the Armed Forces who experience traumatic injury as a result of vaccinations required by the Department.

Sec. 733. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury among members of the Armed Forces.

Sec. 734. Report on implementation of recommendations of the Comptroller General of the United States on prevention of hearing loss among members of the Armed Forces.

Sec. 735. Sense of Senate on mental health counselors for members of the Armed Forces, veterans, and their families.

Sec. 736. Prescription drug take-back program for members of the Armed Forces and their dependents.

#### Subtitle E—Mental Health Care Matters

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Sec. 2841. Clarification of authority of Secretary to assist with development of public infrastructure in connection with the establishment or expansion of a military installation.

Sec. 2842. Petersburg National Battlefield boundary modification.

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Sec. 2844. Additional exemptions from certain requirements applicable to funding for data servers and centers.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

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**Subtitle A—National Security Programs Authorizations**

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

Sec. 3111. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.

Sec. 3112. Submittal to Congress of selected acquisition reports and independent cost estimates on nuclear weapon systems undergoing life extension.

Sec. 3113. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.

Sec. 3114. Program on scientific engagement for nonproliferation.

Sec. 3115. Repeal of requirement for annual update of Department of Energy defense nuclear facilities workforce restructuring plan.

Sec. 3116. Quarterly reports to Congress on financial balances for atomic energy defense activities.

Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.

Sec. 3118. Expansion of authority to establish certain scientific, engineering, and technical positions.

Sec. 3119. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.

Sec. 3120. Cost containment for Y-12 Uranium Processing Facility, Y-12 National Security Complex, Oak Ridge, Tennessee.

Sec. 3121. Authority to restore certain formerly Restricted Data to the Restricted Data category.

Sec. 3122. Renewable energy.

**Subtitle C—Reports**

Sec. 3131. Report on actions required for transition of regulation of non-nuclear activities of the National Nuclear Security Administration to other Federal agencies.

Sec. 3132. Report on consolidation of facilities of the National Nuclear Security Administration.

Sec. 3133. Regional radiological security zones.

Sec. 3134. Report on legacy uranium mines.

Sec. 3135. Comptroller General of the United States review of projects carried out by Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

**Subtitle D—Other Matters**

Sec. 3141. Sense of Congress on oversight of the nuclear security enterprise.

**Subtitle E—American Medical Isotopes Production**

Sec. 3151. Short title.

Sec. 3152. Definitions.

Sec. 3153. Improving the reliability of domestic medical isotope supply.

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**Subtitle F—Other Matters**

Sec. 3161. Congressional advisory panel on the governance structure of the National Nuclear Security Administration and its relationship to other Federal agencies.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

**TITLE XXXV—MARITIME ADMINISTRATION**

Sec. 3501. Short title.

Sec. 3502. Container-on-barge transportation.

Sec. 3503. Short sea transportation.

Sec. 3504. Maritime environmental and technical assistance.

Sec. 3505. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.

Sec. 3506. Maritime workforce study.

Sec. 3507. Maritime administration vessel recycling contract award practices.

Sec. 3508. Requirement for barge design.

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**DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

**TITLE XLI—PROCUREMENT**

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

**TITLE XLIII—OPERATION AND MAINTENANCE**

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

**TITLE XLIV—MILITARY PERSONNEL**

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

**TITLE XLV—OTHER AUTHORIZATIONS**

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

**TITLE XLVI—MILITARY CONSTRUCTION**

Sec. 4601. Military construction.

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

Sec. 4701. Department of Energy national security authorizations.

**DIVISION E—HOUSING ASSISTANCE FOR VETERANS**

**TITLE L—HOUSING ASSISTANCE FOR VETERANS**

Sec. 5001. Short title.

Sec. 5002. Definitions.

Sec. 5003. Establishment of a pilot program.

**DIVISION F—STOLEN VALOR ACT**

**TITLE LI—STOLEN VALOR ACT**

Sec. 5011. Short title.

Sec. 5012. Findings.

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**DIVISION G—MISCELLANEOUS**  
**TITLE LII—MISCELLANEOUS**

Sec. 5021. Public Safety Officers' Benefits Program.

Sec. 5022. Scientific framework for recalcitrant cancers.

Sec. 5023. United States Advisory Commission on Public Diplomacy.

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**TITLE LIII—GAO MANDATES REVISION ACT**

**Subtitle A—GAO Mandates Revision Act**

Sec. 5301. Short title.

Sec. 5302. Repeals and modifications.

**Subtitle B—Improper Payments Elimination and Recovery Improvement Act**

Sec. 5311. Short title.

Sec. 5312. Definitions.

Sec. 5313. Improving the determination of improper payments by Federal agencies.

Sec. 5314. Improper payments information.

Sec. 5315. Do not pay initiative.

Sec. 5316. Improving recovery of improper payments.

**Subtitle C—Sense of Congress Regarding Spectrum.**

Sec. 5317. Sense of Congress regarding spectrum.

**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 4. SCORING OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

**Subtitle B—Army Programs**

**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH-47F HELICOPTERS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH-47F helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

**Subtitle C—Navy Programs**

**SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.**

(a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT.**—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion as specified in the funding table in section 4101,

\$1,613,392,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN-72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) **CONTRACT AUTHORITY.**—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

**SEC. 122. FORD CLASS AIRCRAFT CARRIERS.**

(a) **CONTRACT AUTHORITY FOR CONSTRUCTION OF AIRCRAFT CARRIERS DESIGNATED CVN-78, CVN-79, AND CVN-80.**—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN-21 class aircraft carrier designated CVN-78, CVN-79 or CVN-80, the Secretary of the Navy may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding four fiscal years, in the case of the vessel designated CVN-78, and the succeeding five fiscal years, in the case of the vessels designated CVN-79 and CVN-80.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) **REPEAL OF SUPERSEDED PROVISION.**—Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is repealed.

**SEC. 123. LIMITATION ON AVAILABILITY OF AMOUNTS FOR SECOND FORD CLASS AIRCRAFT CARRIER.**

(a) **LIMITATION.**—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion for the second Ford class aircraft carrier as specified in the funding table in section 4101, not more than 50 percent of such amount may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford class aircraft carrier.

(b) **ELEMENTS.**—The report described in subsection (a) shall include a plan to do the following with respect to the Ford class aircraft carriers:

(1) To maximize planned work in shops and early stages of construction.

(2) To sequence construction of structural units to maximize the effects of lessons learned.

(3) To incorporate design changes to improve producibility for the Ford class aircraft carriers.

(4) To increase the size of erection units to eliminate disruptive unit breaks and improve unit alignment and fairness.

(5) To increase outfitting levels for assembled units before erection in the dry-dock.

(6) To increase overall ship completion levels at each key construction event.

(7) To improve facilities in a manner that will lead to improved productivity.

(8) To ensure the shipbuilder initiates plans that will improve productivity through capital improvements that would provide targeted return on investment, including—

(A) increasing the amount of temporary and permanent covered work areas;

(B) adding ramps and service towers for improved access to work sites and the dry-dock; and

(C) increasing lift capacity to enable construction of larger, more fully outfitted super-lifts.

**SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2014 program year, for procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) **LIMITATION ON TERMINATION LIABILITY.**—Contract for construction of vessels or equipment, entered into in accordance with subsection (a) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessels or equipment covered by the contract. Additionally, in the event of cancellation, the maximum liability of the Government shall include the amount of the unfunded cancellation ceiling in the contract.

(e) **AUTHORITY TO EXPAND MULTIYEAR PROCUREMENT.**—The Secretary may employ incremental funding for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary—

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

**SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

**SEC. 126. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG-51 CLASS DESTROYER AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.**

(a) **AUTHORITY.**—

(1) **TRANSFER TO AEGIS ASHORE SYSTEM.**—Notwithstanding any other provision of law, the Secretary of the Navy may transfer AEGIS Weapon System (AWS) equipment with ballistic missile defense (BMD) capability to the Missile Defense Agency for use in the AEGIS Ashore System of the Agency for installation in the country designated as Host Nation #1 (HN-1) by transferring to the Agency such equipment procured with amounts authorized to be appropriated to the SCN account for fiscal years 2010 and 2011 for the DDG-51 Class Destroyer Program.

(2) **ADJUSTMENTS IN EQUIPMENT DELIVERIES.**—

(A) **USE OF FY12 FUNDS FOR AWS SYSTEMS ON DESTROYERS PROCURED WITH FY11 FUNDS.**—Amounts authorized to be appropriated to the SCN account for fiscal year 2012, and any AEGIS Weapon System assets procured with such amounts, may be used to deliver complete, mission-ready AEGIS Weapon Systems with ballistic missile defense capability to any DDG-51 class destroyer for which amounts were authorized to be appropriated for the SCN account for fiscal year 2011.

(B) **USE OF AWS SYSTEMS PROCURED WITH RDTE FUNDS ON DESTROYERS.**—The Secretary may install on any DDG-51 class destroyer AEGIS weapon systems with ballistic missile defense capability transferred pursuant to paragraph (3).

(3) **TRANSFER FROM AEGIS ASHORE SYSTEM.**—The Director of the Missile Defense Agency shall transfer AEGIS Weapon System equipment with ballistic missile defense capability procured for installation in the AEGIS Ashore System to the Department of the Navy for the DDG-51 Class Destroyer Program to replace any equipment transferred to Agency under paragraph (1).

(4) **TREATMENT OF TRANSFER IN FUNDING DESTROYER CONSTRUCTION.**—Notwithstanding the source of funds for any equipment transferred under paragraph (3), the Secretary shall fund all work necessary to complete construction and outfitting of any destroyer in which such equipment is installed in the same manner as if such equipment had been acquired using amounts in the SCN account.

(5) **SCN ACCOUNT DEFINED.**—In this subsection, the term “SCN account” means the Shipbuilding and Conversion, Navy account.

(b) **RELATIONSHIP TO OTHER LAW.**—Nothing in this section shall be construed to repeal or otherwise modify in any way the limitation on obligation or expenditure of funds for missile defense interceptors in Europe as specified in section 223 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 Public Law 111–383; 124 Stat. 4168).

**SEC. 127. DESIGNATION OF MISSION MODULES OF THE LITTORAL COMBAT SHIP AS A MAJOR DEFENSE ACQUISITION PROGRAM.**

(a) **DESIGNATION REQUIRED.**—The Secretary of Defense shall—

(1) designate the effort to develop and produce all variants of the mission modules in support of the Littoral Combat Ship program as a major defense acquisition program under section 2430 of title 10, United States Code; and

(2) with respect to the development and production of each variant, submit to the congressional defense committees a report setting forth such cost, schedule, and performance information as would be provided if such effort were a major defense acquisition program, including Selected Acquisition Reports, unit cost reports, and program baselines.

(b) **ADDITIONAL QUARTERLY REPORTS.**—The Secretary shall submit to the congressional defense committees on a quarterly basis a report on the development and production of each variant of the mission modules in support of the Littoral Combat Ship, including cost, schedule, and performance, and identifying actual and potential problems with such development or production and potential mitigation plans to address such problems.

**SEC. 128. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS FUNDS.**

(a) **IN GENERAL.**—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds, \$88,300,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) **COVERED FUNDS.**—For purposes of this section, the term “fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds” means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Procurement of Ammunition, Navy and Marine Corps as specified in the funding table in section 4101 of that Act.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 129. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT, MARINE CORPS FUNDS FOR PROCUREMENT OF WEAPONS AND COMBAT VEHICLES.**

(a) **IN GENERAL.**—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles, \$135,200,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) **COVERED FUNDS.**—For purposes of this section, the term “fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles” means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Procurement, Marine Corps for the procurement of weapons and combat vehicles as specified in the funding table in section 4101 of that Act.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 130. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States Marine Corps is a combat force which leverages maneuver from the sea as a force multiplier allowing for a variety of operational tasks ranging from major combat operations to humanitarian assistance.

(2) The United States Marine Corps is unique in that, while embarked upon Naval vessels, they bring all the logistic support necessary for

the full range of military operations, operating “from the sea” they require no third party host nation permission to conduct military operations.

(3) The Department of the Navy has a requirement for 38 amphibious assault ships to meet this full range of military operations.

(4) Due to fiscal constraints only, that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations.

(5) The Department of the Navy has been unable to meet even the minimal requirement of 30 operationally available vessels and has submitted a shipbuilding and ship retirement plan to Congress which will reduce the force to 28 vessels.

(6) Experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Department of Defense should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands;

(2) the Department of the Navy carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Department of the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships, as a component of the balanced battle force;

(4) the next generation amphibious assault ships should maintain survivability protection;

(5) operation and maintenance requirements analysis, as well as the potential to leverage a common hull form design, should be considered to reduce total ownership cost and acquisition cost; and

(6) maintaining a robust amphibious ship building industrial base is vital for the future of the national security of the United States.

**SEC. 131. SENSE OF SENATE ON DEPARTMENT OF NAVY FISCAL YEAR 2014 BUDGET REQUEST FOR TACTICAL AVIATION AIRCRAFT.**

It is the sense of Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F–18 aircraft includes a request for funds for more than 13 new F–18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F–35 aircraft should include a request for funds for not fewer than 6 F–35B aircraft and 4 F–35C aircraft, presuming that development, testing, and production of the F–35 aircraft are proceeding according to current plans.

**SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.**

(a) **ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.**—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNET/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

**Subtitle D—Air Force Programs****SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.**

(a) REDUCTION IN INVENTORY REQUIREMENT.—Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “Effective October 1, 2011, the” and inserting “The”; and

(2) by striking “301 aircraft” and inserting “275 aircraft”.

(b) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2221) is amended by striking “316 strategic airlift aircraft” and inserting “275 strategic airlift aircraft”.

(c) PRESERVATION OF CERTAIN RETIRED C–5 AIRCRAFT.—The Secretary of the Air Force shall preserve each C–5 aircraft retired by the Secretary after September 30, 2012, such that the aircraft—

(1) is stored in flyable condition;

(2) can be returned to service; and

(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

**SEC. 142. TREATMENT OF CERTAIN PROGRAMS FOR THE F–22A RAPTOR AIRCRAFT AS MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–22A Raptor aircraft as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–22A Raptor aircraft are the following:

(1) Any modernization program through Increment 3.2A.

(2) The Reliability and Maintainability Maturation Program (RAMMP) and the Structural Repair Program (SRP II).

(3) The modernization Increment 3.2B and any future F–22A Raptor aircraft modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

**SEC. 143. AVIONICS SYSTEMS FOR C–130 AIRCRAFT.**

(a) LIMITATIONS.—

(1) AVIONICS MODERNIZATION PROGRAM.—The Secretary of the Air Force shall take no action to cancel or modify the Avionics Modernization Program (AMP) for the C–130 aircraft until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(2) CNS/ATM PROGRAM.—

(A) IN GENERAL.—The Secretary shall take no action described in subparagraph (B) until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(B) COVERED ACTIONS.—An action described in this subparagraph is an action to begin an alternative communication, navigation, surveillance, and air traffic management (CNS/ATM) program for the C–130 aircraft that is designed or intended—

(i) to meet international communication, navigation, surveillance, and air traffic management standards for the fleet of C–130 aircraft; or

(ii) to replace the current Avionics Modernization Program for the C–130 aircraft.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional de-

fense committees report on the results of a study to be conducted by the Office of Cost Assessment and Program Evaluation of the Department of Defense on the following:

(1) The costs and schedule to complete the current program of record for the Avionics Modernization Program for the C–130 aircraft, as anticipated at the time of the last certification on that program under section 2433a of title 10, United States Code.

(2) The total cost and schedule, from start to completion, of any proposed alternative communication, navigation, surveillance, and air traffic management program for the C–130 aircraft.

(3) The projected manpower savings to be derived from the current program of record for the Avionics Modernization Program for the C–130 aircraft in comparison with the projected manpower savings to be derived from any proposed alternative communication, navigation, surveillance, and air traffic management program for the C–130 aircraft.

**SEC. 144. PROCUREMENT OF SPACE-BASED INFRARED SYSTEM SATELLITES.**

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two space-based infrared system satellites by entering into a fixed-price contract for such procurement.

(2) COST REDUCTION.—The Secretary may include in a contract entered into under paragraph (1) the following:

(A) The procurement of material and equipment in economic order quantities if the procurement of such material and equipment in such quantities will result in cost savings.

(B) Cost reduction initiatives.

(3) USE OF INCREMENTAL FUNDING.—The Secretary may use incremental funding for a contract entered into under paragraph (1) for a period not to exceed six fiscal years.

(4) LIABILITY.—A contract entered into under paragraph (1) shall provide that—

(A) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

(B) the total liability of the Federal Government for the termination of the contract shall be limited to the total amount of funding obligated at the time of the termination of the contract.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two space-based infrared system satellites authorized by subsection (a) may not exceed \$3,900,000,000.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program-related support costs.

(D) Technical support for obsolescence studies.

(c) ADJUSTMENT TO LIMITATION AMOUNT.—

(1) IN GENERAL.—The Secretary may increase the limitation set forth in subsection (b)(1) by the amount of an increase described in paragraph (2) if the Secretary submits to the congressional defense committees written notification of the increase made to that limitation.

(2) INCREASE DESCRIBED.—An increase described in this paragraph is one of the following:

(A) An increase in costs that is attributable to economic inflation after September 30, 2012.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

(C) An increase in the cost of a space-based infrared system satellite that is attributable to

the insertion of a new technology into the satellite that was not built into such satellites procured before fiscal year 2013, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology into the satellite is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to the national security of the United States.

(d) REPORTS.—

(1) REPORT ON CONTRACTS.—Not later than 30 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on the contract that includes the following:

(A) The total cost savings resulting from the authority provided by subsection (a).

(B) The type and duration of the contract.

(C) The total value of the contract.

(D) The funding profile under the contract by year.

(E) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(2) PLAN FOR USING COST SAVINGS.—Not later than 90 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a plan for using the cost savings described in paragraph (1)(A) to improve the capability of military infrared and early warning satellites that includes a description of the following:

(A) The available funds, by year, resulting from such cost savings.

(B) The specific activities or subprograms to be funded using such cost savings and the funds, by year, allocated to each such activity or subprogram.

(C) The objectives for each such activity or subprogram.

(D) The criteria used by the Secretary to determine which such activities or subprograms to fund.

(E) The method by which the Secretary will determine which such activities or subprograms to fund, including whether that determination will be on a competitive basis.

(F) The plan for encouraging participation in such activities and subprograms by small businesses.

(G) The process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2013 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system space vehicle number 6.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two space-based infrared system satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

**SEC. 145. TRANSFER OF CERTAIN FISCAL YEAR 2011 AND 2012 FUNDS FOR AIRCRAFT PROCUREMENT FOR THE AIR FORCE.**

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air

Force may transfer from fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds, an aggregate of \$920,748,000 to other, higher priority programs of the Air Force.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds” means—

(1) amounts authorized to be appropriated for fiscal year 2011 by section 103(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4152) for aircraft procurement for the Air Force; and

(2) amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1317) and available for Aircraft Procurement, Air Force as specified in the funding table in section 4101 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

#### **Subtitle E—Joint and Multiservice Matters**

#### **SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22 JOINT AIRCRAFT PROGRAM.**

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of V-22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

#### **SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR FULL-RATE PRODUCTION OF HANDHELD, MANPACK, AND SMALL FORM/FIT RADIOS UNDER THE JOINT TACTICAL RADIO SYSTEM PROGRAM.**

Amounts available for the Joint Tactical Radio System (JTRS) program may not be obligated or expended for full-rate production of the Handheld, Manpack, and Small Form/Fit (HMS) radios under that program until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the acquisition strategy for such radios provides, to the maximum extent practicable, for full and open competition in the acquisition of such radios.

#### **SEC. 153. SHALLOW WATER COMBAT SUBMERSIBLE PROGRAM.**

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the efforts of the contractor under the Shallow Water Combat Submersible (SWCS) program and the United States Special Operations Command to improve the accuracy of the tracking of the schedule and costs of the program.

(2) The revised timeline for the initial and full operational capability of the Shallow Water Combat Submersible.

(3) A current estimate of the cost to meet the basis of issue requirement under the program.

(b) SUBSEQUENT REPORTS.—

(1) QUARTERLY REPORTS REQUIRED.—The Commander of the United States Special Operations Command shall submit to the congressional defense committees on a quarterly basis updates on the metrics from the earned value management system with which the Command is tracking the schedule and cost performance of the contractor of the Shallow Water Combat Submersible program.

(2) SUNSET.—The requirement in paragraph (1) shall cease on the date the Shallow Water Combat Submersible has completed operational testing and has been found to be operationally effective and operationally suitable.

#### **SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.**

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

### **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

#### **Subtitle A—Authorization of Appropriations**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

#### **Subtitle B—Program Requirements, Restrictions, and Limitations**

#### **SEC. 211. NEXT GENERATION FOUNDRY FOR THE DEFENSE MICROELECTRONICS ACTIVITY.**

Amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for the Next Generation Foundry for the Defense Microelectronics Activity (DMEA) (PE #603720S) as specified in the funding table in section 4201 may not be obligated or expended for that purpose until 60 days after the date on which the Assistant Secretary of Defense for Research and Engineering—

(1) develops a microelectronics strategy as described in the Senate report to accompany S. 1235 of the 112th Congress (S. Rept. 112-26) and an estimate of the full life-cycle costs for the upgrade of the Next Generation Foundry; and

(2) submits the strategy and cost estimate required by paragraph (1) to the congressional defense committees.

#### **SEC. 212. ADVANCED ROTORCRAFT INITIATIVE.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments, the Defense Advanced Research Projects Agency, and industry (including the Vertical Lift Consortium (VLC)), submit to the congressional defense committees a report setting forth a strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Mechanisms for establishing agile prototyping practices and programs, including rotor-

craft X-planes, and an identification of the resources required for such purposes.

(2) A restructuring of the Joint Multi-role (JMR) development program of the Army to include more technology demonstration platforms with challenge goals of significant reductions in cost and time to flight.

(3) A restructuring of the X-Plane Rotorcraft program of the Defense Advanced Research Projects Agency to develop performance objectives beyond the Joint Multi-role development program, including at least two competing teams.

(4) Approaches, including competitive prize awards, to encourage the development of advanced rotorcraft capabilities to address challenge problems such as nap-of-earth automated flight, urban operation near buildings, slope landings, automated autorotation or power-off recovery, and automated selection of landing areas.

#### **SEC. 213. TRANSFER OF CERTAIN FISCAL YEAR 2012 NAVY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Navy research, development, test, and evaluation funds, \$8,832,000 to other, higher priority programs of the Navy.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Navy research, development, test, and evaluation funds” means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Navy as specified in the funding table in section 4201 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

#### **SEC. 214. AUTHORITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATION PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN UNITED STATES TERRITORIES AND POSSESSIONS.**

(a) AUTHORITY.—Subsection (a) of section 2194 of title 10, United States Code, is amended by inserting “, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any possession of the United States” after “institutions of the United States”.

(b) TECHNICAL AMENDMENT.—Subsection (f)(2) of such section is amended by inserting “(20 U.S.C. 7801)” before the period.

#### **SEC. 215. TRANSFER OF CERTAIN FISCAL YEAR 2012 AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from fiscal year 2012 Air Force research, development, test, and evaluation funds, \$78,426,000 to other, higher priority programs of the Air Force.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Air Force research, development, test, and evaluation funds” means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force as specified in the funding table in section 4201 of that Act.



(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.**

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, \$3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

- (1) the repurposing of the C-Band Radar at Antigua;
- (2) the relocation of that radar to the H.E. Holt Station in Western Australia;
- (3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;
- (4) operational testing of that radar; and
- (5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

**SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.**

(a) **ADDITIONAL AMOUNT FOR RDT&E, ARMY.**—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by \$38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

**Subtitle C—Missile Defense Matters**

**SEC. 231. HOMELAND BALLISTIC MISSILE DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Ballistic Missile Defense Review of February 2010 stated as its first policy priority that “the United States will continue to defend the homeland against the threat of limited ballistic missile attack” and that “an essential element of the United States’ homeland ballistic missile defense strategy is to hedge against future uncertainties, including both the uncertainty of future threat capabilities and the technical risks inherent to our own development plans”.

(2) The United States currently has an operational Ground-based Midcourse Defense (GMD) system with 30 Ground-Based Interceptors (GBIs) deployed in Alaska and California,

protecting the United States against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran.

(3) As Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley Roberts testified before the Committee on Armed Services of the Senate on April 25, 2012, “[w]ith 30 GBIs in place, the United States is in an advantageous position vis-à-vis the threats from North Korea and Iran,” and “neither has successfully tested an ICBM or demonstrated an ICBM-class warhead”.

(4) Deputy Assistant Secretary Roberts testified that maintaining this advantageous position “requires continued improvement to the GMD system, including enhanced performance by the GBIs and the deployment of new sensors. It also requires the development of the Precision Tracking Space System (PTSS) to handle larger raid sizes and the Standard Missile-3 (SM-3) Block IIB as the ICBM threat from states like Iran and North Korea matures. These efforts will help to ensure that the United States possesses the capability to counter the projected threat for the foreseeable future”.

(5) As its highest priority, the Missile Defense Agency is designing a correction to the problem that caused a December 2010 flight test failure of the Ground-based Midcourse Defense system using the Capability Enhancement II (CE-II) model of exo-atmospheric kill vehicle, and plans to demonstrate the correction in two flight tests before resuming production or assembly of additional Capability Enhancement II kill vehicles.

(6) The Department of Defense has a program to improve the performance and reliability of the Ground-based Midcourse Defense system, including a plan to test every component of the Ground-Based Interceptors for reliability. According to Department of Defense officials, the goal of the Ground-Based Interceptor reliability program is to double the number of threat Intercontinental Ballistic Missiles (ICBMs) that our current inventory of Ground-Based Interceptors could defeat, thereby effectively doubling the capability of our current Ground-based Midcourse Defense system.

(7) The Missile Defense Agency, working with the Director of Operational Test and Evaluation and with United States Strategic Command, has developed a comprehensive Integrated Master Test Plan (IMTP) for missile defense, with flight tests for the Ground-based Midcourse Defense system planned through fiscal year 2022, including salvo testing, multiple simultaneous engagement testing, and operational testing.

(8) The Director of Operational Test and Evaluation, who must review, approve, and sign each semi-annual version of the Integrated Master Test Plan, testified that the Test Plan is “a robust and rigorous test plan”. He also testified that the current pace of Ground-based Midcourse Defense system testing of one flight test per year is the “best that we’ve been able to achieve over a decade”.

(9) The Director of the Missile Defense Agency testified before the Committee on Armed Services of the Senate on April 25, 2012, that flight testing the Ground-based Midcourse Defense system more often than once per year could cause “greater risk of further failure and setbacks to developing our homeland defense capability as rapidly as possible”.

(10) As part of its homeland defense hedging strategy, the Department of Defense has already decided upon or implemented a number of actions to improve the missile defense posture of the United States in case the threat of Intercontinental Ballistic Missiles from North Korea or Iran emerges sooner or in greater numbers than anticipated. These include the following actions:

(A) The Missile Defense Agency has completed construction of Missile Field-2 at Fort Greely,

Alaska, with eight extra silos available to deploy additional operational Ground-Based Interceptors, if needed.

(B) With its request for 5 additional Ground-Based Interceptors in the budget of the President for fiscal year 2013, the Missile Defense Agency plans to have enough test and spare Ground-Based Interceptors to emplace in the 8 extra silos from 2014 through 2025, and will keep the Ground-Based Interceptor production line active for 5 additional years, thus allowing additional Ground-Based Interceptor purchases in the future, if needed.

(C) The Department has decided not to decommission prototype Missile Field-1 at Fort Greely but, instead, to keep it in a storage status that would permit it to be refurbished and reactivated within a few years if future threat developments make that necessary.

(D) The Missile Defense Agency plans to build an in-flight interceptor communications terminal at Fort Drum, New York, to enhance the performance of Ground-Based Interceptors defending the eastern United States against possible future missile threats from Iran.

(E) The Missile Defense Agency is continuing the development and testing of the two-stage Ground-Based Interceptor for possible deployment in the future, if needed.

(F) The Missile Defense Agency is upgrading early warning radars in Clear, Alaska, and Cape Cod, Massachusetts, to enhance the ability to defend against potential multiple future Intercontinental Ballistic Missile threats from North Korea and Iran.

(G) The Missile Defense Agency is pursuing development of the Standard Missile-3 Block IIB interceptor for Phase 4 of the European Phased Adaptive Approach. It is intended to augment the Ground-based Midcourse Defense system as a cost-effective first layer of defense of the homeland against a possible future Intercontinental Ballistic Missile threat from Iran.

(H) The Missile Defense Agency is pursuing development of the Precision Tracking Space System, a satellite sensor system to provide persistent tracking of large numbers of missiles in flight, and fire-control quality targeting data to various missile defense interceptor systems. According to the Director of the Missile Defense Agency, “the greatest future enhancement for both homeland and regional defense in the next ten years is the development of the Precision Tracking Space System satellites”.

(11) As part of its homeland defense hedging strategy review, the Department of Defense is considering other options to enhance the future United States posture to defend the homeland, including the feasibility, advisability and affordability of deploying additional Ground-Based Interceptors, either in Alaska or at a missile defense site on the East Coast of the United States.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is a national priority to defend the homeland against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran;

(2) the currently deployed Ground-based Midcourse Defense system, with 30 Ground-Based Interceptors deployed in Alaska and California, provides protection of the United States homeland against the potential future threat of limited ballistic missile attack from North Korea and Iran;

(3) it is essential for the Ground-based Midcourse Defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland against limited ballistic missile attack;

(4) the Missile Defense Agency should, as its highest priority, correct the problem that caused



the December 2010 Ground-based Midcourse Defense system flight test failure and demonstrate the correction in flight tests before resuming production of the Capability Enhancement-II kill vehicle, in order to provide confidence that the system will work as intended;

(5) the Department of Defense should continue to enhance the performance and reliability of the Ground-based Midcourse Defense system, and enhance the capability of the Ballistic Missile Defense System, to provide improved capability to defend the homeland against possible increased future missile threats from North Korea and Iran;

(6) the Missile Defense Agency should continue its robust, rigorous, and realistic testing of the Ground-based Midcourse Defense system at a pace of one flight test per year, as described in the Integrated Master Test Plan, including salvo testing, multiple simultaneous engagement testing, and operational testing;

(7) if successfully developed, the Standard Missile-3 Block IIB interceptor would provide an essential first layer of defense of the homeland against an emerging Intercontinental Ballistic Missile threat from Iran, using a cost-effective forward-based early intercept system that could permit holding Ground-Based Interceptors in reserve, and if such interceptor could be deployed on ships, it would also provide a significant enhancement to defense against possible future threats from North Korea;

(8) the Precision Tracking Space System has the potential to improve dramatically the capability of homeland and regional missile defense systems against large numbers of missiles launched simultaneously, and should remain a high priority for development;

(9) the Department of Defense has taken a number of prudent, affordable, cost-effective, and operationally significant steps to hedge against the possibility of future growth in the missile threat to the homeland from North Korea and Iran; and

(10) the Department of Defense should continue to evaluate the evolution of the long-range missile threat from North Korea and Iran and consider other possibilities for prudent, affordable, cost-effective, and operationally significant steps to improve the posture of the United States to defend the homeland against possible future growth in the threat.

**(c) REPORT.—**

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

(2) **ELEMENTS OF REPORT.**—The report required by paragraph (1) shall include the following:

(A) A detailed description of the actions taken or planned to improve the reliability, availability, and capability of the Ground-based Midcourse Defense system.

(B) A description of any improvements achieved as a result of the actions described in subparagraph (A).

(C) A description of the results of the two planned flight tests of the Ground-based Midcourse Defense system (Control Test Vehicle flight test-1, and GMD Flight Test-06b) intended to demonstrate the success of the correction of the problem that caused the flight test failure of December 2010, and the status of any decision to resume production of the Capability Enhancement-II kill vehicle.

(D) A detailed description of actions taken or planned to improve the homeland defense posture of the United States to hedge against potential future Intercontinental Ballistic Missile threat growth from North Korea and Iran.

(E) Any other matters the Secretary considers appropriate.

(3) **FORM OF REPORT.**—The report shall be submitted in unclassified form, but may include a classified annex.

**SEC. 232. REGIONAL BALLISTIC MISSILE DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In the introduction to the Ballistic Missile Defense Review of February 2010, Secretary of Defense Robert Gates states that “I have made defending against near-term regional threats a top priority of our missile defense plans, programs and capabilities”.

(2) In describing the threat of regional ballistic missiles, the report of the Ballistic Missile Defense Review states that “there is no uncertainty about the existence of regional threats. They are clear and present. The threat from short-range, medium-range, and intermediate-range ballistic missiles (SRBMs, MRBMs, and IRBMs) in regions where the United States deploys forces and maintains security relationships is growing at a particularly rapid pace”.

(3) In testimony before the Committee on Armed Services of the Senate on April 25, 2012, Dr. Bradley Roberts, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy stated, with respect to regional missile defense, that “the need arises from the rapidly emerging threats to our armed forces in Europe, the Middle East, and East Asia from regional missile proliferators and the basic challenge such proliferation poses to the safety and security of our forces and allies and to our power projection strategy”.

(4) Iran has the largest inventory of regional ballistic missiles in the Middle East, with hundreds of missiles that can reach southeastern Europe and all of the Middle East, including Israel. Iran is improving its existing missiles and developing new and longer-range missiles.

(5) North Korea has a large and growing inventory of short-range and medium-range ballistic missiles that can reach United States forces and allies in South Korea and Japan. North Korea is improving its existing missiles and developing new and longer-range missiles.

(6) In September 2009, President Barack Obama announced that he had accepted the unanimous recommendation of the Secretary of Defense and the Joint Chiefs of Staff to establish a European Phased Adaptive Approach to missile defense, designed to protect deployed United States forces and allies and partners in Europe against the large and growing threat of ballistic missiles from Iran.

(7) In November 2010, at the Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to adopt the core mission of missile defense of its population, territory and forces. The North Atlantic Treaty Organization agreed to enhance its missile defense command and control system, the Active Layered Theater Ballistic Missile Defense, to provide a North Atlantic Treaty Organization command and control capability. This is in addition to contributions of missile defense capability from individual nations.

(8) During 2011, the United States successfully implemented Phase 1 of the European Phased Adaptive Approach, including deployment of an AN/TPY-2 radar in Turkey, deployment of an Aegis Ballistic Missile Defense ship in the eastern Mediterranean Sea with Standard Missile-3 Block 1A interceptors, and establishment of a missile defense command and control system in Germany.

(9) During 2011, the United States successfully negotiated all the international agreements with North Atlantic Treaty Organization allies needed to permit future phases of the European Phased Adaptive Approach, including agree-

ments with Romania and Poland to permit the deployment of Aegis Ashore missile defense systems on their territory, an agreement with Turkey to permit deployment of an AN/TPY-2 radar on its territory, and an agreement with Spain to permit the forward stationing of four Aegis Ballistic Missile Defense ships at Rota.

(10) Phase 2 of the European Phased Adaptive Approach is planned for deployment in 2015, and is planned to include the deployment of Standard Missile-3 Block 1B interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Romania.

(11) Phase 3 of the European Phased Adaptive Approach is planned for deployment in 2018, and is planned to include the deployment of Standard Missile-3 Block 1IA interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Poland.

(12) Phase 4 of the European Phased Adaptive Approach is planned for deployment in 2020, and is planned to include the deployment of Standard Missile-3 Block 1IB interceptors at Aegis Ashore sites. This interceptor is intended to protect both Europe and the United States against potential future long-range ballistic missiles from Iran.

(13) At the North Atlantic Treaty Organization Summit in Chicago in 2012, the North Atlantic Treaty Organization plans to announce it has achieved an “interim capability” for the North Atlantic Treaty Organization missile defense system, including initial capability of its Active Layered Theater Ballistic Missile Defense system at a command and control facility in Germany.

(14) The United States has a robust program of missile defense cooperation with Israel, including joint development of the Arrow Weapon System and the new Arrow-3 upper tier interceptor, designed to defend Israel against ballistic missiles from Iran. These jointly developed missile defense systems are designed to be interoperable with United States ballistic missile defenses, and these interoperable systems are tested in large military exercises. The United States has deployed an AN/TPY-2 radar in Israel to enhance missile defense against missiles from Iran.

(15) The United States is working with the nations of the Gulf Cooperation Council on enhanced national and regional missile defense capabilities against growing missile threats from Iran. As part of this effort, the United Arab Emirates plans to purchase two batteries of the Terminal High Altitude Air Defense (THAAD) system, as well as other equipment.

(16) The United States has a strong program of missile defense cooperation with Japan, including the co-development of the Standard Missile-3 (SM-3) Block 1IA interceptor for the Aegis Ballistic Missile Defense system, intended to be deployed by Japan and in Phase 3 of the European Phased Adaptive Approach, Japan’s fleet of Aegis Ballistic Missile Defense ships using the SM-3 Block 1A interceptors, and the United States deployment of an AN/TPY-2 radar in Japan.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious and growing, and puts at risk forward-deployed United States forces and allies and partners in Europe, the Middle East, and the Asia-Pacific region;

(2) the Department of Defense has an obligation to provide force protection of forward-deployed United States forces, assets, and facilities from regional ballistic missile attack;

(3) the United States has an obligation to meet its security commitments to its allies, including ballistic missile defense commitments;

(4) the Department of Defense has a balanced program of investment and capabilities to provide for both homeland defense and regional defense against ballistic missiles, consistent with the Ballistic Missile Defense Review and with the prioritized and integrated needs of the commanders of the combatant commands;

(5) the European Phased Adaptive Approach to missile defense is an appropriate and necessary response to the existing and growing ballistic missile threat from Iran to forward deployed United States forces and allies and partners in Europe;

(6) the Department of Defense—

(A) should, as a high priority, continue to develop, test, and plan to deploy all four phases of the European Phased Adaptive Approach, including all variants of the Standard Missile-3 interceptor; and

(B) should also continue with its other phased and adaptive regional missile defense efforts tailored to the Middle East and the Asia-Pacific region;

(7) European members of the North Atlantic Treaty Organization are making valuable contributions to missile defense in Europe, by hosting elements of United States missile defense systems on their territories, through individual national contributions to missile defense capability, and by collective funding and development of the Active Layered Theater Ballistic Missile Defense system; and

(8) the Department of Defense should continue with the development of the key enablers of enhanced regional missile defense, including the Precision Tracking Space System.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status and progress of regional missile defense programs and efforts.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An assessment of the adequacy of the existing and planned European Phased Adaptive Approach to provide force protection for forward deployed United States forces in Europe against ballistic missile threats from Iran, and an assessment whether adequate force protection would be available absent the European Phased Adaptive Approach.

(B) An assessment whether the European Phased Adaptive Approach and other planned regional missile defense approaches of the United States meet the integrated priorities of the commanders of the regional combatant commands in an affordable and balanced manner.

(C) A description of the progress made in the development and testing of elements of systems intended for deployment in Phases 2 through 4 of the European Phased Adaptive Approach, including the Standard Missile-3 Block IB interceptor and the Aegis Ashore system.

(D) A description of the manner in which elements of regional missile defense architectures, such as forward-based X-band radars in Turkey and Japan, contribute to the enhancement of homeland defense of the United States.

(E) A description of the current and planned contributions of North Atlantic Treaty Organization allies, both collectively and individually, to missile defense in Europe.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) FINDINGS.—Congress makes the following findings:

(1) For more than a decade, the United States and Russia have discussed a variety of options

for cooperation on shared early warning and ballistic missile defense. For example, on May 1, 2001, President George W. Bush spoke of a “new cooperative relationship” with Russia and said “it should be premised on openness, mutual confidence and real opportunities for cooperation, including the area of missile defense. It should allow us to share information so that each nation can improve its early warning capability, and its capability to defend its people and territory. And perhaps one day, we can even cooperate in a joint defense”.

(2) Section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 1654A–329) authorized the Department of Defense to establish in Russia a “joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles”, also known as the Joint Data Exchange Center (JDEC).

(3) On March 31, 2008, Deputy Secretary of Defense Gordon England stated that “we have offered Russia a wide-ranging proposal to cooperate on missile defense—everything from modeling and simulation, to data sharing, to joint development of a regional missile defense architecture—all designed to defend the United States, Europe, and Russia from the growing threat of Iranian ballistic missiles. An extraordinary series of transparency measures have also been offered to reassure Russia. Despite some Russian reluctance to sign up to these cooperative missile defense activities, we continue to work toward this goal”.

(4) On July 6, 2009, President Barack Obama and Russian President Dmitry Medvedev issued a joint statement on missile defense issues, which stated that “Russia and the United States plan to continue the discussion concerning the establishment of cooperation in responding to the challenge of ballistic missile proliferation. . . We have instructed our experts to work together to analyze the ballistic missile challenges of the 21st century and to prepare appropriate recommendations”.

(5) The February 2010 report of the Ballistic Missile Defense Review established as one of its central policy pillars that increased international missile defense cooperation is in the national security interest of the United States and, with regard to cooperation with Russia, the United States “is pursuing a broad agenda focused on shared early warning of missile launches, possible technical cooperation, and even operational cooperation”.

(6) at the November 2010 Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to develop a missile defense system to “protect NATO European populations, territory and forces” and also to seek cooperation with Russia on missile defense. In its Lisbon Summit Declaration, the North Atlantic Treaty Organization reaffirmed its readiness to “invite Russia to explore jointly the potential for linking current and planned missile defence systems at an appropriate time in mutually beneficial ways”. The new NATO Strategic Concept adopted at the Lisbon Summit states that “we will actively seek cooperation on missile defense with Russia”, that “NATO-Russia cooperation is of strategic importance”, and that “the security of the North Atlantic Treaty Organization and Russia is intertwined”.

(7) In a December 18, 2010, letter to the leadership of the Senate, President Obama wrote that the North Atlantic Treaty Organization “invited Russia to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance’s missile defenses can be strengthened by

improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States’ or NATO’s missile defense capabilities. Effective cooperation with Russia could enhance the overall efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security”.

(8) Section 221(a)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4167) states that it is the sense of Congress “to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats”.

(9) In a speech in Russia on March 21, 2011, Secretary of Defense Robert Gates cited “the NATO-Russian decision to cooperate on defense against ballistic missiles. We’ve disagreed before, and Russia still has uncertainties about the European Phased Adaptive Approach, a limited system that poses no challenges to the large Russian nuclear arsenal. However, we’ve mutually committed to resolving these difficulties in order to develop a roadmap toward truly effective anti-ballistic missile collaboration. This collaboration may include exchanging launch information, setting up a joint data fusion center, allowing greater transparency with respect to our missile defense plans and exercises, and conducting a joint analysis to determine areas of future cooperation”.

(10) In testimony to the Committee on Armed Services of the Senate on April 13, 2011, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley H. Roberts stated that the United States has been pursuing a Defense Technology Cooperation Agreement with Russia since 2004, and that such an agreement is necessary “for the safeguarding of sensitive information in support of cooperation” on missile defense, and to “provide the legal framework for undertaking cooperative efforts”. Further, Dr. Roberts stated that the United States would not provide any classified information to Russia without first conducting a National Disclosure Policy review. He also stated that the United States is not considering sharing “hit-to-kill” technology with Russia.

(11) In a March 2012 answer to a question from the Committee on Armed Services of the Senate on missile defense cooperation with Russia, Acting Under Secretary of Defense for Policy Jim Miller wrote that “I support U.S.-Russian cooperation on missile defenses first and foremost because it could improve the effectiveness of U.S. and NATO missile defenses, thereby improving the protection of the United States, our forces overseas, and our Allies. Missile defense cooperation with Russia is in the security interests of the United States, NATO, and Russia, first and foremost because it could strengthen capabilities across Europe to intercept Iranian missiles”. He also wrote that “[t]he United States has pursued missile defense cooperation with Russia with the clear understanding that we would not accept constraints on missile defense, and that we would undertake necessary qualitative and quantitative improvements to meet U.S. Security needs”.

(12) In February 2012, an international group of independent experts known as the Euro-Atlantic Security Initiative issued a report proposing missile defense cooperation between the United States (with its North Atlantic Treaty Organization allies) and Russia. The group, whose leaders included Stephen Hadley, the National Security Advisor to President George W. Bush, proposed that the nations share satellite and radar early warning data at joint cooperation centers in order to improve their ability to

detect, track, and defeat medium-range and intermediate-range ballistic missiles from the Middle East.

(13) In a letter dated April 13, 2012, Robert Nabors, Assistant to the President and Director of the Office of Legislative Affairs, wrote that "it is Administration policy that we will only provide information to Russia that will enhance the effectiveness of our missile defenses. The Administration will not provide Russia with sensitive information that would in any way compromise our national security, including hit-to-kill technology and interceptor telemetry".

(14) The United States and Russia already engage in substantial cooperation on a number of international security efforts, including nuclear nonproliferation, anti-piracy, counter-narcotics, nuclear security, counter-terrorism, and logistics resupply through Russia of coalition forces in Afghanistan. These areas of cooperation require each side to share and protect sensitive information, which they have both done successfully.

(15) The United States currently has shared early warning agreements and programs of cooperation with eight nations in addition to the North Atlantic Treaty Organization. The United States has developed procedures and mechanisms for sharing early warning information with partner nations while ensuring the protection of sensitive United States information.

(16) Russia and the United States each have missile launch early warning and detection and tracking sensors that could contribute to and enhance each others' ability to detect, track, and defend against ballistic missile threats from Iran.

(17) The Obama Administration has provided regular briefings to Congress on its discussions with Russia on possible missile defense cooperation.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is in the national security interest of the United States to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, particularly against missile threats from Iran;

(2) the United States should pursue ballistic missile defense cooperation with Russia on both a bilateral basis and a multilateral basis with its North Atlantic Treaty Organization allies, particularly through the NATO-Russia Council;

(3) missile defense cooperation with Russia should not "in any way limit United States' or NATO's missile defense capabilities", as acknowledged in the December 18, 2010, letter from President Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature;

(4) the United States should not provide Russia with sensitive missile defense information that would in any way compromise United States national security, including "hit-to-kill" technology and interceptor telemetry; and

(5) the United States should pursue missile defense cooperation with Russia in a manner that ensures that—

(A) United States classified information is appropriately safeguarded and protected from unauthorized disclosure;

(B) prior to sharing classified information with Russia, the United States conducts a National Disclosure Policy review and determines the types and levels of information that may be shared and whether any additional procedures are necessary to protect such information;

(C) prior to entering into missile defense technology cooperation projects, the United States enters into a Defense Technology Cooperation Agreement with Russia that establishes the legal framework for a broad spectrum of potential cooperative defense projects; and

(D) such cooperation does not limit the missile defense capabilities of the United States or its North Atlantic Treaty Organization allies.

#### **SEC. 234. NEXT GENERATION EXO-ATMOSPHERIC KILL VEHICLE.**

(a) **PLAN FOR NEXT GENERATION KILL VEHICLE.**—The Director of the Missile Defense Agency shall develop a long-term plan for the Exo-atmospheric Kill Vehicle (EKV) that addresses both modifications and enhancements to the current Exo-atmospheric Kill Vehicle and options for the competitive development of a next generation Exo-atmospheric Kill Vehicle for the Ground-Based Interceptor (GBI) of the Ground-based Midcourse Defense (GMD) system and any other interceptor that might be developed for the defense of the United States against long-range ballistic missiles.

(b) **DEFINITION OF PARAMETERS AND CAPABILITIES.**—

(1) **ASSESSMENT REQUIRED.**—The Director shall define the desired technical parameters and performance capabilities for a next generation Exo-atmospheric Kill Vehicle using an assessment conducted by the Director for that purpose that is designed to ensure that a next generation Exo-atmospheric Kill Vehicle design—

(A) enables ease of manufacturing, high tolerances to production processes and supply chain variability, and inherent reliability;

(B) will be optimized to take advantage of the Ballistic Missile Defense System architecture and sensor system capabilities;

(C) leverages all relevant kill vehicle development activities and technologies, including from the current Standard Missile-3 Block IIB (SM-3 IIB) program and the previous Multiple Kill Vehicle technology development program;

(D) seeks to maximize, to the greatest extent practicable, commonality between subsystems of a next generation Exo-atmospheric Kill Vehicle and other exo-atmospheric kill vehicle programs; and

(E) meets Department of Defense criteria, as established in the February 2010 Ballistic Missile Defense Review, for affordability, reliability, suitability, and operational effectiveness to defend against limited attacks from evolving and future threats from long-range missiles.

(2) **EVALUATION OF PAYLOADS.**—The assessment required by paragraph (1) shall include an evaluation of the potential benefits and drawbacks of options for both unitary and multiple Exo-atmospheric Kill Vehicle payloads.

(3) **STANDARD MISSILE-3 BLOCK IIB INTERCEPTOR.**—As part of the assessment required by paragraph (1), the Director shall evaluate whether there are potential options and opportunities arising from the Standard Missile-3 Block IIB interceptor development program for development of an exo-atmospheric kill vehicle, or kill vehicle technologies or components, that could be used for potential upgrades to the Ground-Based Interceptor or for a next generation Exo-atmospheric Kill Vehicle.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report setting forth the plan developed under subsection (a), including the results of the assessment under subsection (b), and an estimate of the cost and schedule of implementing the plan.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 235. MODERNIZATION OF THE PATRIOT AIR AND MISSILE DEFENSE SYSTEM.**

(a) **PLAN FOR MODERNIZATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a prioritized plan for support of the long-term requirements in connection with the modernization of the Patriot air and missile defense system.

(b) **ADDITIONAL ELEMENTS.**—The report required by subsection (a) shall also set forth the following:

(1) An assessment of the integrated air and missile defense capabilities required to meet the demands of evolving and emerging threats.

(2) A plan for the introduction of changes to the Patriot air and missile defense system program to achieve reductions in the life-cycle cost of the Patriot air and missile defense system.

#### **SEC. 236. MEDIUM EXTENDED AIR DEFENSE SYSTEM.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the Medium Extended Air Defense System (MEADS).

#### **SEC. 237. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.**

Of the amounts authorized to be appropriated for fiscal year 2013 by section 201 for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency, \$210,000,000 may be provided to the Government of Israel for the Iron Dome short-range rocket defense program as specified in the funding table in section 4201.

#### **SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

#### **SEC. 239. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that "I am confident in my ability to successfully defend the homeland from the current set of limited long-range ballistic missile threats", and that "[a]gainst current threats from the Middle East, I am confident we are well positioned".

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does "not

know if Iran will eventually decide to build nuclear weapons", it judges "that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon". He also testified that "Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload".

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, "Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads", and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that "Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies", and that "[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015".

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

#### Subtitle D—Reports

#### SEC. 251. MISSION PACKAGES FOR THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—Not later than March 1, 2013, the Secretary of the Navy shall, in consultation with the Director of Operational Test and Evaluation, submit to the congressional defense committees a report on the mine countermeasures warfare (MCM), antisubmarine warfare (ASW), and surface warfare (SUW) Mission Packages for the Littoral Combat Ship.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A plan for the Mission Packages demonstrating that Preliminary Design Review for every capability increment precedes Milestone B or equivalent approval for that increment.

(2) A plan for demonstrating that the capability increment for each Mission Package, combined with a Littoral Combat Ship, on the basis of a Preliminary Design Review and post-Preliminary Design Review assessment, will achieve the capability specified for that increment.

(3) A plan for demonstrating the survivability and lethality of the Littoral Combat Ship with its Mission Packages sufficiently early in the development phase of the system to minimize costs of concurrency.

#### SEC. 252. COMPTROLLER GENERAL OF THE UNITED STATES ANNUAL REPORTS ON THE ACQUISITION PROGRAM FOR THE AMPHIBIOUS COMBAT VEHICLE.

(a) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall conduct on an annual basis a review of the acquisition program for the Amphibious Combat Vehicle (ACV).

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2013, the Comptroller General shall submit to the congressional defense committees a report on the review of the acquisition program for the Amphibious Combat Vehicle conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the acquisition program for the Amphibious Combat Vehicle shall include, to the extent appropriate and feasible, the following:

(A) An assessment of the extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the Amphibious Combat Vehicle, an assessment of the progress and results of—

(i) developmental and operational testing of the vehicle; and

(ii) plans for correcting deficiencies in vehicle performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance in connection with the Amphibious Combat Vehicle.

(D) An assessment of the acquisition strategy for the Amphibious Combat Vehicle, including whether the strategy complies with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the Amphibious Combat Vehicle as it relates to—

(i) the probability of success;

(ii) the funding required for the vehicle in comparison with the funding programmed for the vehicle; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION IN FIRST REPORT.—In submitting to the congressional defense committees the first report under paragraph (1), the Comptroller General shall include, with respect to the Amphibious Combat Vehicle program, an assessment of the sufficiency and objectivity of the following documents:

(A) The analysis of alternatives.

(B) The initial capabilities document.

(C) The capability development document.

(4) INFORMATION IN SUBSEQUENT REPORTS.—

(A) CERTAIN INFORMATION REQUIRED ONLY FOLLOWING SIGNIFICANT CHANGES.—A report under this subsection after the first report under paragraph (1) shall address the matters identified in subparagraphs (C), (D), and (E) of paragraph (2) only to the extent that the Comptroller General determines that there have been significant changes to the applicable plans, strategies, or schedules since the last report under this subsection addressing such matters.

(B) ADDITIONAL INFORMATION AFTER APPROVAL OR CHANGE OF DOCUMENTS.—If any document specified in paragraph (3) is approved or changed after the first report under paragraph (1), the Comptroller General shall provide an assessment of the sufficiency and objectivity of that document in the report to the congressional defense committees under paragraph (1) submitted immediately following such approval or change.

(5) TERMINATION.—No report is required under this subsection after the first report following the award of a contract for full rate production of the Amphibious Combat Vehicle.

#### SEC. 253. CONDITIONAL REQUIREMENT FOR REPORT ON AMPHIBIOUS ASSAULT VEHICLES FOR THE MARINE CORPS.

(a) IN GENERAL.—If the ongoing Marine Corps ground combat vehicle fleet mix study rec-

ommends the acquisition of a separate Marine Personnel Carrier, the Secretary of the Navy and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report that includes the following:

(1) A detailed description of the capability gaps that Marine Personnel Carriers are intended to mitigate and the capabilities that the Marine Personnel Carrier will be required to have to mitigate such gaps, and an assessment whether, and to what extent, Amphibious Combat Vehicles could mitigate such gaps.

(2) A detailed explanation of the role of the Marine Personnel Carriers in fulfilling the forcible entry requirement for the two Marine Expeditionary Brigades (MEBs) that make up the assault echelons of the three Marine Expeditionary Brigade force required to meet applicable war plans of the combatant commands.

(3) A description of the fraction of the assault echelon of the brigades referred to in paragraph (2) that would be comprised of Marine Personnel Carriers.

(4) An assessment of the direct operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers to shore in an amphibious assault.

(5) An assessment of the indirect operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers rather than tanks and artillery and other tactical vehicles.

(6) A comparative estimate of the acquisition and life-cycle costs of a split fleet of Amphibious Combat Vehicles and Marine Personnel Carriers with the acquisition and life-cycle costs of a pure fleet of Amphibious Combat Vehicles.

(b) SUBMITTAL DATE.—If required, the report under subsection (a) shall be submitted not later than the later of—

(1) the date that is 60 days after the date of the completion of the study referred to in subsection (a); or

(2) February 1, 2013.

#### Subtitle E—Other Matters

#### SEC. 271. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH AND RESOURCES ADVISORY PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Subsection (a) of section 7903 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting “, through the Administrator of the National Oceanic and Atmospheric Administration,” after “The Council”;

(B) by inserting “and Resources” after “Ocean Research”;

(C) by striking “Panel consisting” and inserting “Panel. The Panel shall consist”; and

(D) by striking “chairman” and inserting “Administrator, on behalf of the Council”;

(2) in paragraph (1), by striking “National Academy of Science” and inserting “National Academies of Science”;

(3) by striking paragraphs (2) and (3); and

(4) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(b) RESPONSIBILITIES OF PANEL.—Subsection (b) of such section is amended—

(1) by inserting “, through the Administrator of the National Oceanic and Atmospheric Administration,” after “The Council”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (1) the following new paragraphs (2) and (3):  
 “(2) To advise the Council on the determination of scientific priorities and needs.  
 “(3) To provide the Council strategic advice regarding national ocean program execution and collaboration.”.

(c) **FUNDING TO SUPPORT ACTIVITIES OF PANEL.**—Subsection (c) of such section is amended by striking “Secretary of the Navy” and inserting “Secretary of Commerce”.

(d) **CONFORMING AMENDMENT.**—Section 7902(e)(1) of such title is amended by striking “Ocean Research Advisory Panel” and inserting “Ocean Research and Resources Advisory Panel”.

(e) **CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of section 7903 of such title is amended to read as follows:

**“§ 7903. Ocean Research and Resources Advisory Panel”.**

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 665 of such title is amended by striking the item relating to section 7903 and inserting the following new item:

“7903. Ocean Research and Resources Advisory Panel.”.

(f) **REFERENCES.**—Any reference to the Ocean Research Advisory Panel in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Ocean Research and Resources Advisory Panel.

**SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

**Subtitle B—Energy and Environmental Provisions**

**SEC. 311. DEPARTMENT OF DEFENSE GUIDANCE ON ENVIRONMENTAL EXPOSURES AT MILITARY INSTALLATIONS.**

(a) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the appropriate military departments and other defense agencies written guidance on environmental exposures at military installations. The guidance shall—

(1) set forth criteria for when and under what circumstances public health assessments by the

Agency for Toxic Substances and Disease Registry shall be requested in connection with environmental contamination at military installations, including past incidents of environmental contamination;

(2) establish procedures for tracking and documenting the status and nature of responses to the findings and recommendations of the public health assessments of the Agency of Toxic Substances and Disease Registry that involve contamination at military installations; and

(3) prescribe appropriate actions with respect to the identification of military and civilian individuals who may have been exposed to contamination while living or working on military installations.

(b) **REPORT.**—Not later than 30 days after issuing the guidance required under subsection (a), the Secretary of Defense shall transmit a copy of the guidance to the congressional defense committees.

**SEC. 312. FUNDING OF AGREEMENTS UNDER THE SIKES ACT.**

Section 103a of the Sikes Act (16 U.S.C. 670c-1) is amended—

(1) in subsection (b)—

(A) by inserting “(1)” before “Funds”; and

(B) by adding at the end the following new paragraph:

“(2) In the case of a cooperative agreement under subsection (a)(2), such funds—

“(A) may be paid in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities provided for under the agreement; and

“(B) may be placed by the recipient in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.”; and

(2) by amending subsection (c) to read as follows:

“(c) **AVAILABILITY OF FUNDS; AGREEMENT UNDER OTHER LAWS.**—(1) Cooperative agreements and interagency agreements entered into under this section shall be subject to the availability of funds.

“(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the United States Government.”.

**SEC. 313. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed.

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) **MILITARY INSTALLATION DEFINED.**—In this section, the term “military installation” means a base, camp, post, station, yard, center, home-port facility for any ship, or other activity under the jurisdiction of the Department of Defense, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

**Subtitle C—Logistics and Sustainment**

**SEC. 321. REPEAL OF CERTAIN PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE.**

(a) **REPEAL.**—

(1) Section 2460 of title 10, United States Code (as amended by section 321 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81)), is repealed.

(2) Section 2464 of title 10, United States Code (as amended by section 327 of the National Defense Authorization Act for Fiscal Year 2012), is repealed.

(b) **REVIVAL OF SUPERSEDED PROVISIONS.**—

(1) The provisions of section 2460 of title 10, United States Code, as in effect on December 30, 2011 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012), are hereby revived.

(2)(A) The provisions of section 2464 of 10, United States Code, as in effect on that date, are hereby revived.

(B) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2464 and inserting the following new item:

“2464. Core logistics capabilities.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 2366a of title 10, United States Code, is amended by striking “core depot-level maintenance and repair capabilities” each place it appears and inserting “core logistics capabilities”.

(2) Section 2366b(A)(3)(F) of title 10, United States Code, is amended by striking “core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities” and inserting “core logistics capabilities”.

(3) Section 801(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1483; 10 U.S.C. 2366a note) is amended by striking “core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities” and inserting “core logistics capabilities”.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on December 31, 2011, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, immediately after the enactment of that Act.

**SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.**

(a) **EXPANSION.**—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **DEMONSTRATION PROJECT AUTHORIZED.**—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base,”.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

**SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.**

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense Instructions regarding assignment of program responsibility.

**Subtitle D—Reports**

**SEC. 331. ANNUAL REPORT ON DEPARTMENT OF DEFENSE LONG-TERM CORROSION STRATEGY.**

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting “, including available validated data on return on investment for completed corrosion projects and activities” after “the strategy”;

(B) in subparagraph (E), by striking “For the fiscal year covered by the report and the preceding fiscal year” and inserting “For the preceding fiscal year covered by the report”; and

(C) by inserting at the end the following new subparagraph:

“(F) For the preceding fiscal year covered by the report, a breakdown of the amount of funds used for military corrosion projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

**SEC. 332. MODIFIED DEADLINE FOR COMPTROLLER GENERAL REVIEW OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.**

Section 2229a(b) of title 10, United States Code, is amended by striking “By not later than 120 days after the date on which a report is submitted under subsection (a), the Comptroller General shall review the report” and inserting “The Comptroller General shall review the report submitted under subsection (a)”.

**Subtitle E—Other Matters**

**SEC. 341. SAVINGS TO BE ACHIEVED IN CIVILIAN WORKFORCE AND CONTRACTOR EMPLOYEE WORKFORCE OF THE DEPARTMENT OF DEFENSE.**

(a) REQUIRED SAVINGS.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall begin the implementation of an efficiencies plan for the civilian workforce and the service contractor workforce of the Department of Defense which shall achieve savings in the funding for each such workforce over the period from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for military personnel achieved by the planned reduction in military end strengths over the same period of time.

(b) EXCLUSIONS.—The funding reduction required by subsection (a) shall not include funding for the following:

(1) Civilian personnel expenses for personnel as follows:

(A) Personnel in Mission Critical Occupations, as defined by the Civilian Human Capital Strategic Plan of the Department of Defense and the Acquisition Workforce Plan of the Department of Defense.

(B) Personnel employed at facilities providing core logistics capabilities pursuant to section 2464 of title 10, United States Code.

(C) Personnel in the Offices of the Inspectors General of the Department of Defense.

(2) Service contractor expenses for personnel as follows:

(A) Personnel performing maintenance and repair of military equipment.

(B) Personnel providing medical services.

(C) Personnel performing financial audit services.

(3) Personnel expenses for personnel in the civilian personnel or service contractor workforce performing such other critical functions as may be identified by the Secretary as requiring exemption in the interest of the national defense.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report including a comprehensive description of the plan required by subsection (a).

(2) STATUS REPORTS.—Not later than 60 days after the end of each fiscal year from fiscal year 2013 through fiscal year 2017, the Secretary shall submit to the congressional defense committees a report describing the implementation of the plan during the prior fiscal year. Each such report shall include a direct comparison of the savings achieved under the plan to the savings achieved in the same fiscal year through reductions in military end strengths. In any case in which savings fall short of the annual target, the report shall include an explanation of the reasons for such shortfall.

(3) EXEMPTIONS.—Each report under paragraphs (1) and (2) shall specifically identify any exemption granted by the Secretary under subsection (b)(3) in the period of time covered by the report.

(d) LIMITATION ON TRANSFERS OF FUNCTIONS.—The Secretary shall ensure that the savings required by this section are not achieved through unjustified transfers of functions between or among the military, civilian, and service contractor workforces of the Department of Defense.

(e) SENSE OF CONGRESS.—It is the sense of Congress that an amount equal to 30 percent of the amount of the reductions in appropriated funds attributable to reduced budgets for the civilian and service contractor workforces of the Department by reason of the plan required by subsection (a) should be made available for costs of assisting military personnel separated from the Armed Forces in the transition from military service.

(f) SERVICE CONTRACTOR WORKFORCE DEFINED.—In this section, the term “service contractor workforce” means contractor employees performing contract services, as defined in section 2330(c)(2) of title 10, United States Code, other than contract services that are funded out of amounts available for overseas contingency operations.

**SEC. 342. NATO SPECIAL OPERATIONS HEADQUARTERS.**

(a) IN GENERAL.—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2350n. NATO Special Operations Headquarters**

“(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2013 and for subsequent fiscal years for the Department of Defense for operation and maintenance, up to \$50,000,000 may be used for a fiscal year for the purposes set forth in subsection (b) for support of operations of the North Atlantic Treaty Organization (NATO) Special Operations Headquarters.

“(b) PURPOSES.—The Secretary of Defense may provide funds for the NATO Special Operations Headquarters—

“(1) to improve coordination and cooperation between the special operations forces of NATO member countries;

“(2) to facilitate joint operations by special operations forces of NATO member countries;

“(3) to support command, control, and communications capabilities peculiar to special operations forces of NATO member countries;

“(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and

“(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of multinational education and training programs.

“(c) ANNUAL REPORT.—Not later than April 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding Department of Defense support for the NATO Special Operations Headquarters. Each report shall include the following:

“(1) The total amount of funding provided to the NATO Special Operations Headquarters.

“(2) A summary of the activities funded with such support.

“(3) Other contributions, financial or in kind, provided in support of the NATO Special Operations Headquarters by other NATO member countries.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2350m the following new item:

“2350n. NATO Special Operations Headquarters.”.

**SEC. 343. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.**

Section 372 of title 10, United States Code, is amended—

(1) by striking “(a) IN GENERAL.—”; and

(2) by striking subsection (b).

**SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.**

It is the sense of Congress that—

(1) The Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain in the operational capability of and perform the necessary maintenance on each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional Defense Committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy’s 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 329,597.

**SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.**

(a) ADDITIONAL PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan which shall



increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) **PURPOSE.**—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) **CONSULTATION.**—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) **FUNDING.**—

(1) **BUDGET REQUESTS.**—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) **PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.**—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) **REPORTS.**—

(1) **REPORTS ON PROGRAM.**—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting pro-

grams that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) **REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.**—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

#### Subtitle B—Reserve Forces

#### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2013, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,435.

(6) The Air Force Reserve, 72,428.

(7) The Coast Guard Reserve, 9,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

#### SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,277.

(3) The Navy Reserve, 10,114.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,871.

(6) The Air Force Reserve, 2,888.

#### SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,445.

(2) For the Army National Guard of the United States, 28,380.

(3) For the Air Force Reserve, 10,716.

(4) For the Air National Guard of the United States, 22,313.

#### SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

#### SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

#### Subtitle C—Authorization of Appropriations

#### SEC. 421. MILITARY PERSONNEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.



**TITLE V—MILITARY PERSONNEL POLICY**  
**Subtitle A—Officer Policy**

**SEC. 501. EXTENSION OF RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGES.**

Section 638a(d)(2) of title 10, United States Code, is amended in subparagraphs (A) and (B) by striking “except that during the period beginning on October 1, 2006, and ending on December 31, 2012,” and inserting “except that through December 31, 2018.”

**SEC. 502. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W-5.**

(a) **EXCEPTION TO STATUTORY 30-YEAR RETIREMENT.**—Paragraph (1) of section 1305(a) of title 10, United States Code, is amended—

(1) by inserting “or a regular Navy warrant officer in the grade of chief warrant officer, W-5, exempted under paragraph (3)” after “Army warrant officer”; and

(2) by striking “he” and inserting “the officer”.

(b) **MODIFICATION OF STATUTORY RETIREMENT FROM 30 TO 33 YEARS.**—Such section is further amended by adding at the end the following new paragraph:

“(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W-5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.”

**SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.**

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking “assignments for joint” and all that follows through “Phase II” and inserting “student assignments for joint training and education”.

**SEC. 504. SENSE OF SENATE ON INCLUSION OF ASSIGNMENTS AS ACADEMIC INSTRUCTOR AT THE MILITARY SERVICE ACADEMIES AS JOINT DUTY ASSIGNMENTS.**

It is the sense of the Senate that the Secretary of Defense should include assignments in which military officers are assigned as instructors responsible for preparing and presenting academic courses on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as joint duty assignments.

**Subtitle B—Reserve Component Management**

**SEC. 511. AUTHORITY FOR APPOINTMENT OF PERSONS WHO ARE LAWFUL PERMANENT RESIDENTS AS OFFICERS OF THE NATIONAL GUARD.**

Section 313(b)(1) of title 32, United States Code, is amended by inserting “or an alien lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)))” before the semicolon.

**SEC. 512. RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.**

(a) **CODIFICATION, TRANSFER OF RESPONSIBILITY, AND EXTENSION.**—

(1) **IN GENERAL.**—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 10219. Suicide prevention and resilience program**

“(a) **PROGRAM REQUIREMENT.**—The Secretary of Defense shall carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide.

“(b) **SUICIDE PREVENTION TRAINING.**—Under the program, the Secretary shall provide mem-

bers of the National Guard and Reserves with training in suicide prevention. Such training may include—

“(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(2) examining the influence of military culture on risk and protective factors for suicide; and

“(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(c) **COMMUNITY RESPONSE TRAINING.**—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

“(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

“(d) **COMMUNITY TRAINING ASSISTANCE.**—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

“(e) **COLLABORATION.**—In carrying out the program, the Secretary shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(f) **TERMINATION.**—The program under this section shall terminate on October 1, 2015.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1007 of such title is amended by adding at the end the following new item:

“10219. Suicide prevention and resilience program.”

(b) **REPEAL OF SUPERSEDED PROVISION.**—Subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is repealed.

**SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) **ELEMENTS.**—

(1) **IN GENERAL.**—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) **PARTICULAR ELEMENTS.**—The study shall take into consideration the following:

(A) **Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—**

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) **Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.**

(C) **Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.**

(D) **Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.**

(E) **Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.**

(F) **Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.**

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

**Subtitle C—General Service Authorities**

**SEC. 521. DIVERSITY IN THE ARMED FORCES AND RELATED REPORTING REQUIREMENTS.**

(a) **PLAN TO ACHIEVE DIVERSITY IN THE ARMED FORCES.**—The Secretary of Defense shall develop and implement a plan to accurately measure the efforts of the Department of Defense to achieve the goal of having a dynamic and sustainable 20–30 year pipeline that yields a diverse officer and enlisted corps for the Armed Forces that reflects the population of the United States eligible to serve in the Armed Forces across all the Armed Forces, and all grades of each Armed Force, that is able to prevail in its wars, prevent and deter conflicts, defeat adversaries and succeed in a wide-range of contingencies, and preserve and enhance the all volunteer force. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary shall continue to account for diversified language and cultural skills among the total force of the military.

(b) **METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.**—In developing and implementing the plan under subsection (a), the Secretary of Defense shall develop a standard set of metrics and collection procedures that

are uniform across the armed forces. The metrics required by this subsection shall be designed—

(1) to accurately capture the inclusion and capability aspects of the armed forces broader diversity plans, including race, ethnic, and gender specific groups, functional expertise, and diversified cultural and language skills so as to leverage and improve readiness; and

(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

(c) **DEFINITION OF DIVERSITY.**—In developing and implementing the plan under subsection (a), each Secretary of a military department shall, in consultation with the Secretary of Defense, develop a definition of diversity that is reflective of the culture, mission, and core values of each Armed Force under the jurisdiction of such Secretary.

(d) **CONSULTATION.**—Not less than annually, the Secretary of Defense shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, and senior enlisted members of the Armed Forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

(e) **REPORTS ON IMPLEMENTATION OF PLAN.**—Not later than July 1, 2013, and biennially thereafter through July 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The progress made in implementing the plan required by subsection (a) to accurately measure the efforts of the Department of Defense to achieve its diversity goals.

(2) The number of members of the Armed Forces, including reserve components, listed by sex and race or ethnicity for each grade under each military department.

(3) The number of members of the Armed Forces, including reserve components, who were promoted during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(4) The number of members of the Armed Forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(5) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.

(f) **APPLICABILITY TO COAST GUARD.**—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

**SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.**

(a) **EXTENSION OF PROGRAMS TO CERTAIN ACTIVE GUARD AND RESERVE PERSONNEL.**—Section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended—

(1) in subsection (a)(1), by inserting “and members on active Guard and Reserve duty” after “officers and enlisted members of the regular components”;

(2) by redesignating subsection (l) as subsection (m); and

(3) by inserting after subsection (k) the following new subsection (l)

“(l) **DEFINITION.**—In this section, the term ‘active Guard and Reserve duty’ has the meaning given that term in section 101(d)(6) of title 10, United States Code.”.

(b) **AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.**—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) **LEAVE.**—A member who participates in a pilot program is entitled to carry forward the existing leave balance accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.”.

(c) **AUTHORITY FOR DISABILITY PROCESSING.**—Subsection (j) of such section is amended—

(1) by striking “for purposes of the entitlement” and inserting “for purposes of—

“(1) the entitlement”;

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.”.

**SEC. 523. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMINATIONS FOR POST-TRAUMATIC STRESS DISORDER.**

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “or psychiatrist” and inserting “psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”; and

(2) in paragraph (3), by striking “or psychiatrist” and inserting “, psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”.

**SEC. 524. QUARTERLY REPORTS ON INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.**

(a) **QUARTERLY REPORTS REQUIRED.**—Not later than 30 days after the end of each calendar year quarter in 2013 and 2014, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the number of members of the regular components of the Armed Forces under the jurisdiction of such Secretary who were involuntarily separated from active duty in the Armed Forces during such calendar year quarter.

(b) **ELEMENTS.**—Each report on an Armed Force for a calendar year quarter under subsection (a) shall set forth the following:

(1) The total number members involuntarily separated.

(2) The number of members separated set forth by grade.

(3) The number of members separated set forth by total years of service in the Armed Forces at the time of separation.

(4) The number of members separated set forth by military occupational specialty or rating, or competitive category for officers.

(5) The number of members separated who received involuntary separation pay, or who are authorized to receive temporary retired pay, in connection with separation.

(6) The number of members who completed transition assistance programs relating to future employment.

(7) The average number of months deployed to overseas contingency operations set forth by grade.

**SEC. 525. REVIEW OF ELIGIBILITY OF VICTIMS OF DOMESTIC TERRORISM FOR AWARD OF THE PURPLE HEART AND THE DEFENSE MEDAL OF FREEDOM.**

(a) **REPORT.**—Not later than March 1, 2013, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, submit to the Committees on Armed Services of

the Senate and the House of Representatives a report on—

(1) the advisability of modifying the criteria for the award of the Purple Heart to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism; and

(2) the advisability of modifying the criteria for the award of the Defense Medal of Freedom to provide for the award of the Defense Medal of Freedom to civilian employees of the United States who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism.

(b) **DETERMINATION.**—As part of the review undertaken to prepare the report required by subsection (a), the Secretary of Defense shall conduct a review of each death or wounding of a member of the Armed Forces or civilian employee of the United States Government that occurred within the United States since September 11, 2001, that could meet the criteria as being the result of a terrorist attack within the United States in order to determine whether such death or wounding qualifies or potentially would qualify for the award of the Purple Heart or the Defense Medal of Freedom.

(c) **CONSIDERATIONS.**—In conducting the review to prepare the report required by subsection (a), the Secretary of Defense shall take into consideration the following:

(1) The views of veterans service organizations, including the Military Order of the Purple Heart.

(2) The importance that has been assigned to determining all available facts before a decision is made to award the Purple Heart.

(3) Potential effects of an award on the ability to prosecute perpetrators of terrorist acts in military or civilian courts.

(4) The views of the Chairman of the Joint Chiefs of Staff.

**SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

**SEC. 527. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.**

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

(1) Rape.

(2) Sexual abuse.

(3) Sexual assault.

(4) Incest.

(5) Any other sexual offense.

**SEC. 528. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.**

(a) **RESEARCH STUDY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) **PURPOSE.**—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) **ELEMENTS.**—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) **SCIENCE-BASED EVIDENCE AND TECHNIQUES.**—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) **LOCATIONS.**—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) **TRAINING.**—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior.

(d) **PERIOD.**—The Secretary shall carry out the research study through September 30, 2014.

(e) **REPORTS.**—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

#### **Subtitle D—Military Justice and Legal Matters Generally**

#### **SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.**

(a) **APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.**—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking “detailed” and inserting “appointed by the President, by and with the advice and consent of the Senate,”; and

(2) in the second sentence—

(A) by striking “The” and inserting “If an officer appointed as the”; and

(B) by striking “, while so serving, has the grade” and inserting “holds a lower grade, the officer shall be appointed in the grade”.

(b) **DUTIES, AUTHORITY, AND ACCOUNTABILITY.**—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direc-

tion of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

“(1) perform duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

“(2) perform the functions and duties and exercise the powers prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 of this title (the Uniform Code of Military Justice) and chapter 53 of this title; and

“(3) perform such other duties as may be assigned to the Staff Judge Advocate.”.

(c) **COMPOSITION OF HEADQUARTERS, MARINE CORPS.**—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

(d) **SUPERVISION OF CERTAIN LEGAL SERVICES.**—

(1) **ADMINISTRATION OF MILITARY JUSTICE.**—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking “The Judge Advocate General” and all that follows through “shall” and inserting “The Judge Advocates General, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs, shall”.

(2) **DELIVERY OF LEGAL ASSISTANCE.**—Section 1044(b) of such title is amended by inserting “and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps” after “title”.

#### **SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON ANNUAL SURVEYS OF THE COMMITTEE ON THE UNIFORM CODE OF MILITARY JUSTICE.**

Subsection (c)(2) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) Information from the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the following:

“(i) The appellate review process, including—

“(I) information on compliance with processing time goals;

“(II) discussions of the circumstances surrounding cases in which general court-martial or special court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review or otherwise remitted due to loss of records of trial or other administrative deficiencies; and

“(III) discussions of cases in which a provision of this chapter is held unconstitutional.

“(ii) Developments in appellate case law relating to courts-martial involving allegations of sexual misconduct under this chapter.

“(iii) Issues associated with implementing recent, legislatively directed changes to this chapter or the Manual for Courts-Martial.

“(iv) Measures implemented by each armed force to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(v) The independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources available within their respective armed forces, including manpower, funding, training, and officer and enlisted

grade structure, to capably perform military justice functions.”.

#### **Subtitle E—Sexual Assault, Hazing, and Related Matters**

#### **SEC. 541. AUTHORITY TO RETAIN OR RECALL TO ACTIVE DUTY RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.**

(a) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 12323. Active duty for response to sexual assault**

“(a) **CONTINUATION ON ACTIVE DUTY.**—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination of whether the member was assaulted while in the line of duty, the Secretary concerned may, upon the request of the member, order the member to be retained on active duty until the line of duty determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

“(b) **RETURN TO ACTIVE DUTY.**—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the determination whether the member was in the line of duty is not completed, the Secretary concerned may, upon the request of the member, order the member to active duty for such time as necessary to complete the line of duty determination.

“(c) **REGULATIONS.**—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

“(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

“(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1209 of such title is amended adding at the end the following new item:

“12323. Active duty for response to sexual assault.”.

#### **SEC. 542. ADDITIONAL ELEMENTS IN COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE.**

(a) **ADDITIONAL ELEMENTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program required by section 1602 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430; 10 U.S.C. 1561 note) to include in the policy the following:

(1) A requirement to establish within each military department, under regulations prescribed by the Secretary of Defense, an enhanced capability for the investigation, prosecution, and defense of special victim offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) A requirement that each military department initiate and retain for a period prescribed

by the Secretary of Defense a record on the disposition of allegations of sexual assault using forms and procedures prescribed by the Secretary.

(3) A requirement that all commanders and commanding officers receive training on sexual assault prevention, response, and policies before, or shortly after, assuming command.

(4) A requirement that all new members of the Armed Forces (whether in the regular or reserve components) receive training on the Department of Defense policy on sexual assault prevention and response program during initial entry training.

(5) A requirement for military commands and units specified by the Secretary of Defense for purposes of the policy to conduct periodic climate assessments of such commands and units for purposes of preventing and responding to sexual assaults.

(6) A requirement to post and widely disseminate information about resources available to report and respond to sexual assaults, including hotline phone numbers and Internet websites available to all members of the Armed Forces.

(7) A requirement to assign responsibility to receive and investigate complaints against members of the Armed Forces and civilian personnel of the Department of Defense for the violation or failure to provide the rights of a crime victim established by section 3771 of title 18, United States Code, as applicable to such members and personnel in accordance with Department of Defense Directive 1030.1, or a successor directive, and Department of Defense Instruction 1030.2, or a successor instruction.

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

#### **SEC. 543. HAZING IN THE ARMED FORCES.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on hazing in such Armed Force. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not oper-

ating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.

(b) **ELEMENTS.**—Each report on an Armed Force required by subsection (a) shall include the following:

(1) A discussion of the policies of the Armed Force for preventing and responding to incidents of hazing.

(2) A description of the methods implemented to track and report, including report anonymously, incidents of hazing in the Armed Force.

(3) An assessment by the Secretary submitting such report of the following:

(A) The scope of the problem of hazing in the Armed Force.

(B) The training on recognizing and preventing hazing provided members of the Armed Force.

(C) The actions taken to prevent and respond to hazing incidents in the Armed Force.

(4) A description of the additional actions, if any, the Secretary submitting such report and the Chief of Staff of the Armed Force propose to take to further address the incidence of hazing in the Armed Force.

#### **SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **PERIOD OF RETENTION.**—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) **PROTECTION OF CONFIDENTIALITY.**—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

#### **SEC. 545. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.**

(a) **COMPREHENSIVE POLICY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary

of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

#### **(b) COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—**

(1) **COLLECTION.**—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) **RETENTION.**—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

#### **(c) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—**

(1) **ANNUAL REPORT ON SEXUAL HARASSMENT.**—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) **CONTENTS.**—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

**SEC. 546. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) *IN GENERAL.*—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) *EFFECTIVE DATE.*—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

**Subtitle F—Education and Training**

**SEC. 551. INCLUSION OF THE SCHOOL OF ADVANCED MILITARY STUDIES SENIOR LEVEL COURSE AS A SENIOR LEVEL SERVICE SCHOOL.**

Section 2151(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) The Senior Level Course of the School of Advanced Military Studies of the United States Army Command and General Staff College.”.

**SEC. 552. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR FORCE.**

Section 9315(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Enlisted members of the armed forces other than the Air Force who are participating in joint-service medical training and education or serving as instructors in joint-service medical training and education.”.

**SEC. 553. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.**

(a) *IN GENERAL.*—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

**“§6981. Support of athletic and physical fitness programs**

“(a) *AUTHORITY.*—

“(1) *CONTRACTS AND COOPERATIVE AGREEMENTS.*—The Secretary of the Navy may enter into contracts and cooperative agreements with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

“(2) *LEASES.*—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

“(b) *USE OF NAVY PERSONAL PROPERTY BY THE ASSOCIATION.*—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

“(c) *ACCEPTANCE OF SUPPORT.*—

“(1) *SUPPORT RECEIVED FROM THE ASSOCIATION.*—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy. For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

“(2) *FUNDS RECEIVED FROM NCAA.*—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

“(3) *LIMITATION.*—The Secretary shall ensure that contributions under this subsection do not reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(d) *RETENTION AND USE OF FUNDS.*—Notwithstanding section 2260(d) of this title, funds

received under this section may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

“(e) *TRADEMARKS AND SERVICE MARKS.*—

“(1) *LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.*—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than subsection (d)) and 5022(b)(3) of this title, authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, subject to the approval of the Department of the Navy.

“(2) *LIMITATIONS.*—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(f) *SERVICE ON ASSOCIATION BOARD OF CONTROL.*—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

“(g) *CONDITIONS.*—The authority provided in this section with respect to the Association is available only so long as the Association continues to—

“(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

“(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

“(h) *ASSOCIATION DEFINED.*—In this section, the term ‘Association’ means the Naval Academy Athletic Association.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

“6981. Support of athletic and physical fitness programs.”.

**SEC. 554. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.**

(a) *MEDICAL STUDENTS OF USUHS.*—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(b) *PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.*—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary

concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(c) **OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.**—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking “APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE” and inserting “SERVICE ON ACTIVE DUTY”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.”.

**SEC. 555. AUTHORITY FOR SERVICE COMMITMENT FOR RESERVISTS WHO ACCEPT FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS TO BE PERFORMED IN THE SELECTED RESERVE.**

(a) **IN GENERAL.**—Subsection (b) of section 2603 of title 10, United States Code, is amended by striking “on active duty” and all that follows and inserting the following: “as follows:

“(1) On active duty for a period at least three times the length of the period of the education or training.

“(2) In the case of a member of the Selected Reserve—

“(A) on active duty in accordance with paragraph (1); or

“(B) in the Selected Reserve for a period at least five times the length of the period of the education or training.”.

(b) **TECHNICAL AMENDMENTS.**—Such section is further amended by striking “Armed Forces” each place it appears and inserting “armed forces”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to agreements entered into under section 2603(b) of title 10, United States Code, after the date of the enactment of this Act.

**SEC. 556. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR IN-STATE TUITION OF AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.**

Section 2107(c)(1) of title 10, United States Code, is amended by striking the third sentence.

**SEC. 557. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) **NUMBER OF UNITS COVERED BY PLAN.**—Subsection (a) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4466) is amended by striking “not less than 3,700 units” and inserting “not less than 3,000, and not more than 3,700, units”.

(b) **ADDITIONAL EXCEPTION.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) if the Secretaries of the military departments determine that the level of support of all kinds (including, but not limited to, appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.”.

(c) **SUBMITTAL OF REPORTS.**—Subsection (e) of such section is amended by striking “not later than” and all that follows and inserting “annually through 2012, and thereafter not later than March 31 of each of 2015, 2018, and 2020.”.

**SEC. 558. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF THE JUNIOR ROTC.**

(a) **CONSOLIDATION OF AUTHORITY.**—Chapter 152 of title 10, United States Code, is amended by inserting after section 2552 the following new section:

**“§2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers' Training Corps**

“The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if the educational institution—

“(1) offers a course in military instruction prescribed by that Secretary; and

“(2) has a student body of at least 50 students who are in a grade above the eighth grade.”.

(b) **CONFORMING REPEALS.**—Sections 4651, 7911, and 9651 of such title are repealed.

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections at the beginning of chapter 152 of such title is amended by inserting after the item relating to section 2552 the following new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers' Training Corps”.

(2) The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

**SEC. 559. MODIFICATION OF REQUIREMENT FOR REPORTS IN FEDERAL REGISTER ON INSTITUTIONS OF HIGHER EDUCATION INELIGIBLE FOR CONTRACTS AND GRANTS FOR DENIAL OF ROTC OR MILITARY RECRUITER ACCESS TO CAMPUS.**

Section 983 of title 10, United States Code, is amended by striking subsection (f).

**SEC. 560. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE RESERVE OFFICERS' TRAINING CORPS.**

(a) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General regarding the following:

(1) Whether the Reserve Officers' Training Corps (ROTC) programs of the Departments of the Army, the Navy, and the Air Force are effectively meeting, and structured to meet, current and projected requirements for newly commissioned officers in the Armed Forces.

(2) The cost-effectiveness and unit productivity of the current Reserve Officers' Training Corps programs.

(3) The adequacy of current oversight and criteria for unit closure for the Reserve Officers' Training Corps programs.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) A list of the units of the Reserve Officers' Training Corps programs by Armed Force, and by college or university, and the number of cadets and midshipman currently enrolled by class or year group.

(2) The number of officers commissioned in 2012 from the Reserve Officers' Training Corps programs, and the number projected to be commissioned over the period of the current future-years defense program under section 221 of title 10, United States Code, from each unit listed under paragraph (1).

(3) An assessment of the requirements of each Armed Force for newly commissioned officers in 2012 and the strategic planning regarding such requirements over the period of the current future-years defense program.

(4) The number of military and civilian personnel of the Department of Defense assigned to lead and manage Reserve Officers' Training Corps program units, and the grades of the military personnel so assigned.

(5) An assessment of Department of Defense-wide and Armed-Force specific standards regarding the productivity of Reserve Officers' Training Corps program units, and an assessment of compliance with such standards.

(6) An assessment of the projected use by the Armed Forces of the procedures available to the Armed Forces to respond to overages in the number of cadets and midshipmen in the Reserve Officers' Training Corps programs.

(7) A description of the plans of the Armed Forces to retain or disestablish Reserve Officers' Training Corps program units that do not meet productivity standards.

**SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

**SEC. 562. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.**

(a) **REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.**—

(1) **REVIEW OF METHODOLOGY.**—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) **REPORT.**—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1),



the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

- (i) The National Defense University.
- (ii) The Army War College.
- (iii) The Navy War College.
- (iv) The Air University.
- (v) The Air War College.
- (vi) The Marine Corp University.

#### SEC. 563. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(1) Disseminate information about the Troops-to-Teachers Program to eligible schools (as de-

fined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(2) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(3) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(4) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(5) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210.

“(3) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

“(A) a public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

“(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

“(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b).”.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

“(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’) to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.”.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

“(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

“(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

“(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

#### Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

##### SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2013 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

##### SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—



Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

#### **SEC. 573. AMENDMENTS TO THE IMPACT AID PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “Impact Aid Improvement Act of 2012”.

(b) **AMENDMENTS TO THE IMPACT AID PROGRAM.**—Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002 (20 U.S.C. 7702)—

(A) in subsection (b)—

(i) in paragraph (2), by striking “aggregate assessed” and inserting “estimated taxable”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) **DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.**—

“(A) **IN GENERAL.**—In determining the estimated taxable value of such acquired Federal property for fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

“(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

“(ii) then determine the total taxable value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

“(iii) multiply the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

“(B) **SPECIAL RULE.**—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in such agency.”;

(B) in subsection (h)—

(i) in paragraph (1)—

(I) in the paragraph heading, by striking “FOR PRE-1995 RECIPIENTS”;

(II) in subparagraph (A), by striking “is eligible” and all that follows through the period at the end and inserting “was eligible to receive a payment under this section for fiscal year 2010.”; and

(III) in subparagraph (B), by striking “38 percent” and all that follows through the period at the end and inserting “90 percent of the average payment the local educational agency received in 2006, 2007, 2008, and 2009.”; and

(ii) by striking paragraphs (2) through (4) and inserting the following:

“(2) **FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE AFTER FISCAL YEAR 2010.**—

“(A) **FIRST YEAR.**—From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subpara-

graph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2010, for the fiscal year for which such agency was determined eligible for such payment.

“(B) **SECOND AND SUCCEEDING YEARS.**—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

“(C) **AMOUNTS.**—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

“(i) Calculate the local educational agency's maximum payment under subsection (b).

“(ii) Calculate the percentage that the amount appropriated under section 8014(a) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

“(iii) Multiply the amount determined under clause (ii) by 90 percent.

“(3) **REMAINING FUNDS.**—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.”; and

(C) in subsection (i)(1), by striking “the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved” and inserting “the Secretary shall use amounts remaining after making payments under subsection (h)(1) for the fiscal year involved”;

(2) in section 8003(a)(4) (20 U.S.C. 7703(a)(4))—

(A) in the paragraph heading, by striking “RENOVATION OR REBUILDING” and inserting “RENOVATION, REBUILDING, OR AUTHORIZED FOR DEMOLITION”;

(B) in subparagraph (A), by striking “renovation or rebuilding” both places the term appears and inserting “renovation, rebuilding, or authorized for demolition”;

(C) in subparagraph (B)—

(i) by striking “renovation or rebuilding” each place the term appears and inserting “renovation, rebuilding, or authorized for demolition”; and

(ii) in clause (i)(1), by striking “3 fiscal years” and inserting “4 fiscal years (which are not required to run consecutively)”;

(iii) in clause (ii)(1), by striking “3 fiscal years” and inserting “4 fiscal years (which are not required to run consecutively)”;

(D) by adding at the end the following:

“(C) **ELIGIBLE HOUSING.**—Renovation, rebuilding, or authorized for demolition shall be defined as projects considered as recapitalization, modernization, or restoration as defined by the

Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include ‘sustainment projects’ such as painting, carpentering, or minor repairs.”; and

(3) in section 8010 (20 U.S.C. 7710)—

(A) in subsection (c)—

(i) in paragraph (1), by striking “paragraph (3) of this subsection” both places the term appears and inserting “paragraph (2)”;

(ii) in paragraph (2)(E), by striking “under section 8003(b)” and all that follows through the period at the end and inserting “under this title.”; and

(B) by adding at the end the following:

“(d) **TIMELY PAYMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

“(2) **PAYMENTS WITH RESPECT OF FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.**—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for ‘the agency is eligible to receive’ both places the term appears.”.

(c) **EFFECTIVE DATE.**—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

#### **SEC. 574. MILITARY SPOUSES.**

(a) **IN GENERAL.**—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

#### **“§3330d. Appointment of certain military spouses**

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘active duty’—

“(A) has the meaning given that term in section 101(d)(1) of title 10;

“(B) includes full-time National Guard duty (as defined in section 101(d)(5) of title 10); and

“(C) for a member of a reserve component (as described in section 10101 of title 10), does not include training duties or attendance at a service school;

“(2) the term ‘agency’—

“(A) has the meaning given the term ‘Executive agency’ in section 105; and

“(B) does not include the Government Accountability Office;

“(3) the term ‘geographic area of the permanent duty station’ means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member's permanent duty station;

“(4) the term ‘permanent change of station’ means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

“(A) specify the duty as temporary;

“(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or

“(C) direct return to the initial permanent duty station;

“(5) the term ‘relocating spouse of a member of the Armed Forces’ means an individual who—

“(A) is married to a member of the Armed Forces (without regard to whether the individual married the member before a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

“(B) relocates to the member’s permanent duty station; and

“(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station; and

“(6) the term ‘spouse of a disabled or deceased member of the Armed Forces’ means an individual—

“(A) who is married to a member of the Armed Forces who—

“(i) is retired, released, or discharged from the Armed Forces; and

“(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

“(B) who—

“(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and

“(ii) has not remarried.

“(b) **AUTHORITY.**—The head of an agency may appoint noncompetitively a relocating spouse of a member of the Armed Forces or a spouse of a disabled or deceased member of the Armed Forces.

“(c) **RELOCATING SPOUSES.**—

“(1) **IN GENERAL.**—An appointment of a relocating spouse of a member of the Armed Forces under this section may only be to a position the duty station for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the permanent duty station of the member of the Armed Forces.

“(2) **SINGLE APPOINTMENT PER DUTY STATION.**—A relocating spouse of a member of the Armed Forces may not receive more than 1 appointment under this section for each time the spouse relocates as described in subparagraphs (B) and (C) of subsection (a)(5).”

(b) **REGULATIONS.**—Not later than 180 after the date of enactment of this Act, the Director of the Office of Personnel Management shall amend section 315.612 of title 5, Code of Federal Regulations (relating to noncompetitive appointment of certain military spouses) in accordance with the amendment made by subsection (a) and promulgate or amend any other regulations necessary to carry out the amendment made by subsection (a).

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3330c the following:

“3330d. Appointment of certain military spouses.”.

**SEC. 575. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.**

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(k) **TUITION-FREE ENROLLMENT IN DOMESTIC DEPENDENT SCHOOLS FOR CERTAIN OVERSEAS DEPENDENTS.**—Tuition-free enrollment in the domestic dependent elementary and secondary schools is authorized for dependents who are currently enrolled in the defense dependents’ education school system pursuant to the De-

fense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) if—

“(1) such dependents departed their overseas location due to an authorized departure or evacuation order;

“(2) the designated safe haven of such dependents is located within commuting distance of a school operated by the domestic dependent elementary and secondary schools; and

“(3) the school concerned already possesses the capacity and resources for such dependents to attend the school.

“(l) **TUITION-PAYING ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM FOR CERTAIN DEPENDENTS TRANSITIONING FROM OVERSEAS.**—Under regulations prescribed by the Secretary, tuition-paying enrollment in the virtual elementary and secondary education program of the Department for dependents of members of the armed forces on active duty is authorized when such dependents—

“(1) transition from an overseas defense dependents’ education system school into a school operated by a local educational agency or another accredited educational program in the United States; and

“(2) are not otherwise eligible to enroll in a domestic dependent elementary or secondary school pursuant to subsection (a).”.

**SEC. 576. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The hopes and prayers of the people of the United States for the safe return of members of the Armed Forces of the United States serving overseas are often demonstrated through the proud display of yellow ribbons.

(2) The designation of a “Yellow Ribbon Day” would serve as an additional reminder for all people of the United States of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the yellow ribbon as the symbol of support for members of the Armed Forces and other individuals of the United States who are serving in combat or crisis situations overseas.

(b) **SENSE OF CONGRESS.**—Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces of the United States who are serving overseas apart from their families and loved ones.

**SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant

program, and a description of any planned or anticipated changes to that program over the period covered by the report.

**Subtitle H—Other Matters**

**SEC. 581. FAMILY BRIEFINGS CONCERNING ACCOUNTINGS FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.**

Section 1501(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) coordination of periodic briefing of families of missing persons about the efforts of the Department of Defense to account for those persons.”.

**SEC. 582. ENHANCEMENT OF AUTHORITY TO ACCEPT GIFTS AND SERVICES.**

(a) **ACTIVITIES BENEFITING EDUCATION AS SERVICES SUBJECT TO ACCEPTANCE.**—Section 2601(i)(2) of title 10, United States Code, is amended by inserting “education,” before “morale.”.

(b) **ACCEPTANCE OF VOLUNTARY SERVICES IN CONNECTION WITH ACCOUNTING FOR MISSING PERSONS.**—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

“(9) Voluntary services to facilitate accounting for missing persons.”.

(c) **AUTHORITY FOR COOPERATIVE AGREEMENTS FOR ACCEPTANCE BY MILITARY MUSEUMS AND EDUCATION PROGRAMS OF NONPROFIT SUPPORT.**—

(1) **IN GENERAL.**—Chapter 155 of such title is amended by adding at the end the following new section:

**“§2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities**

“The Secretary concerned may enter into a cooperative agreement (as described in section 6305 of title 31) with a nonprofit entity for purposes related to support of a military educational institution program or military museum program if a cooperative agreement is the appropriate mechanism to obtain such support under the provisions of section 6305 of title 31.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 155 of such title is amended by adding at the end the following new item:

“2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities.”.

**SEC. 583. CLARIFICATION OF AUTHORIZED FISHER HOUSE RESIDENTS AT THE FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE.**

(a) **TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION.**—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “by patients” and all that follows through “such patients;” and inserting “by authorized Fisher House residents;”;

(B) by adding after paragraph (C) the following new flush sentence:

“The term includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.”; and

(2) by adding at the end the following new paragraph:

“(3) The term ‘authorized Fisher House residents’ means the following:

“(A) With respect to a facility described in the first sentence of paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

“(i) Patients of that health care facility.

“(ii) Members of the families of such patients.

“(iii) Others providing the equivalent of familial support for such patients.

“(B) With respect to the Fisher House for Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, the following persons:

“(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

“(ii) Other family members of the deceased member who are eligible for transportation under section 411f(e) of title 37.

“(iii) An escort of a family member described in clause (i) or (ii).”.

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), (f), and (g) of such section are amended by striking “health care” each place it appears.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

**SEC. 584. REPORT ON ACCURACY OF DATA IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS) in order to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and to ensure that those issued military identification cards and receiving benefits based on such data are actually eligible for such cards and benefits.

**SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.**

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

**SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.**

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States or the Air National Guard of the United States on full-time National Guard duty shall be based on the member’s duty location.

“(B)(i) The rate of basic allowance for housing to be paid a member described in subparagraph (A) may not be modified upon the transi-

tion of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service, unless the transition results in a permanent change of station and shipment of household goods.

“(ii) For purposes of this subparagraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.”.

**SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual’s legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

**SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

**SEC. 616. INCREASE IN AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.**

Section 308j(d) of title 37, United States Code, is amended by striking “\$10,000” and inserting “\$20,000”.

**SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.**

Section 326(c)(1) of title 37, United States Code, is amended by striking “, in the case of” the first place it appears and all that follows through “reserve component of the armed forces”.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.**

(a) TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY.—Section 474 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary

concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.”;

(2) in subsection (f), by adding at the end the following new paragraph:

“(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

“(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.”; and

(3) in subsection (j), by striking “In this” and inserting “Other than in subsection (a)(6), in this”.

(b) TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section 476 of such title is amended—

(1) by redesignating subsections (l), (m), and (n) as subsections (m), (n), and (o); and

(2) by inserting after subsection (k) the following new subsection (l)

“(l)(1) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

“(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the three years preceding filling the vacancy, the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

“(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.”.

**SEC. 632. AUTHORITY FOR COMPREHENSIVE PROGRAM FOR SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT.**

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

**“§2641c. Space-available travel on Department of Defense aircraft**

“(a) AUTHORITY TO ESTABLISH PROGRAM.—(1) The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis.

“(2) The program shall be conducted pursuant to regulations prescribed by the Secretary for purposes of this section. Such regulations shall be prescribed by not later than January 1, 2014, and shall take effect on that date or such earlier date as the Secretary shall specify in such regulations.

“(3) The program shall be conducted in a budget neutral manner. No additional funds may be used, or flight hours performed, for the provision of transportation under the program.

“(b) BENEFIT.—If the Secretary establishes a program authorized by subsection (a), the Secretary shall, subject to section (c), provide the benefit under the program to the following categories of individuals:

“(1) Members of the armed forces on active duty.

“(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

“(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components, who, but for being under the eligibility age applicable under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

“(4) The unmarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unmarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

“(5) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Secretary shall specify in the regulations under subsection (a), under such conditions and circumstances as the Secretary shall specify in such regulations.

“(6) Such other categories of individuals as the Secretary, in the discretion of the Secretary, considers appropriate.

“(c) ADMINISTRATION.—In carrying out a program under this section, the Secretary shall—

“(1) in the sole discretion of the Secretary, establish an order of priority for transportation under the program for categories of individuals under subsection (b) that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

“(2) give priority in consideration of transportation under the program to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

“(3) implement policies aimed at ensuring cost control and the safety, security, and efficient processing of travelers, including limiting the benefit under the program to one or more categories of individuals set forth in subsection (b) if considered necessary by the Secretary.

“(d) CONSTRUCTION.—The authority to provide transportation under this section is in addition to any other authority under law to provide transportation on Department of Defense aircraft on a space-available basis.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft.”.

**Subtitle D—Disability, Retired Pay, and Survivor Benefits**

**SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATION OF PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY.**

(a) DEPOSITS NOT REQUIRED.—Section 1452(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AND FERS” after “CSRS”;

(2) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;

(3) by inserting “or 8416(a)” after “8339(j)”; and

(4) by inserting “or 8442(a)” after “8341(b)”.

(b) CONFORMING AMENDMENTS.—Section 1450(d) of such title is amended—

(1) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;

(2) by inserting “or 8146(a)” after “8339(j)”; and

(3) by inserting “or 8442(a)” after “8341(b).”

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any participant electing a annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

**SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.**

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”; and

(2) in subparagraph (C)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”.

**SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

**Subtitle E—Military Lending Matters**

**SEC. 651. ENHANCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) CONSUMER CREDIT.—Paragraph (6) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(6) CONSUMER CREDIT.—

“(A) IN GENERAL.—The term ‘consumer credit’ shall be defined by the Secretary of Defense in regulations prescribed under this section, and shall include, in addition to any other meaning provided for in such regulations, the following:

“(i) A vehicle title loan for any duration, whether open end or closed end.

“(ii) A payday loan for any duration, whether open end or closed end.

“(iii) A tax refund anticipation loan.

“(B) EXCLUSIONS.—The term ‘consumer credit’ does not include the following:

“(i) A residential mortgage.

“(ii) A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.”.

(b) POLICY ON PREDATORY EXTENSION OF CREDIT THROUGH INSTALLMENT LOANS TARGETING MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—

(1) POLICY REQUIRED.—The Secretary of Defense shall, in consultation with the officials and entities specified in section 987(h)(3) of title 10, United States Code, prescribe a policy on the predatory extension of credit through installment loans targeting members of the Armed Forces and their dependents.

(2) OBJECTIVES.—The objectives of the policy required by paragraph (1) shall be as follows:

(A) To enhance protections afforded members of the Armed Forces and their dependents under section 987 of title 10, United States Code, by curbing continuing predatory lending practices targeting members of the Armed Forces and their dependents that are not currently regulated under that section.

(B) To improve the financial literacy of members of the Armed Forces and their dependents with respect to installment loans and other forms of credit not currently regulated under section 987 of title 10, United States Code.

(C) To make members of the Armed Forces and their dependents aware of other, more beneficial sources of financial aid and credit services (such as those available through military relief societies) than installment loans.

(D) If considered appropriate by the Secretary of Defense, to provide, by regulation, for the coverage under section 987 of title 10, United States Code, of installment loans extended to members of the Armed Forces and dependents protected by that section.

(c) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendment made by subsection (a).

(2) EFFECTIVE DATE OF MODIFICATION AND POLICY.—The amendment made by subsection (a), and the policy required by subsection (b), shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify.

(3) PUBLICATION OF EARLIER DATE.—If pursuant to paragraph (2)(B) the Secretary specifies an earlier effective date for the amendment made by subsection (a) and the policy required by subsection (b), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

**SEC. 652. ADDITIONAL ENHANCEMENTS OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) PROTECTIONS AGAINST DIFFERENTIAL TREATMENT ON CONSUMER CREDIT UNDER STATE LAW.—Subsection (d)(2) of section 987 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting “any consumer credit or” before “loans”; and

(2) in subparagraph (B), by inserting “covering consumer credit” after “State consumer lending protections”.

(b) REGULAR CONSULTATIONS ON PROTECTIONS.—Subsection (h)(3) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting “and not less often than once every two years thereafter,” after “under this subsection,”; and

(B) by inserting “appropriate Federal agencies, including” before “the following”;

(2) by striking subparagraph (E); and

(3) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(c) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendments made by subsection (a).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify in the modification of regulations required by paragraph (1).

(3) PUBLICATION OF EARLIER DATE.—If the Secretary specifies an earlier effective date for the amendments made by subsection (a) pursuant to paragraph (2)(B), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

**SEC. 653. RELIEF IN CIVIL ACTIONS FOR VIOLATIONS OF PROTECTIONS ON CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) IN GENERAL.—Section 987(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) CIVIL LIABILITY.—

“(A) IN GENERAL.—A person who violates this section with respect to any person is civilly liable to such person for—

“(i) any actual damage sustained as a result, but not less than \$500 for each violation;

“(ii) appropriate punitive damages;

“(iii) appropriate equitable or declaratory relief;

“(iv) any other relief provided by law;

“(v) in any successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney fees as determined by the court; and

“(vi) in any successful action by a defendant under this section, if the court finds the action was brought in bad faith and for the purpose of harassment, attorney fees of the defendant as determined by the court to be reasonable in relation to the work expended and costs incurred.

“(B) DEFENSES.—A person may not be held liable for civil liability under this paragraph if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

“(C) JURISDICTION AND VENUE; LIMITATION.—An action for civil liability under this paragraph may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier or—

“(i) two years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

“(ii) five years after the date on which the violation that is the basis for such liability occurs.”.

(b) EFFECTIVE DATE.—The amendment made by this section and shall take effect on the date

of the enactment of this Act, and shall apply with respect to consumer credit extended on or after that date.

**SEC. 654. MODIFICATION OF DEFINITION OF DEPENDENT FOR PURPOSES OF LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(2) **DEPENDENT.**—The term ‘dependent’, with respect to a covered member, has the meaning given that term in section 401(a) of title 37.”.

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) **ENFORCEMENT.**—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

**Subtitle F—Other Matters**

**SEC. 661. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO ARE CARRIED DURING PREGNANCY AT TIME OF DEPENDENT-ABUSE OFFENSE.**

(a) **IN GENERAL.**—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

“(4) Payment to a child under this section shall not be paid for any period before the birth of the child.”; and

(2) in subsection (l), by striking “at the time of the dependent-abuse offense resulting in the separation of the former member” and inserting “or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse”.

(b) **PROSPECTIVE APPLICABILITY.**—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

**SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates

for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—TRICARE Program**

**SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.**

(a) **EXTENSION OF TRICARE STANDARD COVERAGE.**—Section 1076d(b) of title 10, United States Code, is amended—

(1) by striking “Eligibility” and inserting “(1) Except as provided in paragraph (2), eligibility”; and

(2) by adding at the end the following new paragraph:

“(2) Eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.”.

(b) **EXTENSION OF TRICARE DENTAL PROGRAM COVERAGE.**—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: “Such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate not earlier than 180 days after the date on which the member is separated.”.

**SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS IN TRICARE UNIFORM FORMULARY.**

(a) **INCLUSION.**—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(1) in subparagraph (D), by striking “No pharmaceutical agent may be excluded” and inserting “Except as provided in subparagraph (F), no pharmaceutical agent may be excluded”; and

(2) by adding at the end the following new subparagraph:

“(F)(i) The Secretary may implement procedures to place selected over-the-counter drugs on the uniform formulary and to make such drugs available to eligible covered beneficiaries. An over-the-counter drug may be included on the uniform formulary only if the Pharmacy and Therapeutics Committee established under subsection (b) finds that the over-the-counter drug is cost-effective and clinically effective. If the Pharmacy and Therapeutics Committee recommends an over-the-counter drug for inclusion on the uniform formulary, the drug shall be considered to be in the same therapeutic class of pharmaceutical agents, as determined by the Committee, as similar prescription drugs.

“(ii) Regulations prescribed by the Secretary to carry out clause (i) shall include the following with respect to over-the-counter drugs included on the uniform formulary:

“(I) A determination of the means and conditions under paragraphs (5) and (6) of this subsection through which over-the-counter drugs

will be available to eligible covered beneficiaries and the amount of cost sharing that such beneficiaries will be required to pay for over-the-counter drugs, except that no such cost sharing may be required for a member of a uniformed service on active duty.

“(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.”.

(b) **DEFINITIONS.**—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

“(3) The term ‘over-the-counter drug’ means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

“(4) The term ‘prescription drug’ means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

(c) **TECHNICAL AMENDMENTS.**—

(1) **CROSS-REFERENCE AMENDMENTS.**—Subsections (a)(6)(A) and (b)(1) of such section are amended by striking “subsection (g)” and inserting “subsection (h)”.

(2) **REPEAL OF OBSOLETE PROVISIONS.**—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking “Not later than” and all the follows through “such 90-day period, the committee” and inserting “The committee”.

(C) Subsection (d)(2) of such section is amended—

(i) by striking “Effective not later than April 5, 2000, the Secretary” and inserting “The Secretary”; and

(ii) by striking “the current managed care support contracts” and inserting “the managed care support contracts current as of October 5, 1999.”.

**SEC. 703. EXPANSION OF EVALUATION OF THE EFFECTIVENESS OF THE TRICARE PROGRAM.**

Section 717(a)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 106-104; 110 Stat. 376; 10 U.S.C. 1073 note) is amended by striking “military retirees” and inserting “members of the Armed Forces (whether in the regular or reserve components) and their dependents, military retirees and their dependents, dependent children under the age of 21, and dependents of members on active duty with severe disabilities and chronic health care needs”.

**SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.



(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

**SEC. 705. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING AUTISM, UNDER THE TRICARE PROGRAM.**

(a) CERTAIN TREATMENT OF AUTISM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

**“§1077a. Treatment of autism under the TRICARE program**

“(a) IN GENERAL.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of developmental disabilities (42 U.S.C. 15002(8)), including autism spectrum disorders, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(b) REQUIREMENTS IN PROVISION OF SERVICES.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

“(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(c) EXCLUSIONS.—Subsection (a) shall not apply to the following:

“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

“(d) CONSTRUCTION WITH OTHER BENEFITS.—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406

and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$45,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$45,000,000.

**SEC. 706. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

**Subtitle B—Other Health Care Benefits**

**SEC. 711. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.**

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “or in a case in which the pregnancy is the result of an act of rape or incest”.

**SEC. 712. AVAILABILITY OF CERTAIN FERTILITY PRESERVATION TREATMENTS FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.**

(a) IN GENERAL.—Subsection (a) of section 1074d of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Members of the armed forces entitled to medical care under section 1074(a) of this title who have been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility shall also be entitled to fertility preservation treatment as a part of such medical care.

“(B) If the fertility preservation treatment to which a member is entitled under this paragraph is not available through a facility of the uniformed services accessible to the member, such treatment shall be provided to the member through another appropriate mechanism under this chapter, including through the TRICARE program.”.

(b) DEFINITIONS RELATING TO FERTILITY PRESERVATION TREATMENT.—Such section is further amended—

(1) in subsection (b), by striking the subsection heading and inserting “DEFINITION RELATING TO PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN”; and

(2) by adding at the end the following new subsection:

“(c) DEFINITIONS RELATING TO FERTILITY PRESERVATION TREATMENT.—In this section:

“(1) The term ‘fertility preservation treatment’ includes—

“(A) procedures consistent with established medical practices in the prevention or treatment of iatrogenic infertility by licensed physicians and surgeons or other appropriate medical practitioners, including diagnosis, diagnostic tests, medication, or surgery; and

“(B) any other procedure identified by the Secretary of Defense that is intended to promote the future fertility of an individual who has been diagnosed with a condition for which the

recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility.

“(2) The term ‘iatrogenic infertility’ means the current or future diminished ability, or the inability of an individual to conceive or contribute to conception as a consequence of medical treatment.”.

**SEC. 713. MODIFICATION OF REQUIREMENTS ON MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) TIMING OF MENTAL HEALTH ASSESSMENTS.—Paragraph (1)(C)(i) of section 1074m(a) of title 10, United States Code, is amended by striking “one year” and inserting “18 months”.

(b) EXCLUSION OF CERTAIN MEMBERS.—Paragraph (2) of such section is amended—

(1) by striking “subparagraph (B) and (C) of”; and

(2) by striking “determines that—” and all that follows and inserting “determines—

“(A) in the case of an assessment otherwise required under subparagraph (A) of that paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned; and

“(B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

“(C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the otherwise applicable time period under such paragraph would remove the member from forward deployment or would put members or operational objectives at risk.”.

**Subtitle C—Health Care Administration**

**SEC. 721. CLARIFICATION OF APPLICABILITY OF CERTAIN AUTHORITY AND REQUIREMENTS TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.**

(a) APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS.—Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking “if the physician, dentist, nurse, pharmacist, or paramedical” and inserting “to such a physician, dentist, nurse, pharmacist, or paramedical”; and

(2) by striking “involved is”; and

(3) by inserting before the period at the end the following: “or a subcontract at any tier under such a contract that is authorized in accordance with the requirements of such section 1091”.

(b) APPLICABILITY OF PERSONAL SERVICES CONTRACTING AUTHORITY TO SUBCONTRACTORS.—Section 1091(c) of such title is amended by adding at the end the following new paragraph:

“(3) The procedures established under paragraph (1) may provide for a contracting officer to authorize a contractor to enter into a subcontract for personal services on behalf of the agency upon a determination that the subcontract is—

“(A) consistent with the requirements of this section and the procedures established under paragraph (1); and

“(B) in the best interests of the agency.”.

**SEC. 722. RESEARCH PROGRAM TO ENHANCE DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.**

(a) RESEARCH PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a research



program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers.

(b) **AGREEMENTS WITH COMMUNITY PARTNERS.**—In carrying out the research program authorized by subsection (a), the Secretary may enter into partnership agreements with community partners described in subsection (c) using a competitive and merit-based award process.

(c) **COMMUNITY PARTNERS DESCRIBED.**—A community partner described in this subsection is a private nonprofit organization or institution (or multiple organizations and institutions) that—

(1) engages in the research activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the research program.

(d) **ACTIVITIES.**—Partnerships entered into under the research program shall be used to engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(e) **REPORT.**—Not later than five years after the commencement of the research program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the research program, including a description of the research program, the community partners participating in the research program, the activities carried out, the number of members of the National Guard and Reserves, family members, and caregivers supported by community partners, and a description and assessment of the effectiveness and achievements of the research program.

#### **Subtitle D—Reports and Other Matters**

#### **SEC. 731. REPORTS ON PERFORMANCE DATA ON WARRIORS IN TRANSITION PROGRAMS.**

(a) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, each Secretary of a military department shall submit to Congress a report on data on the performance of the military department in addressing the care, management and transition needs of members of the Armed Forces under the jurisdiction of such Secretary who participate in a Warriors in Transition program under the jurisdiction of such Secretary with respect to the following:

- (1) Physical health.
- (2) Mental and behavioral health.
- (3) Educational and vocational aptitude and capabilities.

(4) Such other matters as such Secretary considers appropriate.

(b) **COMMON METHODOLOGY.**—The Secretaries shall report not fewer than five outcome measures for each of the areas set forth in subsection (a) using a common methodology developed by the Secretaries and approved by the Secretary of Defense for purposes of this section.

(c) **LONGITUDINAL DATA.**—The occasions for collecting data on a member participating in a Warriors in Transition program for purposes of reports under subsection (a) shall be as follows:

- (1) When the member commences participation in the program.
- (2) At least once each year the member participates in the program.
- (3) When the member ceases participation in the program (whether for return to military duty or to civilian life).
- (4) With the consent of the member, one year after the member ceases participation in the program as described in paragraph (3).

(d) **ELEMENTS.**—Each report under subsection (a) shall include an assessment by the Secretary of the military department concerned of the following with respect to the Warriors in Transition programs covered by such report:

(1) The progress of members participating in the Warriors in Transition programs in the areas specified in subsection (a).

(2) The efficacy of the Warriors in Transition programs in facilitating the transition of members to military duty or civilian life, as applicable.

(3) The differences in outcomes in the Warriors in Transition programs, by location, type, Armed Force, component, and types of wounds, injuries, or conditions of program participants.

(4) The percentage of members participating in the Warriors in Transition programs who receive care under such programs from assigned providers, including medical care case managers, non-medical service providers (including non-medical case managers, legal support personnel, and, as applicable, Physical Evaluation Board Liaison Officers), mental health care providers, and medical evaluation (MEB) physicians whose caseload exceeds the caseload ratio that has been designated as adequate by the Secretary of Defense.

(5) The percentage of members participating in the Warriors in Transition programs for whom the intervals between various phases in the transition process exceeds the average length of such intervals, including intervals relating to appointment times for specialists and for treatment for Post-Traumatic Stress Disorder (PTSD).

(6) Such other measurements of outcomes or progress of members through the Warriors in Transition programs as such Secretary considers appropriate.

(e) **PERSONALLY IDENTIFIABLE INFORMATION.**—Data collected under this section shall be treated in compliance with the provisions of section 552a of title 5, United States Code (commonly referred to as the “Privacy Act”).

(f) **SUNSET.**—No report is required under this section after September 30, 2017.

(g) **WARRIORS IN TRANSITION PROGRAM DEFINED.**—In this section, the term “Warriors in Transition program” means any major support program of the Armed Forces for members of the Armed Forces with severe wounds, illnesses, or injuries that is intended to provide such members with non-medical case management service and care coordination services, and includes the programs as follows:

- (1) Warrior Transition Units and the Wounded Warrior Program of the Army.
- (2) The Safe Harbor program of the Navy.
- (3) The Wounded Warrior Regiment of the Marine Corps.
- (4) The Recovery Care Program and the Wounded Warrior programs of the Air Force.
- (5) The Care Coalition of the United States Special Operations Command.

#### **SEC. 732. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE TRAUMATIC INJURY AS A RESULT OF VACCINATIONS REQUIRED BY THE DEPARTMENT.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a comprehensive review (conducted for purposes of the report) of the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The number and nature of traumatic injuries incurred by members of the Armed Forces as a result of a vaccination required by the Department of Defense each year since January 1, 2001, set forth by aggregate in each year and by military department in each year.

(2) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems (including tracking systems) of the Department to identify members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(3) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems of the Department to support members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

#### **SEC. 733. PLAN TO ELIMINATE GAPS AND REDUNDANCIES IN PROGRAMS OF THE DEPARTMENT OF DEFENSE ON PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY AMONG MEMBERS OF THE ARMED FORCES.**

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to streamline the programs of the Department of Defense that address psychological health and traumatic brain injury among members of the Armed Forces.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A complete list of the programs described in paragraph (1), including a detailed description of the intended function of each such program.

(B) An identification of any gaps in services and treatments in the programs listed under subparagraph (A).

(C) An identification of any redundancies in the programs listed under subparagraph (A).

(D) A plan for mitigating the gaps identified under subparagraph (B) and for eliminating the redundancies identified under subparagraph (C).

(E) An identification of the individual in the Department who will be responsible for leading implementation of the plan required by paragraph (1).

(F) A schedule for the implementation of the plan.

(b) **STATUS REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of the implementation of the plan required by subsection (a).

#### **SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON PREVENTION OF HEARING LOSS AMONG MEMBERS OF THE ARMED FORCES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled “Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes” that address prevention of hearing loss, abatement of hearing loss, data collection regarding hearing loss, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

**SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.**

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

**SEC. 736. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**Subtitle E—Mental Health Care Matters**

**SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) **SCOPE OF RESPONSIBILITIES.**—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

**SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.**

(a) **COMPREHENSIVE PROGRAM REQUIRED.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) **ELEMENTS.**—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) **CONSULTATION.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other public and private entities with expertise in mental health and suicide prevention.

(d) **IMPLEMENTATION BY THE ARMED FORCES.**—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) **QUALITY ASSURANCE.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

**SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.**

(a) **IN GENERAL.**—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards (MEBs).

(2) Physical Evaluation Boards (PEBs).

(3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) **OBJECTIVES.**—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) **REPORTS.**—

(1) **REPORT ON IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) **ANNUAL REPORTS.**—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.**

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other

covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) **REPORT.**—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) **CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.**—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

**SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) **PARTICIPATION.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) **TRAINING.**—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the

Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) **COVERED MEMBERS.**—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

**SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.**

(a) **DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.**—The Secretary of Defense shall establish within the Department of Defense an organization to carry out the responsibilities specified in subsection (b).

(b) **RESPONSIBILITIES.**—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) **ANNUAL REPORTS.**—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

**SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.**

(a) **MEMBERS OF THE ARMED FORCES.**—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **VETERANS.**—

(1) **IN GENERAL.**—The Administrator shall enter into a memorandum of understanding

with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) **VETERAN DEFINED.**—In this subsection, the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

**SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.**

(a) **MEASUREMENT OF MENTAL HEALTH CARE SERVICES.**—

(1) **IN GENERAL.**—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) **ELEMENTS.**—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) **GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.**—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) **STUDY COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) **FUNCTIONS.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) **PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.**—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) **PERIODIC REPORTS TO SECRETARY.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) **REPORTS TO CONGRESS.**—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) **PUBLICATION.**—

(1) **IN GENERAL.**—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) **QUARTERLY UPDATES.**—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) **SEMIANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Secretary's progress in developing and implementing the measures and guidelines required by this section.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) **IMPLEMENTATION REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary's planned implementation of such measures and guidelines.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

**SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.**

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting the following: “Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individ-

ual's psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or

“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an individual described in paragraph (1)(C)”;

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

(B) by adding at the end the following new paragraph:

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—

“(i) a parent;

“(ii) a spouse;

“(iii) a child;

“(iv) a step-family member; and

“(v) an extended family member; or

“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary's responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

“(2) operated by any organization named in or approved under section 5902 of this title.”.

**SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VET CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) *IN GENERAL.*—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) *LIMITATION.*—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) *NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.*—A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) *SUNSET.*—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) *VET CENTER DEFINED.*—In this section, the term “Vet Center” has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

**SEC. 762. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.**

(a) *IN GENERAL.*—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 7309. Readjustment Counseling Service**

“(a) *IN GENERAL.*—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

“(b) *CHIEF OFFICER.*—(1) The head of the Readjustment Counseling Service shall be the

Chief Officer of the Readjustment Counseling Service (in this section the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

“(ii) are holders of a master in social work degree; or

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

“(C) have at least three years of experience administering direct counseling services or outreach services in the Readjustment Counseling Service;

“(D) meet the quality standards and requirements of the Department; and

“(E) are veterans who served in combat as members of the Armed Forces.

“(c) *STRUCTURE.*—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) *SOURCE OF FUNDS.*—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) *ANNUAL REPORT.*—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary's plan for meeting such unmet need.

“(f) *VET CENTER DEFINED.*—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(g) of this title.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”.

(c) *CONFORMING AMENDMENTS.*—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”.

**SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.**

(a) *IN GENERAL.*—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) *PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.*—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) *MILITARY CULTURE TRAINING.*—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

**SEC. 764. PEER SUPPORT.**

(a) *PEER SUPPORT COUNSELING PROGRAM.*—

(1) *PROGRAM REQUIRED.*—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking “may” and inserting “shall”.

(2) *TRAINING.*—Paragraph (2) of such section is amended by inserting after “peer counselors” the following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163)”.

(3) *AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.*—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”.

(4) *DEADLINE FOR COMMENCEMENT OF PROGRAM.*—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) *PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.*—

(1) *IN GENERAL.*—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of

2010 (38 U.S.C. 1712A note; Public Law 111-163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) **PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.**—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”.

(2) **DEADLINE.**—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

## **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

### **Subtitle A—Provisions Relating to Major Defense Acquisition Programs**

#### **SEC. 801. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

(a) **PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—The prohibition under subsection (a) shall not apply in the case of a particular cost-type contract if the Under Secretary of Defense for Acquisition, Technology, and Logistics, after consultation with the Director of Cost Assessment and Program Evaluation—

(A) certifies, in writing, with reasons, that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner; and

(B) provides the certification to the congressional defense committees not later than 30 business days before issuing a solicitation for the contract.

(2) **SCOPE OF EXCEPTION.**—In any case when the Under Secretary grants an exception under paragraph (1), the Under Secretary shall take affirmative steps to make sure that the use of cost-type pricing is limited to only those line items or portions of the contract where such pricing is needed to achieve the purposes of the exception. A written certification under paragraph (1) shall be accompanied by an explanation of the steps taken under this paragraph.

(c) **DEFINITIONS.**—In this section:

(1) **MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) **PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “production of a major defense acquisition program” means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

(3) **CONTRACT FOR THE PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.**—The term “contract for the production of a major defense acquisition program”—

(A) means a prime contract for the production of a major defense acquisition program; and

(B) does not include individual line items for segregable efforts or contracts for the incre-

mental improvement of systems that are already in production (other than contracts for major upgrades that are themselves major defense acquisition programs).

(d) **APPLICABILITY.**—The requirements of this section shall apply to contracts for the production of major defense acquisition programs entered into on or after October 1, 2014.

#### **SEC. 802. ACQUISITION STRATEGIES FOR MAJOR SUBSYSTEMS AND SUBASSEMBLIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program—

(1) provides, where appropriate, for breaking out a major subsystem or subassembly, conducting a separate competition or negotiating a separate price for the subsystem or subassembly, and providing the subsystem or subassembly to the prime contractor as government-furnished equipment; and

(2) in any case where it is not practical or appropriate to break out a major subsystem or subassembly and provide it to the prime contractor as government-furnished equipment, includes measures to prevent excessive pass-through charges by the prime contractor.

(b) **DEFINITIONS.**—In this section:

(1) The term “excessive pass-through charges” means pass-through charges that are not reasonable in relation to the cost of direct labor provided by employees of the contractor, any other costs directly attributable to the management of the subcontract by employees of the contractor, and the level of risk and responsibility, if any, assumed by the prime contractor for the performance of the subcontract.

(2) The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(3) The term “pass-through charges” means prime contractor charges for overhead (including general and administrative costs) or profit on a subsystem or subassembly that is produced by an entity or entities other than the prime contractor.

(c) **CONFORMING AMENDMENTS.**—Section 202(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1720; 10 U.S.C. 2430 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fair and objective ‘make-buy’ decisions by prime contractors” and inserting “competition or the option of competition at the subcontract level”; and

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (2) of this subsection, the following new paragraph (1):

“(1) where appropriate, breaking out a major subsystem, conducting a separate competition for the subsystem, and providing the subsystem to the prime contractor as government-furnished equipment;”.

#### **SEC. 803. MANAGEMENT STRUCTURE FOR DEVELOPMENTAL TEST AND EVALUATION.**

(a) **DUTIES OF DASD FOR DEVELOPMENTAL TEST AND EVALUATION.**—Subsection (a)(5) of section 139b of title 10, United States Code is amended—

(1) in subparagraph (A)(i), by striking “in the Department of Defense” and inserting “of the military departments and other elements of the Department of Defense”; and

(2) in subparagraph (C), by striking “programs” and inserting “programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))”.

(b) **DUTIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUA-**

**TION ORGANIZATION.**—Subsection (c) of such section is amended—

(1) in paragraph (2), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”;

(2) in paragraph (3), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”; and

(3) by adding at the end the following new paragraph:

“(4) **TRANSMITTAL OF RECORDS AND DATA.**—The chief developmental tester and the lead developmental test and evaluation organization for a major defense acquisition program shall promptly transmit to the Deputy Assistant Secretary for Developmental Test and Evaluation any records or data relating to the program that are requested by the Deputy Assistant Secretary, as provided in subsection (a)(6).”.

#### **SEC. 804. ASSESSMENTS OF POTENTIAL TERMINATION LIABILITY OF CONTRACTS FOR THE DEVELOPMENT OR PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **REPORT ON ASSESSMENT REQUIRED.**—Not later than 30 days before entering into a covered contract, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the potential termination liability of the Department of Defense under the contract, including—

(1) an estimate of the maximum potential termination liability certification for the contract; and

(2) an assessment how such termination liability is likely to increase or decrease over the period of performance of the contract.

(b) **COVERED CONTRACTS.**—For purposes of this section, a covered contract is a contract for the development or production of a major defense acquisition program for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority if the contract has a potential termination liability of the Department of Defense that could reasonably be expected to exceed \$100,000,000.

(c) **MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.**—In this section, the term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

#### **SEC. 805. TECHNICAL CHANGE REGARDING PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.**

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (E)”.

#### **SEC. 806. REPEAL OF REQUIREMENT TO REVIEW ONGOING PROGRAMS INITIATED BEFORE ENACTMENT OF MILESTONE B CERTIFICATION AND APPROVAL PROCESS.**

Subsection (b) of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

### **Subtitle B—Acquisition Policy and Management**

#### **SEC. 821. ONE-YEAR EXTENSION OF TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489) is amended—

(1) by striking “fiscal year 2012 or 2103” each place it appears and inserting “fiscal year 2012, 2013, or 2014”; and

(2) by striking “fiscal years 2012 and 2013” each place it appears and inserting “fiscal years 2012, 2013, and 2014”.



**SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.**

(a) *IN GENERAL.*—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph (1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the contractor to ensure that amounts paid to the contractor for overhead (including general and administrative costs) and profit are reasonable in relation to the cost of direct labor provided by employees of the contractor and any other costs directly attributable to the management of the subcontract by employees of the contractor;

(4) include such exceptions to the requirements in paragraphs (2) and (3) as the Federal Acquisition Regulatory Council considers appropriate in the interests of the United States, which exceptions shall be permissible only in exceptional circumstances and for instances demonstrated by the Council to be cost-effective; and

(5) include such exceptions to the requirements in paragraphs (2) and (3) as the Secretary of Defense considers appropriate in the interests of the national defense.

(b) *COVERED CONTRACT OR TASK ORDER DEFINED.*—In this section, the term “covered contract or task order” means a contract or task order for the performance of services (other than construction) with a value in excess of the simplified acquisition threshold that is entered into for or on behalf of an executive agency, except that such term does not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) *EFFECTIVE DATE.*—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and

(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

(d) *OTHER DEFINITIONS.*—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

(e) *CONFORMING REPEAL.*—Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2340) is repealed.

**SEC. 823. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND FOR TEMPORARY MEMBERS OF WORKFORCE.**

(a) *IN GENERAL.*—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by adding at the end the following new sentence: “In the case of temporary members of the acquisition workforce designated pursuant to subsection (h)(2), such funds shall be available only for the limited purpose of providing training in the performance of acquisition-related functions and duties.”; and

(B) in paragraph (5), by inserting before the period at the end the following: “, and who has continued in the employment of the Department since such time without a break in such employment of more than a year”;

(2) by striking subsection (g);

(3) by redesignating subsection (h) as subsection (g); and

(4) by adding at the end the following new subsection (h):

“(h) *ACQUISITION WORKFORCE DEFINED.*—In this section, the term ‘acquisition workforce’ means the following:

“(1) Personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.

“(2) Other military personnel or civilian employees of the Department of Defense who—

“(A) contribute significantly to the acquisition process by virtue of their assigned duties; and

“(B) are designated as temporary members of the acquisition workforce by the Under Secretary of Defense for Acquisition, Technology, and Logistics, or by the senior acquisition executive of a military department, for the limited purpose of receiving training for the performance of acquisition-related functions and duties.”.

(b) *EXTENSION OF EXPEDITED HIRING AUTHORITY.*—Subsection (g) of such section, as redesignated by subsection (a)(3) of this section, is further amended in paragraph (2) by striking “September 30, 2015” and inserting “September 30, 2017”.

(c) *PLAN REQUIRED.*—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

**SEC. 824. DEPARTMENT OF DEFENSE POLICY ON CONTRACTOR PROFITS.**

(a) *REVIEW OF GUIDELINES ON PROFITS.*—The Secretary of Defense shall review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance.

(b) *MATTERS TO BE CONSIDERED.*—In conducting the review required by subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Appropriate levels of profit needed to sustain competition in the defense industry, taking into account contractor investment and cash flow.

(2) Appropriate adjustments to address contract and performance risk assumed by the contractor, taking into account the extent to which such risk is passed on to subcontractors.

(3) Appropriate incentives for superior performance in delivering quality products and services in a timely and cost-effective manner,

taking into account such factors as prime contractor cost reduction, control of overhead costs, subcontractor cost reduction, subcontractor management, and effective competition (including the utilization of small business) at the subcontract level.

(c) *MODIFICATION OF GUIDELINES.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall modify the profit guidelines described in subsection (a) so as to achieve the link described that subsection.

(d) *REPORT.*—Upon the completion of the modification of the profit guidelines required by subsection (c), the Secretary shall submit to the congressional defense committees a report on the actions of the Secretary under this section. The report shall set forth the following:

(1) The results of the review conducted under subsection (a).

(2) A description of the modification carried out under subsection (c).

**SEC. 825. MODIFICATION OF AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.**

(a) *DISCRETIONARY AUTHORITY.*—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in paragraph (1), by striking “shall, not later than the date specified in paragraph (2),” and inserting “may”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (3) of this section—

(A) by striking “required under this subsection” and inserting “to be performed under this subsection”; and

(B) by striking “shall” and inserting “may”; and

(5) in paragraph (4), as so redesignated, by striking “shall” and inserting “may”.

(b) *CONFORMING AMENDMENTS.*—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking “required by subsection (a)(4)” and inserting “to be entered into under subsection (a)(3)”; and

(2) in clause (ii)—

(A) by striking “required by subsection (a)” and inserting “provided for under subsection (a)”; and

(B) by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

**SEC. 826. EXTENSION OF PILOT PROGRAM ON MANAGEMENT OF SUPPLY-CHAIN RISK.**

Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended by striking “the date that is three years after the date of the enactment of this Act” and inserting “January 1, 2016”.

**SEC. 827. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.**

(a) *FINDINGS.*—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.



(b) *SENSE OF SENATE.*—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211–7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

**Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations**

**SEC. 841. APPLICABILITY OF TRUTH IN NEGOTIATIONS ACT TO MAJOR SYSTEMS AND RELATED SUBSYSTEMS, COMPONENTS, AND SUPPORT SERVICES.**

(a) *AUTHORITY TO REQUIRE SUBMISSION OF COST OR PRICING DATA.*—Subsection (c) of section 2306a of title 10, United States Code, is amended—

(1) in the subsection caption, by striking “BELOW-THRESHOLD” and inserting “CERTAIN”; and

(2) in paragraph (2), by inserting before the period at the end the following: “, except in the case of either of the following:

“(A) A major system or a subsystem or component thereof that is not a commercially available off-the-shelf item (as defined in section 104 of title 41) and was not developed exclusively at private expense as demonstrated in accordance with the requirements of section 2321(f)(2) of this title.

“(B) Services that are procured for support of a system, subsystem, or component described in subparagraph (A).”.

(b) *AUTHORITY TO REQUIRE SUBMISSION OF OTHER INFORMATION.*—Subsection (d)(1) of such section is amended by striking “at a minimum” and all that follows and inserting “at a minimum—

“(A) appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement; and

“(B) in the case of a system, subsystem, component, or services described in subparagraph (A) or (B) of subsection (c)(2) for which price information described in subparagraph (A) of this paragraph is not adequate to evaluate price reasonableness, uncertified cost data that is adequate for evaluating the reasonableness of the price for the procurement.”.

(c) *TECHNICAL AMENDMENT.*—Subsection (c)(3) of such section is amended by striking “paragraph” and inserting “subsection”.

**SEC. 842. MAXIMUM AMOUNT OF ALLOWABLE COSTS OF COMPENSATION OF CONTRACTOR EMPLOYEES.**

(a) *MODIFICATION OF MAXIMUM AMOUNT.*—Section 2324(e)(1)(P) of title 10, United States Code, is amended by striking “the benchmark” and all that follows through “section 1127 of title 41” and inserting “the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently \$230,700)”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect on January 1, 2013, and shall apply with respect to costs of compensation incurred on or after that date

under contracts entered into before, on, or after that date.

(c) *REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.*—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

**SEC. 843. DEPARTMENT OF DEFENSE ACCESS TO AND USE OF CONTRACTOR INTERNAL AUDIT REPORTS.**

(a) *CLARIFICATION OF AUDIT ACCESS AUTHORITY.*—Section 2313(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(E) the efficacy of contractor or subcontractor internal controls and the reliability of contractor or subcontractor business systems.”.

(b) *GUIDANCE ON ACCESS.*—

(1) *GUIDANCE REQUIRED.*—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall issue revised guidance on Defense Contract Audit Agency auditor access to defense contractor internal audit reports and supporting materials.

(2) *PURPOSE.*—The purpose of the guidance issued pursuant to paragraph (1) shall be to ensure that the Defense Contract Audit Agency has sufficient access to contractor internal audit reports and supporting materials in order to—

(A) evaluate and test the efficacy of contractor internal controls and the reliability of associated contractor business systems; and

(B) assess the amount of risk and level of testing required in connection with specific audits to be conducted by the Agency.

(3) *MATTERS TO BE ADDRESSED.*—The guidance issued pursuant to paragraph (1) shall address, at a minimum, the following:

(A) The extent to which Defense Contract Audit Agency auditors should request access to defense contractor internal audit reports and supporting materials.

(B) The circumstances in which follow-up actions, including subpoenas, may be required to ensure Agency access to audit reports and supporting materials.

(C) The designation of Agency audit officials responsible for coordinating issues pertaining to Agency requests for audit reports and supporting materials.

(D) The purposes for which Agency auditors may use audit reports and supporting materials.

(E) Any protections that may be required to ensure that audit reports and supporting materials are not misused.

(F) Requirements for tracking Agency requests for audit reports and supporting materials.

(c) *FAILURE TO PROVIDE ACCESS.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the program required by section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note) in order to—

(1) ensure that any assessment of the adequacy of contractor business systems takes into account the efficacy of contractor internal controls, including contractor internal audit reports and supporting materials, that are relevant to such assessment; and

(2) provide that the refusal of a contractor to permit access to contractor internal audit reports and supporting materials that are relevant to such an assessment is a basis for disapproving the contractor business system or systems to which such materials are relevant and taking the remedial actions authorized under section 893.

**SEC. 844. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.**

(a) *IN GENERAL.*—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by inserting “(1)” before “An employee”;;

(2) in paragraph (1), as so designated—

(A) by inserting “or subcontractor” after “employee of a contractor”;;

(B) by striking “a Member of Congress” and all that follows through “the Department of Justice” and inserting “a person or body described in paragraph (2)”;

(C) by inserting “an abuse of authority relating to a Department of Defense contract or grant,” after “Department of Defense funds,”; and

(D) by inserting “, rule, or regulation” after “a violation of law”; and

(3) by adding at the end the following new paragraphs:

“(2) The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Department of Defense employee responsible for contract oversight or management.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

“(3) For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a

Department of Defense contract shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of a Department of Defense official, unless the request takes the form of a non-discretionary directive and is within the authority of the Department of Defense official making the request.”.

(b) INVESTIGATION OF COMPLAINTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant,” after “is frivolous,”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant” after “is frivolous,”; and

(B) in subparagraph (B), by inserting “, up to 180 days,” after “such additional period of time,”; and

(3) by adding at the end the following new paragraphs:

“(3) The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.”.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking “the compensation (including back pay)” and inserting “compensatory damages (including back pay)”;

(2) in paragraph (2), by adding at the end following new sentence: “An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.”;

(3) in paragraph (4), by striking “and compensatory and exemplary damages,” and inserting “, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.”;

(4) in paragraph (5), by adding at the end the following new sentence: “Filing such an appeal shall not act to stay the enforcement of the order of the head of an agency, unless a stay is specifically entered by the court.”; and

(5) by adding at the end the following new paragraphs:

“(6) The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.”.

(d) NOTIFICATION OF EMPLOYEES.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) NOTIFICATION OF EMPLOYEES.—The Secretary of Defense shall ensure that contractors and subcontractors of the Department of Defense inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.”.

(e) ABUSE OF AUTHORITY DEFINED.—Subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is further amended by adding at the end the following new paragraph:

“(6) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the Department of Defense or the successful performance of a Department of Defense contract or grant.”.

(f) ALLOWABILITY OF LEGAL FEES.—Section 2324(k) of such title is amended—

(1) in paragraph (1), by striking “commenced by the United States or a State” and inserting “commenced by the United States, by a State, or by a contractor employee submitting a complaint under section 2409 of this title”; and

(2) in paragraph (2)(C), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 2409 of this title”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF DOD SUPPLEMENT TO THE FAR.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

#### **SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.**

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

#### **“SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.**

“(a) PROHIBITION OF REPRISALS.—

“(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds,

an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

“(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

“(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

“(b) INVESTIGATION OF COMPLAINTS.—

“(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) **TIME LIMITATION.**—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

“(c) **REMEDY AND ENFORCEMENT AUTHORITY.**—

“(1) **IN GENERAL.**—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

“(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys’ fees and expert witnesses’ fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

“(2) **EXHAUSTION OF REMEDIES.**—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) **ADMISSIBILITY OF EVIDENCE.**—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

“(4) **ENFORCEMENT OF ORDERS.**—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) **JUDICIAL REVIEW.**—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order’s conformance with this subsection, and any regulations issued to carry out this section, in the

United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

“(6) **BURDENS OF PROOF.**—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) **RIGHTS AND REMEDIES NOT WAIVABLE.**—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

“(d) **NOTIFICATION OF EMPLOYEES.**—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) **CONSTRUCTION.**—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

“(2) The term ‘Inspector General’ means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.”

(b) **ALLOWABILITY OF LEGAL FEES.**—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking “commenced by the Federal Government or a State” and inserting “commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title”; and

(2) in subsection (c)(3), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) **REVISION OF FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) **INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.**—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

#### **SEC. 845. EXTENSION OF CONTRACTOR CONFLICT OF INTEREST LIMITATIONS.**

(a) **ASSESSMENT OF EXTENSION OF LIMITATIONS TO CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review the guidance on personal conflicts of interest for contractor employees issued pursuant to section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4537) in order to determine whether it would be in the best interest of the Department of Defense and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined in section 2383(b)(3) of title 10, United States Code).

(2) Personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1490)).

(b) **EXTENSION OF LIMITATIONS.**—If the Secretary determines pursuant to the review under subsection (a) that the guidance on personal conflicts of interest should be extended, the Secretary shall revise the Defense Supplement to the Federal Acquisition Regulation to the extent necessary to achieve such extension.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(1) A summary of the review conducted under subsection (a).

(2) A summary description of any revisions of regulations carried out under subsection (b).

#### **SEC. 846. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.**

Section 2304c(e) of title 10, United States Code, is amended by striking paragraph (3).

#### **SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.**

(a) **IN GENERAL.**—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) **ACTIONS DESCRIBED.**—

(1) **IN GENERAL.**—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) **EXCLUDED CONTRACTS.**—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) **MATTERS INCLUDED.**—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) **FORM.**—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

**SEC. 848. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.**

(a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking “who are economically disadvantaged”;

(2) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(c) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—

“(1) **STUDY.**—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) **REPORT.**—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

**Subtitle D—Provisions Relating to Wartime Contracting**

**SEC. 860. SHORT TITLE.**

This subtitle may be cited as the “Wartime Contracting Reform Act of 2012”.

**SEC. 861. RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **RESPONSIBILITY.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations the chain of authority and responsibility within the Department of Defense for policy, planning, and execution of contract support for overseas contingency operations.

(2) **ELEMENTS.**—The regulations under paragraph (1) shall, at a minimum—

(A) specify the officials, offices, and components of the Department within the chain of au-

thority and responsibility described in paragraph (1);

(B) identify for each official, office, and component specified under subparagraph (A)—

(i) requirements for policy, planning, and execution of contract support for overseas contingency operations, including, at a minimum, requirements in connection with—

(I) coordination of functions, authorities, and responsibilities related to operational contract support for overseas contingency operations;

(II) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

(III) determinations of capability requirements for non-acquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements;

(IV) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for contract support (including an assessment whether or not such exercises will include contractors); and

(V) establishment of an inventory, and identification of areas of high risk and trade offs, for use of contract support in overseas contingency operations and for areas in which members of the Armed Forces will be used in such operations instead of contract support; and

(ii) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under clause (i), including the position within the chain of authority and responsibility described in paragraph (1) with responsibility for reporting directly to the Secretary regarding policy, planning, and execution of contract support for overseas contingency operations; and

(C) ensure that the chain of authority and responsibility described in paragraph (1) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.

(b) **SECRETARY OF DEFENSE REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the regulations prescribed under subsection (a). The report shall set forth the following:

(1) The regulations.

(2) A comprehensive description of the requirements identified under clause (i) of subsection (a)(2)(B), and a comprehensive description of the manner in which the roles, authorities, responsibilities, and lines of supervision under clause (ii) of that subsection will further the achievement of such requirements.

(3) A comprehensive description of the manner in which the regulations will meet the requirements in subsection (a)(2)(C).

(c) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the Department of Defense in implementing the regulations prescribed under subsection (a). The report may include such additional comments and information on the regulations and the implementation of the regulations as the Comptroller General considers appropriate.

(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 862. ANNUAL REPORTS ON CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS INVOLVING COMBAT OPERATIONS.**

(a) **REPORTS REQUIRED.**—

(1) **DEPARTMENT OF DEFENSE.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) **DEPARTMENT OF STATE AND USAID.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection (b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

(b) **EXCEPTION.**—If the total annual amount of obligations for contracts for support of a contingency operation otherwise described by subsection (a) do not exceed \$250,000,000 in an annual reporting period otherwise covered by that subsection, no report shall be required on the operation under that subsection for that annual reporting period.

(c) **ELEMENTS.**—

(1) **IN GENERAL.**—Each report of an agency under subsection (a) regarding an operation shall set forth the following:

(A) A description and assessment of the policy, planning, management, and oversight of the agency with respect to contract support for the operation.

(B) With respect to contracts entered into in connection with the operation:

(i) The total number of contracts entered into as of the date of such report.

(ii) The total number of such contracts that are active as of such date.

(iii) The total value of contracts entered into as of such date.

(iv) The total value of such contracts that are active as of such date.

(v) An identification of the extent to which the contracts entered into as of such date were entered into using competitive procedures.

(vi) The total number of contractor personnel working under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(vii) The total number of contractor personnel performing security functions under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(viii) The total number of contractor personnel killed or wounded under any contracts entered into.

(C) The sources of information and data used to prepare the portion of such report required by subparagraph (B).

(D) A description of any known limitations of the information or data reported under subparagraph (B), including known limitations in methodology or data sources.

(E) Any plans for strengthening collection, coordination, and sharing of information on contracts entered into in connection with the operation.

(2) **ESTIMATES.**—In determining the total number of contractor personnel working under contracts for purposes of paragraph (1)(B)(vi), the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be, determines it is not feasible to provide an actual count. Each report under subsection (a) shall fully disclose the extent to which such an estimate is used in lieu of an actual count.

(d) **PROHIBITION ON PREPARATION BY CONTRACTOR PERSONNEL.**—A report under subsection (a) may not be prepared by contractor personnel.

(e) **USE OF EXISTING REPORTS FOR CERTAIN CONTINGENCY OPERATIONS.**—The requirement to submit reports under subsection (a) on a contingency operation in Iraq or Afghanistan may be met by the submittal of the reports required by section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(f) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 863. INCLUSION OF CONTRACT SUPPORT IN CERTAIN REQUIREMENTS FOR DEPARTMENT OF DEFENSE PLANNING, JOINT PROFESSIONAL MILITARY EDUCATION, AND MANAGEMENT STRUCTURE.**

(a) **READINESS REPORTING SYSTEM.**—Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(B) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.”.

(b) **CONTINGENCY PLANNING AND PREPAREDNESS FUNCTIONS OF CJCS.**—Section 153(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(E) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, the heads of the Defense Agencies, and the commanders of the combatant commands, determining the operational contract support requirements of the armed forces and recommending the resources required to improve and enhance operational contract support for the armed forces and planning for such operational contract support.”.

(c) **JOINT PROFESSIONAL MILITARY EDUCATION.**—

(1) **CONTINGENCY OPERATIONS AS MATTER WITHIN COURSE OF JPME.**—Section 2151(a) of such title is amended by adding at the end the following new paragraph:

“(6) Contingency operations.”.

(2) **CURRICULUM FOR THREE-PHASE APPROACH.**—Section 2154 of such title is amended by adding at the end the following new subsection:

“(c) **CURRICULUM RELATING TO CONTINGENCY OPERATIONS.**—(1) The curriculum for each phase of joint professional military education implemented under this section shall include content appropriate for such phase on the following:

“(A) Requirements definition.

“(B) Contingency program management.

“(C) Contingency contracting.

“(D) The strategic impact of contracting on military missions.

“(2) In this subsection, the terms ‘requirements definition’, ‘contingency program management’, and ‘contingency contracting’ have the meaning given those terms in section 2333(f) of this title.”.

(d) **MANAGEMENT STRUCTURE.**—Section 2330(c)(2) of such title is amended by striking “other than services” and all that follows and inserting “including services in support of contingency operations. The term does not include services relating to research and development or military construction.”.

**SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.**

(a) **COMPREHENSIVE RISK ASSESSMENT AND MITIGATION PLAN REQUIRED.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) **EXCEPTIONS.**—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, \$250,000,000 in any fiscal year.

(3) **TERMINATION OF EXCEPTIONS.**—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.

(B) The total amount of obligations by the United States Government for contracts for support of or in connection with the operation has exceeded \$250,000,000 in a fiscal year.

(b) **COMPREHENSIVE RISK ASSESSMENTS.**—A comprehensive risk assessment for an overseas contingency operation under subsection (a) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from behavior that injures innocent members of the local population or outrages their sensibilities).

(2) The continuity of the operation (such as risks from contractors walking off the job or being unable to perform when there is no timely back-up available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors with inadequate means for Government personnel to monitor their work).

(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) **RISK MITIGATION PLANS.**—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

(2) **FORM.**—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) **CRITICAL FUNCTIONS.**—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “covered agency” means the following:

(A) The Department of Defense.

(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 865. EXTENSION AND MODIFICATION OF REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.**

(a) **TWO-YEAR EXTENSION OF REQUIREMENT FOR JOINT REPORT.**—Subsection (a)(5) of section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) is amended by striking “February 1, 2013” and inserting “February 1, 2015”.

(b) **REPEAL OF COMPTROLLER GENERAL REVIEW.**—Such section is further amended by striking subsection (b).

(c) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) by striking “JOINT REPORT REQUIRED.” and all that follows through “paragraph (6)” and inserting “IN GENERAL.—Except as provided in subsection (f)”;

(B) by striking “this subsection” each place it appears and inserting “this section”;

(C) by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively, and indenting the left margins of such subsections, as so redesignated, two ems from the left margin;

(D) in subsection (b), as redesignated by subparagraph (C) of this paragraph, by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin;

(E) in subsection (c), as redesignated by subparagraph (C) of this paragraph—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin; and

(ii) by striking “paragraph (2)” each place it appears and inserting “subsection (b)”;

(F) in subsection (f), as redesignated by subparagraph (C) of this paragraph, by striking “this paragraph” and inserting “this subsection”;

(G) in subsection (g), as so redesignated, by striking “paragraph (2)(F)” and inserting “subsection (b)(6)”.

(2) **HEADING AMENDMENT.**—The heading of such section is amended by striking “AND COMPTROLLER GENERAL REVIEW”.

**SEC. 866. EXTENSION OF TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.**

(a) **EXTENSION.**—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking “on or after the date occurring three years after the date of the enactment of this Act” and inserting “after December 31, 2014”.

(b) **REPEAL OF EXPIRED REPORTING REQUIREMENT.**—Subsection (g) of such section is repealed.

(c) **CLERICAL AMENDMENT.**—The heading of such section is amended by striking “; REPORT”.

**SEC. 867. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHANISTAN MILITARY OR AFGHANISTAN NATIONAL POLICE.**

(a) **REQUIREMENT.**—In the case of any textile components supplied by the Department of Defense to the Afghanistan National Army or the Afghanistan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) **EFFECTIVE DATE.**—This section shall apply to solicitations issued and contracts awarded for the procurement of textile components described in subsection (a) after the date of the enactment of this Act.

**SEC. 868. SENSE OF SENATE ON THE CONTRIBUTIONS OF LATVIA AND OTHER NORTH ATLANTIC TREATY ORGANIZATION MEMBER NATIONS TO THE SUCCESS OF THE NORTHERN DISTRIBUTION NETWORK.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The remote and austere environments in which United States troops are required to operate as part of the International Security Assistance Force (ISAF) mission in Afghanistan have increased the need for reliable lines of supply in southwest Asia.

(2) The country of Afghanistan presents unique logistics challenges, which have precipitated the development of several redundant lines of supply.

(3) United States Transportation Command and the Defense Logistics Agency (DLA), in consultation with United States Embassy officials and other parties, have successfully established memoranda of understanding and other agreements with nations in and around southwest Asia to ensure the reliability of lines of supply to Afghanistan.

(4) The lines of supply through Pakistan have been repeatedly threatened by instability in that country. Airlifting goods to Afghanistan, while safer, is expensive.

(5) The Northern Distribution Network (NDN) was established in late 2008 to ensure that a safe and cost-effective line of supply is available for United States troops in Afghanistan.

(6) The two prongs of supply provided by the Northern Distribution Network ship nonlethal goods from the Baltic ports in the north and the Caucasuses in the west to southwest Asia and Afghanistan.

(7) The Northern Distribution Network has been successful and now handles more than 50 percent of cargo shipped to Afghanistan.

(8) North Atlantic Treaty Organization (NATO) member nations along the Northern Distribution Network routes have contributed significantly to the success of the Northern Distribution Network.

(9) The United States has strong economic ties to Northern Distribution Network nations that are members of the North Atlantic Treaty Organization, and these nations may be able to provide quality goods and services for near and long-term use by the Department of Defense.

(10) Since 2009 the port of Riga, on the Baltic Sea, has been a critical overland entry point for goods being shipped using the Northern Distribution Network. Latvia is a member of the North Atlantic Treaty Organization and has been an ally of the United States in the region for many years.

(11) In September 2010, the Defense Logistics Agency, the General Services Administration, and other parties hosted a local procurement conference in Riga, Latvia.

(12) One hundred nine Latvian vendors attended the September 2010 conference in Riga, and contracts with Latvian vendors have been entered into as a result.

(13) In May 2012, Latvia hosted an international workshop in Riga to examine ways of transforming the Northern Distribution Network from a route for the delivery of United States and other Allies’ non-lethal goods to Afghanistan into a commercial route that would support the economic growth of Afghanistan and the southwest Asia region.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes are key economic and security partners of the United States and are to be commended for their contribution to ensuring United States and International Security Assistance Force troops have reliable

lines of supply to achieve the mission in Afghanistan;

(2) when quality products at competitive prices are available, significant effort should be made to procure goods locally from Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes; and

(3) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes remain allies of the United States in the region, and a mutually beneficial relationship should continue to be cultivated between the United States and Latvia and such other nations in the future.

**SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8K the following new section 8L:

**“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.**

“(a) **IN GENERAL.**—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 90 days, the Inspectors General specified in subsection (b) shall have the responsibilities specified in this section.

“(b) **INSPECTORS GENERAL.**—The Inspectors General specified in this subsection are the Inspectors General as follows:

“(1) The Inspector General of the Department of Defense.

“(2) The Inspector General of the Department of State.

“(3) The Inspector General of the United States Agency for International Development.

“(c) **STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.**—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

“(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not underway.

“(B) The other Inspectors General specified in subsection (b).

“(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.

“(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

“(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

“(i) Audit and available inspection plans.

“(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

“(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.



“(B) Each plan under this paragraph, and any update of such plan, shall be made available on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.

“(d) **LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the ‘Lead Inspector General’ for the contingency operation concerned).

“(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

“(e) **RESPONSIBILITIES OF LEAD INSPECTOR GENERAL.**—(1) The Lead Inspector General for an overseas contingency operation shall have the following responsibilities:

“(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

“(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

“(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

“(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (b) under this Act.

“(f) **REPORTS.**—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semi-annual basis, and make available on an Internet website available to the public, a report summarizing, for the semi-annual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

“(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

“(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

“(C) the activities under programs and operations funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

“(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.

“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

“(A) To build or rebuild physical infrastructure.

“(B) To establish or reestablish a political or societal function or institution.

“(C) To provide products or services.

“(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(g) **TEMPORARY EMPLOYMENT AUTHORITY.**—

(1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers

appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection (e) with respect to an overseas contingency operation.

“(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section as if the position to which employed was a position in the Department of Defense.

“(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

“(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

“(h) **SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.**—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

“(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$250,000,000 (in constant fiscal year 2012 dollars); or

“(2) the date that is 18 months after the date of the issuance by the Secretary of Defense of an order terminating the contingency operation.

“(i) **CONSTRUCTION OF AUTHORITY.**—Nothing in this Act shall be construed to limit the ability of the Inspectors General specified in subsection (b) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.

“(j) **DEFINITIONS.**—In this section:

“(1) The term ‘overseas contingency operation’ means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

“(2) The term ‘simplified acquisition threshold’ has the meaning provided that term in section 2302(7) of title 10, United States Code.”.

(b) **CONFORMING AMENDMENT RELATING TO TEMPORARY EMPLOYMENT AUTHORITY.**—Section 3161 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(j) **LEAD INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZATION.**—In addition to the meaning given that term in subsection (a), the term ‘temporary organization’ for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.”.

**SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.**

(a) **AGENCY REPORTS.**—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and



the Administrator of the United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.

(b) **INSPECTOR GENERAL AUDITS.**—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;”.

(b) **DEFINITION.**—Such section is further amended by adding at the following new subsection:

“(d) **OVERSEAS CONTINGENCY OPERATIONS DEFINED.**—In this section, the term ‘overseas contingency operations’ means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).”.

**SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **DOS AND USAID REPORTS REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in con-

sultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.**

(a) **PROFESSIONAL EDUCATION REQUIRED.**—The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) **COVERED DEPARTMENT OF STATE PERSONNEL.**—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.

(2) Personnel of the Department designated by the Chief Acquisition Officer, including contracting officers and other contracting personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) **ELEMENTS.**—

(1) **CURRICULUM CONTENT.**—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) **PHASED APPROACH.**—The course of professional education may be broken into two or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different phases of professional advancement within the Department.

(d) **DEFINITIONS.**—In this section:

(1) The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term “contingency program management” means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.**

(a) **DATABASE REQUIRED.**—

(1) **IN GENERAL.**—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

**“§3312. Database on price trends of items and services under Federal contracts**

“(a) **DATABASE REQUIRED.**—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

“(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

“(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

“(b) **USE.**—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

“(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

“3312. Database on price trends of items and services under Federal contracts.”.

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

**SEC. 875. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARD PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.**

(a) INCLUSION OF CORPORATIONS AMONG COVERED PERSONS.—Subsection (b) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4555) is amended by inserting “(including a corporation)” after “Any person” both places it appears.

(b) INFORMATION ON CORPORATIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) INFORMATION ON CORPORATIONS.—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.”.

**SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.**

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDTL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this

Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

**SEC. 877. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.**

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

**Subtitle E—Other Matters**

**SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph (B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).

(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on referral or internally developed, shall be documented prior to closure by the suspension and debarment official.

(7) Each suspension and debarment official under paragraph (1) shall, in consultation with

the General Counsel of the covered agency concerned, establish in writing policies for the consideration of the following:

(A) Referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not referred.

(b) COVERED AGENCY DEFINED.—In subsection (a), the term “covered agency” means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, including with respect to contracts in connection with contingency operations” before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs

“(D) a summary of suspensions, debarments, and administrative agreements during the previous year; and

“(E) a summary of referrals of suspension and debarment matters received during the previous year, including an identification of the agencies making such referrals and an assessment of the timeliness of such referrals.”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than 120 days after the end of the first fiscal year ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549.”.

#### SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DEBARMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide for the automatic referral of a person described in subsection (b) to the appropriate suspension and debarment official for a determination whether or not the person should be suspended or debarred.

(b) COVERED PERSONS.—A person described in this subsection is any person as follows:

(1) A person who has been charged with a Federal criminal offense relating to the award or performance of a contract of an executive agency.

(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “person” has the meaning given that term in section 1 of title 1, United States Code.

#### SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

#### SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) MATTERS TO BE REVIEWED.—The review of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

(1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to determine which organizations are commonly using the exception and the frequency of such use.

(2) The range of items or services being acquired through the use of the exception.

(3) The process for reviewing and approving justifications involving the exception.

(4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.

(5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.

(6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Comptroller General considers appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 884. AUTHORITY TO PROVIDE FEE-FOR-SERVICE INSPECTION AND TESTING BY DEFENSE CONTRACT MANAGEMENT AGENCY FOR CERTAIN CRITICAL EQUIPMENT IN THE ABSENCE OF A PROCUREMENT CONTRACT.**

(a) **AUTHORITY.**—Section 2539b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) make available to any person or entity, in advance of the award of a procurement contract, through contracts or other appropriate arrangements and subject to subsection (c), the services of the Defense Contract Management Agency for testing and inspection of items when such testing and inspection is determined by such Secretary to be critical to a specific program of the Department of Defense.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) **DCMA SERVICES.**—Services of the Defense Contract Management Agency may be made available under subsection (a)(5) only if the contract or other arrangement for those services—

“(1) holds the United States harmless if the items covered by the contract or other arrangement (whether or not tested and inspected under the contract or other arrangement) are not subsequently ordered by or delivered to the United States under a procurement contract entered into after the contract or other arrangement is entered into; and

“(2) holds the United States harmless against any claim arising out of the inspection and testing, or the use in any commercial application, of the equipment tested and inspected by the Defense Contract Management Agency under the contract or other arrangement.”;

(b) **FEES.**—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the first sentence, by striking “and (a)(4)” and inserting “, (a)(4), and (a)(5)”; and

(2) in the second sentence—

(A) by inserting “, travel, and other incidental overhead expenses” after “salaries”; and

(B) by inserting “or inspection” before the period at the end.

(c) **USE OF FEES.**—Subsection (e) of such section, as so redesignated, is amended by striking “and (a)(4)” and inserting “, (a)(4), and (a)(5)”.

**SEC. 885. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.**

(a) **DISESTABLISHMENT OF BOARD.**—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby disestablished.

(b) **TERMINATION OF STRATEGIC READINESS FUND.**—The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 117 note) is hereby closed.

(c) **REPEAL.**—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 117 note) is repealed.

**SEC. 886. MODIFICATION OF PERIOD OF WAIT FOLLOWING NOTICE TO CONGRESS OF INTENT TO CONTRACT FOR LEASES OF CERTAIN VESSELS AND VEHICLES.**

Section 2401(h)(2) of title 10, United States Code, is amended by striking “of continuous session of Congress”.

**SEC. 887. EXTENSION OF OTHER TRANSACTION AUTHORITY.**

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

**SEC. 888. SUBCONTRACTOR NOTIFICATIONS.**

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) **NOTIFICATION REQUIREMENT.**—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) **REPORTING BY SUBCONTRACTORS.**—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”

**SEC. 889. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) **COVERED AGENCIES.**—The agencies specified in this subsection are the following:

- (1) The Department of the Army.
- (2) The Department of the Navy.
- (3) The Department of the Air Force.
- (4) The Defense Logistics Agency.

(c) **COVERED INFORMATION.**—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

**SEC. 889A. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) **FACTORS TO CONSIDER.**—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) **ACCESS TO INFORMATION.**—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) **CLASSIFIED ANNEX.**—The report shall be in unclassified form, but may contain a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) The term “small arms” means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term “small arms ammunition” means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

**SEC. 889B. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) **ANNUAL STUDY AND REPORT.**—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) **REPORT CONTENTS.**—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

**SEC. 889C. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.**

(a) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) **CONTENT.**—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

**SEC. 889D. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.**

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

**SEC. 889E. SMALL BUSINESS HUBZONES.**

(a) **DEFINITION.**—In this section, the term "covered base closure area" means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) **TREATMENT AS HUBZONE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

(2) **LIMITATION.**—The total period of time that a covered base closure area is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

**Subtitle F—Ending Trafficking in Government Contracting**

**SEC. 891. SHORT TITLE.**

This subtitle may be cited as the "End Trafficking in Government Contracting Act of 2012".

**SEC. 892. DEFINITIONS.**

In this subtitle:

(1) **COMMERCIAL SEX ACT.**—The term "commercial sex act" has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) **EXECUTIVE AGENCY.**—The term "executive agency" has the meaning given the term in section 133 of title 41, United States Code.

(3) **SUBCONTRACTOR.**—The term "subcontractor" means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) **SUBGRANTEE.**—The term "subgrantee" means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) **UNITED STATES.**—The term "United States" has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

**SEC. 893. CONTRACTING REQUIREMENTS.**

(a) **IN GENERAL.**—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking "if the grantee or any subgrantee," and all that follows through the period at the end and inserting the following: "or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

"(i) severe forms of trafficking in persons;

"(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

"(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or

"(iv) acts that directly support or advance trafficking in persons, including the following acts:

"(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

"(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

"(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

"(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

"(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

"(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

"(V) Providing or arranging housing that fails to meet the host country housing and safety standards."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) **LIMITATION.**—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) **DISCLOSURE.**—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) **GUIDANCE.**—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) **REGULATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) **EFFECTIVE DATE.**—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

**SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **REFERRAL AND INVESTIGATION.**—

(1) **REFERRAL.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) **INVESTIGATION.**—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) **CRIMINAL INVESTIGATION.**—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an

indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) **REPORT AND DETERMINATION.**—

(1) **REPORT.**—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) **DETERMINATION.**—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subcontractor or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) **REMEDIAL ACTIONS.**—

(1) **IN GENERAL.**—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subcontractor or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) **SAVINGS CLAUSE.**—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) **MITIGATING FACTOR.**—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) **AGGRAVATING FACTOR.**—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) **INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.**—

(1) **IN GENERAL.**—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) **AMENDMENT TO TITLE 41, UNITED STATES CODE.**—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”

**SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

(a) **IN GENERAL.**—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting

“(a) **WORK INSIDE THE UNITED STATES.**—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so,”; and

(2) by adding at the end the following new subsection:

“(b) **WORK OUTSIDE THE UNITED STATES.**—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”

(b) **SPECIAL RULE FOR ALIEN VICTIMS.**—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

**SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”

**SEC. 899. RULES OF CONSTRUCTION.**

(a) **LIABILITY.**—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) **PROSPECTIVE EFFECT.**—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Department of Defense Management**

**SEC. 901. DEFINITION AND REPORT ON TERMS “PREPARATION OF THE ENVIRONMENT” AND “OPERATIONAL PREPARATION OF THE ENVIRONMENT” FOR JOINT DOCTRINE PURPOSES.**

(a) **DEFINITIONS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall define for purposes of joint doctrine the following terms:

(1) The term “preparation of the environment”.

(2) The term “operational preparation of the environment”.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the terms defined under subsection (a). The report shall include the following:

(1) The definition of the term “preparation of the environment” pursuant to subsection (a).

(2) Examples of activities meeting the definition of the term “preparation of the environment” by special operations forces and general purpose forces.

(3) The definition of the term “operational preparation of the environment” pursuant to subsection (a).

(4) Examples of activities meeting the definition of the term “operational preparation of the



environment” by special operations forces and general purpose forces.

(5) An assessment of the appropriate roles of special operations forces and general purpose forces in conducting activities meeting the definition of the term “preparation of the environment” and the definition of the term “operational preparation of the environment”.

**SEC. 902. EXPANSION OF DUTIES AND RESPONSIBILITIES OF THE NUCLEAR WEAPONS COUNCIL.**

(a) **GUIDANCE ON NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.**—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) Providing programmatic guidance on nuclear command, control and communications systems.”.

(b) **BUDGET AND FUNDING MATTERS.**—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **BUDGET AND FUNDING MATTERS.**—(1) The Council shall submit to Congress each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member’s non-concurrence.

“(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile stewardship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.”.

**SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.**

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) **REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.**—

(A) **POSITION OF CHIEF MANAGEMENT OFFICER.**—Section 132a of title 10, United States Code, is amended to read as follows:

**“§ 132a. Chief Management Officer**

“(a) **IN GENERAL.**—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) **POWERS AND DUTIES.**—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) **SERVICE AS CHIEF MANAGEMENT OFFICER.**—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) **PRECEDENCE.**—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) **CONFORMING AMENDMENTS.**—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item: “132a. Chief Management Officer.”.

(D) **EXECUTIVE SCHEDULE.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) **REFERENCE IN LAW.**—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) **JURISDICTION OF DFAS.**—

(A) **TRANSFER TO DEPARTMENT OF THE TREASURY.**—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) **ADMINISTRATION.**—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) **CONSTRUCTION.**—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SEC. 904. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.”.

**Subtitle B—Space Activities**

**SEC. 911. OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.**

(a) **IN GENERAL.**—Subsection (a) of section 2273a of title 10, United States Code, is amended to read as follows:

“(a) **IN GENERAL.**—There is within the Air Force Space and Missile Systems Center of the Department of Defense an office known as the Operationally Responsive Space Program Office (in this section referred to as the ‘Office’). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.”.

(b) **HEAD OF OFFICE.**—Subsection (b) of such section is amended by striking “shall be—” and all that follows and inserting “the designee of the Department of Defense Executive Agent for



Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.”.

(c) MISSION.—Subsection (c)(1) of such section is amended by striking “spacelift” and inserting “launch”.

(d) SENIOR ACQUISITION EXECUTIVE.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

“(1) The Program Executive Officer (PEO) for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.”.

(e) EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subsection:

“(g) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the ‘Operationally Responsive Space Executive Committee’) to provide coordination, oversight, and approval of projects of the Office.

“(2) The Executive Committee shall consist of the officials (and their duties) as follows:

“(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

“(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

“(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

“(D) The Commander of the Air Force Space Command, who shall organize, train, and equip forces to support the acquisition programs of the Office.

“(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.”.

(f) TRANSFER OF FISCAL YEAR 2012 FUNDS.—

(1) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from the funds described in paragraph (2), \$60,000,000 to other, higher priority programs of the Air Force.

(2) COVERED FUNDS.—The funds described in this paragraph are amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force, for the Weather Satellite Follow On Program as specified in the funding table in section 4201 of that Act.

(3) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(4) CONSTRUCTION OF AUTHORITY.—The transfer authority in this subsection is in addition to any other transfer authority provided in this Act.

(5) PROGRAM PLAN.—Not later than December 31, 2012, the Secretary shall submit to the congressional defense committees a report setting forth a program plan for higher priority programs described in paragraph (1).

#### SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§2275. Commercial space launch cooperation

“(a) AUTHORITY.—The Secretary of Defense may, to assist the Secretary of Transportation in

carrying out responsibilities set forth in title 51 with respect to private sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure, take the following actions:

“(1) Maximize the use by the private sector in the United States of the capacity of the space transportation infrastructure of the Department of Defense.

“(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department.

“(3) Reduce the cost of services provided by the Department related to space transportation infrastructure at launch support facilities and space recovery support facilities.

“(4) Encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department.

“(5) Foster cooperation between the Department and covered entities.

“(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

“(1) may enter into a contract or other agreement with a covered entity to provide to the covered entity support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of that covered entity, may include such support and services in the space launch and reentry range support requirements of the Department if—

“(A) the Secretary determines that the inclusion of such support and services in such requirements—

“(i) is in the best interest of the Federal Government; and

“(ii) does not interfere with the requirements of the Department; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

“(B) any commercial requirement included in that contract or other agreement has full non-Federal funding before the execution of the contract or other agreement.

“(c) CONTRIBUTIONS.—(1) The Secretary of Defense may enter into contracts or other agreements with covered entities on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

“(2) Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the contract or other agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) A contract or other agreement entered into under this subsection with a covered entity—

“(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other contract or agreement with the United States.

“(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—(1) There is established on the books of the Treasury a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

“(3) Amounts in the Department Defense Cooperation Space Launch Account shall be available, to the extent provided in appropriation Acts, for costs incurred by the Department of Defense under subsection (c). Funds in the Account shall remain available until expended.

“(e) ANNUAL REPORT.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the previous fiscal year.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED ENTITY.—The term ‘covered entity’ means a non-Federal entity that—

“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) LAUNCH SUPPORT FACILITIES.—The term ‘launch support facilities’ has the meaning given that term in section 50501(7) of title 51.

“(3) SPACE RECOVERY SUPPORT FACILITIES.—The term ‘space recovery support facilities’ has the meaning given that term in section 50501(11) of title 51.

“(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by adding at the end the following new item:

“2275. Commercial space launch cooperation.”.

#### SEC. 913. REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR COMPONENTS FOR MAJOR SATELLITE ACQUISITION PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 912 of this Act, is further amended by adding at the end the following new section:

##### “§2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs

“(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

“(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the components for the program; and

“(2) funding for the program.

“(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

“(1) The amount of funding approved for the program and for each related program that is necessary for the operational capability of the program.

“(2) The dates by which the program is anticipated to reach initial and full operational capability.

“(3) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the components for the program or any related program referred to in paragraph (1) are integrated.

“(4) If the Under Secretary determines pursuant to the assessment under paragraph (3) that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in paragraph (1), provide for the acquisition or the delivery of the capabilities of at least two of the

three components for the program or related program more than one year apart, an identification of—

“(A) the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules; and

“(B) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

“(c) CONSIDERATION BY MILESTONE DECISION AUTHORITY.—The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition program as part of the documentation used to approve the acquisition of the program.

“(d) SUBMITTAL OF REPORTS.—(1) In the case of a major satellite acquisition program initiated before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.

“(2) In the case of a major satellite acquisition program initiated on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.

“(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in subsection (b)(1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for the program or related program more than one year apart, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—

“(1) notifying the committees of that determination; and

“(2) identifying the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules.

“(f) DEFINITIONS.—In this section:

“(1) COMPONENTS.—The term ‘components’, with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and user terminals necessary for the operation of those satellites.

“(2) MAJOR SATELLITE ACQUISITION PROGRAM.—The term ‘major satellite acquisition program’ means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.

“(3) MILESTONE B APPROVAL.—The term ‘Milestone B approval’ has the meaning given that term in section 2366(e)(7) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title, as so amended, is further amended by adding at the end the following new item:

“2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs.”

**SEC. 914. DEPARTMENT OF DEFENSE REPRESENTATION IN DISPUTE RESOLUTION REGARDING SURRENDER OF DEPARTMENT OF DEFENSE BANDS OF ELECTROMAGNETIC FREQUENCIES.**

Section 1062(b)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 768; 47 U.S.C. 921 note) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) in the event of any dispute resolution process involving the surrender of use of such band, the Department of Defense has adequate representation to convey its views.”

**Subtitle C—Intelligence-Related and Cyber Matters**

**SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO SECURITY ALLIANCES AND INTERNATIONAL AND REGIONAL ORGANIZATIONS.**

(a) EXTENSION OF AUTHORITY TO SECURITY ALLIANCES AND INTERNATIONAL AND REGIONAL ORGANIZATIONS.—Section 443(a) of title 10, United States Code, is amended by inserting “, regional organizations with defense or security components, and international organizations and security alliances of which the United States is a member” after “foreign countries”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 443 of such title is amended to read as follows:

**“§443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 22 of such title is amended by striking the item relating to section 443 and inserting the following new item:

“443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations.”

**SEC. 922. ARMY DISTRIBUTED COMMON GROUND SYSTEM.**

(a) ASSIGNMENT OF RESPONSIBILITY FOR OVERSIGHT.—The Secretary of the Army shall assign responsibility for oversight of the development, acquisition, testing, and fielding of the Distributed Common Ground System (DCGS) cloud computing program of the Army to the Chief Information Officer of the Army (CIO)/G-6.

(b) REVIEW OF PROGRAM.—

(1) IN GENERAL.—Not later than December 1, 2012, the Chief Information Officer shall submit to the Secretary a report on a review of the Distributed Common Ground System cloud computing program of the Army conducted by the Chief Information Officer for purposes of this section.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the program in comparison with commercial products, if applicable, with respect to each of the following:

(i) The effectiveness of analyst tools, user interfaces, and data visualization in supporting analyst missions and requirements.

(ii) Training requirements for analysts.

(iii) Ease of use for analysts.

(iv) Rates of progress in developing analyst tools and linking tools for standard workflows.

(B) An assessment of the soundness of the past decisions of the Army, and the future plans of the Army, for acquiring and integrating analyst tools, user interfaces, and data visualization capabilities through government-sponsored custom development, leasing of commercial solutions, and government open source development.

(C) Such recommendations regarding the program as the Chief Information Officer considers appropriate in light of the review under this subsection.

**SEC. 923. RATIONALIZATION OF CYBER NETWORKS AND CYBER PERSONNEL OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to substantially reduce the number of sub-networks and network enclaves across the Department of Defense, and the associated security and access management controls, in order to achieve the following objectives for the Department:

(1) Visibility for the United States Cyber Command in the operational and security status of all networks, network equipment, and computers.

(2) Elimination of redundant network security infrastructure and personnel.

(3) Rationalization and consolidation of cyber attack detection, diagnosis, and response resources, and elimination of gaps in security coverage.

(4) Reduction of barriers to information sharing and enhancement of the capacity to rapidly create collaborative communities of interest.

(5) Enhancement of access to information through authentication-based and identity-based access controls.

(6) Enhancement of the capacity to deploy, and achieve access to, enterprise-level services.

(7) Separation of server and end-user device computing to facilitate server and data center consolidation and a more secure tiered and zoned network architecture.

(b) PERSONNEL PLAN.—

(1) IN GENERAL.—As part of the actions taken under subsection (a), the Secretary shall establish and carry out a plan to reassign personnel billets currently allocated to network operations and security that will become available pursuant to the reduction in network enclaves required by that subsection to tasks related to potential offensive cyber operations in order to achieve an appropriate balance between the offensive and defensive missions of the United States Cyber Command and its components. The plan shall include targets for the number of personnel to be reassigned to tasks related to offensive operations, and the rate at which such personnel shall be added to the workforce for such tasks.

(2) DISPOSITION OF PERSONNEL.—In developing the plan required by paragraph (1), the Secretary shall—

(A) determine whether the number of personnel required to be reassigned to tasks related to offensive operations in order to achieve the balance described in paragraph (1) will be met, in pace and numbers, through the reassignment of personnel billets pursuant to the plan; and

(B) if the Secretary determines that the number of personnel so required will not be so met (whether because of insufficient numbers of personnel in billets to be reassigned or because personnel available for reassignment cannot be trained or directed to tasks related to offensive operations), take appropriate actions to ensure the availability to the United States Cyber Command of appropriate numbers of personnel qualified to undertake tasks related to offensive operations.

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

(4) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan required by paragraph (1) to the congressional defense committees at the time of the submittal to Congress of the budget

of the President for fiscal year 2014 pursuant to section 1105(a) of title 31, United States Code.

**SEC. 924. NEXT-GENERATION HOST-BASED CYBER SECURITY SYSTEM FOR THE DEPARTMENT OF DEFENSE.**

(a) **STRATEGY FOR ACQUISITION OF SYSTEM REQUIRED.**—The Chief Information Officer of the Department of Defense shall, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, develop a strategy to acquire next-generation host-based cybersecurity tools and capabilities (in this section referred to as a “next-generation system”) for the Department of Defense.

(b) **ELEMENTS OF SYSTEM.**—It is the sense of Congress that any next-generation system acquired under the strategy required by subsection (a) should meet the following requirements:

(1) To overcome problems and limitations in current capabilities, the system should not rely on anti-virus or signature-based threat detection techniques that—

(A) cannot address new or rapidly morphing threats;

(B) consume substantial amounts of communications capacity to remain current with known threats and to report current status; or

(C) consume substantial amounts of resources to store rapidly growing threat libraries.

(2) The system should provide an open architecture-based framework for so-called “plug-and-play” integration of a variety of types of deployable tools in addition to cyber intrusion detection tools, including tools for—

(A) insider threat detection;

(B) continuous monitoring and configuration management;

(C) remediation following infections; and

(D) protection techniques that do not rely on detection of the attack, such as virtualization, and diversification of attack surfaces.

(3) The system should be designed for ease of deployment to potentially millions of host devices of tailored security solutions depending on need and risk, and to be compatible with cloud-based, thin-client, and virtualized environments as well as battlefield devices and weapons systems.

(c) **SUBMITTAL TO CONGRESS.**—The Chief Information Office shall submit to Congress a report setting forth the strategy required by subsection (a) together with the budget justification materials of the Department of Defense submitted to Congress with the budget of the President for fiscal year 2015 pursuant to section 1105(a) of title 31, United States Code.

**SEC. 925. IMPROVEMENTS OF SECURITY, QUALITY, AND COMPETITION IN COMPUTER SOFTWARE PROCURED BY THE DEPARTMENT OF DEFENSE.**

(a) **COMPREHENSIVE PROGRAM ON IMPROVEMENT OF PROCUREMENT OF COMPUTER SOFTWARE.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer of the Department of Defense, develop a comprehensive program for improvements of the security, quality, and competition in the computer software procured by the Department of Defense for covered systems

(b) **UPDATE OF DEVELOPMENT AND ACQUISITION MODELS.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer, provide for the development of updates and improvements to one or more existing best-practice development and acquisition models (such as the Capability Maturity Model Integration) in order to provide explicit guidance under such model or models for improved assurance, security, quality, and resiliency in the computer software developed and procured by the Department.

(2) **ELEMENTS.**—Any update or improvement to a development and acquisition model under this subsection shall—

(A) include diagnostic methods that enable evaluations of conformance to the processes and best practices of the model for achieving quality, assurance, and security throughout the life cycle of software products concerned; and

(B) be compatible with the variety of current agile and incremental software development methodologies.

(c) **REQUIREMENTS FOR SECURE CODE DEVELOPMENT PRACTICES.**—The Under Secretary shall, in coordination with the Chief Information Officer—

(1) direct the Director of the Defense Information Systems Agency to modify the Application Security and Development Security Technical Implementation Guide (STIG) to require (rather than highly recommend) the use of automated static vulnerability analysis tools in the computer software code development phase, and in development and operational testing, to identify and remediate security vulnerabilities for covered systems;

(2) develop a list of qualified government and private-sector static analysis tools and third-party testing organizations to support the requirement under paragraph (1);

(3) direct the Director—

(A) to designate secure software coding standards; and

(B) to modify the Security Technical Implementation Guide to reference the approved standards; and

(4) develop guidance and direction for Department program managers to require government software development and maintenance organizations and contractors to identify and implement, through contract statements of work, a secure software coding plan that includes verifiable processes and practices.

(d) **VERIFICATION OF EFFECTIVE IMPLEMENTATION.**—The Under Secretary shall, in coordination with the Chief Information Officer, develop guidance and direction for Department program managers for covered systems to do as follows:

(1) To require evidence that government software development and maintenance organizations and contractors are conforming in computer software coding to—

(A) approved secure coding standards of the Department during software development, upgrade and maintenance activities, including through the use of inspection and appraisals;

(B) an applicable best practice development and acquisition model; and

(C) the requirement established pursuant to subsection (b)(1).

(2) To make appropriate use of authorized software code assessment centers (whether a government center, Federally funded research and development center, or government contractor) to evaluate applications and software products for conformance to secure coding requirements.

(e) **STUDY ON ADDITIONAL MEANS OF IMPROVING SOFTWARE SECURITY.**—

(1) **IN GENERAL.**—The Under Secretary shall, in coordination with the Chief Information Officer, provide for a study of potential mechanisms for obtaining higher quality and secure development of computer software for the Department.

(2) **MECHANISMS TO BE STUDIED.**—The mechanisms studied under paragraph (1) may include the following:

(A) Liability for defects or vulnerabilities in software code.

(B) So-called “clawback” provisions on earned fees that enable the Department to recoup funds for security vulnerabilities discovered after software is delivered.

(C) Exemption from liability for rigorous conformance with secure development processes.

(D) Warranties against software defects and vulnerabilities.

(f) **SOFTWARE REPOSITORIES AND COLLABORATIVE DEVELOPMENT ENVIRONMENTS.**—The Under Secretary shall, in consultation with the Chief Information Officer—

(1) establish or require the use of one or more existing computer software repositories and collaborative computer software development environments (such as Forge.mil managed by the Defense Information Systems Agency) for covered systems for purposes of—

(A) storing software code owned by the government, or to which it has use rights, together with all associated documentation and quality and security test results;

(B) minimizing duplicative investment in software code development infrastructure while promoting common, high-quality development practices and facilitating sharing of best practices; and

(C) promoting software re-use and competition for software capability insertion, upgrades, and maintenance;

(2) establish rules and procedures for depositors in the repositories and environments provided for under paragraph (1) to keep the software code base current, if the depositors are not already using such a repository or environment for software development and life-cycle management; and

(3) ensure that the repositories and environments provided for under paragraph (1) provide automated tools for software reverse engineering, functionality analysis, and static and dynamic vulnerability analysis of source code and binary code in order to enable users to search for software relevant to their requirements, understand what the code does and how it functions, and assess its quality and security.

(g) **COVERED SYSTEMS DEFINED.**—In this section, the term “covered systems” means any Department of Defense critical information systems and weapons systems, including—

(1) major systems, as that term is defined in section 2302(5) of title 10, United States Code;

(2) national security systems, as that term is defined in section 3542(b)(2) of title 44, United States Code; and

(3) Department of Defense information systems categorized as Mission Assurance Category 1 in Department of Defense Directive 8500.01E that are funded by the Department of Defense.

**SEC. 926. COMPETITION IN CONNECTION WITH DEPARTMENT OF DEFENSE DATA LINK SYSTEMS.**

(a) **COMPETITION IN CONNECTION WITH DATA LINK SYSTEMS.**—

(1) **IN GENERAL.**—Not later than December 1, 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) develop an inventory of all data link systems in use and in development in the Department of Defense;

(B) conduct a business case analysis of each data link system contained in the inventory under subparagraph (A) to determine whether—

(i) the maintenance, upgrade, new deployment, or replacement of such system should be open to competition; or

(ii) the data link should be converted to an open architecture, or a different data link standard should be adopted to enable such competition;

(C) for each data link system for which competition is determined advisable under clause (i) or (ii) of subparagraph (B), develop a plan (with specific objectives, actions, and schedules) to achieve such competition, including a plan to address any policy, legal, programmatic, or technical barriers to such competition; and

(D) for each data link system for which competition is determined not advisable under subparagraph (B), prepare a justification for the

determination that it is not practical to conduct such competition or to convert the data link standard to open architecture or adopt a different data link standard for which competition is feasible.

(2) **ELEMENT OF BUSINESS CASE ANALYSES.**—In conducting a business case analysis for purposes of paragraph (1)(B), the Under Secretary shall solicit the views of industry on the merits and feasibility of introducing competition for the maintenance, upgrade, new deployment, or replacement for the data link system in question.

(b) **EARLIER ACTIONS.**—If the Under Secretary completes any portion of the plan described in subsection (a)(1)(C) before December 1, 2013, the Secretary may commence action on such portion of the plan upon completion of such portion, including publication of such portion of the plan.

(c) **REPORTS.**—

(1) **SUBMITTAL OF PLAN TO CONGRESS.**—The Under Secretary shall submit to Congress the plan described in subsection (a)(1)(C) at the same time the budget of the President for fiscal year 2015 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code. The Under Secretary shall include with the plan—

(A) a list of the data link systems covered by subsection (a)(1)(C);

(B) a list of the data link systems covered by subsection (a)(1)(D); and

(C) for each data link system covered by subsection (a)(1)(D), the justification prepared under that subsection with respect to the data link system.

(2) **COMPTROLLER OF THE UNITED STATES ASSESSMENT.**—Not later than 90 days after the submittal to Congress under paragraph (1) of the plan described in subsection (a)(1)(C), the Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the plan, including an assessment of the adequacy and objectives of the plan.

#### **SEC. 927. INTEGRATION OF CRITICAL SIGNALS INTELLIGENCE CAPABILITIES.**

(a) **PLAN FOR INTEGRATION REQUIRED.**—

(1) **IN GENERAL.**—Not later than January 1, 2013, the Director of the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force shall develop a plan to rapidly achieve an operationally integrated signals intelligence collection and dissemination capability to meet requirements for detecting, tracking, and precisely geolocating high-band communications devices in order to trigger the immediate observation and tracking of high-value targets by imagery sensor by combining or integrating capabilities that exist or are in development in ongoing programs, including the following:

(A) The Guardrail program and the ARGUS A160 program of the Army.

(B) The Blue Moon quick reaction capability program of the Air Force.

(C) The Wide Area Network Detection program of the Defense Advanced Research Projects Agency (DARPA).

(2) **CONSULTATION.**—The Director shall consult with the National Security Agency, the combatant commands (including the United States Special Operations Command), and the formal wireless working groups of the intelligence community in developing the plan.

(3) **SUPPORT.**—The Secretary of the Army, the Secretary of the Air Force, and the Director of the Defense Advanced Research Projects Agency shall each provide the Director such information and support as the Director shall require for the development of the plan.

(b) **DEVELOPMENT AND DEPLOYMENT.**—In addition to the responsibility under subsection (a), the Director of the Intelligence, Surveillance, and Reconnaissance Task Force shall also coordinate funding, provide acquisition oversight,

coordinate system deployment, and synchronize operational integration in support of combat operations for purposes of the development and deployment of the capability described in that subsection.

#### **SEC. 928. COLLECTION AND ANALYSIS OF NETWORK FLOW DATA.**

(a) **DEVELOPMENT OF TECHNOLOGIES.**—The Chief Information Officer of the Department of Defense may, in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Intelligence and acting through the Director of the Defense Information Systems Agency (DISA), use the available funding and research activities and capabilities of the Community Data Center of the Defense Information Systems Agency to develop and demonstrate collection, processing, and storage technologies for network flow data that—

(1) are potentially scalable to the volume used by Tier 1 Internet Service Providers (ISPs) to collect and analyze the flow data across their networks;

(2) will substantially reduce the cost and complexity of capturing and analyzing high volumes of flow data; and

(3) support the capability—

(A) to detect and identify cybersecurity threats, networks of compromised computers, and command and control sites used for managing illicit cyber operations and receiving information from compromised computers;

(B) track illicit cyber operations for attribution of the source; and

(C) provide early warning and attack assessment of offensive cyber operations.

(b) **COORDINATION.**—Any research and development required in the development of the technologies described in subsection (a) shall be conducted in cooperation with the heads of other appropriate departments and agencies of the Federal Government and, whenever feasible, Tier 1 Internet Service Providers.

#### **SEC. 929. DEPARTMENT OF DEFENSE USE OF NATIONAL SECURITY AGENCY CLOUD COMPUTING DATABASE AND INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.**

(a) **LIMITATION ON USE OF NSA DATABASE.**—

(1) **LIMITATION.**—No component of the Department of Defense may utilize the cloud computing database developed by the National Security Agency (NSA) called Accumulo after September 30, 2013, unless the Chief Information Officer of the Department of Defense certifies one of the following:

(A) That there are no viable commercial open source databases with extensive industry support (such as the Apache Foundation HBase and Cassandra databases) that have security features comparable to the Accumulo database that are considered essential by the Chief Information Officer for purposes of the certification under this paragraph.

(B) That the Accumulo database has become a successful Apache Foundation open source database with adequate industry support and diversification, based on criteria to be established by the Chief Information Officer for purposes of the certification under this paragraph and submitted to the appropriate committees of Congress not later than January 1, 2013.

(2) **CONSTRUCTION.**—The limitation in paragraph (1) shall not apply to the National Security Agency.

(b) **ADAPTATION OF ACCUMULO SECURITY FEATURES TO HBASE DATABASE.**—The Director of the National Security Agency shall take appropriate actions to ensure that companies and organizations developing and supporting open source and commercial open source versions of the Apache Foundation HBase and Cassandra databases, or similar systems, receive technical assistance from government and contractor de-

velopers of software code for the Accumulo database to enable adaptation and integration of the security features of the Accumulo database.

(c) **COORDINATION REGARDING DOD USE OF INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics, the Chief Information Officer of the Department of Defense, and the Chief Information Officer of each of the military departments shall coordinate with the Director of National Intelligence and the Under Secretary of Defense for Intelligence regarding the use of cloud computing infrastructure and software services offered by the intelligence community by components of the Department of Defense for purposes other than intelligence analysis.

(2) **PURPOSE.**—The purpose of the coordination required by paragraph (1) is to ensure that Department use of cloud computing infrastructure and software services described in that paragraph is cost-effective and consistent with the Information Technology Efficiencies initiative, data center and server consolidation plans, and cybersecurity requirements and policies of the Department.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

#### **SEC. 930. ELECTRO-OPTICAL IMAGERY.**

(a) **SUSTAINMENT OF COLLECTION CAPACITY.**—The Secretary of Defense and the Director of National Intelligence shall jointly take appropriate actions to sustain through fiscal year 2013 the commercial electro-optical imaging collection capacity that was planned under the Enhanced View program approved in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to be available to the Department of Defense through the Service Level Agreements with commercial data providers.

(b) **IDENTIFICATION OF DEPARTMENT OF DEFENSE ELECTRO-OPTICAL IMAGERY REQUIREMENTS.**—

(1) **REPORT.**—Not later than April 1, 2013, the Vice Chairman of the Joint Chiefs of Staff shall submit to the Director of the Congressional Budget Office a report setting forth a comprehensive description of Department of Defense peacetime and wartime requirements for electro-optical imagery under current circumstances and under anticipated revisions of strategy and budgetary constraints.

(2) **SCOPE OF REQUIREMENTS.**—The requirements under paragraph (1) shall—

(A) be expressed in such terms as daily regional and global area coverage and number of point targets, resolution, revisit rates, mean-time to access, latency, redundancy, survivability, and diversity; and

(B) take into consideration all types of imagery and collection means available.

(c) **ASSESSMENT OF IDENTIFIED REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than September 15, 2013, the Director of the Congressional Budget Office shall submit to the appropriate committees of Congress a report setting forth an assessment by the Director of the report required by subsection (b).

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The extent to which the requirements of the Department for electro-optical imagery from

space can be satisfied by commercial companies using either—

- (i) current designs; or
- (ii) enhanced designs that could be developed at low risk.

(B) Whether a reduction by half in the amounts requested for the Enhanced View program for fiscal year 2013 from amounts requested for that program for fiscal year 2012 is consistent with Presidential Space Policy of June 2010, Presidential Policy Directive 4, applicable provisions of the Federal Acquisition Regulation (10.001(a)(3)(ii) and 12.101(a)–(b)), and section 2377 of title 10, United States Code, regarding preferences for procuring commercial capabilities and modifying as necessary and feasible commercial capabilities to meet government requirements, and for modifying government requirements to a reasonable extent to enable commercial or non-developmental products to meet government needs.

(3) CONSULTATION AND OTHER RESOURCES.—In preparing the assessment required by paragraph (1), the Director shall—

(A) consult widely with appropriate individuals and entities, including Members and committees of Congress, the Office of Management and Budget and other agencies and officials of the Government, private industry, and academia; and

(B) make maximum use of existing studies and modeling and simulations conducted by or on behalf of Members and committees of Congress, the Joint Staff, the Director of National Intelligence, the National Reconnaissance Office, the National Geospatial-Intelligence Agency, private industry, and academia.

(4) ACCESS TO INFORMATION.—The Director of National Intelligence and the Secretary of Defense shall each provide the staff of the Director of the Congressional Budget Office with such access to information and programs applicable to the assessment required by paragraph (1) as the Director of the Congressional Budget Office shall require for the preparation of the assessment.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) FUNDING.—In addition to any other amounts authorized to be appropriated by this Act and available for Service Level Agreements described in subsection (a), of the amounts authorized to be appropriated for fiscal year 2013 by section 301 for operation and maintenance and available as specified in the funding table in section 4301, \$125,000,000 is available for such Service Level Agreements.

#### SEC. 931. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE.

(a) AUDITS.—Not later than 180 days after the date of the enactment of this Act, and every two years thereafter, the Chief Information Officer of the Department of the Defense shall, in consultation with chief information officers of the military departments and the Defense Agencies—

(1) conduct an inventory of all existing software licenses in favor of the Department of Defense, including licenses in use and licenses not in use, on an application-by-application basis;

(2) compare the number of software licenses in use, and the manner of their use by Department employees, with the number of software licenses available to the Department and the product use rights contained in such licenses;

(3) assess the needs of the Department and the components of the Department for software li-

censes during the two fiscal years next following the date of the completion of the inventory; and

(4) determine means by which the Department can achieve the greatest possible economies of scale and cost-savings in the procurement, use, and optimization of software licenses.

(b) PERFORMANCE PLAN.—

(1) IN GENERAL.—If the Chief Information Officer determines through an inventory conducted under subsection (a) that the number of existing software licenses, on an application-by-application basis, of the Department and the components of the Department exceeds the needs of the Department for such software licenses, the Secretary of Defense shall, not later than 90 days after the date of the completion of such inventory, implement a plan to bring the number of software licenses, on an application-by-application basis, into balance with the needs of the Department.

(2) EXCEPTIONS.—The Chief Information Officer may exempt from coverage under a plan under paragraph (1) such applications or categories of applications as the Chief Information Officer considers appropriate. Immediately upon finalizing the applications or categories of applications to be exempt from coverage under a plan, the Chief Information Officer shall submit to the congressional defense committees a report (in classified form, if required) setting forth the applications or categories of applications to be exempt from coverage under the plan.

#### SEC. 932. DEFENSE CLANDESTINE SERVICE.

(a) PROHIBITION ON USE OF FUNDS FOR ADDITIONAL PERSONNEL.—Amounts authorized to be appropriated by this Act for the Military Intelligence Program (MIP) may not be obligated or expended to provide for a number of personnel conducting or supporting human intelligence within the Department of Defense in excess of the number of such personnel as of April 20, 2012.

(b) CAPE REPORT ON COSTS.—Not later than 120 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense shall submit to the appropriate committees of Congress an independent estimate of the costs of the Defense Clandestine Service, whether funded through the Military Intelligence Program or the National Intelligence Program, including an estimate of the costs over the period of the current future-years defense program and an estimate of the out year costs.

(c) USDI REPORT ON DCS.—

(1) REPORT REQUIRED.—Not later than February 1, 2013, the Under Secretary of Defense for Intelligence shall submit to the appropriate committees of Congress a report on the Defense Clandestine Service.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed description of the location and schedule for current and anticipated deployments of case officers trained under the Field Tradecraft Course, whether overseas or domestically, and a certification whether or not such deployments can be accommodated and supported.

(B) A statement of the objectives for the effective management of case officers trained under the Field Tradecraft Course for each of the Armed Forces, the Defense Intelligence Agency, and the United States Special Operations Command, including objectives on numbers of tours requiring training in the Field Tradecraft Course and objectives for management of career tracks and case officer covers.

(C) A statement of the manner in which each Armed Force, the Defense Intelligence Agency, and the United States Special Operations Command will each achieve the objectives applicable thereto under subparagraph (B).

(D) A copy of any memoranda of understanding or memoranda of agreement between

the Department of Defense and other departments and agencies of the United States Government, or between components or elements of the Department of Defense, that are required to implement objectives for the Defense Clandestine Service.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “future-years defense program” means the future-years defense program under section 221 of title 10, United States Code.

#### SEC. 933. AUTHORITY FOR SHORT-TERM EXTENSION OF LEASE FOR AIRCRAFT SUPPORTING THE BLUE DEVIL INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2401 of title 10, United States Code, the Secretary of the Air Force may extend or renew the lease of aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program after the date of the expiration of the current lease of such aircraft for a term that is the shorter of—

(1) the period beginning on the date of the expiration of the current lease and ending on the date on which the Commander of the United States Central Command notifies the Secretary that a substitute is available for the capabilities provided by the lease, or that the capabilities provided by such aircraft are no longer required; or

(2) six months.

(b) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by title XV and available for Overseas Contingency Operations for operation and maintenance as specified in the funding tables in section 4302 may be available for the extension or renewal of the lease authorized by subsection (a).

#### SEC. 934. SENSE OF SENATE ON POTENTIAL SECURITY RISKS TO DEPARTMENT OF DEFENSE NETWORKS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cybersecurity threats are pervasive and serious, including through the supply chain of information technology equipment and software.

(2) Semiconductor manufacturing is already dominated by foreign producers, presenting supply chain risk management challenges.

(3) In a number of instances, foreign manufacturers of telecommunications equipment, including advanced wireless technology, are gaining global market share due to high quality and low prices. Competitive market forces ensure that commercial providers of consumer, business, and government systems and services will choose equipment and associated software from these manufacturers. In some cases, like Huawei Industries, this competitive position stems in part from inappropriate government subsidies and other forms of assistance.

(4) Some of these companies also present clear cybersecurity supply chain risks that the Government must address.

(5) The Committee on Foreign Investment in the United States has blocked the attempt by Huawei to acquire United States technology firms on two occasions and the National Security Agency and the Secretary of Commerce have advised two major United States telecommunications carriers against selecting Huawei as a supplier.

(6) The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) provided authority and mechanisms for

the Secretary of Defense to control these supply chain risks, but only for National Security Systems, leaving many information technology systems and missions exposed to supply chain risks.

(7) Blocking sales from providers of information technology systems and services due to concerns about cybersecurity risks, while maintaining our commitment to free trade and fair and transparent competition, poses difficult policy challenges.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that the Department of Defense—

(1) must ensure it maintains full visibility and adequate control of its supply chain, including subcontractors, in order to mitigate supply chain exploitation; and

(2) needs the authority and capability to mitigate supply chain risks to its information technology systems that fall outside the scope of National Security Systems.

**SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that’s the process that we’re going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department’s plans and activities.”.

(b) **SENSE OF CONGRESS.**—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation’s networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

**SEC. 936. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors’ networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of De-

fense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term “cleared defense contractor” means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**Subtitle D—Other Matters**

**SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

(a) **AUTHORITY TO ESTABLISH.**—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

**“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

“(a) **ESTABLISHMENT.**—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) **NATIONAL SECURITY EDUCATION BOARD.**—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

“(c) **MEMBERSHIP.**—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

“(d) **TRAINING.**—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) **SERVICE.**—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) **FUNDING.**—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”.

(b) **NATIONAL SECURITY EDUCATION BOARD MATTERS.**—

(1) **COMPOSITION.**—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) **FUNCTIONS.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:



“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) establishing plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

“(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal government that use those skills;

“(D) coordinating activities with Executive agencies and State and Local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills; and

“(E) proposing to the Secretary regulations to carry out section 813.”

#### **SEC. 942. REPORT ON EDUCATION AND TRAINING AND PROMOTION RATES FOR PILOTS OF REMOTELY PILOTED AIRCRAFT.**

(a) **REPORT REQUIRED.**—Not later than January 31, 2013, the Secretary of the Air Force and the Chief of Staff of the Air Force shall jointly submit to the congressional defense committees a report on education and training and promotion rates for Air Force pilots of remotely piloted aircraft (RPA).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the reasons for persistently lower average education and training and promotion rates for Air Force pilots of remotely piloted aircraft.

(2) An assessment of the long-term impact on the Air Force of the sustainment of such lower rates

(3) A plan to raise such rates, including—

(A) a description of the near-term and longer-term actions the Air Force intends to undertake to implement the plan; and

(B) an analysis of the potential direct and indirect impacts of the plan on the achievement and sustainment of the combat air patrol objectives of the Air Force for remotely piloted aircraft.

### **TITLE X—GENERAL PROVISIONS**

#### **Subtitle A—Financial Matters**

#### **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$5,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

#### **SEC. 1002. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION.**

(a) **TRANSFER AUTHORIZED.**—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2013 in section 3101 is less than \$7,900,000,000 (the amount projected to be required for such activities in fiscal year 2013 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)), the Secretary of Defense may transfer, from amounts authorized to be appropriated for the Department of Defense for fiscal year 2013 pursuant to this Act, to the Secretary of Energy an amount, not to exceed \$150,000,000, to be available only for weapons activities of the National Nuclear Security Administration.

(b) **NOTICE TO CONGRESS.**—In the event of a transfer under subsection (a), the Secretary of Defense shall promptly notify Congress of the transfer, and shall include in such notice the Department of Defense account or accounts from which funds are transferred.

(c) **TRANSFER MECHANISM.**—Any funds transferred under this section shall be transferred in accordance with established procedures for reprogramming under section 1001 or successor provisions of law.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority provided under subsection (a) is in addition to any other transfer authority provided under this Act.

#### **SEC. 1003. AUDIT READINESS OF DEPARTMENT OF DEFENSE STATEMENTS OF BUDGETARY RESOURCES.**

(a) **OBJECTIVE.**—Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended by inserting “, and the statement of budgetary resources of the Department of Defense is validated as ready for audit by not later than September 30, 2014” after “September 30, 2017”.

(b) **AFFORDABLE AND SUSTAINABLE APPROACH.**—

(1) **IN GENERAL.**—The Chief Management Officer of the Department of Defense and the Chief Management Officers of each of the military departments shall ensure that plans to achieve an auditable statement of budgetary resources of the Department of Defense by September 30, 2014, include appropriate steps to minimize one-time fixes and manual work-arounds, are sustainable and affordable, and will not delay full auditability of financial statements.

(2) **ADDITIONAL ELEMENTS IN FIAR PLAN REPORT.**—Each semi-annual report on the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted by the Under Secretary of Defense (Comptroller) under section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, shall include the following:

(A) A description of the actions taken by the military departments pursuant to paragraph (1).

(B) A determination by the Chief Management Officer of each military department whether or not such military department is able to achieve an auditable statement of budgetary resources by September 30, 2014, without an unaffordable or unsustainable level of one-time fixes and

manual work-arounds and without delaying the full auditability of the financial statements of such military department.

(C) If the Chief Management Officer of a military department determines under subparagraph (B) that the military department is not able to achieve an auditable statement of budgetary resources by September 30, 2014, as described in that subparagraph—

(i) an explanation why the military department is unable to meet the deadline;

(ii) an alternative deadline by which the military department will achieve an auditable statement of budgetary resources;

(iii) a description of the plan of the military department for meeting the alternative deadline.

#### **SEC. 1004. REPORT ON EFFECTS OF BUDGET SEQUESTRATION ON THE DEPARTMENT OF DEFENSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to the Department of Defense of \$492,000,000,000 between 2013 and 2021 under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 USC 901a).

(2) These reductions are in addition to reductions of \$487,000,000,000 already being implemented by the Department of Defense, and would decrease the readiness and capabilities of the Armed Forces while increasing risks to the effective implementation of the National Security Strategy of the United States.

(3) The leaders of the Department of Defense have consistently testified that threats to the national security of the United States have increased, not decreased. Secretary of Defense Leon Panetta said that these reductions would “inflict severe damage to our national defense for generations”, comments that have been echoed by the Secretaries of the Army, Navy, and Air Force.

(4) While reductions in funds available for the Department of Defense will automatically commence January 2, 2013, uncertainty regarding the reductions has already exacerbated Department of Defense efforts to plan future defense budget.

(5) Sequestration will have a detrimental effect on the industrial base that supports the Department of Defense.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the impact on the Department of Defense of the sequestration of funds authorized and appropriated for fiscal year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C–1 through C–5).

(B) An assessment of the potential impact of sequestration on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code arising from sequestration.



(C) A list of the programs, projects, and activities across the Department of Defense, the military departments, and the elements and components of the Department of Defense that would be reduced or terminated as a result of sequestration.

(D) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(3) ASSUMPTIONS.—The report required by paragraph (1) shall assume the following:

(A) Except as provided in subparagraph (B), the funds subject to sequester are the funds in all 050 accounts, including all unobligated balances.

(B) The funds exempt from the sequester are the following:

(i) Funds in accounts for military personnel.

(ii) Funds in accounts for overseas contingency operations.

(4) PRESENTATION OF CERTAIN INFORMATION.—In listing programs, projects, and activities under paragraph (2)(C), the report required by paragraph (1) shall set forth for each the following:

(A) The most specific level of budget item identified in applicable appropriations Acts.

(B) Related classified annexes and explanatory statements.

(C) Department of Defense budget justification documents DOD P-1 and R-1 as subsequently modified by congressional action, and as submitted by the Department of Defense together with the budget materials for the budget of the President for fiscal year 2013 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code).

(D) Department of Defense document O-1 for operation and maintenance accounts for fiscal year 2013, for which purpose the term “program, project, or activity” means the budget activity account and sub account for the program, project, or activity as submitted in such document O-1.

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

**SEC. 1006. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.**

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of \$46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal

Year 2012 (Public Law 112-81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN-133, \$12.5 million; Army C-RAM, BLIN-90, \$15.8 million; Army non-system training devices, BLIN-182, \$9.8 million; Defense wide 12/14 USSOCOM C-ISO modifications, \$4.0 million; Defense wide 12/14 Combat mission requirements, \$4.2 million.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**Subtitle B—Counter-Drug Activities**

**SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking “2012” and inserting “2013”.

**SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION ON PROVISION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN FOREIGN GOVERNMENTS.**

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1557), is further amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking “the written certification described in subsection (g) for that fiscal year.” and inserting “a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications with respect to any such government may apply to a period of not to exceed two fiscal years.”; and

(B) in paragraph (4)(B), by striking “The Committee on National Security and the Committee on International Relations of the House of Representatives” and inserting “The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives”; and

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking “The written” and inserting “A written”; and

(B) by striking “for a fiscal year” and all that follows through the colon and inserting “with respect to a government to receive support under this section for any period of time is a certification of each of the following with respect to that government:”.

**SEC. 1013. AUTHORITY TO SUPPORT THE UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

(a) AUTHORITY.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by section 1404 for the Department of Defense for drug interdiction and counter-drug activities, Defense-wide for fiscal year 2013, not more than \$50,000,000 may be used by the Secretary of Defense to provide in support of a unified campaign by the Government of Colombia against narcotics trafficking and against terrorist organizations (as designated by the Secretary of State) in Colombia the following:

(A) Logistics support, services, and supplies.

(B) The types of support authorized under section 1004(b) of the National Defense Author-

ization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

(C) The types of support authorized under section 1033(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).

(2) SCOPE OF AUTHORITY.—The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen, including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States.

(d) RELATION TO OTHER AUTHORITIES.—The authority provided by subsection (a) is in addition to any other authority in law to provide assistance to the Government of Colombia.

(e) REPORT.—

(1) IN GENERAL.—Not later than November 1 following any fiscal year in which the Secretary of Defense provides support under subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A description of the support provided, including—

(i) a description of the support;

(ii) the cost of the support;

(iii) a list of the Colombia units to which support was provided; and

(iv) a list of the Colombia operations supported.

(B) Guidance for future Department of Defense support for a unified campaign by the Government of Colombia against narcotics trafficking and terrorism.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1014. QUARTERLY REPORTS ON USE OF FUNDS IN THE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE ACCOUNT.**

(a) QUARTERLY REPORTS ON EXPENDITURES OF FUNDS.—Not later than 60 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the expenditure of funds, by project code, from the Drug Interdiction and Counter-Drug Activities, Defense-wide account during such fiscal year quarter, including expenditures of funds in direct or indirect support of the counter-drug activities of foreign governments.

(b) INFORMATION ON SUPPORT OF COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.—The information in a report under subsection (a) on direct or indirect support of the counter-drug activities of foreign governments shall include, for each foreign government so supported, the following:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

(c) **CESSATION OF REQUIREMENT.**—No report shall be required under subsection (a) for any fiscal year quarter beginning on or after October 1, 2017.

(d) **REPEAL OF OBSOLETE AUTHORITY.**—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is repealed.

#### Subtitle C—Naval Vessels and Shipyards

##### SEC. 1021. RETIREMENT OF NAVAL VESSELS.

(a) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report that sets forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines.

(b) **ADDITIONAL REPORT ELEMENT IF LESS THAN 313 VESSELS REQUIRED.**—If the number of combatant vessels for the Navy (including submarines) specified as being required in the report under subsection (a) is less than 313 combatant vessels, the report shall include a justification for the number of vessels specified as being so required and the rationale by which the number of vessels is considered consistent with applicable strategic guidance issued by the President and the Secretary of Defense in 2012.

##### SEC. 1022. TERMINATION OF A MARITIME PREPOSITIONING SHIP SQUADRON.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Chief of Naval Operations and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report setting forth an assessment of the Marine Corps Prepositioning Program–Norway and the capability of that program to address any readiness gaps that will be created by the termination of Maritime Prepositioning Ship Squadron One in the Mediterranean.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A detailed description of the time required to transfer stockpiles onto Navy vessels for use in contingency operations.

(B) A comparison of the response time of the Marine Corps Prepositioning Program–Norway with the current response time of Maritime Prepositioning Ship Squadron One.

(C) A description of the equipment stored in the stockpiles of the Marine Corps Prepositioning Program–Norway, and an assessment of the differences, if any, between that equipment and the equipment of a Maritime Prepositioning Ship squadron.

(D) A description and assessment of the current age and state of maintenance of the equipment of the Marine Corps Maritime Prepositioning Program–Norway.

(E) A plan to address the equipment shortages and modernization needs of the Marine Corps Maritime Prepositioning Program–Norway.

(b) **LIMITATION ON AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated by this Act may not be obligated or expended to terminate a Maritime Prepositioning Ship squadron until the date of the submittal to the congressional defense committees of the report required by subsection (a).

##### SEC. 1023. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.

(a) **FINDINGS.**—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an oceans.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce;

(3) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and

(4) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

##### SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) **NOTICE TO CONGRESS.**—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date

on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) **EFFECTIVE DATE.**—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

#### Subtitle D—Counterterrorism

##### SEC. 1031. EXTENSION OF CERTAIN PROHIBITIONS AND REQUIREMENTS RELATING TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN US FOR TRANSFER OF DETAINEES.**—Section 1026(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1566) is amended by inserting “or 2013” after “fiscal year 2012”.

(b) **REQUIREMENTS FOR CERTIFICATIONS ON TRANSFERS OF DETAINEES TO FOREIGN COUNTRIES OR ENTITIES.**—Section 1028(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note) is amended by inserting “or 2013” after “fiscal year 2012”.

##### SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

##### SEC. 1033. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

#### Subtitle E—Miscellaneous Authorities and Limitations

##### SEC. 1041. ENHANCEMENT OF RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF REGARDING THE NATIONAL MILITARY STRATEGY.

(a) **IN GENERAL.**—Subsection (b) of section 153 of title 10, United States Code, is amended to read as follows:

“(b) NATIONAL MILITARY STRATEGY.—

“(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this subsection. The Chairman shall complete preparation of the National Military Strategy or update in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands.

“(C) Each National Military Strategy (or update) submitted under this paragraph shall refer to and support each of the following:

“(i) The most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

“(ii) The most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title.

“(iii) The most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title.

“(iv) Any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) Each National Military Strategy (or update) submitted under this paragraph shall do the following:

“(i) Describe the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.

“(ii) Describe the threats, such as international, regional, transnational, hybrid, terrorism, cyber-attack, weapons of mass destruction, asymmetric challenges, and any other categories of threats identified by the Chairman, to the United States national security.

“(iii) Identify the United States national military objectives and the relationship of those objectives to the strategic environment and to the threats described under clause (ii).

“(iv) Identify the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (iii).

“(v) Identify the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, impact the strategy.

“(vi) Identify the implications of current force planning and sizing constructs for the strategy.

“(vii) Identify and assess the capacity, capabilities, and availability of United States forces (including both the regular and reserve components) to support the execution of missions required by the strategy.

“(viii) Identify areas in which the armed forces intends to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy.

“(ix) Identify and assess potential areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization (NATO)), international allies, or other friendly nations in the execution of missions required by the strategy.

“(x) Identify and assess the requirements for contractor support to the armed forces for conducting training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy.

“(xi) Identify the assumptions made with respect to each of clauses (i) through (x).

“(E) Each update to a National Military Strategy under this paragraph shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of a comprehensive review conducted in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, that a modification is needed.

“(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the ‘Risk Assessment of the Chairman of the Joint Chiefs of Staff’. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) The Risk Assessment shall do the following:

“(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions in the National Military Strategy.

“(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

“(iii) Identify and define levels of risk distinguishing between the concepts of probability and consequences, including an identification of what constitutes ‘significant’ risk in the judgment of the Chairman.

“(iv) Identify and assess risk in the National Military Strategy by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time, and, for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

“(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy about the contributions or support of—

“(I) other departments and agencies of the United States Government (including their capabilities and availability);

“(II) alliances, allies, and other friendly nations, (including their capabilities, availability, and interoperability); and

“(III) contractors.

“(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.

“(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

“(B) Not later than February 15 each year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the Risk Assessment prepared under paragraph (2) in such year.

“(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—(A) In transmitting a National Military

Strategy (or update) or Risk Assessment to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

“(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

“(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

“(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.”

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

#### SEC. 1042. MODIFICATION OF AUTHORITY ON TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) AUTHORITY TO PAY FOR MINOR MILITARY CONSTRUCTION IN CONNECTION WITH TRAINING.—Subsection (a) of section 2011 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Expenses of minor military construction directly related to that training with such expenses payable from amounts available to the commander for unspecified minor military construction, except that—

“(A) the amount of any project for which such expenses are so payable may not exceed \$250,000; and

“(B) the total amount of such expenses so paid in any fiscal year may not exceed \$2,000,000.”

(b) PURPOSES OF TRAINING.—Subsection (b) of such section is amended to read as follows:

“(b) PURPOSES OF TRAINING.—The purposes of the training for which payment may be made under subsection (a) shall be as follows:

“(1) To train the special operations forces of the combatant command.

“(2) In the case of a commander of a combatant command having a geographic area of responsibility, to train the military forces and other security forces of a friendly foreign country in a manner consistent with the Theater Campaign Plan of the commander for that geographic area.”

(c) PRIOR APPROVAL.—Subsection (c) of such section is amended by inserting before the period at the end of the second sentence the following: “, or, in the case of training activities carried out after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the approval of the Secretary of Defense, in coordination with the Secretary of State”.

(d) REPORTS.—Subsection (e) of such section is amended—

(1) in paragraph (3)—

(A) by inserting “or other security” after “foreign” the first place it appears; and

(B) by striking “foreign military personnel” and inserting “such foreign personnel”;

(2) in paragraph (4)—

(A) by striking “and military training activities” and inserting “military training activities”; and

(B) by inserting before the period at the end the following: “, and training programs sponsored by the Department of State”;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following new paragraph (6):

“(6) A description of any minor military construction projects for which expenses were paid, including a justification of the benefits of each such project to training under this section.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the of the enactment of this Act. The amendments made by subsection (d) shall apply with respect to any reports submitted under subsection (e) of section 2011 of title 10, United States Code (as so amended), after that date.

**SEC. 1043. EXTENSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.**

(a) **EXTENSION.**—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2020”.

(b) **APPLICATION TO ALL SEGMENTS OF CRAFT.**—Such section is further amended—

(1) in subsection (a)(3), by striking “passenger”; and

(2) in subsection (j), by striking “, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel”.

**SEC. 1044. PARTICIPATION OF VETERANS IN THE TRANSITION ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—Each veteran, during the one-year period beginning on the date on which the veteran is discharged or separated from service in the Armed Forces, shall be authorized to participate in the Transition Assistance Program (TAP) of the Department of Defense.

(b) **SCOPE OF AUTHORIZED PARTICIPATION.**—As part of their participation in the Transition Assistance Program pursuant to this section, veterans shall be authorized to receive the following:

(1) Transition assistance counseling under the program at any military installation at which transition assistance counseling is being provided to members of the Armed Forces under the program.

(2) Ongoing access to the electronic materials and information provided as part of the Transition Assistance Program, including access after the end of the one-year period of participation under subsection (a).

(c) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding regarding the participation of veterans in the Transition Assistance Program pursuant to this section. The memorandum of understanding shall provide for the access of veterans to military installations for purposes of participation in the Transition Assistance Program and such other matters as such Secretaries jointly consider appropriate for purposes of this section.

(d) **DEFINITIONS.**—In this section:

(1) The term “Transition Assistance Program” means the program carried out by the Department of Defense under sections 1142 and 1144 of title 10, United States Code.

(2) The term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

**SEC. 1045. MODIFICATION OF THE MINISTRY OF DEFENSE ADVISOR PROGRAM.**

(a) **IN GENERAL.**—Subsection (a) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1599; 10 U.S.C. 168 note) is amended by inserting—

(1) in the matter preceding paragraph (1), by inserting “, regional organizations with defense or security components, and international organizations of which the United States is a member” after “foreign countries”; and

(2) by inserting “or organization” after “ministry” both places it appears.

(b) **REPORTS.**—Subsection (c) of such section is amended—

(1) by inserting “or organizations” after “defense ministries” both places it appears; and

(2) by striking paragraph (7).

(c) **CONFORMING AMENDMENT.**—The heading of such section is amended to read as follows:

**“SEC. 1081. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND CERTAIN REGIONAL AND INTERNATIONAL ORGANIZATIONS.”.**

**SEC. 1046. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.**

(a) **FINDINGS ON JOINT DEPARTMENT OF DEFENSE FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.**—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

“(9) Collaboration of scientific and technical personnel and sharing of technical information, test results, and resources where available from the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense, the National Aeronautics and Space Administration and other public agencies to the National Airspace System.”.

(b) **INTERAGENCY COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(2) **ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.**—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

(3) **NONDUPLICATIVE EFFORTS.**—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

(4) **REPORTS.**—

(A) **REQUIREMENT.**—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administra-

tion and the National Aeronautics and Space Administration and

(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace.

(B) **TERMINATION.**—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(c) **UAS EXECUTIVE COMMITTEE DEFINED.**—In this section, the term “UAS Executive Committee” means the National Aeronautics and Space and Administration and the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 1047. SENSE OF SENATE ON NOTICE TO CONGRESS ON UNFUNDED PRIORITIES.**

It is the sense of the Senate that—

(1) not later than 45 days after the submittal to Congress of the budget for a fiscal year under section 1105(a) of title 31, United States Code, each officer specified in paragraph (2) should, through the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, submit to the congressional defense committees a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability;

(2) the officers specified in this paragraph are—

- (A) the Chief of Staff of the Army;
- (B) the Chief of Naval Operations;
- (C) the Chief of Staff of the Air Force;
- (D) the Commandant of the Marine Corps;

and

(E) the Commander of the United States Special Operations Command; and

(3) each list, if any, under paragraph (1) should set forth for each military program or activity on such list—

- (A) a description of such program or activity;
- (B) a summary description of the justification for or objectives of additional funds, if available for such program or activity; and

(C) the additional amount of funds recommended in connection with the justification or objectives described for such program or activity under subparagraph (B).

**SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.**

(a) **NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.**—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”; and

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”; and

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) **UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.**—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”; and

(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

#### SEC. 1049. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§993. Military working dogs: veterinary care for retired military working dogs

“(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

“(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

“(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“993. Military working dogs: veterinary care for retired military working dogs.”.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

#### SEC. 1050. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSBORONEXPORT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

#### SEC. 1051. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

#### SEC. 1052. TRANSITION ASSISTANCE ADVISOR PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

#### “§1144a. Transition Assistance Advisors

“(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

“(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

“(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(2) At any time not covered by paragraph (1)—

“(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

“(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

“(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

“(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

“(B) A description of the transition services that the member and the member’s family will

need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

“(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

“(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

“(e) FUNDING.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from amounts authorized to be appropriated for operations and maintenance for the National Guard for that fiscal year.

“(f) STATE DEFINED.—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United States.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

“1144a. Transition Assistance Advisors.”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

#### Subtitle F—Reports

#### SEC. 1061. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the following:

(1) An assessment of the feasibility and advisability of obtaining a Federal Aviation Administration certification for commercial use of each of the following:

(A) A commercial variant of the C-17 aircraft.

(B) A retired C-17A aircraft.

(C) A retired C-5A aircraft.

(2) An assessment of the current limitations of the aircraft of the Civil Reserve Air Fleet.

(3) An assessment of the potential for using the aircraft referred to in paragraph (1) in the Civil Reserve Air Fleet.

(4) An assessment of the advantages of adding the aircraft referred to in paragraph (1) to the Civil Reserve Air Fleet.

(5) An update on the status of any cooperation between the Federal Aviation Administration and the Department of Defense on the certification of the aircraft referred to in paragraph (1).

(6) A description of all actions required, including any impediments to such actions, to offering retired C-5A aircraft or retired C-17A aircraft as excess defense articles to United States allies or for sale to Civil Reserve Air Fleet carriers.

(7) A description of the actions required for interested allies or Civil Reserve Air Fleet carriers to take delivery of excess C-5A aircraft or excess C-17A aircraft, including the actions, modifications, or demilitarization necessary for such recipients to take delivery of such aircraft, and provisions for permitting such recipients to undertake responsibility for such actions, to the maximum extent practicable.

#### SEC. 1062. REPEAL OF BIENNIAL REPORT ON THE GLOBAL POSITIONING SYSTEM.

Section 2281 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

**SEC. 1063. REPEAL OF ANNUAL REPORT ON THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.**

Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1664; 50 U.S.C. 2367) is repealed.

**SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.**

(a) FINDINGS.—Congress makes the following findings:

(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous byproducts to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

**SEC. 1065. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

**SEC. 1066. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) CONTENT.—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

**SEC. 1067. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.**

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chair-

man's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

**SEC. 1068. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

**SEC. 1069. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.**

(a) STUDY REQUIRED.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:



(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

**SEC. 1069A. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.**

(a) **INDEPENDENT STUDY REQUIRED.**—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) **ELEMENTS.**—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as “G readiness” and “G tolerance”).

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) **REPORT.**—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) **TRANSMITTAL TO CONGRESS.**—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any

comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

**SEC. 1069B. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1069C. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

**Subtitle G—Nuclear Matters**

**SEC. 1071. STRATEGIC DELIVERY SYSTEMS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Nuclear Posture Review of 2010 said, with respect to modernizing the triad, “for planned reductions under New START, the United States should retain a smaller Triad of SLBMs, ICBMs, and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The Senate stated in Declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty that “In accordance with paragraph 1 of Article V of the New START Treaty, which states that, ‘Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,’ it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) The Senate required the President, prior to the entry into force of the New START Treaty, to certify to the Senate that the President intended to modernize or replace the triad of strategic nuclear delivery systems.

(4) The President made this certification in a message to the Senate on February 2, 2011, in which the President stated, “I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base”.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 491. Strategic delivery systems**

“(a) **ANNUAL CERTIFICATION.**—Beginning in fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully funded at levels equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), including plans regarding—

“(1) a heavy bomber and air-launched cruise missile;

“(2) an intercontinental ballistic missile;

“(3) a submarine-launched ballistic missile;

“(4) a ballistic missile submarine; and

“(5) maintaining the nuclear command and control system (as first reported in section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576)).

“(b) **ADDITIONAL REPORT MATTERS FOLLOWING CERTAIN CERTIFICATIONS.**—If the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully funded, the President shall include in the next annual report submitted to Congress under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 the following:

“(1) A determination whether or not the lack of full funding will result in a loss of military capability when compared with the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010.

“(2) If the determination under paragraph (1) is that the lack of full funding will result in a loss of military capability—

“(A) a plan to preserve or retain the military capability that would otherwise be lost; or

“(B) a report setting forth—

“(i) an assessment of the impact of the lack of full funding on the strategic delivery systems specified in subsection (a); and

“(ii) a description of the funding required to restore or maintain the capability.

“(3) A certification by the President whether or not the President is committed to accomplishing the modernization and replacement of



strategic delivery systems and will meet the obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty.

“(c) **TREATMENT OF CERTAIN REDUCTIONS.**—Any certification under subsection (a) shall not take into account the following:

“(1) Reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems.

“(2) Strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘New START Treaty’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

“(2) The term ‘strategic delivery system’ means a delivery system for nuclear weapons.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

“491. Strategic delivery systems.”.

**SEC. 1072. REQUIREMENTS DEFINITION FOR COMBINED WARHEAD FOR CERTAIN MISSILE SYSTEMS.**

Not later than 60 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit Congress a report setting forth a definition of the requirements for a combined warhead for the W-78 Minuteman III missile system and the W-88 Trident D-5 missile system. The definition shall serve as the basis for a 6.1 conception definition and 6.2 feasibility study for the combined systems.

**SEC. 1073. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF NUCLEAR WEAPONS AND DELIVERY SYSTEMS.**

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States.

(2) An estimate of the costs over the 10-year period beginning on the date of the report of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of the report.

**SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.**

(a) **BRIEFINGS.**—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President’s designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) **SENSE OF THE SENATE ON CERTAIN AGREEMENTS.**—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to re-

duce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

**Subtitle H—Other Matters**

**SEC. 1081. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

(a) **REDESIGNATION.**—

(1) **IN GENERAL.**—The Center for Hemispheric Defense Studies is hereby redesignated as the “William J. Perry Center for Hemispheric Defense Studies”.

(2) **REFERENCES.**—Any reference in any law, regulation, map, document, record, or other paper of the United States to the center referred to in paragraph (1) shall be considered to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

(b) **CONFORMING AMENDMENTS.**—Title 10, United States Code, is amended as follows:

(1) In section 184—

(A) in subsection (b)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) The William J. Perry Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.”; and

(B) in subsection (f)(5), by striking “Center for Hemispheric Defense Studies” and inserting “William J. Perry Center for Hemispheric Defense Studies”.

(2) In section 2611(a)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) The William J. Perry Center for Hemispheric Defense Studies.”.

**SEC. 1082. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.**

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 2859(d) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 10503(13)(B) is amended—

(A) by striking clause (iii); and

(B) redesignating clause (iv) as clause (iii).

**SEC. 1083. SENSE OF CONGRESS ON NON-UNITED STATES CITIZENS WHO ARE GRADUATES OF UNITED STATES EDUCATIONAL INSTITUTIONS WITH ADVANCED DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) It is a national security concern that more than half of all graduates with advanced scientific and technical degrees from United States institutions of higher education are non-United States citizens who have very limited opportunities upon graduation to contribute to the science and technology activities of the Department of Defense and the United States defense industrial base.

(2) The capabilities of the Armed Forces are highly reliant upon advanced technologies that provide our forces with a technological edge on the battlefield.

(3) In order to maintain and advance our military technological superiority, the United States requires the best and brightest scientists, mathematicians, and engineers to discover, develop, and field the next generation of weapon systems and defense technologies.

(4) The Department of Defense and the defense industrial base compete with other sectors for a limited number of United States citizens who have appropriate advanced degrees and skills.

(5) While an overarching national priority is to increase the numbers of United States citizens who have appropriate advanced degrees in science, technology, engineering, and mathematics (STEM), it would be beneficial if the Department of Defense and the defense industrial base were able to access the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, many of whom are otherwise returning to their home countries.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress—

(1) that the Department of Defense should make every reasonable and practical effort to increase the number of United States citizens who pursue advanced degrees in science, technology, engineering, and mathematics; and

(2) to strongly urge the Department of Defense to investigate innovative mechanisms (subject to all appropriate security requirements) to access to the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, especially in those scientific and technical areas that are most vital to the national defense (such as those identified by the Assistant Secretary of Defense for Research and Engineering and the Armed Forces).

**SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) **FINDINGS.**—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM” and to “maintain the United States rocket motor industrial base”.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

**SEC. 1085. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the "Texas State Strike Force Team" and the "Fully Developed Claims Team Initiative", is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations "and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans."

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the "TVC is working very, very well" with regional offices of the Department in Texas, calling the Texas Veterans Commission a "very positive story that we can branch out into . . . all of our stakeholders."

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary's overall claims processing transformation plan.

**SEC. 1086. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.**

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

**SEC. 1087. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

Section 2023(d) of title 38, United States Code, is amended by striking "September 30, 2012" and inserting "September 30, 2013".

**SEC. 1088. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military Remembrance.

**SEC. 1089. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.**

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-

Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE REPORT.—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

**SEC. 1090. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking "section 34(d)" and inserting "section 33(d)";

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking "section 35" each place it appears and inserting "section 34";

(ii) in subsection (a)—

(I) in paragraph (2), by striking "section 35(c)(2)(B)" and inserting "section 34(c)(2)(B)";

(II) in paragraph (4), by striking "section 35(c)(2)" and inserting "section 34(c)(2)"; and

(III) in paragraph (5), by striking "section 35(c)" and inserting "section 34(c)"; and

(iii) in subsection (h)(2), by striking "section 35(d)" and inserting "section 34(d)";

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking "section 34" each place it appears and inserting "section 33"; and

(ii) in subsection (c)(1), by striking section "34(c)(1)(E)(ii)" and inserting section "33(c)(1)(E)(ii)";

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking "section 43" and inserting "section 42";

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking "section 43" and inserting "section 42"; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking "section 43" and inserting "section 42".

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking "and the National Veterans Business Development Corporation".

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking "any of the" and all that follows and inserting "any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2)."

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking "section 43 of the Small Business Act, as added by this Act" and inserting "section 42 of the Small Business Act (15 U.S.C. 657o)".

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

**SEC. 1091. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

**SEC. 1092. TRANSPORT FOR FEMALE GENITAL MUTILATION.**

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be

fined under this title or imprisoned not more than 5 years, or both.”.

**SEC. 1093. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

“(A) the transfer of that veterans memorial object is specifically authorized by law; or

“(B) the transfer is made after September 30, 2017.”.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**SEC. 1094. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.**

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense;

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture; and

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) LIMITATION ON NUMBER.—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII of this Act, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agriculture and the Secretary of Homeland Se-

curity shall be afforded equal priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1095. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

**SEC. 1096. PROTECTION OF VETERANS’ MEMORIALS.**

(a) TRANSPORTATION OF STOLEN MEMORIALS.—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans’ memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans’ memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran’s grave, or any monument that signifies an event of national military historical significance.”.

(b) SALE OR RECEIPT OF STOLEN MEMORIALS.—Section 2315 of such title is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans’ memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans’ memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran’s grave, or any monument that signifies an event of national military historical significance.”.

**SEC. 1097. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

**“§ 111A. Transportation of individuals to and from Department facilities**

“(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from

a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.”.

(b) **CONFORMING AMENDMENT.**—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.—” before “The Secretary”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

**SEC. 1098. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS’ HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.**

(a) **IN GENERAL.**—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans’ Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) **COORDINATION AND COOPERATION.**—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) **VETERANS SERVICE ORGANIZATION DEFINED.**—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 1099. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

**SEC. 1099A. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) **IN GENERAL.**—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”.

(b) **CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

**SEC. 1099B. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) **IN GENERAL.**—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver’s license.

“(iii) An emergency medical technician license EMT–B or EMT–I.

“(iv) An emergency medical technician–paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SECTION 1099C. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.**

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”; and

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

**SEC. 1099D. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

**SEC. 1099E. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.**

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

**SEC. 1101. AUTHORITY FOR TRANSPORTATION OF FAMILY HOUSEHOLD PETS OF CIVILIAN PERSONNEL DURING EVACUATION OF NON-ESSENTIAL PERSONNEL.**

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting “and family household pets,” after “personal effects,”; and

(2) by adding at the end the following new subsection:

“(c)(1) Authority under subsection (a) to transport family household pets of an employee includes authority for shipment and the payment of quarantine costs, if any.

“(2) An employee for whom transportation of family household pets is authorized under subsection (a) may be paid reimbursement or a monetary allowance if other commercial transportation means have been used.

“(3) The provision of transportation of family household pets for an employee of the Department of Defense under subsection (a) and the payment of reimbursement under paragraph (2) shall be subject to the same terms and conditions as apply under subsection 406(b)(1)(H)(iii) of title 37 with respect to family household pets of members of the uniformed services, including

limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.”

**SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL AT THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.**

(a) **EXPANSION.**—Section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking “40” and inserting “60”.

(b) **CONSTRUCTION.**—The amendment made by subsection (a) shall not be construed as affecting any applicable authorization or delimitation of the numbers of personnel that may be employed at the Defense Advanced Research Projects Agency.

**SEC. 1103. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and amended by section 1112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1616), is further amended by striking “2013” and inserting “2014”.

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) **INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.**—

(1) **LAW ENFORCEMENT OFFICERS.**—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) **OTHER POSITIONS.**—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) **ELIGIBILITY FOR ANNUITY.**—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol

Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(c) **MANDATORY SEPARATION.**—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) **COMPUTATION OF BASIC ANNUITY.**—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”; and

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.

“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(e) **EFFECTIVE DATE.**—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

**Subtitle A—Assistance and Training**

**SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND MODIFICATION OF NOTICE IN CONNECTION WITH INITIATION OF ACTIVITIES.**

(a) **EXTENSION.**—Subsection (g) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as most recent amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1622), is further amended—

(1) by striking “September 30, 2013” and inserting “September 30, 2014”; and

(2) by striking “fiscal years 2006 through 2013” and inserting “fiscal years 2006 through 2014”.

(b) **MODIFICATION OF NOTICE.**—

(1) **IN GENERAL.**—Subsection (e)(2) of such section 1206, as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2418), is further amended by adding at the end the following new subparagraph:

“(D) Detailed information (including the amount and purpose) on the assistance provided the country during the three preceding fiscal years under each of the following programs or accounts:

“(i) A program under this section.

“(ii) The Foreign Military Financing program under the Foreign Assistance Act of 1961.

“(iii) Peacekeeping Operations.

“(iv) The International Narcotics Control and Law Enforcement (INCLE) program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

“(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).”

(2) **APPLICABILITY.**—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any country in which activities are initiated under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 on or after that date.

**SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.**

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking “September 30, 2012” and inserting “September 30, 2017”.

**SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES IN YEMEN AND EAST AFRICA.**

(a) **AUTHORITY.**—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance as follows:

(1) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(2) To enhance the capacity of the national military forces, security agencies serving a similar defense function, other counterterrorism forces, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(3) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(b) **TYPES OF ASSISTANCE.**—

(1) **AUTHORIZED ELEMENTS.**—Assistance under subsection (a) may include the provision of

equipment, supplies, training, and minor military construction.

(2) **REQUIRED ELEMENTS.**—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any other provision of law.

(4) **LIMITATIONS ON MINOR MILITARY CONSTRUCTION.**—The total amount that may be obligated and expended on minor military construction under subsection (a) in any fiscal year may not exceed amounts as follows:

(A) In the case of minor military construction under paragraph (1) of subsection (a), \$10,000,000.

(B) In the case of minor military construction under paragraphs (2) and (3) of subsection (a), \$10,000,000.

(c) **FUNDING.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance—

(A) not more than \$75,000,000 may be used to provide assistance under paragraph (1) of subsection (a); and

(B) not more than \$75,000,000 may be used to provide assistance under paragraphs (2) and (3) of subsection (a).

(2) **AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.**—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) **NOTICE TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) **COMMITTEES OF CONGRESS.**—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(e) **EXPIRATION.**—Except as provided in subsection (c)(2), the authority provided under subsection (a) may not be exercised after the earlier of—

(1) the date on which the Global Security Contingency Fund achieves full operational capability; or

(2) September 30, 2014.

#### **SEC. 1204. LIMITATION ON AVAILABILITY OF FUNDS FOR STATE PARTNERSHIP PROGRAM.**

(a) **LIMITATION.**—Of the amounts authorized to be appropriated by this Act and available for the State Partnership Program, not more than 50 percent may be obligated or expended for that Program until the latter of the following:

(1) The date on which the Secretary of Defense submits to the appropriate congressional committees the final regulations required by subsection (a) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note).

(2) The date on which the Secretary of Defense certifies to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341 of title 31, United States Code (commonly referred to as the “Anti-Deficiency Act”), in the future.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” has the meaning given that term in subsection (d) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010.

#### **Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

#### **SEC. 1211. COMMANDERS’ EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.**

(a) **ONE-YEAR EXTENSION.**—

(1) **IN GENERAL.**—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended by striking “fiscal year 2012” each place it appears and inserting “fiscal year 2013”.

(2) **CONFORMING AMENDMENT.**—The heading of subsection (a) of such section is amended by striking “FISCAL YEAR 2012” and inserting “FISCAL YEAR 2013”.

(b) **AMOUNT OF FUNDS AVAILABLE DURING FISCAL YEAR 2013.**—Subsection (a) of such section is further amended by striking “\$400,000,000” and inserting “\$200,000,000”.

#### **SEC. 1212. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY CO-OPERATION IN IRAQ.**

(a) **LIMITATION ON AMOUNT OF FUNDS FOR FISCAL YEAR 2013.**—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note) is amended by striking “in fiscal year 2012” and all that follows and inserting “may not exceed amounts as follows:

“(1) In fiscal year 2012, \$524,000,000.

“(2) In fiscal year 2013, \$508,000,000.”

(b) **SOURCE OF FUNDS.**—Subsection (d) of such section is amended by inserting “or 2013” after “fiscal year 2012”.

#### **SEC. 1213. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**

(a) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011–12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) **EXTENSION OF AUTHORITY.**—Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392), as amended by section 1216 of

the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) in subsection (a)—

(A) by striking “\$50,000,000” and inserting “\$35,000,000”; and

(B) by striking “in each of fiscal years 2011 and 2012” and inserting “for fiscal year 2013”; and

(2) in subsection (e)—

(A) by striking “utilize funds” and inserting “obligate funds”; and

(B) by striking “December 31, 2012” and inserting “December 31, 2013”.

#### **SEC. 1214. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393), as amended by section 1217(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) **IN GENERAL.**—Subject to paragraph (2), to carry out the program authorized under subsection (a), the Secretary of Defense may use amounts as follows:

“(A) Up to \$400,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2012.

“(B) Up to \$350,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2013.”;

(2) in paragraph (2)—

(A) by striking “85 percent” and inserting “50 percent”;

(B) by inserting “for a fiscal year after fiscal year 2011” after “in paragraph (1)”; and

(C) by striking “fiscal year 2012.” and inserting “such fiscal year, including for each project to be initiated during such fiscal year the following:

“(A) An estimate of the financial and other requirements necessary to sustain such project on an annual basis after the completion of such project.

“(B) An assessment whether the Government of Afghanistan is committed to and has the capacity to maintain and use such project after its completion.

“(C) A description of any arrangements for the sustainment of such project following its completion if the Government of Afghanistan lacks the capacity (in either financial or human resources) to maintain such project.”; and

(3) in paragraph (3), by adding at the end the following new subparagraph:

“(C) In the case of funds for fiscal year 2013, until September 30, 2014.”.

#### **SEC. 1215. EXTENSION OF PAKISTAN COUNTER-INSURGENCY FUND.**

(a) **EXTENSION.**—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking “September 30, 2012” each place it appears and inserting “September 30, 2013”.

(b) **EXTENSION OF LIMITATION ON FUNDS PENDING REPORT.**—Section 1220(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1633) is amended by striking “fiscal year 2013” and inserting “fiscal year 2013”.



**SEC. 1216. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended—

(1) by striking “for fiscal year 2012” and

(2) by inserting “, during the period ending on September 30, 2013,” after “Secretary of Defense may”.

(b) **LIMITATION ON AMOUNTS AVAILABLE.**—Subsection (d) of such section, as so amended, is further amended—

(1) by striking “during fiscal year 2012 may not exceed \$1,690,000,000” and inserting “may not exceed \$1,750,000,000 during fiscal year 2013, except that reimbursements made during fiscal year 2013 for support provided by Pakistan before May 1, 2011, using funds available for that purpose before fiscal year 2013 shall not count against this limitation”; and

(2) by adding at the end the following new paragraph:

“(3) **PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSSHIPMENT.**—Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, funds (including funds from a prior fiscal year that remain available for obligation) may not be used for reimbursements under the authority in subsection (a) for Pakistan for claims of support provided during any period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.”.

(c) **SUPPORTED OPERATIONS.**—Such section is further amended in subsections (a)(1) and (b) by striking “Operation Iraqi Freedom or”.

(d) **LIMITATION ON REIMBURSEMENT OF PAKISTAN IN FISCAL YEAR 2013 PENDING CERTIFICATION ON PAKISTAN.**—

(1) **IN GENERAL.**—Effective as of the date of the enactment of this Act, no amounts authorized to be appropriated by this Act, and no amounts authorized to be appropriated for fiscal years before fiscal year 2013 that remain available for obligation, may be used for reimbursements of Pakistan under the authority in subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended, until the Secretary of Defense certifies to the congressional defense committees each of the following:

(A) That Pakistan has opened and is maintaining security along the ground lines of supply through Pakistan to Afghanistan for the transshipment of equipment and supplies in support of United States military operations in Afghanistan.

(B) That Pakistan is not providing support to militant extremists groups (including the Haqqani Network and the Afghan Taliban Quetta Shura) located in Pakistan and conducting cross-border attacks against United States, coalition, or Afghanistan security forces, and is taking actions to prevent such groups from basing and operating in Pakistan.

(C) That Pakistan is demonstrating a continuing commitment, and is making significant efforts toward the implementation of a strategy, to counter improvised explosive devices, including efforts to attack improvised explosive device networks, monitor known precursors used in improvised explosive devices, and develop and implement a strict protocol for the manufacture of explosive materials (including calcium ammonium nitrate) and accessories and for their supply to legitimate end users.

(D) That Pakistan is demonstrably cooperating with United States counterterrorism efforts, including by not detaining, prosecuting, or imprisoning citizens of Pakistan as a result of their cooperation with such efforts, including Dr. Shakil Afridi.

(2) **WAIVER AUTHORITY.**—The Secretary may waive the limitation in paragraph (1) if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

**SEC. 1217. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.**

(a) **EXTENSION.**—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 111–181; 122 Stat. 394), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1629), is further amended by striking “fiscal year 2012” each place it appears and inserting “fiscal year 2013”.

(b) **REPEAL OF AUTHORITY FOR USE OF FUNDS IN CONNECTION WITH IRAQ.**—

(1) **IN GENERAL.**—Subsection (a) of such section 1234, as so amended, is further amended by striking “Iraq and”.

(2) **CONFORMING AMENDMENT.**—The heading of such section 1234 is amended by striking “Iraq and”.

**SEC. 1218. STRATEGY FOR SUPPORTING THE ACHIEVEMENT OF A SECURE PRESIDENTIAL ELECTION IN AFGHANISTAN IN 2014.**

(a) **STRATEGY REQUIRED.**—The Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy to support the Government of Afghanistan in its efforts to achieve a secure presidential election in Afghanistan in 2014.

(b) **ELEMENTS.**—The strategy shall include support to the Government of Afghanistan for the following:

(1) The identification and training of an adequate number of personnel within the current existing end strength of the Afghanistan National Security Forces (ANSF) for security of polling stations, election materials, and protection of election workers and officials.

(2) The recruitment and training of an adequate number of female personnel in the Afghanistan National Security Forces to afford equitable access to polls for women, secure polling stations, and secure locations for counting and storing election materials.

(3) The securing of freedom of movement and communications for candidates before and during the election.

(c) **FUNDING RESOURCES.**—In developing the strategy, the Secretary shall identify, from among funds currently available to the Department of Defense for activities in Afghanistan, the funds required to execute the strategy.

**SEC. 1219. INDEPENDENT ASSESSMENT OF THE AFGHAN NATIONAL SECURITY FORCES.**

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—The Secretary of Defense shall provide for the conduct of an independent assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces (ANSF) capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(b) **CONDUCT OF ASSESSMENT.**—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) **ELEMENTS.**—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of the likely internal and regional security environment for Afghanistan over the next decade, including challenges and threats to the security and sovereignty of Afghanistan from state and non-state actors.

(2) An assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(3) An assessment of any capability gaps in the Afghan National Security Forces that are likely to persist after 2014 and that will require continued support from the United States and its allies.

(4) An assessment whether current proposals for the resourcing of the Afghan National Security Forces after 2014 are adequate to establish and maintain long-term security for the Afghan people, and implications of the under-resourcing of the Afghan National Security Forces for United States national security interests.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary and the congressional defense committees a report containing its findings as a result of the assessment. The report shall be submitted in unclassified form, but may include a classified annex.

(e) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to \$1,000,000 shall be made available for the assessment required by subsection (a).

(f) **AFGHAN NATIONAL SECURITY FORCES.**—For purposes of this section, the Afghan National Security Forces shall include all forces under the authority of the Afghan Ministry of Defense and Afghan Ministry of Interior, including the Afghan National Army, the Afghan National Police, the Afghan Border Police, the Afghan National Civil Order Police, and the Afghan Local Police.

**SEC. 1220. REPORT ON AFGHANISTAN PEACE AND REINTEGRATION PROGRAM.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the Afghanistan Peace and Reintegration Program (APRP).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the goals and objectives of the Afghanistan Peace and Reintegration Program.

(2) A description of the structure of the Program at the national and sub-national levels in Afghanistan, including the number and types of vocational training and other education programs.

(3) A description of the activities of the Program as of the date of the report.

(4) A description and assessment of the procedures for vetting individuals seeking to participate in the Program, including an assessment of



the extent to which biometric identification systems are used and the role of provincial peace councils in such procedures.

(5) The amount of funding provided by the United States, and by the international community, to support the Program, and the amount of funds so provided that have been distributed as of the date of the report.

(6) An assessment of the individuals who have been reintegrated into the Program, set forth in terms as follows:

(A) By geographic distribution by province.

(B) By number of each of low-level insurgent fighters, mid-level commanders, and senior commanders.

(C) By number confirmed to have been part of the insurgency.

(D) By number who are currently members of the Afghan Local Police.

(E) By number who are participating in or have completed vocational training or other educational programs as part of the Program.

(7) A description and assessment of the procedures for monitoring the individuals participating in the Program.

(8) A description and assessment of the role of women and minority populations in the implementation of the Program.

(9) An assessment of the effectiveness of the activities of the Program described under paragraph (3) in achieving the goals and objectives of the Program.

(10) Such recommendations as the Secretary of Defense considers appropriate for improving the implementation, oversight, and effectiveness of the Program.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President’s stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

**SEC. 1222. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional *loya jirga* in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.”

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world.”

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan’s international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

**SEC. 1223. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107–40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons,

in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the “Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan”, which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1224. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.**

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) **EXEMPTIONS.**—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) **CONSTRUCTION EQUIPMENT.**—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

#### **Subtitle C—Reports**

### **SEC. 1231. REVIEW AND REPORTS ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF AND PARTNER WITH FOREIGN SECURITY FORCES.**

(a) **REVIEW.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall conduct a review of the efforts of the Department of Defense to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(2) **ELEMENTS.**—The review required by this subsection shall include the following:

(A) An examination of the ways in which the efforts of the Department to build the capacity of, or partner with, foreign security forces directly support implementation of current national defense and security strategies.

(B) An assessment of the range of effects that efforts of the Department to build the capacity of, or partner with, foreign security forces are designed to achieve in support of current national defense and security strategies.

(C) An assessment of the criteria used for prioritizing such efforts in support of national defense and security strategies.

(D) An identification of the authorities the Department currently uses to implement such efforts, together with an assessment of the adequacy of such authorities.

(E) An assessment of the capabilities required by the Department to implement such efforts.

(F) An assessment of the most effective distribution of the roles and responsibilities for such efforts within the Department, together with an assessment whether the Department military and civilian workforce is appropriately sized and shaped to meet the requirements of such efforts.

(G) An evaluation of current measures of the Department for assessing activities of the Department designed to build the capacity of, or partner with, foreign security forces, including an assessment whether such measures address the extent to which such activities directly support the priorities of national defense and security strategies.

(H) An identification of recommendations for clarifying or improving the guidance and assessment measures of the Department relating to its

efforts to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(3) **REPORT.**—Not later than 90 days after the completion of the review required by this subsection, the Secretary of Defense shall submit to the congressional defense committees a report containing the result of the review.

(b) **STRATEGIC GUIDANCE ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD PARTNER CAPACITY AND OTHER PARTNERSHIP INITIATIVES.**—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the following:

(1) An assessment, taking into account the recommendations of the Defense Policy Board in the review required by subsection (a), of the efforts of the Department of Defense to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies.

(2) Strategic guidance for the Department for its efforts to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies, which guidance shall address—

(A) the ways such efforts directly support the goals and objectives of national defense and security strategies;

(B) the criteria to be used for prioritizing activities to implement such efforts in support of national defense and security strategies;

(C) the measures to be used to assess the effects achieved by such efforts and the extent to which such effects support the objectives of national defense and security strategies;

(D) the appropriate roles and responsibilities of the Armed Forces, the Defense Agencies, and other components of the Department in conducting such efforts; and

(E) the relationship of Department workforce planning with the requirements for such efforts.

### **SEC. 1232. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended—

(1) in subsection (b)—

(A) by amending paragraph (9) to read as follows:

“(9) Developments in China’s asymmetric capabilities, including efforts to develop and deploy cyberwarfare and electronic warfare capabilities, and associated activities originating or suspected of originating from China. This discussion of these developments shall include—

“(A) the nature of China’s cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof, and the potential harms;

“(B) a description of China’s strategy for use and potential targets of offensive cyberwarfare and electronic warfare capabilities;

“(C) details on the number of malicious cyber incidents emanating from Internet Protocol addresses in China, including a comparison of the number of incidents during the reporting period to previous years; and

“(D) details regarding the specific People’s Liberation Army; state security; research and academic; state-owned, associated, or other commercial enterprises; and other relevant actors involved in supporting or conducting cyberwarfare and electronic warfare activities and capabilities.”;

(B) by redesignating paragraphs (10), (11), and (12) as paragraphs (15), (16), and (17) respectively;

(C) by inserting after paragraph (9) the following new paragraphs:

“(10) The strategy and capabilities of Chinese space programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

“(11) Developments in China’s nuclear capabilities, which shall include the following:

“(A) The size and state of China’s nuclear stockpile.

“(B) A description of China’s nuclear strategy and associated doctrines.

“(C) A description of the quantity, range, payload features, and location of China’s nuclear missiles and the quantity and operational status of their associated launchers or platforms.

“(D) An analysis of China’s efforts to use electromagnetic pulse.

“(E) Projections of possible future Chinese nuclear arsenals, their capabilities, and associated doctrines.

“(F) A description of China’s fissile material stockpile and civil and military production capabilities and capacities.

“(G) A discussion of any significant uncertainties or knowledge gaps surrounding China’s nuclear weapons program and the potential implications of any such knowledge gaps for the security of the United States and its allies.

“(12) A description of China’s anti-access and area denial capabilities.

“(13) A description of China’s command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China’s precision guided weapons.

“(14) A description of China’s maritime activities, including—

“(A) China’s response to Freedom of Navigation activities conducted by the Department of Defense;

“(B) an account of each time People’s Liberation Army Navy vessels have transited outside the First Island Chain, including the type of vessels that were involved; and

“(C) the role of China’s maritime law enforcement vessels in maritime incidents, including details regarding any collaboration between China’s law enforcement vessels and the People’s Liberation Army Navy.”; and

(D) by adding after paragraph (17), as redesignated by subparagraph (B), the following new paragraphs:

“(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attaché offices around the world and military education programs conducted in China for other countries or in other countries for the Chinese.

“(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People’s Republic of China, including a forecast of possible future sales and transfers, and a description of the implications of those sales and transfers for the security of the United States and its friends and allies in Asia. The information under this paragraph shall include—

“(A) the extent of the People’s Republic of China’s knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to receiving states;

“(B) the extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People’s Republic of China;

“(C) an itemization of significant sales and transfers of military hardware, expertise, or technology that have taken place during the reporting period;

“(D) significant assistance by any selling state to key research and development programs in China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

“(E) significant assistance by the People’s Republic of China to the research and development programs of purchasing or receiving states, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

“(F) the extent to which arms sales to or from the People’s Republic of China are a source of funds for military research and development or procurement programs in China or the selling state;

“(G) a discussion of the ability of the People’s Liberation Army to assimilate such sales or transfers, mass produce new equipment, and develop doctrine for use; and

“(H) a discussion of the potential threat of developments related to such sales on the security interests of the United States and its friends and allies in Asia.”; and

(2) by amending subsection (d) to read as follows:

“(d) **COMBATANT COMMANDER ASSESSMENT.**—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an assessment of the Commander of the United States Pacific Command on the following matters:

“(1) Any gaps in intelligence that limit the ability of the Commander to address challenges posed by the People’s Republic of China.

“(2) Any gaps in the capabilities, capacity, and authorities of the Commander to address challenges posed by the People’s Republic of China to the United States Armed Forces and United States interests in the region.

“(3) Any other matters the Commander considers to be relevant.”.

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

**SEC. 1234. REPORTS ON SYRIA.**

(a) **REPORT ON OPPOSITION GROUPS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside

and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) **REPORT ON WEAPONS STOCKPILES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of Defense shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) **REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA’S POLITICAL OPPOSITION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria’s political opposition.

(d) **FORM.**—The reports required by this section may be submitted in a classified form.

**SEC. 1235. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) **NATURE OF MILITARY ACTIVITIES.**—

(1) **PRINCIPAL PURPOSE.**—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **ADDITIONAL GOALS.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) **ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.**—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) **NO AUTHORIZATION FOR USE OF MILITARY FORCE.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

**Subtitle D—Other Matters**

**SEC. 1241. IMPROVED ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES’ PROGRAM.**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

**“§168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries**

“(a) **AUTHORITY.**—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies’ Program (in this section referred to as the ‘Program’), the Secretary of Defense may, with the concurrence of the Secretary of State, enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.

“(b) **PARTICIPATING COUNTRIES.**—In addition to the United States, the countries participating in the Program are the following:

“(1) Australia.

“(2) Canada.

“(3) New Zealand.

“(4) The United Kingdom.

“(c) **CONTRIBUTIONS BY PARTICIPANTS.**—(1) An agreement under subsection (a) shall provide that each participating country shall contribute to the Program—

“(A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program; and

“(B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

“(2) Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

“(3) Any contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

“(4) Any contribution received by the United States from another participating country to meet that country’s share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

“(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

“(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

“(C) Payments for any monetary claim against a participating country as a result of the participation of that country in the Program.

“(D) Payments or reimbursements of other Program expenses, including overhead and administrative costs for any administrative office for the Program.

“(E) Refunds to other participating countries.

“(5) Costs for the operation of any office established to carry out the Program shall be borne jointly by the participating countries as provided for in an agreement referred to in subsection (a).

“(d) **AUTHORITY TO CONTRACT FOR PROGRAM ACTIVITIES.**—As part of the participation by the United States in the Program, the Secretary of Defense may enter into contracts or incur other

obligations on behalf of the other participating countries for activities under the Program. Any payment for such a contract or other obligation under this subsection may be paid only from contributions credited to an appropriation under subsection (c)(4).

“(e) **DISPOSAL OF PROPERTY.**—As part of the participation by the United States in the Program, the Secretary of Defense may, with respect to any property that is jointly acquired by the countries participating in the Program, agree to the disposal of the property without regard to any law of the United States that is otherwise applicable to the disposal of property owned by the United States. Such disposal may include the transfer of the interest of the United States in the property to one or more of the other participating countries or the sale of the property. Reimbursement for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).

“(f) **SUNSET.**—Any agreement entered into by the United States with another country under subsection (a), and United States participation in the joint agreement described in that subsection, shall expire not later than five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 6 of such title is amended by adding at the end the following new item:

“168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries.”

(b) **REPORT.**—Not later than 60 days before the expiration date for agreements under subsection (a) of section 168a of title 10, United States Code (as added by subsection (a) of this section), pursuant to subsection (f) of such section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities, costs, and accomplishments of the American, British, Canadian, and Australian Armies’ Program during the five-year period ending on the date of such report.

**SEC. 1242. UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS.**

(a) **PARTICIPATION AUTHORIZED.**—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

(b) **MEMORANDUM OF UNDERSTANDING.**—

(1) **REQUIREMENT.**—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

(2) **COST-SHARING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) **LIMITATION ON NUMBER OF MEMBERS PARTICIPATING AS STAFF.**—Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A certification by the Secretary of Defense that the participation of more than two members

of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

(d) **AVAILABILITY OF APPROPRIATED FUNDS.**—

(1) **AVAILABILITY.**—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States’ share of the operating expenses of Headquarters Eurocorps.

(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

(2) **LIMITATION.**—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

(e) **HEADQUARTERS EUROCORPS DEFINED.**—In this section, the term “Headquarters Eurocorps” refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.

**SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.**

(a) **PARTICIPATION AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Air Transport, Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the “ATARES program”) of the Movement Coordination Centre Europe.

(2) **SCOPE OF PARTICIPATION.**—Participation in the ATARES program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) **LIMITATIONS.**—The United States’ balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours. The United States’ balanced of executed flight hours for air refueling in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) **WRITTEN ARRANGEMENT OR AGREEMENT.**—

(1) **ARRANGEMENT OR AGREEMENT REQUIRED.**—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) **FUNDING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) **OTHER ELEMENTS.**—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less

than once every five years, through the ATARES program.

(c) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under that arrangement or agreement.

(d) **CREDITING OF RECEIPTS.**—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) **ANNUAL SECRETARY OF DEFENSE REPORTS.**—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to Congress a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the written arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) **COMPTROLLER GENERAL OF UNITED STATES REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the ATARES program. The report shall set forth the assessment of the Comptroller General of the program, including the types of services available under the program, whether the program is achieving its intended purposes, and, on the basis of actual cost data from the performance of the program, the cost-effectiveness of the program.

(g) **EXPIRATION.**—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

**SEC. 1244. AUTHORITY TO ESTABLISH PROGRAM TO PROVIDE ASSISTANCE TO FOREIGN CIVILIANS FOR HARM INCIDENT TO COMBAT OPERATIONS OF THE ARMED FORCES IN FOREIGN COUNTRIES.**

(a) **AUTHORITY TO ESTABLISH PROGRAM.**—The Secretary of Defense may establish a program, under such regulations as the Secretary may prescribe, to enable military commanders at their discretion to provide assistance to foreign civilians for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) **ELEMENTS.**—

(1) **NATURE OF ASSISTANCE.**—Any assistance provided under a program under subsection (a) may be provided only *ex gratia*, and shall not be considered an admission or acknowledgment of any legal obligation to compensate for any damage, personal injury, or death.

(2) **TREATMENT WITH OTHER COMPENSATION.**—In the event compensation for damage, personal injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount should be considered by the commander or legal advisor determining appropriate assistance under a program under subsection (a).

(3) **AMOUNT OF ASSISTANCE.**—If the Secretary of Defense determines a program under subsection (a) to be fitting in a particular setting, the amount of assistance, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment of cultural appropriateness and prevailing economic conditions.

(c) **RECORDS.**—

(1) **IN GENERAL.**—The regulations prescribed by the Secretary of Defense for purposes of any program under subsection (a) shall include requirements as follows:

(A) That local military commanders maintain a written record of any assistance offered or denied under such program.

(B) That local military commanders submit on a timely basis a report summarizing such written records to the appropriate office in the Department of Defense as specified by the Secretary in such regulations.

**SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.**

(a) **LIMITATION.**—

(1) **IN GENERAL.**—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the

Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) **ELEMENTS.**—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned

(b) **COVERED CAPITAL PROJECTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of \$10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of \$5,000,000; or

(C) in the case of any other project, has an estimated value in excess of \$2,000,000.

(2) **EXCLUSION.**—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) **WAIVER.**—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) **SEMI-ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by such Secretary or the



Administrator, as the case may be, during such fiscal-year half-year, including the elements of each capital project assessed specified in subsection (a)(2).

(2) **ADDITIONAL ELEMENTS.**—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

(i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.

(ii) The current and anticipated levels of corruption or fraud in the country or region in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.

(3) **FORM.**—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD’S RESISTANCE ARMY.**

Consistent with the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetrated by his Lord’s Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for “Additional ISR Support to Operation Observant Compass”, the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord’s Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

**SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **EXCEPTION.**—The authority to block and prohibit all transactions in all property and interests in property under paragraph (1) does not include the authority to impose sanctions on the importation of property.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—Sanctions imposed under this section may terminate 15 days after the date on which the President determines and reports to the appropriate congressional committees that the person covered by such determination has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date that is 15 days after the date on which the President determines and reports to the appropriate congressional committees that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SEC. 1248. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.**

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) **FUND FOR SUPPORT OF PROGRAM AUTHORIZED.**—The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) **CREDITS TO FUND.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed \$48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) **LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.**—

(A) **CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) **CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) **LIMITATION ON SIZE OF FUND.**—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) **TREATMENT OF AMOUNTS CREDITED.**—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) **NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.**—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) **SALES OR TRANSFERS OF DEFENSE ARTICLES.**—



(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term “defense article” has the meaning

given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) FUNDING FOR FISCAL YEAR 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, \$48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ-18A unmanned aerial vehicle, which has been cancelled.

#### **SEC. 1249. PLAN FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.**

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) “U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan’s security by the end of 2014.”

(B) “Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.”

(C) “The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.”

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Integral Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), “the suspension of or restriction on women’s enjoyment of their human rights” can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women’s mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy’s success. Indicators by which to measure women’s security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women’s access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through edu-

cation about the important benefits of women’s full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: “As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system.”

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense “lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force.”

(B) The Afghan Ministry of Interior “faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels.”

(C) In the Afghan National Police, “Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females.”

(D) “While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress.”

(E) “Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments.”

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, “integrating women and gender considerations into peace-building processes helps promote

democratic governance and long-term stability,” which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that “the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.” This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: “We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs.”

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, “Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights.”

(b) **PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a plan to promote the security of Afghan women during the security transition process.

(2) **ELEMENTS.**—The plan required under paragraph (1) shall include the following elements:

(A) A plan to monitor and respond to changes in women’s security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Integral Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women’s rights and security are included in each area’s transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women’s security, such as—

- (I) the mobility of women and girls;
- (II) the participation of women in local government bodies;
- (III) the rate of school attendance for girls;
- (IV) women’s access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women’s security into current procedures used to determine an area’s readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women’s rights and security in cases of deterioration in women’s security conditions during the transition period.

(B) A plan to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A plan to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force’s overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) **REPORT.**—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) a section describing actions taken to implement the plan required under this subsection.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 1250. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajr-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) **SENSE OF CONGRESS.**—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel’s right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

#### **SEC. 1251. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that "[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes".

#### SEC. 1252. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

#### Subtitle E—Iran Sanctions

##### SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Iran Freedom and Counter-Proliferation Act of 2012".

##### SEC. 1262. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) COAL.—The term "coal" means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "correspondent account" and "payable-through account" have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term "foreign financial institution" has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) IRANIAN FINANCIAL INSTITUTION.—The term "Iranian financial institution" has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) IRANIAN PERSON.—The term "Iranian person" means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) SHIPPING.—The term "shipping" refers to the transportation of goods by a vessel and related activities.

(12) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) VESSEL.—The term "vessel" has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

#### SEC. 1263. DECLARATION OF POLICY ON HUMAN RIGHTS.

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protesters and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

#### SEC. 1264. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the "IAEA") has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the "potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities".

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in

property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) **EXCEPTION.**—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) does not include the authority to impose sanctions on the importation of property.

(2) **PERSONS DESCRIBED.**—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) **ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**—

(1) **SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.**—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) (other than sanctions relating to the importation of property under paragraph (8)(A) or (12) of such section) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) **FACILITATION OF CERTAIN TRANSACTIONS.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) **GOODS AND SERVICES DESCRIBED.**—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply

with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **EXPORTATION.**—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) **FINANCIAL TRANSACTIONS.**—

(i) **IN GENERAL.**—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—

(1) **SALE, SUPPLY, OR TRANSFER.**—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) **FINANCIAL TRANSACTIONS.**—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 1265. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.**

(a) **SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.**—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) (other than sanctions relating to the importation of property under paragraph (8)(A) or (12) of such section) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) **FACILITATION OF CERTAIN TRANSACTIONS.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) **MATERIALS DESCRIBED.**—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) **DETERMINATION WITH RESPECT TO USE OF MATERIALS.**—Not later than 90 days after the

date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) **EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) **NATIONAL BALANCE SHEET OF IRAN DEFINED.**—For purposes of this section, the term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1266. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) (other than sanctions relating to the importation of property under paragraph (8)(A) or (12) of such section) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding

sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

**SEC. 1267. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) **IN GENERAL.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **IN GENERAL.**—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1268. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) **INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

**SEC. 1269. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

(a) **IN GENERAL.**—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

**"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

**"(a) IN GENERAL.**—The President shall impose sanctions described in section 105(c) (other than sanctions relating to the importation of property under such section) with respect to each person on the list required by subsection (b).

**"(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.**—

**"(1) IN GENERAL.**—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have,

on or after such date of enactment, engaged in corruption or other activities relating to—

**"(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or**

**"(B) the misappropriation of proceeds from the sale or resale of such goods.**

**"(2) FORM OF REPORT; PUBLIC AVAILABILITY.**—

**"(A) FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**"(B) PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State."

(b) **WAIVER.**—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking "or 105B(a)" and inserting "105B(a), or 105C(a)"; and

(2) by striking "or 105B(b)" and inserting "105B(b), or 105C(b)".

(c) **CLERICAL AMENDMENT.**—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

**"Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran."**

**SEC. 1270. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.**

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking "and" and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

**"(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and"**

**SEC. 1271. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) **IN GENERAL.**—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "4 years" and inserting "10 years"; and

(2) in subsection (b), by striking "4-year period" and inserting "10-year period".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

**SEC. 1272. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) **PERIOD SPECIFIED.**—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) **FORM OF REPORT.**—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1273. IMPLEMENTATION; PENALTIES.**

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

**SEC. 1274. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

**SEC. 1275. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note).

(b) **FISCAL YEAR 2013 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term "fiscal year 2013 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2013, 2014, and 2015.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$519,100,000 authorized to be appropriated to the



Department of Defense for fiscal year 2013 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

- (1) For strategic offensive arms elimination, \$68,300,000.
- (2) For chemical weapons destruction, \$14,600,000.
- (3) For global nuclear security, \$99,800,000.
- (4) For cooperative biological engagement, \$276,400,000.
- (5) For proliferation prevention, \$32,400,000.
- (6) For threat reduction engagement, \$2,400,000.
- (7) For other assessments/administrative support, \$25,200,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2013 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

#### **TITLE XIV—OTHER AUTHORIZATIONS**

##### **Subtitle A—Military Programs**

#### **SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

#### **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

#### **SEC. 1403. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4501.

#### **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction,

Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

#### **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

#### **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

##### **Subtitle B—National Defense Stockpile**

#### **SEC. 1411. RELEASE OF MATERIALS NEEDED FOR NATIONAL DEFENSE PURPOSES FROM THE STRATEGIC AND CRITICAL MATERIALS STOCKPILE.**

(a) **AUTHORITY FOR PRESIDENT TO DELEGATE SPECIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE FOR NATIONAL DEFENSE PURPOSES.**—Section 7(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) on the order of the Under Secretary of Defense for Acquisition, Technology, and Logistics, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release of such materials is required for use, manufacture, or production for purposes of national defense.”.

(b) **EXCLUSION FROM DELEGATION LIMITATION.**—Section 16 of such Act (50 U.S.C. 98h-7) is amended by striking “sections 7 and 13” each place it appears and inserting “sections 7(a)(1) and 13”.

##### **Subtitle C—Chemical Demilitarization Matters**

#### **SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES AT PUEBLO CHEMICAL DEPOT, COLORADO, AND BLUE GRASS ARMY DEPOT, KENTUCKY.**

(a) **SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.**—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection (o):

“(o) **SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.**—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

“(1) Explosive Destruction Technologies.

“(2) Any technologies developed for treatment and disposal of agent or energetic hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.”.

(b) **REPEAL OF SUPERSEDED PROVISION.**—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1645A-30) is repealed.

##### **Subtitle D—Other Matters**

#### **SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of \$67,590,000 for the operation of the Armed Forces Retirement Home.

#### **SEC. 1432. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) **IN GENERAL.**—Section 1403 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections (b) and (c):

“(b) **ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.**—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support teams, beyond the 55 teams required in subsection (a), if—

“(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

“(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(c) **LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.**—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

“(1) the Secretary submits to Congress a request for authority to establish such team, including a detailed justification for their establishment; and

“(2) the establishment of such team is specifically authorized by a law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.”.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Weapons of Mass Destruction Civil Support Teams. The report shall include the following:

(1) A detailed description of risk management criteria and considerations to be used in determining the optimal number and location of Weapons of Mass Destruction Civil Support Teams.

(2) A description of the operational and training activities conducted by the Weapons of Mass Destruction Civil Support Teams during each of fiscal years 2010, 2011, and 2012.

(3) An assessment of the optimal number and location of Weapons of Mass Destruction Civil Support Teams in light of the information under paragraphs (1) and (2).

(4) A comparative analysis of the cost of establishing Weapons of Mass Destruction Civil Support Teams in the reserve components of the Armed Forces (other than the National Guard) with the cost of establishing Weapons of Mass Destruction Civil Support Teams in the National Guard.

(5) A description of the portion of the costs of Weapons of Mass Destruction Civil Support Teams that is currently borne by the States.



**SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) **COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

**TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—Authorization of Appropriations**

**SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

**SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

**SEC. 1504. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

**SEC. 1505. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

**SEC. 1506. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

**SEC. 1507. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

**SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

**SEC. 1509. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

**Subtitle B—Financial Matters**

**SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$4,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**Subtitle C—Limitations and Other Matters**

**SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

(a) **CONTINUATION OF EXISTING LIMITATIONS.**—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

(b) **AVAILABILITY FOR SUPPORT OF TRAINING OF AFGHAN PUBLIC PROTECTION FORCE.**—Assistance provided during fiscal year 2013 utilizing funds in the Afghanistan Security Forces Fund may be used to increase the capacity of the Government of Afghanistan to recruit, vet, train, and manage the Afghan Public Protection Force within the Afghanistan Ministry of Interior, including activities in connection with the following:

(1) Expanding the capacity of the Force to train and qualify recruits for static security, convoy security, and personal detail security.

(2) Improving the infrastructure of the Afghan Public Protection Force Training Center or other facilities for training Force personnel.

(3) Increasing the capacity of the Afghanistan Ministry of Interior to manage the Force.

(4) Improving procedures for recruiting and vetting Force personnel.

(5) Establishing or implementing requirements for qualifications, training, and accountability consistent with the purposes of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note), to the extent feasible.

(c) **PLAN FOR USE OF AFGHANISTAN SECURITY FORCES FUND THROUGH 2017.**—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for using funds available to the Department of Defense to provide assistance to the security forces of Afghanistan through the Afghanistan Security Forces Fund through September 30, 2017.

**SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013.

(b) **AVAILABILITY OF CERTAIN FISCAL YEAR 2013 FUNDS.**—

(1) **IN GENERAL.**—Of the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013, \$15,000,000 may be available to the Secretary of Defense to provide training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(2) **PROVISION THROUGH OTHER US AGENCIES.**—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provision of training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan as described in that paragraph by such department or agency.

(3) **NOTICE TO CONGRESS.**—Funds may not be used under the authority in paragraph (1) until 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a notice on the training, equipment, supplies, and services to be provided using such funds.

(c) **EXPIRATION.**—This section shall cease to be effective on December 31, 2013.

**SEC. 1533. PLAN FOR TRANSITION IN FUNDING OF UNITED STATES SPECIAL OPERATIONS COMMAND FROM SUPPLEMENTAL FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS TO RECURRING FUNDING UNDER THE FUTURE-YEARS DEFENSE PROGRAM.**

The Secretary of Defense shall submit to the congressional defense committees, at the same time as the budget of the President for fiscal year 2014 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a plan for the transition of funding of the United States Special Operations Command from funds authorized to be appropriated for overseas contingency operations (commonly referred to as the “overseas contingency operations budget”) to funds authorized to be appropriated for recurring operations of the Department of Defense in accordance with applicable future-years defense programs under section 221 of title 10, United States Code (commonly referred to as the “base budget”).

**SEC. 1534. EXTENSION OF AUTHORITY ON TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.**

Section 1535(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4426), as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1658), is further amended—

(1) in the second sentence of paragraph (4)—

(A) by striking “The amount of funds used” and inserting “The amount of fund obligated”;

(B) by inserting “and \$93,000,000 for fiscal year 2013” after “fiscal year 2012”; and

(C) by inserting “for fiscal year 2012” after “except that”;

(2) in paragraph (6), by striking “October 31, 2011, and October 31, 2012” and inserting “October 31 of each of 2011, 2012, and 2013”; and

(3) in paragraph (7)—

(A) by striking “provided in” and inserting “to obligate funds for projects under”; and

(B) by striking “September 30, 2012” and inserting “September 30, 2013”.

**SEC. 1535. ASSESSMENTS OF TRAINING ACTIVITIES AND INTELLIGENCE ACTIVITIES OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION.**

(a) TRAINING ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of Joint Chiefs of Staff and the other chiefs of staff of the Armed Forces, submit to the congressional defense committees a report setting forth an assessment of the training-related activities of the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) include all training programs and functions executed by the Joint Improvised Explosive Device Defeat Organization in support of the United States Armed Forces or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense; and

(C) assess the value of maintaining such duplication.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) LIMITATION.—No training-related program may be initiated by the Joint Improvised Explosive Device Defeat Organization between the date of the enactment of this Act and the date of the submittal of the report required by paragraph (1).

(b) INTELLIGENCE ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to the congressional defense committees a report setting forth an assessment of the activities of the Counter-Improvised-Explosive-Device Operations Integration Center of the Joint Improvised Explosive Device Defeat Organization.

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) include all intelligence analysis programs and functions executed by the Counter-Improvised-Explosive-Device Operations Integration Center in support of the United States Government or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense, including the intelligence components of the Department, or the intelligence community of the United States; and

(C) assess the value of maintaining such duplication.

(3) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) ELEMENTS.—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

**SEC. 1537. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (a), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and re-

spond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

**TITLE XVI—MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Military Compensation and Retirement Modernization Commission Act of 2012”.

**SEC. 1602. PURPOSE.**

The purpose of this title is to establish a Commission to review and make recommendations to modernize the military compensation and retirement systems in order to—

(1) ensure the long-term viability of the All-Volunteer Force;

(2) enable the quality of life for members of the Armed Forces and the other uniformed services and their families in a manner that fosters successful recruitment, retention, and careers for members of the Armed Forces and the other uniformed services; and

(3) modernize and achieve fiscal sustainability for the compensation and retirements systems for the Armed Forces and the other uniformed services for the 21st century.

**SEC. 1603. DEFINITIONS.**

In this title:

(1) The term “military compensation and retirement systems” means the military compensation system and the military retirement system.

(2) The term “military compensation system” means provisions of law providing eligibility for and the computation of military compensation, including regular military compensation, special and incentive pays and allowances, medical and dental care, educational assistance and related benefits, and commissary and exchange benefits and related benefits and activities.

(3) The term “military retirement system” means retirement benefits, including retired pay based upon service in the uniformed services and survivor annuities based upon such service.

(4) The term “Armed Forces” has the meaning given the term “armed forces” in section 101(a)(4) of title 10, United States Code.

(5) The term “uniformed services” has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(6) The term “Secretary” means the Secretary of Defense.

(7) The term “Commission” means the commission established under section 1604.

(8) The term “Commission establishment date” means the first day of the first month beginning on or after the date of the enactment of this Act.

(9) The terms “veterans service organization” and “military-related advocacy group or association” mean an organization the primary purpose of which is to advocate for veterans, military personnel, military retirees, or military families.

**SEC. 1604. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.**

(a) **ESTABLISHMENT.**—There is established in the executive branch an independent commission to be known as the Military Compensation and Retirement Modernization Commission. The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) **APPOINTMENT.**—

(1) **IN GENERAL.**—

(A) **MEMBERS.**—The Commission shall be composed of nine members appointed by the President, in consultation with—

(i) the Chairman and Ranking Member of the Committee on Armed Services of the Senate; and  
(ii) the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives.

(B) **DEADLINE FOR APPOINTMENT.**—The President shall make appointments to the Commission not later than six months after the Commission establishment date.

(C) **TERMINATION FOR LACK OF APPOINTMENT.**—If the President does not make all appointments to the Commission on or before the date specified in subparagraph (B), the Commission shall be terminated.

(2) **QUALIFICATIONS OF INDIVIDUALS APPOINTED.**—In appointing individuals to the Commission, the President shall—

(A) ensure that—

(i) there are members with significant expertise in Federal compensation and retirement systems, including the military compensation and retirement systems, private sector compensation, retirement, or human resource systems, and actuarial science;

(ii) at least five members have active-duty military experience, including—

(I) at least one of whom has active-duty experience as an enlisted member; and

(II) at least one of whom has experience as a member of a reserve component; and

(iii) at least one member was the spouse of a member of the Armed Forces, or, in the sole determination of the President, has significant experience in military family matters; and

(B) select individuals who are knowledgeable and experienced with the uniformed services and military compensation and retirement issues.

(3) **LIMITATION.**—The President may not appoint to the Commission an individual who within the preceding year has been employed by a veterans service organization or military-related advocacy group or association.

(4) **CHAIR.**—At the time the President appoints the members of the Commission, the President shall designate one of the members to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military compensation and retirement systems. The Chair, or the designee of the Chair, shall preside over meetings of the

Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(c) **TERMS.**—Members shall be appointed for the life of the Commission (subject to subsection (b)(3)). A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(d) **STATUS AS FEDERAL EMPLOYEES.**—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed Federal employees.

**SEC. 1605. COMMISSION HEARINGS AND MEETINGS.**

(a) **IN GENERAL.**—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

(b) **MEETINGS.**—

(1) **INITIAL MEETING.**—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) **SUBSEQUENT MEETINGS.**—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) **PUBLIC MEETINGS.**—Each meeting of the Commission shall be held in public unless any member objects.

(c) **QUORUM.**—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) **PUBLIC COMMENTS.**—

(1) **IN GENERAL.**—The Commission shall seek written comments from the general public and interested parties on measures to modernize the military compensation and retirement systems. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) **PERIOD FOR SUBMITTAL.**—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary transmits the recommendations of the Secretary to the Commission under section 1606(b).

(3) **USE BY COMMISSION.**—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

**SEC. 1606. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.**

(a) **PRINCIPLES.**—

(1) **CONTEXT OF COMMISSION REVIEW.**—The Commission shall conduct a review of the military compensation and retirement systems in the context of all elements of the current military compensation and retirement systems, force management objectives, and changes in life expectancy and the labor force.

(2) **DEVELOPMENT OF COMMISSION RECOMMENDATIONS.**—

(A) **CONSISTENCY WITH PRESIDENTIAL PRINCIPLES.**—The Commission shall develop recommendations for modernizing the military compensation and retirement systems that are consistent with principles established by the President under paragraph (3).

(B) **GRANDFATHERING.**—The recommendations of the Commission may not apply to any person who first becomes a member of a uniformed service before the date of the enactment of a military compensation and retirement moderniza-

tion Act pursuant to this title (except that such recommendations may include provisions allowing for such a member to make a voluntary election to be covered by some or all of the provisions of such recommendations).

(3) **PRESIDENTIAL PRINCIPLES.**—Not later than five months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for modernizing the military compensation and retirement systems. The principles established by the President shall address the following:

(A) Maintaining recruitment and retention of the best military personnel.

(B) Modernizing the active and reserve military compensation and retirement systems.

(C) Differentiating between active and reserve military service.

(D) Differentiating between service in the Armed Forces and service in the other uniformed services.

(E) Assisting with force management.

(F) Ensuring the fiscal sustainability of the military compensation and retirement systems.

(b) **SECRETARY OF DEFENSE RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than nine months after the Commission establishment date, the Secretary shall transmit to the Commission the recommendations of the Secretary for military compensation and retirement modernization. The Secretary shall concurrently transmit the recommendations to Congress.

(2) **DEVELOPMENT OF RECOMMENDATIONS.**—The Secretary shall develop the recommendations of the Secretary under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (a)(3);

(B) in consultation with the Secretary of Homeland Security, with respect to recommendations concerning members of the Coast Guard;

(C) in consultation with the Secretary of Health and Human Services, with respect to recommendations concerning members of the Public Health Service;

(D) in consultation with the Secretary of Commerce, with respect to recommendations concerning members of the National Oceanic and Atmospheric Administration; and

(E) in consultation with the Director of the Office of Management and Budget.

(3) **JUSTIFICATION.**—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(4) **AVAILABILITY OF INFORMATION.**—The Secretary shall make available to the Commission and to Congress the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

(c) **COMMISSION HEARINGS ON RECOMMENDATIONS OF SECRETARY.**—After receiving from the Secretary the recommendations of the Secretary for military compensation and retirement modernization pursuant to subsection (b), the Commission shall conduct public hearings on the recommendations.

(d) **COMMISSION REPORT AND RECOMMENDATIONS.**—

(1) **REPORT.**—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission for the modernization of the military compensation and retirement systems. The Commission shall include in the report legislative language to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations of the Secretary.

(2) **REQUIREMENT FOR APPROVAL.**—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President under paragraph (1).

(3) **PROCEDURES FOR CHANGING RECOMMENDATIONS OF SECRETARY.**—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—

(A) determines that the change is consistent with the principles established by the President under subsection (a)(3);

(B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and

(C) conducts a public hearing on the proposed change.

(4) **COVERED CHANGES.**—Paragraph (3) applies to a change by the Commission in the recommendations of the Secretary that would—

(A) add a new recommendation;

(B) delete a recommendation; or

(C) substantially change a recommendation.

(5) **EXPLANATION AND JUSTIFICATION FOR CHANGES.**—The Commission shall explain and justify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (b).

(6) **TRANSMITTAL TO CONGRESS.**—The Commission shall transmit a copy of its report to Congress on the same date on which it transmits its report to the President under paragraph (1).

**SEC. 1607. CONSIDERATION OF COMMISSION RECOMMENDATIONS BY THE PRESIDENT AND CONGRESS.**

(a) **REVIEW BY THE PRESIDENT.**—

(1) **REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.**—Not later than 60 days after the date on which the Commission transmits its report to the President under section 1606(d), the President shall transmit to the Commission and to Congress a report containing the approval or disapproval by the President of the recommendations of the Commission in the report.

(2) **PRESIDENTIAL APPROVAL.**—If in the report under paragraph (1) the President approves all the recommendations of the Commission, the President shall include with the report the following:

(A) A copy of the recommendations of the Commission.

(B) The certification by the President of the approval of the President of each recommendation.

(C) The legislative language transmitted by the Commission to the President as part of the report of the Commission under section 1606(d)(1).

(3) **PRESIDENTIAL DISAPPROVAL.**—

(A) **REASONS FOR DISAPPROVAL.**—If in the report under paragraph (1) the President disapproves the recommendations of the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

(B) **REVISED RECOMMENDATIONS FROM COMMISSION.**—The Commission shall then transmit to the President, not later one month after the date of the report of the President under paragraph (1), revised recommendations for the modernization of the military compensation and retirement systems, together with revised legislative language to implement the revised recommendations of the Commission.

(4) **ACTION ON REVISED RECOMMENDATIONS.**—If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (3)(B), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

(A) A copy of the revised recommendations.

(B) The certification by the President of the approval of the President of each recommendation as so revised.

(C) The revised legislative language transmitted to the President under paragraph (3)(B).

(5) **TERMINATION OF COMMISSION.**—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) in accordance with the applicable deadline under such paragraph, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under paragraph (4).

(b) **CONSIDERATION BY CONGRESS.**—

(1) **RULEMAKING.**—The provisions of this subsection are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) **MILITARY COMPENSATION AND RETIREMENT MODERNIZATION BILL.**—For the purpose of this subsection, the term “military compensation and retirement modernization bill” means only a bill consisting of the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to subsection (a).

(3) **INTRODUCTION OF LEGISLATIVE PROPOSAL IN HOUSE AND SENATE.**—If the President transmits to Congress under subsection (a) a copy of the recommendations of the Commission (including the legislative language recommended by the Commission), together with a certification of the approval of the President of the recommendations, the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to that subsection—

(A) shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the chairman of the Committee on Armed Services of the Senate; and

(B) shall be introduced in the House of Representatives (by request) on the next legislative day by the chair of the Committee on Armed Services of the House of Representatives.

(4) **CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.**—

(A) **REFERRAL AND REPORTING.**—Any committee of the House of Representatives to which the military compensation and retirement modernization bill is referred shall report it to the House without amendment not later than the end of the 60-day period beginning on the date on which the bill is introduced. If a committee fails to report the bill to the House within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall not be in order after the last committee authorized to consider the bill reports it to the House or after the House has disposed of a motion to discharge the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the Commission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) **PROCEEDING TO CONSIDERATION.**—After the last committee authorized to consider a military compensation and retirement modernization bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military compensation and retirement modernization bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military compensation and retirement modernization bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) **CONSIDERATION.**—The military compensation and retirement modernization bill shall be considered as read. All points of order against the bill and against its consideration are waived. The previous question shall be considered as ordered on the bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) **VOTE ON PASSAGE.**—The vote on passage of the military compensation and retirement modernization bill shall occur not later than the end of the 90-day period beginning on the date on which the bill is introduced.

(5) **EXPEDITED PROCEDURE IN THE SENATE.**—

(A) **COMMITTEE CONSIDERATION.**—A military compensation and retirement modernization bill introduced in the Senate under subsection (a) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than the end of the 60-day period beginning on the date on which the bill is introduced. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(B) **MOTION TO PROCEED.**—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a military compensation and retirement modernization bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the military compensation and retirement modernization bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the military compensation and retirement modernization bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the military compensation and retirement modernization bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the military compensation and retirement modernization bill is agreed to, the military compensation and retirement modernization bill shall remain the unfinished business until disposed of.

(C) **CONSIDERATION.**—All points of order, other than budget points of order, against the military compensation and retirement modernization bill and against consideration of the bill are waived. Consideration of the bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 10 hours which shall

be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the bill, including time used for quorum calls and voting, shall be counted against the total 10 hours of consideration.

(D) **NO AMENDMENTS.**—An amendment to the Commission bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill, is not in order.

(E) **VOTE ON PASSAGE.**—If the Senate has voted to proceed to the military compensation and retirement modernization bill, the vote on passage of the bill shall occur immediately following the conclusion of the debate on a military compensation and retirement modernization bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the bill shall occur not later than the end of the 90-day period beginning on the date on which the bill is introduced.

(F) **RULINGS OF THE CHAIR ON PROCEDURE.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a military compensation and retirement modernization bill shall be decided without debate.

(G) **AMENDMENT.**—The military compensation and retirement modernization bill shall not be subject to amendment in either the House of Representatives or the Senate.

(H) **CONSIDERATION BY THE OTHER HOUSE.**—If, before passing the military compensation and retirement modernization bill, one House receives from the other a military compensation and retirement modernization bill—

(A) the military compensation and retirement modernization bill of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no military compensation and retirement modernization bill had been received from the other House until the vote on passage, when the military compensation and retirement modernization bill received from the other House shall supplant the military compensation and retirement modernization bill of the receiving House.

#### **SEC. 1608. PAY FOR MEMBERS OF THE COMMISSION.**

(a) **IN GENERAL.**—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(b) **CHAIR.**—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

#### **SEC. 1609. EXECUTIVE DIRECTOR.**

(a) **APPOINTMENT.**—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) **LIMITATIONS.**—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may

not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

#### **SEC. 1610. STAFF.**

(a) **IN GENERAL.**—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(b) **LIMITATIONS ON STAFF.**—

(1) **NUMBER OF DETAILEES FROM DEPARTMENT OF DEFENSE.**—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(2) **PRIOR DUTIES WITHIN DEPARTMENT OF DEFENSE.**—A person may not be detailed from the Department of Defense to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter within the Department concerning the preparation of recommendations for military compensation and retirement modernization.

(3) **NUMBER OF DETAILEES ELIGIBLE FOR MILITARY RETIRED PAY.**—Not more than one-fourth of the personnel employed by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) **PRIOR EMPLOYMENT WITH CERTAIN ORGANIZATIONS.**—A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.

(c) **LIMITATIONS ON PERFORMANCE REVIEWS.**—No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed from the Department to that staff;

(2) review the preparation of such a report; or

(3) approve or disapprove such a report.

#### **SEC. 1611. CONTRACTING AUTHORITY.**

The Commission may lease space and acquire personal property to the extent funds are available.

#### **SEC. 1612. JUDICIAL REVIEW PRECLUDED.**

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and the Commission under section 1606.

(2) Actions of the President under section 1607(a).

#### **SEC. 1613. TERMINATION.**

Except as otherwise provided in this title, the Commission shall terminate not later than 26 months after the Commission establishment date.

#### **SEC. 1614. FUNDING.**

Of the amounts authorized to be appropriated by this division for the Department of Defense for fiscal year 2013, up to \$10,000,000 shall be available to the Commission to carry out its duties under this title. Funds available to the Commission under the preceding sentence shall remain available until expended.

### **TITLE XVII—NATIONAL COMMISSION ON THE STRUCTURE OF THE AIR FORCE**

#### **SEC. 1701. SHORT TITLE.**

This title may be cited as the “National Commission on the Structure of the Air Force Act of 2012”.

#### **SEC. 1702. ESTABLISHMENT OF COMMISSION.**

(a) **ESTABLISHMENT.**—There is established the National Commission on the Structure of the Air Force (in this title referred to as the “Commission”).

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President, of whom one shall be the Chairman of the Reserve Forces Policy Board;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) **APPOINTMENT DATE.**—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) **EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.**—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) **MEETINGS.**—The Commission shall meet at the call of the Chair.

(f) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) **CHAIR AND VICE CHAIRMAN.**—The Commission shall select a Chair and Vice Chair from among its members.

#### **SEC. 1703. DUTIES OF THE COMMISSION.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Commission shall undertake a comprehensive study of the current structure of the Air Force to determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Air Force in a manner consistent with available resources.

(2) **CONSIDERATIONS.**—In considering an alternative structure for the Air Force, the Commission shall give particular consideration to identifying a structure that—

(A) meets current and anticipated requirements of the combatant commands;

(B) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each;

(C) ensures that the reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(D) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited;

(E) maintains a peacetime rotation force to avoid exceeding operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and

(F) maximizes achievable costs savings.

(b) **REPORT.**—Not later than March 31, 2014, the Commission shall submit to the President and the congressional defense committees a report which shall contain a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions as it considers appropriate in light of the results of the study.

#### SEC. 1704. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

#### SEC. 1705. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 1706. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 1703.

#### SEC. 1707. FUNDING.

Amounts authorized to be appropriated for fiscal year 2013 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 may be available for the activities of the Commission under this title.

#### SEC. 1708. LIMITATION ON AVAILABILITY OF FUNDS FOR REDUCTIONS TO THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012.

(b) **EXCEPTION.**—The Secretary of the Air Force may divest or retire, or prepare to divest or retire, C-5A aircraft if the Secretary replaces such aircraft through a transfer of C-5B, C-5M, or C-17 mobility aircraft so as to maintain all Air National Guard and Air Force Reserve units impacted by such divestment or retirement at current or higher assigned manpower levels to operate the aircraft so transferred.

#### SEC. 1709. FUNDING FOR MAINTENANCE OF FORCE STRUCTURE OF THE AIR FORCE PENDING COMMISSION RECOMMENDATIONS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2013, \$1,400,000,000 for the force structure of the Air Force. The amount authorized to be appropriated by this section is in addition to any other amounts authorized to be appropriated by this Act.

#### SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE PENDING FUTURE STRUCTURE STUDY.

The Secretary of the Air Force shall retain the current leadership rank and core functions of the Electronic Systems Center at Hanscom Air Force Base with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.

#### SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

### TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

#### Subtitle A—Fire Grants Reauthorization

##### SEC. 1801. SHORT TITLE.

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

##### SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) **IN GENERAL.**—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency,’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; (5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) **CONFORMING AMENDMENTS.**—

(1) **ADMINISTRATOR OF FEMA.**—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) **ADMINISTRATOR OF FEMA’S AWARD.**—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

##### SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

##### “SEC. 33. FIREFIGHTER ASSISTANCE.

“(a) **DEFINITIONS.**—In this section:

“(1) **ADMINISTRATOR OF FEMA.**—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) **AVAILABLE GRANT FUNDS.**—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) **CAREER FIRE DEPARTMENT.**—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) **COMBINATION FIRE DEPARTMENT.**—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) **FIREFIGHTING PERSONNEL.**—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers



of fire departments, or emergency medical service personnel of fire departments.

“(6) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) **NONAFFILIATED EMS ORGANIZATION.**—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) **PAID-ON-CALL.**—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) **VOLUNTEER FIRE DEPARTMENT.**—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) **ASSISTANCE PROGRAM.**—

“(1) **AUTHORITY.**—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) **ADMINISTRATIVE ASSISTANCE.**—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) **ASSISTANCE TO FIREFIGHTERS GRANTS.**—

“(1) **IN GENERAL.**—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) **MAXIMUM GRANT AMOUNTS.**—

“(A) **POPULATION.**—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) **AGGREGATE.**—

“(i) **IN GENERAL.**—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA

may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) **EXCEPTION.**—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) **USE OF GRANT FUNDS.**—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) **FIRE PREVENTION AND SAFETY GRANTS.**—

“(1) **IN GENERAL.**—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) **MAXIMUM GRANT AMOUNT.**—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) **USE OF GRANT FUNDS.**—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) **LIMITATION.**—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) **APPLICATIONS FOR GRANTS.**—

“(1) **IN GENERAL.**—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) **ELEMENTS.**—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) **JOINT OR REGIONAL APPLICATIONS.**—

“(A) **IN GENERAL.**—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) **NONEXCLUSIVITY.**—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).



“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applica-

tions for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a non-affiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization,

and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(I) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the

reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘fire-fighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIRE-FIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the

Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on

the findings of the Administrator with respect to the study required by paragraph (1).

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) **TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) **REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.**—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) **NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.**—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) **RESPONSIBILITIES.**—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) **STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.**—

(1) **STUDY.**—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

#### **Subtitle B—Reauthorization of United States Fire Administration**

##### **SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

##### **SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) **DEPUTY ADMINISTRATOR.**—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

##### **SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

##### **SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which

\$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which

\$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which

\$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which

\$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which

\$2,753,672 shall be used to carry out section

8(f).”;

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

##### **SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

#### **TITLE XIX—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION**

##### **SEC. 1901. FINDING.**

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

##### **SEC. 1902. DEFINITIONS.**

In this title:

(1) **FEDERAL LAND.**—

(A) **IN GENERAL.**—The term “Federal land” means the parcel of land—

(i) identified as “Area I”; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) **EXCLUSION.**—The term “Federal land” does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) **MEMORIAL.**—The term “memorial” means the memorial authorized to be established under section 3(a).

##### **SEC. 1903. MEMORIAL AUTHORIZATION.**

(a) **AUTHORIZATION.**—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) **PROHIBITION ON USE OF FEDERAL FUNDS.**—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) **APPLICABLE LAW.**—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

##### **SEC. 1904. REPEAL OF JOINT RESOLUTIONS.**

Public Law 99-558 (110 Stat. 3144) and Public Law 100-265 (102 Stat. 39) are repealed.

#### **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

##### **SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2013”.

##### **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

#### **TITLE XXI—ARMY MILITARY CONSTRUCTION**

##### **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and

available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

#### **Army: Inside the United States**

| <b>State</b>         | <b>Installation or Location</b>        | <b>Amount</b> |
|----------------------|--|---------------|
| Alaska .....         | Fort Wainwright .....                  | \$10,400,000  |
|                      | Joint Base Elmendorf-Richardson .....  | \$7,900,000   |
| California .....     | Concord .....                          | \$8,900,000   |
| Colorado .....       | Fort Carson .....                      | \$18,000,000  |
|                      | Fort McNair .....                      | \$7,200,000   |
| Georgia .....        | Fort Benning .....                     | \$16,000,000  |
|                      | Fort Gordon .....                      | \$23,300,000  |
|                      | Fort Stewart .....                     | \$49,650,000  |
| Hawaii .....         | Pohakuloa Training Area .....          | \$29,000,000  |
|                      | Schofield Barracks .....               | \$96,000,000  |
|                      | Wheeler Army Air Field .....           | \$85,000,000  |
| Kansas .....         | Fort Riley .....                       | \$12,200,000  |
| Kentucky .....       | Fort Campbell .....                    | \$81,800,000  |
|                      | Fort Knox .....                        | \$6,000,000   |
| Missouri .....       | Fort Leonard Wood .....                | \$123,000,000 |
| New Jersey .....     | Joint Base McGuire-Dix-Lakehurst ..... | \$47,000,000  |
|                      | Picatinny Arsenal .....                | \$10,200,000  |
| New York .....       | Fort Drum .....                        | \$95,000,000  |
| North Carolina ..... | Fort Bragg .....                       | \$68,000,000  |
| Oklahoma .....       | Fort Sill .....                        | \$4,900,000   |
| South Carolina ..... | Fort Jackson .....                     | \$24,000,000  |
| Texas .....          | Corpus Christi .....                   | \$37,200,000  |
|                      | Fort Bliss .....                       | \$7,200,000   |
|                      | Fort Hood .....                        | \$51,200,000  |
|                      | Joint Base San Antonio .....           | \$21,000,000  |
| Virginia .....       | Fort Belvoir .....                     | \$94,000,000  |
|                      | Fort Lee .....                         | \$81,000,000  |
| Washington .....     | Joint Base Lewis McChord .....         | \$164,000,000 |
|                      | Yakima .....                           | \$5,100,000   |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installa-

tions or locations outside the United States, and in the amounts, set forth in the following table:

#### **Army: Outside the United States**

| <b>Country</b> | <b>Installation or Location</b> | <b>Amount</b> |
|----------------|---------------------------------|---------------|
| Italy .....    | Camp Ederle .....               | \$36,000,000  |
|                | Vicenza .....                   | \$32,000,000  |
| Japan .....    | Okinawa .....                   | \$78,000,000  |
|                | Sagami .....                    | \$18,000,000  |
| Korea .....    | Camp Humphreys .....            | \$45,000,000  |

##### **SEC. 2102. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,641,000.

##### **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land

acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

##### **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent

with the Army's construction guidelines for Access Control Points.

##### **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2009 Project Authorizations**

| <i>State</i>     | <i>Installation or Location</i> | <i>Project</i>                              | <i>Amount</i> |
|------------------|---------------------------------|---|---------------|
| Alabama .....    | Anniston Army Depot ..          | Lake Yard Interchange .....                 | \$1,400,000   |
| New Jersey ..... | Picatinny Arsenal .....         | Ballistic evaluation Facility Phase I ..... | \$9,900,000   |

**SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until October 1, 2013, or the date

of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2010 Project Authorizations**

| <i>State/Country</i> | <i>Installation or Location</i> | <i>Project</i>                           | <i>Amount</i> |
|----------------------|---------------------------------|--|---------------|
| Louisiana .....      | Fort Polk .....                 | Land Purchases and Condemnation .....    | \$17,000,000  |
| New Jersey .....     | Picatinny Arsenal .....         | Ballistic Evaluation Facility, Ph2 ..... | \$10,200,000  |
| Virginia .....       | Fort Belvoir .....              | Road and Access Control Point .....      | \$9,500,000   |
| Washington .....     | Fort Lewis .....                | Fort Lewis-McCord AFB Joint Access ..... | \$9,000,000   |
| Kuwait .....         | Kuwait .....                    | APS Warehouses .....                     | \$82,000,000  |

**SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a cadet barracks at the U.S. Military Academy, New York, in the amount of \$192,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR MILITARY CONSTRUCTION FUNDS.—The Secretary of the Army shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Inside the United States**

| <i>State</i>         | <i>Installation or Location</i>             | <i>Amount</i> |
|----------------------|---|---------------|
| Arizona .....        | Yuma .....                                  | \$29,285,000  |
| California .....     | Camp Pendleton .....                        | \$88,110,000  |
|                      | Coronado .....                              | \$78,541,000  |
|                      | Miramar .....                               | \$27,897,000  |
|                      | San Diego .....                             | \$71,188,000  |
|                      | Seal Beach .....                            | \$30,594,000  |
|                      | Twentynine Palms .....                      | \$47,270,000  |
|                      | Ventura County .....                        | \$12,790,000  |
| Florida .....        | Jacksonville .....                          | \$21,980,000  |
| Hawaii .....         | Kaneohe Bay .....                           | \$97,310,000  |
| Mississippi .....    | Meridian .....                              | \$10,926,000  |
| New Jersey .....     | Earle .....                                 | \$33,498,000  |
| North Carolina ..... | Camp Lejeune .....                          | \$69,890,000  |
|                      | Cherry Point Marine Corps Air Station ..... | \$45,891,000  |
|                      | New River .....                             | \$8,525,000   |
| South Carolina ..... | Beaufort .....                              | \$81,780,000  |
|                      | Parris Island .....                         | \$10,135,000  |
| Virginia .....       | Dahlgren .....                              | \$28,228,000  |
|                      | Oceana Naval Air Station .....              | \$39,086,000  |
|                      | Portsmouth .....                            | \$32,706,000  |
|                      | Quantico .....                              | \$58,714,000  |
|                      | Yorktown .....                              | \$48,823,000  |
| Washington .....     | Whidbey Island .....                        | \$6,272,000   |

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installa-

tion or location outside the United States, and in the amounts, set forth in the following table:

### ***Navy: Outside the United States***

| <b>Country</b>              | <b>Installation or Location</b>       | <b>Amount</b> |
|-----------------------------|---------------------------------------|---------------|
| Bahrain Island .....        | SW Asia .....                         | \$51,348,000  |
| Diego Garcia .....          | Diego Garcia .....                    | \$1,691,000   |
| Djibouti .....              | Camp Lemonier .....                   | \$99,420,000  |
| Greece .....                | Souda Bay .....                       | \$25,123,000  |
| Japan .....                 | Iwakuni .....                         | \$13,138,000  |
|                             | Okinawa .....                         | \$8,206,000   |
| Romania .....               | Deveselu .....                        | \$45,205,000  |
| Spain .....                 | Rota .....                            | \$17,215,000  |
| Worldwide Unspecified ..... | Unspecified Worldwide Locations ..... | \$34,048,000  |

#### **SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,527,000.

#### **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$97,655,000.

#### **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in 4601, including incremental funding for the construction of increment 2 of explosives handling wharf 2 at Kitsap, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), \$254,241,000.

#### **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.**

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf #2 at that lo-

cation, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

#### **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

### ***Navy: Extension of 2009 Project Authorization***

| <b>State/Country</b>       | <b>Installation or Location</b>         | <b>Project</b>                            | <b>Amount</b> |
|----------------------------|---|---|---------------|
| California .....           | Marine Corps Base, Camp Pendleton ..... | Operations Access Points, Red Beach ..... | \$11,970,000  |
|                            | Marine Corps Air Station, Miramar ..... | Emergency Response Station ..             | \$6,530,000   |
| District of Columbia ..... | Washington Navy Yard .....              | Child Development Center .....            | \$9,340,000   |

#### **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until October 1, 2013, or the

date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

### ***Navy: Extension of 2010 Project Authorization***

| <b>State/Country</b> | <b>Installation or Location</b>                    | <b>Project</b>                              | <b>Amount</b> |
|----------------------|--|---|---------------|
| California .....     | Mountain Warfare Training Center, Bridgeport ..... | Mountain Warfare Training, Commissary ..... | \$6,830,000   |
| Maine .....          | Portsmouth Naval Shipyard ...                      | Gate 2 Security Improvements                | \$7,090,000   |
| Djibouti .....       | Camp Lemonier .....                                | Security Fencing .....                      | \$8,109,000   |
|                      |  | Ammo Supply Point .....                     | \$21,689,000  |
|                      |  | Interior Paved Roads .....                  | \$7,275,000   |



**SEC. 2208. REALIGNMENT OF MARINES IN THE ASIA-PACIFIC REGION.**

(a) **RESTRICTION ON USE OF FUNDS.**—Except as provided in subsection (c), none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of Marine Corps forces from Okinawa to other locations until—

(1) the Commander of the United States Pacific Command provides to the congressional defense committees an assessment of the strategic and logistical resources needed to ensure the distributed lay-down of members of the United States Marine Corps in the United States Pacific Command Area of Responsibility meets the contingency operations plans;

(2) the Secretary of Defense submits to the congressional defense committees master plans for the construction of facilities and infrastructure to execute the Marine Corps distributed lay-down on Guam, Australia, and Hawaii, including a detailed description of costs and the schedule for such construction;

(3) the Secretary of the Navy submits a plan to the congressional defense committees detailing the proposed investments and schedules required to restore facilities and infrastructure at Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces.

**(b) DEVELOPMENT OF PUBLIC INFRASTRUCTURE.**

(1) **AUTHORIZATION REQUIRED.**—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 or fiscal year 2013 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, the Secretary of Defense may not carry out such grant, transfer cooperative agreement, or supplemental funding unless specifically authorized by law.

(2) **PUBLIC INFRASTRUCTURE DEFINED.**—In this section, the term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

(c) **EXCEPTION TO RESTRICTION ON USE OF FUNDS.**—The Secretary of Defense may use

funds described in subsection (a) to carry out additional analysis or studies required the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for proposed actions on Guam or Hawaii.

(d) **DISTRIBUTED LAY-DOWN DEFINED.**—For purposes of this section, the term “distributed lay-down” refers to the planned distribution of Marines in Okinawa, Guam, Hawaii, Australia, and possibly elsewhere that is contemplated in support of the joint statement of the U.S. – Japan Security Consultative Committee dated April 27, 2012.

(e) **REPEAL.**—Section 2207 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1668) is repealed.

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION****SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

***Air Force: Inside the United States***

| State              | Installation or Location     | Amount       |
|--------------------|------------------------------|--------------|
| Arkansas .....     | Little Rock AFB .....        | \$30,178,000 |
| Florida .....      | Tyndall AFB .....            | \$14,750,000 |
| Georgia .....      | Fort Stewart .....           | \$7,250,000  |
|                    | Moody AFB .....              | \$8,500,000  |
| New Mexico .....   | Holloman AFB .....           | \$25,000,000 |
| North Dakota ..... | Minot AFB .....              | \$4,600,000  |
| Texas .....        | Joint Base San Antonio ..... | \$18,000,000 |
| Utah .....         | Hill AFB .....               | \$13,530,000 |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installa-

tions or locations outside the United States, and in the amounts, set forth in the following table:

***Air Force: Outside the United States***

| State                       | Installation or Location              | Amount       |
|-----------------------------|---------------------------------------|--------------|
| Greenland .....             | Thule AB .....                        | \$24,500,000 |
| Italy .....                 | Aviano AB .....                       | \$9,400,000  |
| Worldwide Unspecified ..... | Unspecified Worldwide Locations ..... | \$34,657,000 |

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,253,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding

table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$79,571,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601, including incremental funding for the construction of increment 2 of the U.S. Strategic Command Replacement Facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of the Military Construction Authorization Act for

Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1670), \$111,000,000.

**SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2010 Project Authorizations**

| <i>State</i>   | <i>Installation or Location</i> | <i>Project</i>                                | <i>Amount</i> |
|----------------|---------------------------------|---|---------------|
| Missouri ..... | Whiteman AFB .....              | Land Acquisition North & South Boundary ..... | \$5,500,000   |
| Montana .....  | Malmstrom AFB .....             | Weapons Storage Area (WSA), Phase 2 .....     | \$10,600,000  |

**TITLE XXIV—DEFENSE AGENCIES  
MILITARY CONSTRUCTION****Subtitle A—Defense Agency Authorizations****SEC. 2401. AUTHORIZED DEFENSE AGENCIES  
CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the author-

ization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

| <i>State</i>           | <i>Installation or Location</i>                     | <i>Amount</i> |
|------------------------|---|---------------|
| Arizona .....          | Yuma .....  | \$1,300,000   |
| California .....       | Coronado .....                                      | \$55,259,000  |
|                        | DEF Fuel Support Point - San Diego .....            | \$91,563,000  |
|                        | Edwards Air Force Base .....                        | \$27,500,000  |
|                        | Twentynine Palms .....                              | \$27,400,000  |
| Colorado .....         | Buckley Air Force Base .....                        | \$30,000,000  |
|                        | Fort Carson .....                                   | \$56,673,000  |
|                        | Pikes Peak .....                                    | \$3,600,000   |
| CONUS Classified ..... | Classified Location .....                           | \$6,477,000   |
| Delaware .....         | Dover AFB .....                                     | \$2,000,000   |
| Florida .....          | Eglin AFB .....                                     | \$41,695,000  |
|                        | Hurlburt Field .....                                | \$16,000,000  |
|                        | MacDill AFB .....                                   | \$34,409,000  |
| Hawaii .....           | Joint Base Pearl Harbor-Hickam .....                | \$24,289,000  |
| Illinois .....         | Great Lakes .....                                   | \$28,700,000  |
|                        | Scott AFB .....                                     | \$86,711,000  |
| Indiana .....          | Grissom ARB .....                                   | \$26,800,000  |
| Kentucky .....         | Fort Campbell .....                                 | \$71,639,000  |
| Louisiana .....        | Barksdale AFB .....                                 | \$11,700,000  |
| Maryland .....         | Annapolis .....                                     | \$66,500,000  |
|                        | Bethesda Naval Hospital .....                       | \$62,200,000  |
|                        | Fort Meade .....                                    | \$128,600,000 |
| Missouri .....         | Fort Leonard Wood .....                             | \$18,100,000  |
| New Mexico .....       | Cannon AFB .....                                    | \$93,085,000  |
| New York .....         | Fort Drum .....                                     | \$43,200,000  |
| North Carolina .....   | Camp Lejeune .....                                  | \$80,064,000  |
|                        | Fort Bragg .....                                    | \$130,422,000 |
|                        | Seymour Johnson AFB .....                           | \$55,450,000  |
| Pennsylvania .....     | DEF Distribution Depot New Cumberland .....         | \$17,400,000  |
| South Carolina .....   | Shaw AFB .....                                      | \$57,200,000  |
| Texas .....            | Red River Army Depot .....                          | \$16,715,000  |
| Virginia .....         | Joint Expeditionary Base Little Creek - Story ..... | \$11,132,000  |
|                        | Norfolk .....                                       | \$8,500,000   |
| Washington .....       | Fort Lewis .....                                    | \$50,520,000  |

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installa-

tions or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

| <i>Country</i> | <i>Installation or Location</i> | <i>Amount</i> |
|----------------|---------------------------------|---------------|
| Belgium .....  | Brussels .....                  | \$26,969,000  |
| Germany .....  | Stuttgart-Patch Barracks .....  | \$2,413,000   |

**Defense Agencies: Outside the United States—Continued**

| Country                   | Installation or Location   | Amount        |
|---------------------------|----------------------------|---------------|
|                           | Vogelweh .....             | \$61,415,000  |
|                           | Weisbaden .....            | \$52,178,000  |
| Guantanamo Bay, Cuba .... | Guantanamo Bay .....       | \$40,200,000  |
| Japan .....               | Camp Zama .....            | \$13,273,000  |
|                           | Kadena AB .....            | \$143,545,000 |
|                           | Sasebo .....               | \$35,733,000  |
|                           | Zukeran .....              | \$79,036,000  |
| Korea .....               | Kunsan AB .....            | \$13,000,000  |
|                           | Osan AB .....              | \$77,292,000  |
| Romania .....             | Deveselu .....             | \$157,900,000 |
| United Kingdom .....      | Menwith Hill Station ..... | \$50,283,000  |
|                           | RAF Feltwell .....         | \$30,811,000  |
|                           | RAF Mildenhall .....       | \$6,490,000   |

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects as specified in the funding table in 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of \$150,000,000.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of increment 7 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction

Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), \$19,000,000.

(2) For the construction of increment 4 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), \$191,414,000.

(3) For the construction of increment 4 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), \$107,400,000.

(4) For the construction of increment 2 of the high performance computing center at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2405(a) of this Act, \$225,521,000.

(5) For the construction of increment 2 of the ambulatory care center phase 3 at Joint Base San Antonio, Texas, authorized by section

2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), \$80,700,000.

(6) For the construction of increment 2 of the medical center replacement at Rhine Ordnance Barracks, Germany, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), \$127,000,000.

**SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Washington Headquarters Services: Extension of 2010 Project Authorization**

| State          | Installation or Location | Project                           | Amount       |
|----------------|--------------------------|-----------------------------------|--------------|
| Virginia ..... | Pentagon Reservation     | Pentagon electrical upgrade ..... | \$19,272,000 |

**SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.**

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking “\$29,640,000” in the amount column and inserting “\$792,200,000”.

**SEC. 2406. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may carry out a military construction project to construct an Upgrade Fuel Pipeline at Andersen Air Force Base, Guam, in the amount of \$67,500,000.

(b) LIMITATION.—No funds may be obligated or expended for the project described in subsection (a) until the Commander of the United States Pacific Command provides to the congressional defense committees a report, with classified annex if necessary, detailing the strategic and operational requirements satisfied by the construction of this project and a certification that this project is a bona fide need for meeting national security objectives for fiscal year 2013.

(c) USE OF UNOBLIGATED PRIOR-YEAR MILITARY CONSTRUCTION FUNDS.—The Secretary of Defense shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

**Subtitle B—Chemical Demilitarization Authorizations****SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of phase 14 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$36,000,000.

(2) For the construction of phase 13 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), section 2414 of the

Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4450), \$115,000,000.

**SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.**

(a) **MODIFICATIONS.**—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), is amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking “\$484,000,000” in the amount column and inserting “\$520,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$866,454,000”.

(b) **CONFORMING AMENDMENT.**—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking “\$484,000,000” and inserting “\$520,000,000”.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

**Subtitle A—Project Authorizations and Authorization of Appropriations**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

| <i>State</i>        | <i>Location</i>             | <i>Amount</i> |
|---------------------|-----------------------------|---------------|
| Alabama .....       | Fort McClellan .....        | \$5,400,000   |
| Arkansas .....      | Searcy .....                | \$6,800,000   |
| California .....    | Fort Irwin .....            | \$25,000,000  |
| Connecticut .....   | Camp Hartell .....          | \$32,000,000  |
| Delaware .....      | Bethany Beach .....         | \$5,500,000   |
| Florida .....       | Camp Blanding .....         | \$9,000,000   |
|                     | Miramar .....               | \$20,000,000  |
| Hawaii .....        | Kapolei .....               | \$28,000,000  |
| Idaho .....         | Orchard Training Area ..... | \$40,000,000  |
| Indiana .....       | South Bend .....            | \$21,000,000  |
|                     | Terre Haute .....           | \$9,000,000   |
| Iowa .....          | Camp Dodge .....            | \$3,000,000   |
| Kansas .....        | Topeka .....                | \$9,500,000   |
| Kentucky .....      | Frankfort .....             | \$32,000,000  |
| Massachusetts ..... | Camp Edwards .....          | \$22,000,000  |
| Minnesota .....     | Camp Ripley .....           | \$17,000,000  |
|                     | St. Paul .....              | \$17,000,000  |
| Missouri .....      | Fort Leonard Wood .....     | \$18,000,000  |
|                     | Kansas City .....           | \$1,900,000   |
|                     | Monett .....                | \$820,000     |
|                     | Perryville .....            | \$700,000     |
| Montana .....       | Miles City .....            | \$11,000,000  |
| New Jersey .....    | Sea Girt .....              | \$34,000,000  |
| New York .....      | Stormville .....            | \$24,000,000  |
| Ohio .....          | Chillicothe .....           | \$3,100,000   |
|                     | Delaware .....              | \$12,000,000  |
| Oklahoma .....      | Camp Gruber .....           | \$25,000,000  |
| Utah .....          | Camp Williams .....         | \$36,000,000  |
| Washington .....    | Fort Lewis .....            | \$35,000,000  |
| West Virginia ..... | Logan .....                 | \$14,200,000  |
| Wisconsin .....     | Wausau .....                | \$10,000,000  |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as

specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations

outside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Outside the United States**

| <b>Country</b>    | <b>Installation</b> | <b>Amount</b> |
|-------------------|---------------------|---------------|
| Guam .....        | Barrigada .....     | \$8,500,000   |
| Puerto Rico ..... | Camp Santiago ..... | \$3,800,000   |
|                   | Ceiba .....         | \$2,200,000   |
|                   | Guaynabo .....      | \$15,000,000  |
|                   | Gurabo .....        | \$14,700,000  |

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

| <b>State</b>        | <b>Location</b>                           | <b>Amount</b> |
|---------------------|---|---------------|
| California .....    | Fort Hunter Liggett .....                 | \$68,300,000  |
|                     | Tustin .....                              | \$27,000,000  |
| Illinois .....      | Fort Sheridan .....                       | \$28,000,000  |
| Maryland .....      | Aberdeen Proving Ground .....             | \$21,000,000  |
|                     | Baltimore .....                           | \$10,000,000  |
| Massachusetts ..... | Devens Reserve Forces Training Area ..... | \$8,500,000   |
| Nevada .....        | Las Vegas .....                           | \$21,000,000  |
| New Jersey .....    | Joint Base McGuire-Dix-Lakehurst .....    | \$7,400,000   |
| Washington .....    | Joint Base Lewis-McChord .....            | \$40,000,000  |
| Wisconsin .....     | Fort McCoy .....                          | \$47,800,000  |

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps

Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Navy Reserve Marine Corps Reserve**

| <b>State</b>    | <b>Location</b>       | <b>Amount</b> |
|-----------------|-----------------------|---------------|
| Arizona .....   | Yuma .....            | \$5,379,000   |
| Iowa .....      | Fort Des Moines ..... | \$19,162,000  |
| Louisiana ..... | New Orleans .....     | \$7,187,000   |
| New York .....  | Brooklyn .....        | \$4,430,000   |
| Texas .....     | Fort Worth .....      | \$11,256,000  |

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction

projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

| <b>State</b>     | <b>Location</b>                      | <b>Amount</b> |
|------------------|--------------------------------------|---------------|
| California ..... | Fresno Yosemite IAP ANG .....        | \$11,000,000  |
| Hawaii .....     | Joint Base Pearl Harbor-Hickam ..... | \$6,500,000   |
| New Mexico ..... | Kirtland AFB .....                   | \$8,500,000   |
| Wyoming .....    | Cheyenne MAP .....                   | \$6,486,000   |

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction

projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Air Force Reserve**

| <b>State</b>   | <b>Location</b>         | <b>Amount</b> |
|----------------|-------------------------|---------------|
| New York ..... | Niagara Falls IAP ..... | \$6,100,000   |

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those

facilities), as specified in the funding table in section 4601.

**Subtitle B—Other Matters****SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law

110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

**Air National Guard: Extension of 2009 Project Authorizations**

| <b>State</b>      | <b>Installation or Location</b> | <b>Project</b>                  | <b>Amount</b> |
|-------------------|---------------------------------|---------------------------------|---------------|
| Mississippi ..... | Gulfport-Biloxi Airport .....   | Relocate Munitions Complex .... | \$3,400,000   |

**SEC. 2612. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October

1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) *TABLE.*—The tables referred to in subsection (a) are as follows:

**Army Reserve: Extension of 2010 Project Authorizations**

| <b>State</b>      | <b>Installation or Location</b> | <b>Project</b>                 | <b>Amount</b> |
|-------------------|---------------------------------|--------------------------------|---------------|
| California .....  | Camp Pendleton .....            | Army Reserve Center .....      | \$19,500,000  |
| Connecticut ..... | Bridgeport .....                | Army Reserve Center/Land ..... | \$18,500,000  |

**Air National Guard: Extension of 2010 Project Authorization**

| <b>State</b>      | <b>Installation or Location</b> | <b>Project</b>               | <b>Amount</b> |
|-------------------|---------------------------------|------------------------------|---------------|
| Mississippi ..... | Gulfport-Biloxi Airport .....   | Relocate Base Entrance ..... | \$6,500,000   |

**SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.**

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES****SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public

Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

**SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

**SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF FISCAL YEAR 2012 ACT.**

(a) *CORRECTION.*—Section 2702 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1681) is amended by striking “Using amounts” and all that follows through “may carry out” and inserting “Funds are hereby authorized to

be appropriated for fiscal years beginning after September 30, 2011, for”.

(b) *CONFORMING AMENDMENT.*—The heading of such section is amended by striking “AUTHORIZED” and inserting “AUTHORIZATION OF APPROPRIATIONS FOR”.

**SEC. 2704. CRITERIA FOR DECISIONS INVOLVING CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.**

(a) *CRITERIA.*—Not later than March 31, 2013, the Comptroller General of the United States shall submit to the congressional defense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) *ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) *NATIONAL SECURITY WAIVER.*—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to

the congressional defense committees that is in the national security interests of the United States.

**SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.**

(a) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”

(b) **NOTICE REQUIREMENTS.**—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”

**SEC. 2706. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the Air Force Materiel Command’s reorganization on other commands’ responsibilities for—

(A) Operational Test and Evaluation; and

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

**SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.**

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “was approved originally” and inserting “was authorized”;

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: “Any reduction in scope of work for a military construction project shall not result in a facility or item of infrastructure that is not complete and useable or does not fully meet the mission requirement contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

(B) by adding at the end the following new paragraph:

“(3) In this subsection, the term ‘scope of work’ refers to the function, size, or quantity of the primary facility, any associated facility, or item of complete and useable infrastructure contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”;

(3) in subsection (c)(1)(A), by striking “and the reasons therefor, including a description” and inserting “, the reasons therefor, a certification that the mission requirement identified in the justification data provided to Congress can be still be met with the reduced scope, and a description”;

(4) by adding at the end the following new subsection:

“(e) Notwithstanding the authority under subsections (a) through (d), the Secretary concerned shall ensure compliance of contracts for military construction projects and for the construction, improvement, and acquisition of military family housing projects with section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’).”

**SEC. 2802. COMPTROLLER GENERAL REPORT ON IN-KIND PAYMENTS.**

(a) **REPORTS REQUIRED.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the construction or renovation of Department of Defense facilities with in-kind payments. The report shall cover construction or renovation projects begun during the preceding two years.

(2) **UPDATES.**—Not later than one year after submitting the report required under paragraph (1), and annually thereafter for 3 years, the Comptroller General shall submit to the congressional defense committees a report covering

sional defense committees a report covering projects begun since the most recent report.

(b) **CONTENT.**—Each report required under subsection (a) shall include the following elements:

(1) A listing of each facility constructed or renovated for the Department of Defense as payment in kind.

(2) The value in United States dollars of that construction or renovation.

(3) The source of the in-kind payment.

(4) The agreement pursuant to which the in-kind payment was made.

(5) A description of the purpose and need for the construction or renovation.

**SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.**

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1685), is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking the second sentence; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2012” and inserting “September 30, 2013”; and

(B) in paragraph (2), by striking “fiscal year 2013” and inserting “fiscal year 2014”.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2811. AUTHORITY TO ACCEPT AS CONSIDERATION FOR LEASES OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES REAL PROPERTY INTERESTS AND NATURAL RESOURCE MANAGEMENT SERVICES RELATED TO AGREEMENTS TO LIMIT ENCROACHMENT.**

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by adding at the end the following new subparagraph:

“(G) Provision of interests in real property for the purposes specified in section 2684a of this title and provision of natural resource management services on such real property.”; and

(B) in paragraph (2), by striking “accepted at any property or facilities” and inserting “accepted at or for the benefit of any property or facilities”;

(2) in subsection (e)(1)(C), by adding at the end the following new clause:

“(vi) Provision of funds pursuant to an agreement under section 2684a of this title.”

**SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT MILITARY INSTALLATIONS.**

Section 2869(a)(1) of title 10, United States Code is amended—

(1) by striking “eligible”; and

(2) by striking “entity” both places it appears and inserting “person”.

**Subtitle C—Energy Security**

**SEC. 2821. GUIDANCE ON FINANCING FOR RENEWABLE ENERGY PROJECTS.**

(a) **GUIDANCE ON USE OF AVAILABLE FINANCING APPROACHES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition,



Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall issue guidance about the use of available financing approaches for financing renewable energy projects and direct the Secretaries of the military departments to update their guidance accordingly. The guidance should describe the requirements and restrictions applicable to the underlying authorities and any Department of Defense-specific guidelines for using appropriated funds and alternative-financing approaches for renewable energy projects.

(b) **GUIDANCE ON USE OF BUSINESS CASE ANALYSES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Under Secretary of Defense for Installations and Environment, and the Secretaries of the military departments, shall issue guidance that establishes and clearly describes the processes used by the military departments to select financing approaches for renewable energy projects to ensure that business case analyses are completed to maximize benefits and mitigate drawbacks and risks associated with different financing approaches.

(c) **INFORMATION SHARING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall develop a formalized communications process, such as a shared Internet website, that will enable officials at military installations to have timely access on an ongoing basis to information related to financing renewable energy projects on other installations, including best practices and lessons that officials at other installations have learned from their experiences in financing renewable energy projects.

**SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION.**

Section 2830(b)(1) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

(1) by striking “authorized to be appropriated by this Act” and inserting “authorized to be appropriated”; and

(2) by inserting before the period at the end the following: “until the date that is six months after the date of the submittal to the congressional defense committees of the report required by subsection (a)”.

**Subtitle D—Land Conveyances**

**SEC. 2831. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environ-

mental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2832. USE OF PROCEEDS, LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.**

Section 2862(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 868) is amended—

(1) by striking “and to improve” and inserting “, to improve”; and

(2) by inserting before the period at the end the following: “, or for other purposes, subject to the limitations described in section 2667(e) of title 10, United States Code”.

**Subtitle E—Other Matters**

**SEC. 2841. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.**

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

“(d) **AUTHORIZATION REQUIREMENT.**—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.”; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:

“(4) The term ‘public infrastructure’ means any utility, road, method of transportation, or facility under the control of a State or local government or a private entity that is used by, or constructed for the benefit of, the general public.”.

**SEC. 2842. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) **IN GENERAL.**—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled “Petersburg National Battlefield Boundary Expansion”, numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) **ACQUISITION OF PROPERTIES.**—The Secretary of the Interior (referred to in this section

as the “Secretary”) is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) **ADMINISTRATION.**—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **IN GENERAL.**—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2)(A); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2)(A).

(2) **MAP.**—

(A) **IN GENERAL.**—The land to be transferred under paragraph (1) is depicted on the map entitled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/081A, and dated May 2011.

(B) **AVAILABILITY.**—The map described in subparagraph (A) shall be available for public inspection in the appropriate offices of the National Park Service.

(3) **CONDITIONS OF TRANSFER.**—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) **NO REIMBURSEMENT OR CONSIDERATION.**—The transfer shall occur without reimbursement or consideration.

(B) **MANAGEMENT.**—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

**SEC. 2843. CONGRESSIONAL NOTIFICATION WITH RESPECT TO OVERSIGHT AND MAINTENANCE OF BASE CEMETERIES FOLLOWING CLOSURE OF OVERSEAS MILITARY INSTALLATIONS.**

(a) **NOTIFICATION REQUIREMENT.**—Not later than 30 days after closure of a United States military installation overseas, the Secretary of Defense shall submit to the appropriate congressional committees a report that details a plan to ensure the oversight and continued maintenance of the cemetery located on the military installation. The plan shall clearly detail which Federal agency or private entity will assume responsibility for the operation and maintenance of the cemetery following the closure of the installation and what information with regard to the cemetery has been provided to the responsible agency or private entity.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committees on Armed Services of the Senate and the House of Representatives.

**SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—

“(1) **EXEMPTION AUTHORITY.**—The Chief”; and

(2) by inserting at the end the following new paragraph:

“(2) The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization or appropriations for the High Performance Computing Modernization Program (Program Element 0603461A), if the Chief Information Officer determines that the exemption is in the best interest of national security.”

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4601.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant projects for the National Nuclear Security Administration:

Project 13–D–301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory/Los Alamos National Laboratory, \$23,000,000.

Project 13–D–903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, \$14,000,000.

Project 13–D–904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, \$2,000,000.

Project 13–D–905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, Idaho, \$8,900,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4601.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for other defense activities in carrying out programs as specified in the funding table in section 4601.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) **PROJECT REQUIRED.**—

(1) **IN GENERAL.**—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

“**SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

“(a) **REPLACEMENT BUILDING REQUIRED.**—The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico a building to replace the functions of the existing Chemistry and Metallurgy Research building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

“(b) **LIMITATION ON COST.**—The cost of the building constructed under subsection (a) may not exceed \$3,700,000,000.

“(c) **PROJECT BASIS.**—The construction authorized by subsection (a) shall use as its basis

the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).”

“(d) **DEADLINE FOR COMMENCEMENT OF OPERATIONS.**—The building constructed under subsection (a) shall commence operations not later than December 31, 2024.”

(2) **CLERICAL AND TECHNICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to 4213 the following new items:

“Sec. 4214. Plan for transformation of National Nuclear Security Administration nuclear weapons complex.

“Sec. 4215. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.”

(b) **FUNDING.**—

(1) **FISCAL YEAR 2013 FUNDS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), of the amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration, \$150,000,000 shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as added by subsection (a)).

(B) **EXCEPTION.**—The following amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration shall not be available for the construction of the building:

(i) Amounts available for Directed Stockpile Work.

(ii) Amounts available for Naval Reactors.

(iii) Amounts available for the facility project in the Department of Energy Readiness and Technical Base designated 06–D–141.

(2) **PRIOR FISCAL YEAR FUNDS.**—Amounts authorized to be appropriated for the Department of Energy for a fiscal year before fiscal year 2013 and available for the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory, New Mexico) shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as so added).

**SEC. 3112. SUBMITTAL TO CONGRESS OF SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.**

(a) **SUBMITTAL REQUIRED.**—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as amended by section 3111 of this Act, is further amended by adding at the end the following new section:

“**SEC. 4216. SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.**

“(a) **SELECTED ACQUISITION REPORTS.**—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees at the end of each fiscal-year quarter a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

“(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the nuclear weapon system.

“(b) **INDEPENDENT COST ESTIMATES.**—(1) The Secretary of Energy shall, acting through the

Administrator of the National Nuclear Security Administration, submit to the congressional defense committees a cost estimate on each nuclear weapon system undergoing life extension at the times in production as follows:

“(A) At the completion of phase 6.2A, relating to design definition and cost study.

“(B) Before initiation of phase 6.5, relating to first production.

“(2) A cost estimate for purposes of this subsection may not be prepared by the Department of Energy or the National Nuclear Security Administration.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act, as so amended, is further amended by inserting after the item relating to 4215 the following new item:

“Sec. 4216. Selected Acquisition Reports and independent cost estimates on nuclear weapon systems undergoing life extension.”

**SEC. 3113. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.**

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (C), by striking “2012” and inserting “2014”; and

(B) in subparagraph (D), by striking “2017” and inserting “2019”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “by January 1, 2012”; and

(B) in paragraph (5), by striking “2012” and inserting “2014”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “2012” and inserting “2014”;

(B) in paragraph (1), by striking “2014” and inserting “2016”; and

(C) in paragraph (2), by striking “2020” each place it appears and inserting “2022”;

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “2014” and inserting “2016”; and

(ii) by striking “2019” and inserting “2021”; and

(B) in paragraph (2)(A), by striking “2020” each place it appears and inserting “2022”; and

(5) in subsection (e), by striking “2023” and inserting “2025”.

**SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

“**SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

“(a) **PROGRAM REQUIRED.**—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) **ELEMENTS.**—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.

“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) **REPORT ON COMMENCEMENT OF PROGRAM.**—Funds may not be expended under the

program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) **REPORTS ON MODIFICATION OF PROGRAM.**—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”

(2) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”

(b) **REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) **COMPTROLLER GENERAL OF THE UNITED STATES REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 3115. REPEAL OF REQUIREMENT FOR ANNUAL UPDATE OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN.**

Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) is amended—

(1) in subsection (b)(1), by striking “and any updates of the plan under subsection (e)”;

(2) by striking subsection (e);

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(4) in subsection (e), as redesignated by paragraph (3)—

(A) by striking “(1)” before “The Secretary”; and

(B) by striking paragraph (2).

**SEC. 3116. QUARTERLY REPORTS TO CONGRESS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.**

(a) **REPORTS REQUIRED.**—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

**“SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.**

“(a) **REPORTS REQUIRED.**—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development.

“(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for each program covered by such report, the following as of the end of the fiscal year quarter covered by such report:

“(1) The total amount authorized to be appropriated, including amounts authorized to be appropriated in the current fiscal year and amounts authorized to be appropriated for prior fiscal years.

“(2) The amount unobligated.

“(3) The amount unobligated but committed.

“(4) The amount obligated, but uncosted.

“(c) **PRESENTATION.**—Each report under subsection (a) shall present information as follows:

“(1) For each program, in summary form and by fiscal year.

“(2) With financial balances in connection with funding under recurring DoE national security authorizations (as that term is defined in section 4701(1)) presented separately from balances in connection with funding under any other provisions of law.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to section 4731 the following new item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.”

**SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.**

(a) **PUBLICATION REQUIRED.**—

(1) **IN GENERAL.**—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

**“SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.**

“(a) **IN GENERAL.**—The Administrator of the National Nuclear Security Administration shall take appropriate actions to make available, to the maximum extent practicable, to the public

each contractor performance evaluation conducted by the Administration of a national laboratory, production plant, or single user facility under the management responsibility of the Administration that results in the award of an award fee to the contractor concerned.

“(b) **FORMAT.**—Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management contracts.”

(2) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of that Act is amended by inserting after the item relating to section 4804 the following new item:

“Sec. 4805. Publication of contractor performance evaluations by the National Nuclear Security Administration leading to award fees.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contractor performance evaluations conducted by the National Nuclear Security Administration on or after that date.

**SEC. 3118. EXPANSION OF AUTHORITY TO ESTABLISH CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.**

(a) **NUMBER OF POSITIONS.**—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended by striking “300” and inserting “700”.

(b) **EXTENSION TO CONTRACTING POSITIONS.**—Such section is further amended by inserting “contracting,” before “scientific”.

(c) **CONFORMING AMENDMENT.**—The heading of such section is amended to read as follows:

**“SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN CONTRACTING, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.”**

(d) **CLERICAL AMENDMENT.**—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3241 and inserting the following new item:

“Sec. 3241. Authority to establish certain contracting, scientific, engineering, and technical positions.”

**SEC. 3119. MODIFICATION AND EXTENSION OF AUTHORITY ON ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.**

(a) **PROGRAMS FOR WHICH FUNDS MAY BE ACCEPTED.**—Paragraph (2) of section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended to read as follows:

“(2) **PROGRAMS COVERED.**—The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.”

(b) **EXTENSION.**—Paragraph (7) of such section is amended by striking “December 31, 2013” and inserting “December 31, 2018”.

**SEC. 3120. COST CONTAINMENT FOR Y-12 URANIUM PROCESSING FACILITY, Y-12 NATIONAL SECURITY COMPLEX, OAK RIDGE, TENNESSEE.**

(a) **EXECUTION PHASES FOR PROJECT.**—Project 06-D-141 for the Y-12 Uranium Processing Facility, Y-12 National Security Complex, Oak Ridge, Tennessee, shall be broken into separate execution phases as follows

(1) Phase I, which shall consist of processes associated with building 9212, including uranium casting and uranium chemical processing.

(2) Phase II, which shall consist of processes associated with buildings 9215 and 9998, including uranium metal working, machining, and inspection.

(3) Phase III, which shall consist of processes associated with building 9204-2E, including radiography, assembly, disassembly, quality evaluation, and production certification operations of nuclear weapon secondaries.

(b) **BUDGETING AND AUTHORIZATION FOR EACH PHASE.**—

(1) **BUDGETING FOR EACH PHASE REQUIRED.**—The Secretary of Energy shall budget separately for each phase under subsection (a) of the project referred to in that subsection.

(2) **FUNDING PURSUANT TO SEPARATE AUTHORIZATIONS OF APPROPRIATIONS.**—The Secretary may not proceed with a phase under subsection (a) of the project referred to in that subsection except with funds expressly authorized to be appropriated for that phase by law.

(c) **COMPLIANCE OF PHASES WITH DOE ORDER ON PROGRAM AND PROJECT MANAGEMENT.**—Each phase under subsection (a) of the project referred to in that subsection shall comply with Department of Energy Order 413.3, relating to Program Management and Project Management for the Acquisition of Capital Assets.

(d) **LIMITATION ON COST OF PHASE I.**—The total cost of Phase I under subsection (a) of the project referred to in that subsection may not exceed \$4,200,000,000.

**SEC. 3121. AUTHORITY TO RESTORE CERTAIN FORMERLY RESTRICTED DATA TO THE RESTRICTED DATA CATEGORY.**

(a) **IN GENERAL.**—Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting “(1)” before “The Commission”; and

(B) by adding at the end the following new paragraphs:

“(2) The Commission may restore to the Restricted Data category any information related to the design of nuclear weapons removed under paragraph (1) if the Commission and the Department of Defense jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) Information related to the design of nuclear weapons shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.”; and

(2) in subsection e.—

(A) by inserting “(1)” before “The Commission”; and

(B) by adding at the end the following new paragraphs:

“(2) The Commission may restore to the Restricted Data category any information concerning atomic energy programs of other nations removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) Information concerning atomic energy programs of other nations shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.”.

(b) **TECHNICAL AMENDMENT.**—Paragraph (1) of subsection (e) of such section, as designated by

subsection (a)(2)(A) of this section, is further amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

**SEC. 3122. RENEWABLE ENERGY.**

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking “geothermal,” and inserting “geothermal (including geothermal heat pumps),”.

**Subtitle C—Reports**

**SEC. 3131. REPORT ON ACTIONS REQUIRED FOR TRANSITION OF REGULATION OF NON-NUCLEAR ACTIVITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO OTHER FEDERAL AGENCIES.**

Not later than February 28, 2013, the Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to Congress a report on the actions required to transition, to the maximum extent practicable, the regulation of the non-nuclear activities of the National Nuclear Security Administration to other appropriate agencies of the Federal Government by not later than October 1, 2017.

**SEC. 3132. REPORT ON CONSOLIDATION OF FACILITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit to the congressional defense committees a report setting forth the assessment of the Council as to the feasibility of consolidating facilities and functions of the National Nuclear Security Administration in order to reduce costs.

(b) **PROCESS FOR CONSOLIDATION.**—If the assessment of the Council in the report under subsection (a) is that excess facilities exist and the consolidation of facilities and functions of the Administration is feasible and would reduce cost, the report shall include recommendations for a process to determine the manner in which the consolidation should be accomplished, including an estimate of the time to be required to complete the process.

(c) **LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT.**—Amounts authorized to be appropriated by this title and available for the facility projects in the Department of Energy Readiness and Technical Base designated 04-D-125 and 06-D-141 may not be obligated or expended for CD-3, Start of Construction (as found in Department of Energy Order 413.3 B Program and Project Management for the Acquisition of Capital Assets,) until the submittal under subsection (a) of the report required by that subsection.

**SEC. 3133. REGIONAL RADIOLOGICAL SECURITY ZONES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) A terrorist attack using high-activity radiological materials, such as in a dirty bomb, could inflict billions of dollars of economic costs and considerable societal and economic dislocation, with effects and costs possibly lasting for years.

(2) It may be easier for terrorists to obtain the materials for, and to fabricate, a dirty bomb than an improvised nuclear device.

(3) Radiological materials are in widespread use worldwide, with estimates of the number of radiological sources ranging from 100,000 to millions.

(4) Many nations have a security and regulatory regime for their radiological sources that is much less developed than that of the United States.

(5) Radiological materials are used at many civilian sites including hospitals, industrial sites, and other locations that have little security, placing these materials at risk of theft.

(6) Many radiological materials have become lost, disused, unwanted, or abandoned, with the Global Threat Reduction Initiative of the National Nuclear Security Administration having recovered more than 30,000 radioactive sources in the United States, repatriated more than 2,400 United States-origin sources from other countries, and helped recover more than 13,000 radioactive sources and radioisotope thermoelectric generators in other countries.

(7) High-activity radiological materials can be used in a dirty bomb.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that United States and global non-proliferation efforts should place a high priority on programs to secure high-activity radiological sources to reduce the threat of radiological terrorism.

(c) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate committees of Congress a study in accordance with paragraph (3).

(2) **CONSULTATION.**—The Administrator may, in conducting the study required under paragraph (1), consult with the Secretary of Homeland Security, the Secretary of State, the Nuclear Regulatory Commission, and such other departments and agencies of the United States Government as the Administrator considers appropriate.

(3) **MATTERS INCLUDED.**—The study under paragraph (1) shall include the following:

(A) An assessment of the radioactive isotopes and associated activity levels that present the greatest risk to national and international security.

(B) A review of current United States Government efforts to secure radiological materials abroad, including coordination with foreign governments, the European Union, the International Atomic Energy Agency, other international programs, and nongovernmental organizations that identify, register, secure, remove, and provide for the disposition of high-risk radiological materials worldwide.

(C) A review of current United States Government efforts to secure radiological materials domestically at civilian sites, including hospitals, industrial sites, and other locations.

(D) A definition of regional radiological security zones, including the subset of the materials of concern to be the immediate focus and the security best practices required to achieve that goal.

(E) An assessment of the feasibility, cost, desirability, and added benefit of establishing regional radiological security zones in high priority areas worldwide in order to facilitate regional collaboration in—

(i) identifying and inventorying high-activity radiological sources at high-risk sites;

(ii) reviewing national level regulations, inspections, transportation security, and security upgrade options; and

(iii) assessing opportunities for the harmonization of regulations and security practices among the nations of the region.

(F) An assessment of the feasibility, cost, desirability, and added benefit of establishing remote regional monitoring centers that would receive real-time data from radiological security sites, would be staffed by trained personnel from the countries in the region, and would alert local law enforcement in the event of a potential or actual terrorist incident or other emergency.

(G) A list and assessment of the best practices used in the United States that are most critical in enhancing domestic radiological material security and could be used to enhance radiological security worldwide.

(H) An assessment of the United States entity or entities that would be best suited to lead efforts to establish a radiological security zone program.

(I) An estimate of the costs associated with the implementation of a radiological security zone program.

(J) An assessment of the known locations outside the United States housing high-risk radiological materials in excess of 1,000 curies.

(4) **FORM.**—The study required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 3134. REPORT ON LEGACY URANIUM MINES.**

(a) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Energy shall undertake a review of, and prepare a report on, abandoned uranium mines at which uranium ore was mined for the weapons program of the United States (hereinafter referred to as “legacy uranium mines”).

(2) **MATTERS TO BE ADDRESSED.**—The report shall describe and analyze—

(A) the location of the legacy uranium mines on Federal, State, tribal, and private land, taking into account any existing inventories undertaken by Federal agencies, States, and Indian tribes, and any additional information available to the Secretary;

(B) the extent to which the legacy uranium mines—

(i) may pose a potential and significant radiation health hazard to the public;

(ii) may pose some other threat to public health and safety hazard;

(iii) have caused, or may cause, degradation of water quality; and

(iv) have caused, or may cause, environmental degradation;

(C) a ranking of priority by category for the remediation and reclamation of the legacy uranium mines;

(D) the potential cost and feasibility of remediating and reclaiming, in accordance with applicable Federal law, each category of legacy uranium mines; and

(E) the status of any efforts to remediate and reclaim legacy uranium mines.

(b) **RECOMMENDATIONS.**—The report shall—

(1) make recommendations as to how to ensure most feasibly and effectively and expeditiously that the public health and safety, water resources, and the environment will be protected from the adverse effects of legacy uranium mines; and

(2) make recommendations on changes, if any, to Federal law to address the remediation and reclamation of legacy uranium mines.

(c) **CONSULTATION.**—In preparing the report, the Secretary of Energy shall consult with any other relevant Federal agencies, affected States and Indian tribes, and interested members of the public.

(d) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate and the appropriate Committees of the House of Representatives—

(1) the report; and

(2) the plan and timeframe of the Secretary of Energy for implementing those recommendations of the report that do not require legislation.

#### **SEC. 3135. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “The Comptroller General shall conduct a review during the period described in paragraph (2), of the following:” and inserting “Beginning on the date of the submittal of the report required under subsection (b)(2), the Comptroller General shall conduct a review of the following:”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking “the end of the period described in paragraph (2)” and inserting “August 30, 2012”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:” and inserting “Following the submittal of the final report required under subsection (c)(2), the Comptroller General shall conduct a review of the following:”;

(B) in paragraph (2), by striking “Not later than 90 days after submitting the last report required under subsection (c)(3)” and inserting “Within seven months after receiving notification that all American Recovery and Reinvestment Act funds have been expended, but not later than April 30, 2016”.

#### **Subtitle D—Other Matters**

#### **SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear non-proliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation’s most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration’s Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from termi-

nated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested “contractor assurance” approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a “high risk” designation and found there to be insufficient qualified Federal acquisition professionals to “plan, direct, and oversee project execution”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished but should be routinely evaluated;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

#### **Subtitle E—American Medical Isotopes Production**

#### **SEC. 3151. SHORT TITLE.**

This subtitle may be cited as the “American Medical Isotopes Production Act of 2012”.

#### **SEC. 3152. DEFINITIONS.**

In this subtitle:

(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **HIGHLY ENRICHED URANIUM.**—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(3) **LOW ENRICHED URANIUM.**—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

#### **SEC. 3153. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.**

(a) **MEDICAL ISOTOPE DEVELOPMENT PROJECTS.**—

(1) *IN GENERAL.*—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) *CRITERIA.*—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) *EXEMPTION.*—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) *PUBLIC PARTICIPATION AND REVIEW.*—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) *DEVELOPMENT ASSISTANCE.*—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) *URANIUM LEASE AND TAKE-BACK.*—

(1) *IN GENERAL.*—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) *TITLE.*—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) *DUTIES.*—

(A) *SECRETARY.*—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) *PRODUCER.*—The producer of the spent nuclear fuel and radioactive waste shall accu-

ately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) *COMPENSATION.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) *DISCOUNT RATE.*—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) *AUTHORIZED USE OF FUNDS.*—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) *EXCHANGE OF URANIUM FOR SERVICES.*—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) *COORDINATION OF ENVIRONMENTAL REVIEWS.*—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) *OPERATIONAL DATE.*—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) *RADIOACTIVE WASTE.*—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

#### SEC. 3154. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

“f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”

#### SEC. 3155. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

#### SEC. 3156. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) *IN GENERAL.*—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

“a. The Commission may issue a license, or grant an amendment to an existing license, for



the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

#### SEC. 3157. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

#### SEC. 3158. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Acad-

emy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

#### SEC. 3159. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

#### Subtitle F—Other Matters

#### SEC. 3161. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section referred to as the “advisory panel”) to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the “Administration”) to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the Speaker of the House of Representatives.

(B) Three by the Minority Leader of the House of Representatives.

(C) Three by the Majority Leader of the Senate.

(D) Three by the Minority Leader of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State, and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The reports shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, and other Federal agencies, as well as the national security laboratories, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the Administration should operate more independently of the Department of Energy while reporting to the President through Secretary of Energy.



(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than \$1,000,000 shall be made available to the advisory panel to carry out this section.

(f) **SUNSET.**—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

##### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2013, \$29,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

#### **TITLE XXXV—MARITIME ADMINISTRATION**

##### **SEC. 3501. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

##### **SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) **ASSESSMENT.**—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

##### **SEC. 3503. SHORT SEA TRANSPORTATION.**

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes short sea transportation.”; and

(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

##### **SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

##### **“§50307. Maritime environmental and technical assistance**

“(a) **IN GENERAL.**—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) **REQUIREMENTS.**—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) **COORDINATION.**—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) **ASSISTANCE.**—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance.”.

##### **SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.**

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) **IN GENERAL.**—When the head”; and

(2) by adding at the end the following:

“(2) **DETERMINATIONS.**—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) **NOTICE TO CONGRESS.**—

“(A) **IN GENERAL.**—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) **CONTENTS.**—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

##### **SEC. 3506. MARITIME WORKFORCE STUDY.**

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

##### **SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and

the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

**SEC. 3508. REQUIREMENT FOR BARGE DESIGN.**

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or

load-on/load-off technology in marine highway maritime commerce.

**SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.**

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting “or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof” after “a non-profit training institution”.

**DIVISION D—FUNDING TABLES**

**SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to sub-

section (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

**TITLE XLI—PROCUREMENT**

**SEC. 4101. PROCUREMENT.**

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| Line                              | Item  | FY 2013 Request | Senate Authorized |
|-----------------------------------|---|-----------------|-------------------|
| <b>AIRCRAFT PROCUREMENT, ARMY</b> |   |                 |                   |
| <b>FIXED WING</b>                 |   |                 |                   |
| 001                               | UTILITY F/W AIRCRAFT .....                  | 18,639          | 18,639            |
| 002                               | C-12 CARGO AIRPLANE .....                   | 0               | 0                 |
| 003                               | MQ-1 UAV .....                              | 518,088         | 518,088           |
| 004                               | RQ-11 (RAVEN) .....                         | 25,798          | 25,798            |
| 005                               | BCT UNMANNED AERIAL VEH (UAVS) INCR 1 ..... | 0               | 0                 |
| <b>ROTARY</b>                     |   |                 |                   |
| 006                               | HELICOPTER, LIGHT UTILITY (LUH) .....       | 271,983         | 271,983           |
| 007                               | AH-64 APACHE BLOCK IIIA REMAN .....         | 577,115         | 577,115           |
| 008                               | ADVANCE PROCUREMENT (CY) .....              | 107,707         | 107,707           |
| 009                               | AH-64 APACHE BLOCK IIIB NEW BUILD .....     | 153,993         | 153,993           |
| 010                               | ADVANCE PROCUREMENT (CY) .....              | 146,121         | 146,121           |
| 011                               | AH-64 BLOCK II/WRA .....                    | 0               | 0                 |
| 012                               | KIOWA WARRIOR (OH-58F) WRA .....            | 0               | 0                 |
| 013                               | UH-60 BLACKHAWK M MODEL (MYP) .....         | 1,107,087       | 1,107,087         |
| 014                               | ADVANCE PROCUREMENT (CY) .....              | 115,113         | 115,113           |
| 015                               | CH-47 HELICOPTER .....                      | 1,076,036       | 1,076,036         |
| 016                               | ADVANCE PROCUREMENT (CY) .....              | 83,346          | 83,346            |
| <b>MODIFICATION OF AIRCRAFT</b>   |   |                 |                   |
| 017                               | CI2 AIRCRAFT MODS .....                     | 0               | 0                 |
| 018                               | MQ-1 PAYLOAD—UAS .....                      | 231,508         | 231,508           |
| 019                               | MQ-1 WEAPONIZATION—UAS .....                | 0               | 0                 |
| 020                               | GUARDRAIL MODS (MIP) .....                  | 16,272          | 16,272            |
| 021                               | MULTI SENSOR ABN RECON (MIP) .....          | 4,294           | 4,294             |
| 022                               | AH-64 MODS .....                            | 178,805         | 178,805           |
| 023                               | CH-47 CARGO HELICOPTER MODS (MYP) .....     | 39,135          | 39,135            |
| 024                               | UTILITY/CARGO AIRPLANE MODS .....           | 24,842          | 24,842            |
| 025                               | AIRCRAFT LONG RANGE MODS .....              | 0               | 0                 |
| 026                               | UTILITY HELICOPTER MODS .....               | 73,804          | 73,804            |
| 027                               | KIOWA WARRIOR MODS .....                    | 192,484         | 192,484           |
| 028                               | AIRBORNE AVIONICS .....                     | 0               | 0                 |
| 029                               | NETWORK AND MISSION PLAN .....              | 190,789         | 190,789           |
| 030                               | COMMS, NAV SURVEILLANCE .....               | 133,191         | 89,191            |
|                                   | JTRS integration delayed .....              |                 | [-44,000]         |
| 031                               | GATM ROLLUP .....                           | 87,280          | 87,280            |
| 032                               | RQ-7 UAV MODS .....                         | 104,339         | 104,339           |
| <b>SPARES AND REPAIR PARTS</b>    |   |                 |                   |
| 033                               | SPARE PARTS (AIR) .....                     | 0               | 0                 |
| <b>GROUND SUPPORT AVIONICS</b>    |   |                 |                   |
| 034                               | AIRCRAFT SURVIVABILITY EQUIPMENT .....      | 34,037          | 34,037            |
| 035                               | SURVIVABILITY CM .....                      | 0               | 0                 |
| 036                               | CMWS .....                                  | 127,751         | 127,751           |
| <b>OTHER SUPPORT</b>              |   |                 |                   |
| 037                               | AVIONICS SUPPORT EQUIPMENT .....            | 4,886           | 4,886             |
| 038                               | COMMON GROUND EQUIPMENT .....               | 82,511          | 82,511            |
| 039                               | AIRCREW INTEGRATED SYSTEMS .....            | 77,381          | 77,381            |
| 040                               | AIR TRAFFIC CONTROL .....                   | 47,235          | 47,235            |
| 041                               | INDUSTRIAL FACILITIES .....                 | 1,643           | 1,643             |
| 042                               | LAUNCHER, 2.75 ROCKET .....                 | 516             | 516               |

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

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|-------------|---|----------------------------|------------------------------|
|             | <b>TOTAL, AIRCRAFT PROCUREMENT, ARMY .....</b>    | <b>5,853,729</b>           | <b>5,809,729</b>             |
|             | <b>MISSILE PROCUREMENT, ARMY</b>                  |                            |                              |
|             | <b>SURFACE-TO-AIR MISSILE SYSTEM</b>              |                            |                              |
| 001         | PATRIOT SYSTEM SUMMARY .....                      | 646,590                    | 646,590                      |
| 002         | MSE MISSILE .....                                 | 12,850                     | 12,850                       |
| 003         | SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY .....      | 0                          | 0                            |
| 004         | HELLFIRE SYS SUMMARY .....                        | 1,401                      | 1,401                        |
| 005         | JAVELIN (AAWS-M) SYSTEM SUMMARY .....             | 81,121                     | 81,121                       |
| 006         | TOW 2 SYSTEM SUMMARY .....                        | 64,712                     | 64,712                       |
| 007         | ADVANCE PROCUREMENT (CY) .....                    | 19,931                     | 19,931                       |
| 008         | GUIDED MLRS ROCKET (GMLRS) .....                  | 218,679                    | 218,679                      |
| 009         | MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....  | 18,767                     | 18,767                       |
| 010         | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....       | 12,051                     | 12,051                       |
| 011         | PATRIOT MODS .....                                | 199,565                    | 199,565                      |
| 012         | ITAS/TOW MODS .....                               | 0                          | 0                            |
| 013         | MLRS MODS .....                                   | 2,466                      | 2,466                        |
| 014         | HIMARS MODIFICATIONS .....                        | 6,068                      | 6,068                        |
| 015         | HELLFIRE MODIFICATIONS .....                      | 0                          | 0                            |
| 016         | SPARES AND REPAIR PARTS .....                     | 7,864                      | 7,864                        |
| 017         | AIR DEFENSE TARGETS .....                         | 3,864                      | 3,864                        |
| 018         | ITEMS LESS THAN \$5 MILLION (MISSILES) .....      | 1,560                      | 1,560                        |
| 019         | PRODUCTION BASE SUPPORT .....                     | 5,200                      | 5,200                        |
|             | <b>TOTAL, MISSILE PROCUREMENT, ARMY .....</b>     | <b>1,302,689</b>           | <b>1,302,689</b>             |
|             | <b>PROCUREMENT OF W&amp;TCV, ARMY</b>             |                            |                              |
|             | <b>TRACKED COMBAT VEHICLES</b>                    |                            |                              |
| 001         | STRYKER VEHICLE .....                             | 286,818                    | 286,818                      |
| 002         | FCS SPIN OUTS .....                               | 0                          | 0                            |
|             | <b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>    |                            |                              |
| 003         | STRYKER (MOD) .....                               | 60,881                     | 60,881                       |
| 004         | FIST VEHICLE (MOD) .....                          | 57,257                     | 57,257                       |
| 005         | BRADLEY PROGRAM (MOD) .....                       | 148,193                    | 148,193                      |
| 006         | HOWITZER, MED SP FT 155MM M109A6 (MOD) .....      | 10,341                     | 10,341                       |
| 007         | PALADIN PIM MOD IN SERVICE .....                  | 206,101                    | 206,101                      |
| 008         | IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....  | 107,909                    | 230,909                      |
|             | Increased production .....                        |                            | [123,000]                    |
| 009         | ASSAULT BREACHER VEHICLE .....                    | 50,039                     | 50,039                       |
| 010         | M88 FOV MODS .....                                | 29,930                     | 29,930                       |
| 011         | M1 ABRAMS TANK (MOD) .....                        | 129,090                    | 129,090                      |
| 012         | ABRAMS UPGRADE PROGRAM .....                      | 74,433                     | 74,433                       |
| 012A        | ADVANCE PROCUREMENT (CY) .....                    |                            | 91,000                       |
|             | Advanced procurement Abrams upgrade program ..... |                            | [91,000]                     |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>         |                            |                              |
| 013         | PRODUCTION BASE SUPPORT (TCV-WTCV) .....          | 1,145                      | 1,145                        |
|             | <b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>        |                            |                              |
| 014         | INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....   | 506                        | 506                          |
| 015         | M240 MEDIUM MACHINE GUN (7.62MM) .....            | 0                          | 0                            |
| 016         | MACHINE GUN, CAL .50 M2 ROLL .....                | 0                          | 0                            |
| 017         | LIGHTWEIGHT .50 CALIBER MACHINE GUN .....         | 25,183                     | 0                            |
|             | Program termination .....                         |                            | [-25,183]                    |
| 018         | MK-19 GRENADE MACHINE GUN (40MM) .....            | 0                          | 0                            |
| 019         | MORTAR SYSTEMS .....                              | 8,104                      | 8,104                        |
| 020         | M107, CAL. 50, SNIPER RIFLE .....                 | 0                          | 0                            |
| 021         | XM320 GRENADE LAUNCHER MODULE (GLM) .....         | 14,096                     | 14,096                       |
| 022         | M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) .....    | 0                          | 0                            |
| 023         | M4 CARBINE .....                                  | 0                          | 0                            |
| 024         | CARBINE .....                                     | 21,272                     | 21,272                       |
| 025         | SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....    | 6,598                      | 6,598                        |
| 026         | COMMON REMOTELY OPERATED WEAPONS STATION .....    | 56,725                     | 56,725                       |
| 027         | HOWITZER LT WT 155MM (T) .....                    | 13,827                     | 13,827                       |
|             | <b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>        |                            |                              |
| 028         | MK-19 GRENADE MACHINE GUN MODS .....              | 0                          | 0                            |
| 029         | M777 MODS .....                                   | 26,843                     | 26,843                       |
| 030         | M4 CARBINE MODS .....                             | 27,243                     | 27,243                       |
| 031         | M2 50 CAL MACHINE GUN MODS .....                  | 39,974                     | 39,974                       |
| 032         | M249 SAW MACHINE GUN MODS .....                   | 4,996                      | 4,996                        |
| 033         | M240 MEDIUM MACHINE GUN MODS .....                | 6,806                      | 6,806                        |
| 034         | SNIPER RIFLES MODIFICATIONS .....                 | 14,113                     | 14,113                       |
| 035         | M119 MODIFICATIONS .....                          | 20,727                     | 20,727                       |
| 036         | M16 RIFLE MODS .....                              | 3,306                      | 3,306                        |
| 037         | MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....  | 3,072                      | 3,072                        |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>         |                            |                              |
| 038         | ITEMS LESS THAN \$5 MILLION (WOCV-WTCV) .....     | 2,026                      | 2,026                        |
| 039         | PRODUCTION BASE SUPPORT (WOCV-WTCV) .....         | 10,115                     | 10,115                       |
| 040         | INDUSTRIAL PREPAREDNESS .....                     | 442                        | 442                          |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>         |                            |                              |
| 041         | SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....     | 2,378                      | 2,378                        |
|             | <b>SPARES</b>                                     |                            |                              |

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|-------------|---|----------------------------|------------------------------|
| 042         | SPARES AND REPAIR PARTS (WTCV) .....                | 31,217                     | 31,217                       |
|             | <b>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY</b> .....  | <b>1,501,706</b>           | <b>1,690,523</b>             |
|             | <b>PROCUREMENT OF AMMUNITION, ARMY</b>              |                            |                              |
|             | <b>SMALL/MEDIUM CAL AMMUNITION</b>                  |                            |                              |
| 001         | CTG, 5.56MM, ALL TYPES .....                        | 158,313                    | 158,313                      |
| 002         | CTG, 7.62MM, ALL TYPES .....                        | 91,438                     | 91,438                       |
| 003         | CTG, HANDGUN, ALL TYPES .....                       | 8,954                      | 8,954                        |
| 004         | CTG, .50 CAL, ALL TYPES .....                       | 109,604                    | 109,604                      |
| 005         | CTG, 20MM, ALL TYPES .....                          | 4,041                      | 4,041                        |
| 006         | CTG, 25MM, ALL TYPES .....                          | 12,654                     | 12,654                       |
| 007         | CTG, 30MM, ALL TYPES .....                          | 72,154                     | 35,154                       |
|             | Decrease for excess .....                           |                            | [-37,000]                    |
| 008         | CTG, 40MM, ALL TYPES .....                          | 60,138                     | 0                            |
|             | Decrease for excess .....                           |                            | [-60,138]                    |
|             | <b>MORTAR AMMUNITION</b>                            |                            |                              |
| 009         | 60MM MORTAR, ALL TYPES .....                        | 44,375                     | 44,375                       |
| 010         | 81MM MORTAR, ALL TYPES .....                        | 27,471                     | 27,471                       |
| 011         | 120MM MORTAR, ALL TYPES .....                       | 87,811                     | 87,811                       |
|             | <b>TANK AMMUNITION</b>                              |                            |                              |
| 012         | CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....  | 112,380                    | 112,380                      |
|             | <b>ARTILLERY AMMUNITION</b>                         |                            |                              |
| 013         | ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP ..... | 50,861                     | 50,861                       |
| 014         | ARTILLERY PROJECTILE, 155MM, ALL TYPES .....        | 26,227                     | 26,227                       |
| 015         | PROJ 155MM EXTENDED RANGE XM982 .....               | 110,329                    | 55,329                       |
|             | Excalibur I-b round schedule delay .....            |                            | [-55,000]                    |
| 016         | ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL ..... | 43,924                     | 43,924                       |
|             | <b>MINES</b>  |                            |                              |
| 017         | MINES & CLEARING CHARGES, ALL TYPES .....           | 3,775                      | 3,775                        |
|             | <b>NETWORKED MUNITIONS</b>                          |                            |                              |
| 018         | SPIDER NETWORK MUNITIONS, ALL TYPES .....           | 17,408                     | 3,108                        |
|             | Program decrease .....                              |                            | [-14,300]                    |
|             | <b>ROCKETS</b>                                      |                            |                              |
| 019         | SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....        | 1,005                      | 1,005                        |
| 020         | ROCKET, HYDRA 70, ALL TYPES .....                   | 123,433                    | 123,433                      |
|             | <b>OTHER AMMUNITION</b>                             |                            |                              |
| 021         | DEMOLITION MUNITIONS, ALL TYPES .....               | 35,189                     | 35,189                       |
| 022         | GRENADES, ALL TYPES .....                           | 33,477                     | 33,477                       |
| 023         | SIGNALS, ALL TYPES .....                            | 9,991                      | 9,991                        |
| 024         | SIMULATORS, ALL TYPES .....                         | 10,388                     | 10,388                       |
|             | <b>MISCELLANEOUS</b>                                |                            |                              |
| 025         | AMMO COMPONENTS, ALL TYPES .....                    | 19,383                     | 19,383                       |
| 026         | NON-LETHAL AMMUNITION, ALL TYPES .....              | 7,336                      | 7,336                        |
| 027         | CAD/PAD ALL TYPES .....                             | 6,641                      | 6,641                        |
| 028         | ITEMS LESS THAN \$5 MILLION .....                   | 15,092                     | 15,092                       |
| 029         | AMMUNITION PECULIAR EQUIPMENT .....                 | 15,692                     | 15,692                       |
| 030         | FIRST DESTINATION TRANSPORTATION (AMMO) .....       | 14,107                     | 14,107                       |
| 031         | CLOSEOUT LIABILITIES .....                          | 106                        | 106                          |
|             | <b>PRODUCTION BASE SUPPORT</b>                      |                            |                              |
| 032         | PROVISION OF INDUSTRIAL FACILITIES .....            | 220,171                    | 220,171                      |
| 033         | CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....  | 182,461                    | 182,461                      |
| 034         | ARMS INITIATIVE .....                               | 3,377                      | 3,377                        |
|             | <b>TOTAL, PROCUREMENT OF AMMUNITION, ARMY</b> ..... | <b>1,739,706</b>           | <b>1,573,268</b>             |
|             | <b>OTHER PROCUREMENT, ARMY</b>                      |                            |                              |
|             | <b>TACTICAL VEHICLES</b>                            |                            |                              |
| 001         | SEMITRAILERS, FLATBED .....                         | 7,097                      | 7,097                        |
| 002         | FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....          | 346,115                    | 396,115                      |
|             | Program increase for USAR .....                     |                            | [50,000]                     |
| 003         | FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....    | 19,292                     | 19,292                       |
| 004         | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....      | 52,933                     | 52,933                       |
| 005         | PLS ESP .....                                       | 18,035                     | 18,035                       |
| 006         | ARMORED SECURITY VEHICLES (ASV) .....               | 0                          | 0                            |
| 007         | MINE PROTECTION VEHICLE FAMILY .....                | 0                          | 0                            |
| 008         | FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP) ..... | 0                          | 0                            |
| 009         | TRUCK, TRACTOR, LINE HAUL, M915/M916 .....          | 3,619                      | 3,619                        |
| 010         | HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....   | 26,859                     | 26,859                       |
| 011         | HMMWV RECAPITALIZATION PROGRAM .....                | 0                          | 0                            |
| 012         | TACTICAL WHEELED VEHICLE PROTECTION KITS .....      | 69,163                     | 69,163                       |
| 013         | MODIFICATION OF IN SVC EQUIP .....                  | 91,754                     | 91,754                       |
| 014         | MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....   | 0                          | 0                            |
| 015         | TOWING DEVICE-FIFTH WHEEL .....                     | 0                          | 0                            |
| 016         | AMC CRITICAL ITEMS, OPA1 .....                      | 0                          | 0                            |
|             | <b>NON-TACTICAL VEHICLES</b>                        |                            |                              |
| 017         | HEAVY ARMORED SEDAN .....                           | 0                          | 0                            |
| 018         | PASSENGER CARRYING VEHICLES .....                   | 2,548                      | 2,548                        |
| 019         | NONTACTICAL VEHICLES, OTHER .....                   | 16,791                     | 16,791                       |
|             | <b>COMM—JOINT COMMUNICATIONS</b>                    |                            |                              |
| 020         | JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....    | 10,061                     | 10,061                       |

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|-------------|---|----------------------------|------------------------------|
| 021         | WIN-T—GROUND FORCES TACTICAL NETWORK .....          | 892,635                    | 892,635                      |
| 022         | SIGNAL MODERNIZATION PROGRAM .....                  | 45,626                     | 45,626                       |
| 023         | JCSE EQUIPMENT (USREDCOM) .....                     | 5,143                      | 5,143                        |
|             | <b>COMM—SATELLITE COMMUNICATIONS</b>                |                            |                              |
| 024         | DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....    | 151,636                    | 151,636                      |
| 025         | TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS ..... | 6,822                      | 6,822                        |
| 026         | SHF TERM .....                                      | 9,108                      | 9,108                        |
| 027         | SAT TERM, EMUT (SPACE) .....                        | 0                          | 0                            |
| 028         | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....     | 27,353                     | 27,353                       |
| 029         | SMART-T (SPACE) .....                               | 98,656                     | 98,656                       |
| 030         | SCAMP (SPACE) .....                                 | 0                          | 0                            |
| 031         | GLOBAL BRDCST SVC—GBS .....                         | 47,131                     | 47,131                       |
| 032         | MOD OF IN-SVC EQUIP (TAC SAT) .....                 | 23,281                     | 23,281                       |
|             | <b>COMM—COMBAT SUPPORT COMM</b>                     |                            |                              |
| 033         | MOD-IN-SERVICE PROFILER .....                       | 0                          | 0                            |
|             | <b>COMM—C3 SYSTEM</b>                               |                            |                              |
| 034         | ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....         | 10,848                     | 10,848                       |
|             | <b>COMM—COMBAT COMMUNICATIONS</b>                   |                            |                              |
| 035         | ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....    | 979                        | 979                          |
| 036         | JOINT TACTICAL RADIO SYSTEM .....                   | 556,250                    | 526,250                      |
|             | AMF integration ahead of need .....                 |                            | [–30,000]                    |
| 037         | MID-TIER NETWORKING VEHICULAR RADIO (MNVF) .....    | 86,219                     | 86,219                       |
| 038         | RADIO TERMINAL SET, MIDS LVT(2) .....               | 7,798                      | 7,798                        |
| 039         | SINGARS FAMILY .....                                | 9,001                      | 9,001                        |
| 040         | AMC CRITICAL ITEMS—OPA2 .....                       | 24,601                     | 24,601                       |
| 041         | TRACTOR DESK .....                                  | 7,779                      | 7,779                        |
| 042         | CMMS-ELEC EQUIP FIELDING .....                      | 0                          | 0                            |
| 043         | SPIDER APLA REMOTE CONTROL UNIT .....               | 34,365                     | 13,365                       |
|             | Funding ahead of need .....                         |                            | [–21,000]                    |
| 044         | SOLDIER ENHANCEMENT PROGRAM COMME/ELECTRONICS ..... | 1,833                      | 1,833                        |
| 045         | TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM ..... | 12,984                     | 12,984                       |
| 046         | COMBAT SURVIVOR EVADER LOCATOR (CSEL) .....         | 0                          | 0                            |
| 047         | GUNSHOT DETECTION SYSTEM (GDS) .....                | 2,332                      | 2,332                        |
| 048         | RADIO, IMPROVED HF (COTS) FAMILY .....              | 1,132                      | 1,132                        |
| 049         | MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....      | 22,899                     | 22,899                       |
|             | <b>COMM—INTELLIGENCE COMM</b>                       |                            |                              |
| 051         | CI AUTOMATION ARCHITECTURE .....                    | 1,564                      | 1,564                        |
| 052         | RESERVE CAMISO GPF EQUIPMENT .....                  | 28,781                     | 28,781                       |
|             | <b>INFORMATION SECURITY</b>                         |                            |                              |
| 053         | TSEC—ARMY KEY MGT SYS (AKMS) .....                  | 23,432                     | 23,432                       |
| 054         | INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....      | 43,897                     | 43,897                       |
| 055         | BIOMETRICS ENTERPRISE .....                         | 0                          | 0                            |
|             | <b>COMM—LONG HAUL COMMUNICATIONS</b>                |                            |                              |
| 056         | TERRESTRIAL TRANSMISSION .....                      | 2,891                      | 2,891                        |
| 057         | BASE SUPPORT COMMUNICATIONS .....                   | 13,872                     | 13,872                       |
| 058         | WW TECH CON IMP PROG (WWTCIP) .....                 | 9,595                      | 9,595                        |
|             | <b>COMM—BASE COMMUNICATIONS</b>                     |                            |                              |
| 059         | INFORMATION SYSTEMS .....                           | 142,133                    | 142,133                      |
| 060         | DEFENSE MESSAGE SYSTEM (DMS) .....                  | 0                          | 0                            |
| 061         | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....  | 57,727                     | 57,727                       |
| 062         | PENTAGON INFORMATION MGT AND TELECOM .....          | 5,000                      | 5,000                        |
|             | <b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>         |                            |                              |
| 065         | JTT/CIBS-M .....                                    | 1,641                      | 1,641                        |
| 066         | PROPHET GROUND .....                                | 48,797                     | 48,797                       |
| 067         | DIGITAL TOPOGRAPHIC SPT SYS (DTSS) .....            | 0                          | 0                            |
| 068         | DRUG INTERDICTION PROGRAM (DIP) (TIARA) .....       | 0                          | 0                            |
| 069         | DCGS-A (MIP) .....                                  | 184,007                    | 184,007                      |
| 070         | JOINT TACTICAL GROUND STATION (JTGS) .....          | 2,680                      | 2,680                        |
| 071         | TROJAN (MIP) .....                                  | 21,483                     | 21,483                       |
| 072         | MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....         | 2,412                      | 2,412                        |
| 073         | CI HUMINT AUTO REPRINTING AND COLLECTION .....      | 7,077                      | 7,077                        |
| 074         | ITEMS LESS THAN \$5 MILLION (MIP) .....             | 0                          | 0                            |
|             | <b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>          |                            |                              |
| 075         | LIGHTWEIGHT COUNTER MORTAR RADAR .....              | 72,594                     | 72,594                       |
| 076         | CREW .....  | 15,446                     | 15,446                       |
| 077         | FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES .....  | 0                          | 0                            |
| 078         | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....  | 1,470                      | 1,470                        |
| 079         | CI MODERNIZATION .....                              | 1,368                      | 1,368                        |
|             | <b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>        |                            |                              |
| 080         | FAAD GBS .....                                      | 7,980                      | 7,980                        |
| 081         | SENTINEL MODS .....                                 | 33,444                     | 33,444                       |
| 082         | SENSE THROUGH THE WALL (STTW) .....                 | 6,212                      | 0                            |
|             | Slow execution of prior years appropriations .....  |                            | [–6,212]                     |
| 083         | NIGHT VISION DEVICES .....                          | 166,516                    | 166,516                      |
| 084         | LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM ..... | 0                          | 0                            |
| 085         | NIGHT VISION, THERMAL WPN SIGHT .....               | 82,162                     | 82,162                       |
| 086         | SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....     | 20,717                     | 20,717                       |
| 087         | COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....    | 0                          | 0                            |
| 088         | BASE EXPEDITIARY TARGETING AND SURV SYS .....       | 0                          | 0                            |

**SEC. 4101. PROCUREMENT**  
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|-------------|---|----------------------------|------------------------------|
| 089         | GREEN LASER INTERDICTION SYSTEM (GLIS) .....        | 1,014                      | 1,014                        |
| 090         | INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....    | 29,881                     | 29,881                       |
| 091         | PROFILER .....                                      | 12,482                     | 12,482                       |
| 092         | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....       | 3,075                      | 3,075                        |
| 093         | FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....  | 0                          | 0                            |
| 094         | JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....         | 141,385                    | 141,385                      |
| 095         | LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER .....      | 0                          | 0                            |
| 096         | MOD OF IN-SVC EQUIP (LLDR) .....                    | 22,403                     | 22,403                       |
| 097         | COMPUTER BALLISTICS: LHMBC XM32 .....               | 0                          | 0                            |
| 098         | MORTAR FIRE CONTROL SYSTEM .....                    | 29,505                     | 29,505                       |
| 099         | COUNTERFIRE RADARS .....                            | 244,409                    | 244,409                      |
| 100         | ENHANCED SENSOR & MONITORING SYSTEM (WMD) .....     | 2,426                      | 2,426                        |
|             | <b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>              |                            |                              |
| 101         | TACTICAL OPERATIONS CENTERS .....                   | 30,196                     | 30,196                       |
| 102         | FIRE SUPPORT C2 FAMILY .....                        | 58,903                     | 58,903                       |
| 103         | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....     | 8,111                      | 8,111                        |
| 104         | FAAD C2 .....                                       | 5,031                      | 5,031                        |
| 105         | AIR & MSL DEFENSE PLANNING & CONTROL SYS .....      | 64,144                     | 64,144                       |
| 106         | KNIGHT FAMILY .....                                 | 11,999                     | 11,999                       |
| 107         | LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....            | 1,853                      | 1,853                        |
| 108         | AUTOMATIC IDENTIFICATION TECHNOLOGY .....           | 14,377                     | 14,377                       |
| 109         | TC AIMS II .....                                    | 0                          | 0                            |
| 110         | TACTICAL INTERNET MANAGER .....                     | 0                          | 0                            |
| 111         | NETWORK MANAGEMENT INITIALIZATION AND SERVICE ..... | 59,821                     | 59,821                       |
| 112         | MANEUVER CONTROL SYSTEM (MCS) .....                 | 51,228                     | 51,228                       |
| 113         | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....       | 176,901                    | 176,901                      |
| 114         | RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....   | 15,209                     | 15,209                       |
|             | <b>ELECT EQUIP—AUTOMATION</b>                       |                            |                              |
| 115         | ARMY TRAINING MODERNIZATION .....                   | 8,866                      | 8,866                        |
| 116         | AUTOMATED DATA PROCESSING EQUIP .....               | 129,438                    | 129,438                      |
| 117         | GENERAL FUND ENTERPRISE BUSINESS SYS FAM .....      | 9,184                      | 9,184                        |
| 118         | CSS COMMUNICATIONS .....                            | 20,639                     | 20,639                       |
| 119         | RESERVE COMPONENT AUTOMATION SYS (RCAS) .....       | 35,493                     | 35,493                       |
|             | <b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>           |                            |                              |
| 120         | ITEMS LESS THAN \$5 MILLION (A/V) .....             | 8,467                      | 8,467                        |
| 121         | ITEMS LESS THAN \$5 MILLION .....                   | 5,309                      | 5,309                        |
|             | <b>ELECT EQUIP—SUPPORT</b>                          |                            |                              |
| 122         | PRODUCTION BASE SUPPORT (C-E) .....                 | 586                        | 586                          |
| 123         | BCT NETWORK .....                                   | 0                          | 0                            |
| 124         | DEFENSE RAPID INNOVATION PROGRAM .....              | 0                          | 0                            |
|             | <b>CLASSIFIED PROGRAMS</b>                          |                            |                              |
| 124A        | CLASSIFIED PROGRAMS .....                           | 3,435                      | 3,435                        |
|             | <b>CHEMICAL DEFENSIVE EQUIPMENT</b>                 |                            |                              |
| 125         | PROTECTIVE SYSTEMS .....                            | 0                          | 0                            |
| 126         | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....         | 3,960                      | 3,960                        |
| 127         | BASE DEFENSE SYSTEMS (BDS) .....                    | 4,374                      | 4,374                        |
| 128         | CBRN SOLDIER PROTECTION .....                       | 9,259                      | 9,259                        |
| 129         | SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) .....  | 0                          | 0                            |
|             | <b>BRIDGING EQUIPMENT</b>                           |                            |                              |
| 130         | TACTICAL BRIDGING .....                             | 35,499                     | 35,499                       |
| 131         | TACTICAL BRIDGE, FLOAT-RIBBON .....                 | 32,893                     | 32,893                       |
|             | <b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>        |                            |                              |
| 132         | HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST ..... | 0                          | 0                            |
| 133         | GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....    | 0                          | 0                            |
| 134         | ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....          | 29,106                     | 29,106                       |
| 135         | EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) ..... | 25,459                     | 25,459                       |
| 136         | REMOTE DEMOLITION SYSTEMS .....                     | 8,044                      | 8,044                        |
| 137         | <\$5M, COUNTERMINE EQUIPMENT .....                  | 3,698                      | 3,698                        |
|             | <b>COMBAT SERVICE SUPPORT EQUIPMENT</b>             |                            |                              |
| 138         | HEATERS AND ECU'S .....                             | 12,210                     | 12,210                       |
| 139         | SOLDIER ENHANCEMENT .....                           | 6,522                      | 6,522                        |
| 140         | PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....      | 11,222                     | 11,222                       |
| 141         | GROUND SOLDIER SYSTEM .....                         | 103,317                    | 103,317                      |
| 142         | MOUNTED SOLDIER SYSTEM .....                        | 0                          | 0                            |
| 143         | FORCE PROVIDER .....                                | 0                          | 0                            |
| 144         | FIELD FEEDING EQUIPMENT .....                       | 27,417                     | 27,417                       |
| 145         | CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM ..... | 52,065                     | 52,065                       |
| 146         | MORTUARY AFFAIRS SYSTEMS .....                      | 2,358                      | 2,358                        |
| 147         | FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....   | 31,573                     | 31,573                       |
| 148         | ITEMS LESS THAN \$5 MILLION .....                   | 14,093                     | 14,093                       |
|             | <b>PETROLEUM EQUIPMENT</b>                          |                            |                              |
| 149         | DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....       | 36,266                     | 36,266                       |
|             | <b>MEDICAL EQUIPMENT</b>                            |                            |                              |
| 150         | COMBAT SUPPORT MEDICAL .....                        | 34,101                     | 34,101                       |
| 151         | MEDEVAC MISSION EQUIPMENT PACKAGE (MEP) .....       | 20,540                     | 20,540                       |
|             | <b>MAINTENANCE EQUIPMENT</b>                        |                            |                              |
| 152         | MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....          | 2,495                      | 2,495                        |
| 153         | ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....        | 0                          | 0                            |
|             | <b>CONSTRUCTION EQUIPMENT</b>                       |                            |                              |

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|-------------|---|----------------------------|------------------------------|
| 154         | GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....             | 2,028                      | 2,028                        |
| 155         | SKID STEER LOADER (SSL) FAMILY OF SYSTEM .....      | 0                          | 0                            |
| 156         | SCRAPERS, EARTHMOVING .....                         | 6,146                      | 6,146                        |
| 157         | MISSION MODULES—ENGINEERING .....                   | 31,200                     | 31,200                       |
| 158         | COMPACTOR .....                                     | 0                          | 0                            |
| 159         | LOADERS .....                                       | 0                          | 0                            |
| 160         | HYDRAULIC EXCAVATOR .....                           | 0                          | 0                            |
| 161         | TRACTOR, FULL TRACKED .....                         | 20,867                     | 20,867                       |
| 162         | ALL TERRAIN CRANES .....                            | 4,003                      | 4,003                        |
| 163         | PLANT, ASPHALT MIXING .....                         | 3,679                      | 3,679                        |
| 164         | HIGH MOBILITY ENGINEER EXCAVATOR (HME) .....        | 30,042                     | 30,042                       |
| 165         | ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....     | 13,725                     | 13,725                       |
| 166         | CONST EQUIP ESP .....                               | 13,351                     | 13,351                       |
| 167         | ITEMS LESS THAN \$5 MILLION (CONST EQUIP) .....     | 9,134                      | 9,134                        |
|             | <b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>        |                            |                              |
| 168         | JOINT HIGH SPEED VESSEL (JHSV) .....                | 0                          | 0                            |
| 169         | HARBORMASTER COMMAND AND CONTROL CENTER .....       | 0                          | 0                            |
| 170         | ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL) .....      | 10,552                     | 10,552                       |
|             | <b>GENERATORS</b>                                   |                            |                              |
| 171         | GENERATORS AND ASSOCIATED EQUIP .....               | 60,302                     | 60,302                       |
|             | <b>MATERIAL HANDLING EQUIPMENT</b>                  |                            |                              |
| 172         | ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....        | 0                          | 0                            |
| 173         | FAMILY OF FORKLIFTS .....                           | 5,895                      | 5,895                        |
| 174         | ALL TERRAIN LIFTING ARMY SYSTEM .....               | 0                          | 0                            |
|             | <b>TRAINING EQUIPMENT</b>                           |                            |                              |
| 175         | COMBAT TRAINING CENTERS SUPPORT .....               | 104,649                    | 104,649                      |
| 176         | TRAINING DEVICES, NONSYSTEM .....                   | 125,251                    | 125,251                      |
| 177         | CLOSE COMBAT TACTICAL TRAINER .....                 | 19,984                     | 19,984                       |
| 178         | AVIATION COMBINED ARMS TACTICAL TRAINER .....       | 10,977                     | 10,977                       |
| 179         | GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING ..... | 4,056                      | 4,056                        |
|             | <b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>         |                            |                              |
| 180         | CALIBRATION SETS EQUIPMENT .....                    | 10,494                     | 10,494                       |
| 181         | INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....    | 45,508                     | 45,508                       |
| 182         | TEST EQUIPMENT MODERNIZATION (TEMOD) .....          | 24,334                     | 24,334                       |
|             | <b>OTHER SUPPORT EQUIPMENT</b>                      |                            |                              |
| 183         | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....     | 5,078                      | 5,078                        |
| 184         | PHYSICAL SECURITY SYSTEMS (OPA3) .....              | 46,301                     | 46,301                       |
| 185         | BASE LEVEL COMMON EQUIPMENT .....                   | 1,373                      | 1,373                        |
| 186         | MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....      | 59,141                     | 59,141                       |
| 187         | PRODUCTION BASE SUPPORT (OTH) .....                 | 2,446                      | 2,446                        |
| 188         | SPECIAL EQUIPMENT FOR USER TESTING .....            | 12,920                     | 12,920                       |
| 189         | AMC CRITICAL ITEMS OPA3 .....                       | 19,180                     | 19,180                       |
| 190         | TRACTOR YARD .....                                  | 7,368                      | 7,368                        |
| 191         | UNMANNED GROUND VEHICLE .....                       | 83,937                     | 71,937                       |
|             | Transfer to PE 0604641A at Army request .....       |                            | [-12,000]                    |
| 192         | TRAINING LOGISTICS MANAGEMENT .....                 | 0                          | 0                            |
|             | <b>OPA2</b>   |                            |                              |
| 193         | INITIAL SPARES—C&E .....                            | 64,507                     | 64,507                       |
|             | <b>TOTAL, OTHER PROCUREMENT, ARMY</b>               | <b>6,326,245</b>           | <b>6,307,033</b>             |
|             | <b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>         |                            |                              |
|             | <b>NETWORK ATTACK</b>                               |                            |                              |
| 001         | ATTACK THE NETWORK .....                            | 0                          | 0                            |
|             | <b>JIEDDO DEVICE DEFEAT</b>                         |                            |                              |
| 002         | DEFEAT THE DEVICE .....                             | 0                          | 0                            |
|             | <b>FORCE TRAINING</b>                               |                            |                              |
| 003         | TRAIN THE FORCE .....                               | 0                          | 0                            |
|             | <b>STAFF AND INFRASTRUCTURE</b>                     |                            |                              |
| 004         | OPERATIONS .....                                    | 227,414                    | 0                            |
|             | Transfer to OCO .....                               |                            | [-227,414]                   |
|             | <b>TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>  | <b>227,414</b>             | <b>0</b>                     |
|             | <b>AIRCRAFT PROCUREMENT, NAVY</b>                   |                            |                              |
|             | <b>COMBAT AIRCRAFT</b>                              |                            |                              |
| 001         | EA-18G .....  | 1,027,443                  | 1,027,443                    |
| 002         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 003         | F/A-18E/F (FIGHTER) HORNET .....                    | 2,035,131                  | 2,035,131                    |
| 004         | ADVANCE PROCUREMENT (CY) .....                      | 30,296                     | 90,296                       |
|             | Retain option for additional FY 14 aircraft .....   |                            | [60,000]                     |
| 005         | JOINT STRIKE FIGHTER CV .....                       | 1,007,632                  | 1,007,632                    |
| 006         | ADVANCE PROCUREMENT (CY) .....                      | 65,180                     | 65,180                       |
| 007         | JSF STOVL .....                                     | 1,404,737                  | 1,404,737                    |
| 008         | ADVANCE PROCUREMENT (CY) .....                      | 106,199                    | 106,199                      |
| 009         | V-22 (MEDIUM LIFT) .....                            | 1,303,120                  | 1,303,120                    |
| 010         | ADVANCE PROCUREMENT (CY) .....                      | 154,202                    | 154,202                      |
| 011         | H-1 UPGRADES (UH-1Y/AH-1Z) .....                    | 720,933                    | 720,933                      |
| 012         | ADVANCE PROCUREMENT (CY) .....                      | 69,658                     | 69,658                       |
| 013         | MH-60S (MYP) .....                                  | 384,792                    | 384,792                      |
| 014         | ADVANCE PROCUREMENT (CY) .....                      | 69,277                     | 69,277                       |



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| 015         | MH-60R (MYP) .....                                 | 656,866                    | 656,866                      |
| 016         | ADVANCE PROCUREMENT (CY) .....                     | 185,896                    | 185,896                      |
| 017         | P-8A POSEIDON .....                                | 2,420,755                  | 2,420,755                    |
| 018         | ADVANCE PROCUREMENT (CY) .....                     | 325,679                    | 325,679                      |
| 019         | E-2D ADV HAWKEYE .....                             | 861,498                    | 861,498                      |
| 020         | ADVANCE PROCUREMENT (CY) .....                     | 123,179                    | 123,179                      |
|             | <b>AIRLIFT AIRCRAFT</b>                            |                            |                              |
| 021         | C-40A .....  | 0                          | 0                            |
|             | <b>TRAINER AIRCRAFT</b>                            |                            |                              |
| 022         | JPATS .....  | 278,884                    | 278,884                      |
|             | <b>OTHER AIRCRAFT</b>                              |                            |                              |
| 023         | KC-130J .....                                      | 3,000                      | 3,000                        |
| 024         | ADVANCE PROCUREMENT (CY) .....                     | 22,995                     | 22,995                       |
| 025         | ADVANCE PROCUREMENT (CY) .....                     | 51,124                     | 51,124                       |
| 026         | MQ-8 UAV .....                                     | 124,573                    | 124,573                      |
| 027         | STUASLO UAV .....                                  | 9,593                      | 9,593                        |
|             | <b>MODIFICATION OF AIRCRAFT</b>                    |                            |                              |
| 028         | EA-6 SERIES .....                                  | 30,062                     | 30,062                       |
| 029         | AEA SYSTEMS .....                                  | 49,999                     | 49,999                       |
| 030         | AV-8 SERIES .....                                  | 38,703                     | 38,703                       |
| 031         | ADVERSARY .....                                    | 4,289                      | 4,289                        |
| 032         | F-18 SERIES .....                                  | 647,306                    | 647,306                      |
| 033         | H-46 SERIES .....                                  | 2,343                      | 2,343                        |
| 034         | AH-1W SERIES .....                                 | 8,721                      | 8,721                        |
| 035         | H-53 SERIES .....                                  | 45,567                     | 45,567                       |
| 036         | SH-60 SERIES .....                                 | 83,527                     | 83,527                       |
| 037         | H-1 SERIES .....                                   | 6,508                      | 6,508                        |
| 038         | EP-3 SERIES .....                                  | 66,374                     | 66,374                       |
| 039         | P-3 SERIES .....                                   | 148,405                    | 148,405                      |
| 040         | E-2 SERIES .....                                   | 16,322                     | 16,322                       |
| 041         | TRAINER A/C SERIES .....                           | 34,284                     | 34,284                       |
| 042         | C-2A .....   | 4,743                      | 4,743                        |
| 043         | C-130 SERIES .....                                 | 60,302                     | 60,302                       |
| 044         | FEWSG .....  | 670                        | 670                          |
| 045         | CARGO/TRANSPORT A/C SERIES .....                   | 26,311                     | 26,311                       |
| 046         | E-6 SERIES .....                                   | 158,332                    | 158,332                      |
| 047         | EXECUTIVE HELICOPTERS SERIES .....                 | 58,163                     | 58,163                       |
| 048         | SPECIAL PROJECT AIRCRAFT .....                     | 12,421                     | 12,421                       |
| 049         | T-45 SERIES .....                                  | 64,488                     | 64,488                       |
| 050         | POWER PLANT CHANGES .....                          | 21,569                     | 21,569                       |
| 051         | JPATS SERIES .....                                 | 1,552                      | 1,552                        |
| 052         | AVIATION LIFE SUPPORT MODS .....                   | 2,473                      | 2,473                        |
| 053         | COMMON ECM EQUIPMENT .....                         | 114,690                    | 114,690                      |
| 054         | COMMON AVIONICS CHANGES .....                      | 96,183                     | 96,183                       |
| 055         | COMMON DEFENSIVE WEAPON SYSTEM .....               | 0                          | 0                            |
| 056         | ID SYSTEMS .....                                   | 39,846                     | 39,846                       |
| 057         | P-8 SERIES .....                                   | 5,302                      | 5,302                        |
| 058         | MAGTF EW FOR AVIATION .....                        | 34,127                     | 34,127                       |
| 059         | RQ-7 SERIES .....                                  | 49,324                     | 49,324                       |
| 060         | V-22 (TILT/ROTOR ACFT) OSPREY .....                | 95,856                     | 95,856                       |
|             | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>            |                            |                              |
| 061         | SPARES AND REPAIR PARTS .....                      | 1,166,430                  | 1,166,430                    |
|             | <b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>     |                            |                              |
| 062         | COMMON GROUND EQUIPMENT .....                      | 387,195                    | 387,195                      |
| 063         | AIRCRAFT INDUSTRIAL FACILITIES .....               | 23,469                     | 23,469                       |
| 064         | WAR CONSUMABLES .....                              | 43,383                     | 43,383                       |
| 065         | OTHER PRODUCTION CHARGES .....                     | 3,399                      | 3,399                        |
| 066         | SPECIAL SUPPORT EQUIPMENT .....                    | 32,274                     | 32,274                       |
| 067         | FIRST DESTINATION TRANSPORTATION .....             | 1,742                      | 1,742                        |
| 068         | CANCELLED ACCOUNT ADJUSTMENTS .....                | 0                          | 0                            |
|             | <b>TOTAL, AIRCRAFT PROCUREMENT, NAVY</b> .....     | <b>17,129,296</b>          | <b>17,189,296</b>            |
|             | <b>WEAPONS PROCUREMENT, NAVY</b>                   |                            |                              |
|             | <b>MODIFICATION OF MISSILES</b>                    |                            |                              |
| 001         | TRIDENT II MODS .....                              | 1,224,683                  | 1,224,683                    |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>          |                            |                              |
| 002         | MISSILE INDUSTRIAL FACILITIES .....                | 5,553                      | 5,553                        |
|             | <b>STRATEGIC MISSILES</b>                          |                            |                              |
| 003         | TOMAHAWK .....                                     | 308,970                    | 308,970                      |
|             | <b>TACTICAL MISSILES</b>                           |                            |                              |
| 004         | AMRAAM .....                                       | 102,683                    | 102,683                      |
| 005         | SIDEWINDER .....                                   | 80,226                     | 80,226                       |
| 006         | JSOW .....   | 127,609                    | 127,609                      |
| 007         | STANDARD MISSILE .....                             | 399,482                    | 399,482                      |
| 008         | RAM .....  | 66,769                     | 66,769                       |
| 009         | HELLFIRE .....                                     | 74,501                     | 74,501                       |
| 010         | STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) ..... | 0                          | 0                            |
| 011         | AERIAL TARGETS .....                               | 61,518                     | 61,518                       |
| 012         | OTHER MISSILE SUPPORT .....                        | 3,585                      | 3,585                        |

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|             | <b>MODIFICATION OF MISSILES</b>                        |                            |                              |
| 013         | ESSM .....   | 58,194                     | 58,194                       |
| 014         | HARM MODS .....  | 86,721                     | 86,721                       |
| 015         | STANDARD MISSILES MODS .....                           | 0                          | 0                            |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>              |                            |                              |
| 016         | WEAPONS INDUSTRIAL FACILITIES .....                    | 2,014                      | 2,014                        |
| 017         | FLEET SATELLITE COMM FOLLOW-ON .....                   | 21,454                     | 21,454                       |
|             | <b>ORDNANCE SUPPORT EQUIPMENT</b>                      |                            |                              |
| 018         | ORDNANCE SUPPORT EQUIPMENT .....                       | 54,945                     | 54,945                       |
|             | <b>TORPEDOES AND RELATED EQUIP</b>                     |                            |                              |
| 019         | SSTD .....   | 2,700                      | 2,700                        |
| 020         | ASW TARGETS .....                                      | 10,385                     | 10,385                       |
|             | <b>MOD OF TORPEDOES AND RELATED EQUIP</b>              |                            |                              |
| 021         | MK-54 TORPEDO MODS .....                               | 74,487                     | 74,487                       |
| 022         | MK-48 TORPEDO ADCAP MODS .....                         | 54,281                     | 54,281                       |
| 023         | QUICKSTRIKE MINE .....                                 | 6,852                      | 6,852                        |
|             | <b>SUPPORT EQUIPMENT</b>                               |                            |                              |
| 024         | TORPEDO SUPPORT EQUIPMENT .....                        | 46,402                     | 46,402                       |
| 025         | ASW RANGE SUPPORT .....                                | 11,927                     | 11,927                       |
|             | <b>DESTINATION TRANSPORTATION</b>                      |                            |                              |
| 026         | FIRST DESTINATION TRANSPORTATION .....                 | 3,614                      | 3,614                        |
|             | <b>GUNS AND GUN MOUNTS</b>                             |                            |                              |
| 027         | SMALL ARMS AND WEAPONS .....                           | 12,594                     | 12,594                       |
|             | <b>MODIFICATION OF GUNS AND GUN MOUNTS</b>             |                            |                              |
| 028         | CIWS MODS .....  | 59,303                     | 67,003                       |
|             | Buy additional ordnance alteration kits .....          |                            | [7,700]                      |
| 029         | COAST GUARD WEAPONS .....                              | 19,072                     | 19,072                       |
| 030         | GUN MOUNT MODS .....                                   | 54,706                     | 54,706                       |
| 031         | CRUISER MODERNIZATION WEAPONS .....                    | 1,591                      | 1,591                        |
| 032         | AIRBORNE MINE NEUTRALIZATION SYSTEMS .....             | 20,607                     | 20,607                       |
|             | <b>OTHER</b>   |                            |                              |
| 033         | CANCELLED ACCOUNT ADJUSTMENTS .....                    | 0                          | 0                            |
|             | <b>SPARES AND REPAIR PARTS</b>                         |                            |                              |
| 034         | SPARES AND REPAIR PARTS .....                          | 60,150                     | 60,150                       |
|             | <b>TOTAL, WEAPONS PROCUREMENT, NAVY</b> .....          | <b>3,117,578</b>           | <b>3,125,278</b>             |
|             | <b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>              |                            |                              |
|             | <b>NAVY AMMUNITION</b>                                 |                            |                              |
| 001         | GENERAL PURPOSE BOMBS .....                            | 27,024                     | 27,024                       |
| 002         | AIRBORNE ROCKETS, ALL TYPES .....                      | 56,575                     | 56,575                       |
| 003         | MACHINE GUN AMMUNITION .....                           | 21,266                     | 21,266                       |
| 004         | PRACTICE BOMBS .....                                   | 34,319                     | 34,319                       |
| 005         | CARTRIDGES & CART ACTUATED DEVICES .....               | 53,755                     | 53,755                       |
| 006         | AIR EXPENDABLE COUNTERMEASURES .....                   | 61,693                     | 61,693                       |
| 007         | JATOS .....  | 2,776                      | 2,776                        |
| 008         | LRLAP 6" LONG RANGE ATTACK PROJECTILE .....            | 7,102                      | 7,102                        |
| 009         | 5 INCH/54 GUN AMMUNITION .....                         | 48,320                     | 48,320                       |
| 010         | INTERMEDIATE CALIBER GUN AMMUNITION .....              | 25,544                     | 25,544                       |
| 011         | OTHER SHIP GUN AMMUNITION .....                        | 41,624                     | 41,624                       |
| 012         | SMALL ARMS & LANDING PARTY AMMO .....                  | 65,893                     | 65,893                       |
| 013         | PYROTECHNIC AND DEMOLITION .....                       | 11,176                     | 11,176                       |
| 014         | AMMUNITION LESS THAN \$5 MILLION .....                 | 4,116                      | 4,116                        |
|             | <b>MARINE CORPS AMMUNITION</b>                         |                            |                              |
| 015         | SMALL ARMS AMMUNITION .....                            | 83,733                     | 83,733                       |
| 016         | LINEAR CHARGES, ALL TYPES .....                        | 24,645                     | 24,645                       |
| 017         | 40MM, ALL TYPES .....                                  | 16,201                     | 16,201                       |
| 018         | 60MM, ALL TYPES .....                                  | 0                          | 0                            |
| 019         | 81MM, ALL TYPES .....                                  | 13,711                     | 3,711                        |
|             | Decrease for excess .....                              |                            | [-10,000]                    |
| 020         | 120MM, ALL TYPES .....                                 | 12,557                     | 12,557                       |
| 021         | CTG 25MM, ALL TYPES .....                              | 0                          | 0                            |
| 022         | GRENADES, ALL TYPES .....                              | 7,634                      | 7,134                        |
|             | Decrease for excess .....                              |                            | [-500]                       |
| 023         | ROCKETS, ALL TYPES .....                               | 27,528                     | 27,528                       |
| 024         | ARTILLERY, ALL TYPES .....                             | 93,065                     | 93,065                       |
| 025         | DEMOLITION MUNITIONS, ALL TYPES .....                  | 2,047                      | 47                           |
|             | Decrease for excess .....                              |                            | [-2,000]                     |
| 026         | FUZE, ALL TYPES .....                                  | 5,297                      | 5,297                        |
| 027         | NON LETHALS .....                                      | 1,362                      | 1,362                        |
| 028         | AMMO MODERNIZATION .....                               | 4,566                      | 4,566                        |
| 029         | ITEMS LESS THAN \$5 MILLION .....                      | 6,010                      | 6,010                        |
|             | <b>PRIOR YEAR SAVINGS</b>                              |                            |                              |
| 029B        | PRIOR YEAR SAVINGS .....                               |                            | -88,300                      |
|             | Ammunition change in requirements .....                |                            | [-88,300]                    |
|             | <b>TOTAL, PROCUREMENT OF AMMO, NAVY &amp; MC</b> ..... | <b>759,539</b>             | <b>658,739</b>               |
|             | <b>SHIPBUILDING &amp; CONVERSION, NAVY</b>             |                            |                              |

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|-------------|---|----------------------------|------------------------------|
|             | <b>OTHER WARSHIPS</b>                                   |                            |                              |
| 001         | CARRIER REPLACEMENT PROGRAM .....                       | 608,195                    | 608,195                      |
| 002         | ADVANCE PROCUREMENT (CY) .....                          | 0                          | 0                            |
| 003         | VIRGINIA CLASS SUBMARINE .....                          | 3,217,601                  | 3,217,601                    |
| 004         | ADVANCE PROCUREMENT (CY) .....                          | 874,878                    | 1,652,557                    |
|             | Advance procurement for 2nd SSN in FY 14 .....          |                            | [777,679]                    |
| 005         | CVN REFUELING OVERHAULS .....                           | 1,613,392                  | 1,613,392                    |
| 006         | ADVANCE PROCUREMENT (CY) .....                          | 70,010                     | 70,010                       |
| 007         | SSBN ERO .....  | 0                          | 0                            |
| 008         | DDG 1000 .....  | 669,222                    | 669,222                      |
| 009         | DDG-51 .....  | 3,048,658                  | 3,048,658                    |
| 010         | ADVANCE PROCUREMENT (CY) .....                          | 466,283                    | 466,283                      |
| 011         | LITTORAL COMBAT SHIP .....                              | 1,784,959                  | 1,784,959                    |
| 012         | ADVANCE PROCUREMENT (CY) .....                          | 0                          | 0                            |
|             | <b>AMPHIBIOUS SHIPS</b>                                 |                            |                              |
| 013         | LPD-17 .....  | 0                          | 0                            |
| 014         | LHA REPLACEMENT .....                                   | 0                          | 0                            |
| 015         | JOINT HIGH SPEED VESSEL .....                           | 189,196                    | 189,196                      |
|             | <b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>     |                            |                              |
| 016         | OCEANOGRAPHIC SHIPS .....                               | 0                          | 0                            |
| 017         | ADVANCE PROCUREMENT (CY) .....                          | 307,300                    | 307,300                      |
| 018         | OUTFITTING .....  | 309,648                    | 309,648                      |
| 019         | SERVICE CRAFT .....                                     | 0                          | 0                            |
| 020         | LCAC SLEP .....   | 47,930                     | 47,930                       |
| 021         | COMPLETION OF PY SHIPBUILDING PROGRAMS .....            | 372,573                    | 372,573                      |
|             | <b>TOTAL, SHIPBUILDING &amp; CONVERSION, NAVY</b> ..... | <b>13,579,845</b>          | <b>14,357,524</b>            |
|             | <b>OTHER PROCUREMENT, NAVY</b>                          |                            |                              |
|             | <b>SHIP PROPULSION EQUIPMENT</b>                        |                            |                              |
| 001         | LM-2500 GAS TURBINE .....                               | 10,658                     | 10,658                       |
| 002         | ALLISON 501K GAS TURBINE .....                          | 8,469                      | 8,469                        |
|             | <b>NAVIGATION EQUIPMENT</b>                             |                            |                              |
| 003         | OTHER NAVIGATION EQUIPMENT .....                        | 23,392                     | 23,392                       |
|             | <b>PERISCOPES</b>                                       |                            |                              |
| 004         | SUB PERISCOPES & IMAGING EQUIP .....                    | 53,809                     | 53,809                       |
|             | <b>OTHER SHIPBOARD EQUIPMENT</b>                        |                            |                              |
| 005         | DDG MOD .....   | 452,371                    | 452,371                      |
| 006         | FIREFIGHTING EQUIPMENT .....                            | 16,958                     | 16,958                       |
| 007         | COMMAND AND CONTROL SWITCHBOARD .....                   | 2,492                      | 2,492                        |
| 008         | POLLUTION CONTROL EQUIPMENT .....                       | 20,707                     | 20,707                       |
| 009         | SUBMARINE SUPPORT EQUIPMENT .....                       | 12,046                     | 12,046                       |
| 010         | VIRGINIA CLASS SUPPORT EQUIPMENT .....                  | 79,870                     | 79,870                       |
| 011         | LCS CLASS SUPPORT EQUIPMENT .....                       | 19,865                     | 19,865                       |
| 012         | SUBMARINE BATTERIES .....                               | 41,522                     | 41,522                       |
| 013         | LPD CLASS SUPPORT EQUIPMENT .....                       | 30,543                     | 30,543                       |
| 014         | STRATEGIC PLATFORM SUPPORT EQUIP .....                  | 16,257                     | 16,257                       |
| 015         | DSSP EQUIPMENT .....                                    | 3,630                      | 3,630                        |
| 016         | CG MODERNIZATION .....                                  | 101,000                    | 101,000                      |
| 017         | LCAC .....  | 16,645                     | 16,645                       |
| 018         | UNDERWATER EOD PROGRAMS .....                           | 35,446                     | 35,446                       |
| 019         | ITEMS LESS THAN \$5 MILLION .....                       | 65,998                     | 65,998                       |
| 020         | CHEMICAL WARFARE DETECTORS .....                        | 4,359                      | 4,359                        |
| 021         | SUBMARINE LIFE SUPPORT SYSTEM .....                     | 10,218                     | 10,218                       |
|             | <b>REACTOR PLANT EQUIPMENT</b>                          |                            |                              |
| 022         | REACTOR POWER UNITS .....                               | 286,859                    | 286,859                      |
| 023         | REACTOR COMPONENTS .....                                | 278,503                    | 278,503                      |
|             | <b>OCEAN ENGINEERING</b>                                |                            |                              |
| 024         | DIVING AND SALVAGE EQUIPMENT .....                      | 8,998                      | 8,998                        |
|             | <b>SMALL BOATS</b>                                      |                            |                              |
| 025         | STANDARD BOATS .....                                    | 30,131                     | 30,131                       |
|             | <b>TRAINING EQUIPMENT</b>                               |                            |                              |
| 026         | OTHER SHIPS TRAINING EQUIPMENT .....                    | 29,772                     | 29,772                       |
|             | <b>PRODUCTION FACILITIES EQUIPMENT</b>                  |                            |                              |
| 027         | OPERATING FORCES IPE .....                              | 64,346                     | 64,346                       |
|             | <b>OTHER SHIP SUPPORT</b>                               |                            |                              |
| 028         | NUCLEAR ALTERATIONS .....                               | 154,652                    | 154,652                      |
| 029         | LCS COMMON MISSION MODULES EQUIPMENT .....              | 31,319                     | 31,319                       |
| 030         | LCS MCM MISSION MODULES .....                           | 38,392                     | 38,392                       |
| 031         | LCS SUW MISSION MODULES .....                           | 32,897                     | 32,897                       |
|             | <b>LOGISTIC SUPPORT</b>                                 |                            |                              |
| 032         | LSD MIDLIFE .....                                       | 49,758                     | 49,758                       |
|             | <b>SHIP RADARS</b>                                      |                            |                              |
| 033         | RADAR SUPPORT .....                                     | 0                          | 0                            |
| 034         | SPQ-9B RADAR .....                                      | 19,777                     | 19,777                       |
| 035         | AN/SQQ-89 SURF ASW COMBAT SYSTEM .....                  | 89,201                     | 89,201                       |
| 036         | SSN ACOUSTICS .....                                     | 190,874                    | 190,874                      |
| 037         | UNDERSEA WARFARE SUPPORT EQUIPMENT .....                | 17,035                     | 17,035                       |
| 038         | SONAR SWITCHES AND TRANSDUCERS .....                    | 13,410                     | 13,410                       |
| 039         | ELECTRONIC WARFARE MILDEC .....                         | 0                          | 0                            |

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|             | <b>ASW ELECTRONIC EQUIPMENT</b>                     |                            |                              |
| 040         | SUBMARINE ACOUSTIC WARFARE SYSTEM .....             | 21,489                     | 21,489                       |
| 041         | SSTD .....  | 10,716                     | 10,716                       |
| 042         | FIXED SURVEILLANCE SYSTEM .....                     | 98,896                     | 98,896                       |
| 043         | SURTASS .....                                       | 2,774                      | 2,774                        |
| 044         | MARITIME PATROL AND RECONNAISSANCE FORCE .....      | 18,428                     | 18,428                       |
|             | <b>ELECTRONIC WARFARE EQUIPMENT</b>                 |                            |                              |
| 045         | AN/SLQ-32 .....                                     | 92,270                     | 92,270                       |
|             | <b>RECONNAISSANCE EQUIPMENT</b>                     |                            |                              |
| 046         | SHIPBOARD IW EXPLOIT .....                          | 107,060                    | 107,060                      |
| 047         | AUTOMATED IDENTIFICATION SYSTEM (AIS) .....         | 914                        | 914                          |
|             | <b>SUBMARINE SURVEILLANCE EQUIPMENT</b>             |                            |                              |
| 048         | SUBMARINE SUPPORT EQUIPMENT PROG .....              | 34,050                     | 34,050                       |
|             | <b>OTHER SHIP ELECTRONIC EQUIPMENT</b>              |                            |                              |
| 049         | COOPERATIVE ENGAGEMENT CAPABILITY .....             | 27,881                     | 27,881                       |
| 050         | TRUSTED INFORMATION SYSTEM (TIS) .....              | 448                        | 448                          |
| 051         | NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) ..... | 35,732                     | 35,732                       |
| 052         | ATDLS .....   | 0                          | 0                            |
| 053         | NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....        | 9,533                      | 9,533                        |
| 054         | MINESWEEPING SYSTEM REPLACEMENT .....               | 60,111                     | 60,111                       |
| 055         | SHALLOW WATER MCM .....                             | 6,950                      | 6,950                        |
| 056         | NAVSTAR GPS RECEIVERS (SPACE) .....                 | 9,089                      | 9,089                        |
| 057         | AMERICAN FORCES RADIO AND TV SERVICE .....          | 7,768                      | 7,768                        |
| 058         | STRATEGIC PLATFORM SUPPORT EQUIP .....              | 3,614                      | 3,614                        |
|             | <b>TRAINING EQUIPMENT</b>                           |                            |                              |
| 059         | OTHER TRAINING EQUIPMENT .....                      | 42,911                     | 42,911                       |
|             | <b>AVIATION ELECTRONIC EQUIPMENT</b>                |                            |                              |
| 060         | MATCALS .....                                       | 5,861                      | 5,861                        |
| 061         | SHIPBOARD AIR TRAFFIC CONTROL .....                 | 8,362                      | 8,362                        |
| 062         | AUTOMATIC CARRIER LANDING SYSTEM .....              | 15,685                     | 15,685                       |
| 063         | NATIONAL AIR SPACE SYSTEM .....                     | 16,919                     | 16,919                       |
| 064         | FLEET AIR TRAFFIC CONTROL SYSTEMS .....             | 6,828                      | 6,828                        |
| 065         | LANDING SYSTEMS .....                               | 7,646                      | 7,646                        |
| 066         | ID SYSTEMS .....                                    | 35,474                     | 35,474                       |
| 067         | NAVAL MISSION PLANNING SYSTEMS .....                | 9,958                      | 9,958                        |
|             | <b>OTHER SHORE ELECTRONIC EQUIPMENT</b>             |                            |                              |
| 068         | DEPLOYABLE JOINT COMMAND AND CONT .....             | 9,064                      | 9,064                        |
| 069         | MARITIME INTEGRATED BROADCAST SYSTEM .....          | 16,026                     | 16,026                       |
| 070         | TACTICAL/MOBILE C4I SYSTEMS .....                   | 11,886                     | 11,886                       |
| 071         | DCGS-N .....  | 11,887                     | 11,887                       |
| 072         | CANES .....   | 341,398                    | 341,398                      |
| 073         | RADIAC .....  | 8,083                      | 8,083                        |
| 074         | CANES-INTELL .....                                  | 79,427                     | 79,427                       |
| 075         | GPETE .....   | 6,083                      | 6,083                        |
| 076         | INTEG COMBAT SYSTEM TEST FACILITY .....             | 4,495                      | 4,495                        |
| 077         | EMI CONTROL INSTRUMENTATION .....                   | 4,767                      | 4,767                        |
| 078         | ITEMS LESS THAN \$5 MILLION .....                   | 81,755                     | 81,755                       |
|             | <b>SHIPBOARD COMMUNICATIONS</b>                     |                            |                              |
| 079         | SHIPBOARD TACTICAL COMMUNICATIONS .....             | 0                          | 0                            |
| 080         | SHIP COMMUNICATIONS AUTOMATION .....                | 56,870                     | 56,870                       |
| 081         | MARITIME DOMAIN AWARENESS (MDA) .....               | 1,063                      | 1,063                        |
| 082         | COMMUNICATIONS ITEMS UNDER \$5M .....               | 28,522                     | 28,522                       |
| 083         | SUBMARINE BROADCAST SUPPORT .....                   | 4,183                      | 4,183                        |
| 084         | SUBMARINE COMMUNICATION EQUIPMENT .....             | 69,025                     | 69,025                       |
|             | <b>SATELLITE COMMUNICATIONS</b>                     |                            |                              |
| 085         | SATELLITE COMMUNICATIONS SYSTEMS .....              | 49,294                     | 49,294                       |
| 086         | NAVY MULTIBAND TERMINAL (NMT) .....                 | 184,825                    | 184,825                      |
|             | <b>SHORE COMMUNICATIONS</b>                         |                            |                              |
| 087         | JCS COMMUNICATIONS EQUIPMENT .....                  | 2,180                      | 2,180                        |
| 088         | ELECTRICAL POWER SYSTEMS .....                      | 1,354                      | 1,354                        |
| 089         | NAVAL SHORE COMMUNICATIONS .....                    | 0                          | 0                            |
|             | <b>CRYPTOGRAPHIC EQUIPMENT</b>                      |                            |                              |
| 090         | INFO SYSTEMS SECURITY PROGRAM (ISSP) .....          | 144,104                    | 144,104                      |
|             | <b>CRYPTOLOGIC EQUIPMENT</b>                        |                            |                              |
| 091         | CRYPTOLOGIC COMMUNICATIONS EQUIP .....              | 12,604                     | 12,604                       |
|             | <b>OTHER ELECTRONIC SUPPORT</b>                     |                            |                              |
| 092         | COAST GUARD EQUIPMENT .....                         | 6,680                      | 6,680                        |
| 093         | DEFENSE RAPID INNOVATION PROGRAM .....              | 0                          | 0                            |
|             | <b>DRUG INTERDICTION SUPPORT</b>                    |                            |                              |
| 094         | OTHER DRUG INTERDICTION SUPPORT .....               | 0                          | 0                            |
|             | <b>SONOBUOYS</b>                                    |                            |                              |
| 095         | SONOBUOYS—ALL TYPES .....                           | 104,677                    | 104,677                      |
|             | <b>AIRCRAFT SUPPORT EQUIPMENT</b>                   |                            |                              |
| 096         | WEAPONS RANGE SUPPORT EQUIPMENT .....               | 70,753                     | 70,753                       |
| 097         | EXPEDITIONARY AIRFIELDS .....                       | 8,678                      | 8,678                        |
| 098         | AIRCRAFT REARMING EQUIPMENT .....                   | 11,349                     | 11,349                       |
| 099         | AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....          | 82,618                     | 82,618                       |
| 100         | METEOROLOGICAL EQUIPMENT .....                      | 18,339                     | 18,339                       |
| 101         | DCRS/DPL .....                                      | 1,414                      | 1,414                        |

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| 102         | AVIATION LIFE SUPPORT .....                         | 40,475                     | 40,475                       |
| 103         | AIRBORNE MINE COUNTERMEASURES .....                 | 61,552                     | 61,552                       |
| 104         | LAMPS MK III SHIPBOARD EQUIPMENT .....              | 18,771                     | 18,771                       |
| 105         | PORTABLE ELECTRONIC MAINTENANCE AIDS .....          | 7,954                      | 7,954                        |
| 106         | OTHER AVIATION SUPPORT EQUIPMENT .....              | 10,023                     | 10,023                       |
| 107         | AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS) ..... | 3,826                      | 3,826                        |
|             | <b>SHIP GUN SYSTEM EQUIPMENT</b>                    |                            |                              |
| 108         | NAVAL FIRES CONTROL SYSTEM .....                    | 3,472                      | 3,472                        |
| 109         | GUN FIRE CONTROL EQUIPMENT .....                    | 4,528                      | 4,528                        |
|             | <b>SHIP MISSILE SYSTEMS EQUIPMENT</b>               |                            |                              |
| 110         | NATO SEASPARROW .....                               | 8,960                      | 8,960                        |
| 111         | RAM GMLS .....                                      | 1,185                      | 1,185                        |
| 112         | SHIP SELF DEFENSE SYSTEM .....                      | 55,371                     | 55,371                       |
| 113         | AEGIS SUPPORT EQUIPMENT .....                       | 81,614                     | 81,614                       |
| 114         | TOMAHAWK SUPPORT EQUIPMENT .....                    | 77,767                     | 77,767                       |
| 115         | VERTICAL LAUNCH SYSTEMS .....                       | 754                        | 754                          |
| 116         | MARITIME INTEGRATED PLANNING SYSTEM—MIPS .....      | 4,965                      | 4,965                        |
|             | <b>FBM SUPPORT EQUIPMENT</b>                        |                            |                              |
| 117         | STRATEGIC MISSILE SYSTEMS EQUIP .....               | 181,049                    | 181,049                      |
| 118         | SSN COMBAT CONTROL SYSTEMS .....                    | 71,316                     | 71,316                       |
| 119         | SUBMARINE ASW SUPPORT EQUIPMENT .....               | 4,018                      | 4,018                        |
| 120         | SURFACE ASW SUPPORT EQUIPMENT .....                 | 6,465                      | 6,465                        |
| 121         | ASW RANGE SUPPORT EQUIPMENT .....                   | 47,930                     | 47,930                       |
|             | <b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>             |                            |                              |
| 122         | EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....             | 3,579                      | 3,579                        |
| 123         | ITEMS LESS THAN \$5 MILLION .....                   | 3,125                      | 3,125                        |
|             | <b>OTHER EXPENDABLE ORDNANCE</b>                    |                            |                              |
| 124         | ANTI-SHIP MISSILE DECOY SYSTEM .....                | 31,743                     | 31,743                       |
| 125         | SURFACE TRAINING DEVICE MODS .....                  | 34,174                     | 34,174                       |
| 126         | SUBMARINE TRAINING DEVICE MODS .....                | 23,450                     | 23,450                       |
|             | <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>          |                            |                              |
| 127         | PASSENGER CARRYING VEHICLES .....                   | 7,158                      | 7,158                        |
| 128         | GENERAL PURPOSE TRUCKS .....                        | 3,325                      | 3,325                        |
| 129         | CONSTRUCTION & MAINTENANCE EQUIP .....              | 8,692                      | 8,692                        |
| 130         | FIRE FIGHTING EQUIPMENT .....                       | 14,533                     | 14,533                       |
| 131         | TACTICAL VEHICLES .....                             | 15,330                     | 15,330                       |
| 132         | AMPHIBIOUS EQUIPMENT .....                          | 10,803                     | 10,803                       |
| 133         | POLLUTION CONTROL EQUIPMENT .....                   | 7,265                      | 7,265                        |
| 134         | ITEMS UNDER \$5 MILLION .....                       | 15,252                     | 15,252                       |
| 135         | PHYSICAL SECURITY VEHICLES .....                    | 1,161                      | 1,161                        |
|             | <b>SUPPLY SUPPORT EQUIPMENT</b>                     |                            |                              |
| 136         | MATERIALS HANDLING EQUIPMENT .....                  | 15,204                     | 15,204                       |
| 137         | OTHER SUPPLY SUPPORT EQUIPMENT .....                | 6,330                      | 6,330                        |
| 138         | FIRST DESTINATION TRANSPORTATION .....              | 6,539                      | 6,539                        |
| 139         | SPECIAL PURPOSE SUPPLY SYSTEMS .....                | 34,804                     | 34,804                       |
|             | <b>TRAINING DEVICES</b>                             |                            |                              |
| 140         | TRAINING SUPPORT EQUIPMENT .....                    | 25,444                     | 25,444                       |
|             | <b>COMMAND SUPPORT EQUIPMENT</b>                    |                            |                              |
| 141         | COMMAND SUPPORT EQUIPMENT .....                     | 43,165                     | 43,165                       |
| 142         | EDUCATION SUPPORT EQUIPMENT .....                   | 2,251                      | 2,251                        |
| 143         | MEDICAL SUPPORT EQUIPMENT .....                     | 3,148                      | 3,148                        |
| 146         | NAVAL MIP SUPPORT EQUIPMENT .....                   | 3,502                      | 3,502                        |
| 148         | OPERATING FORCES SUPPORT EQUIPMENT .....            | 15,696                     | 15,696                       |
| 149         | C4ISR EQUIPMENT .....                               | 4,344                      | 4,344                        |
| 150         | ENVIRONMENTAL SUPPORT EQUIPMENT .....               | 19,492                     | 19,492                       |
| 151         | PHYSICAL SECURITY EQUIPMENT .....                   | 177,149                    | 177,149                      |
| 152         | ENTERPRISE INFORMATION TECHNOLOGY .....             | 183,995                    | 183,995                      |
|             | <b>CLASSIFIED PROGRAMS</b>                          |                            |                              |
| 152A        | CLASSIFIED PROGRAMS .....                           | 13,063                     | 13,063                       |
|             | <b>SPARES AND REPAIR PARTS</b>                      |                            |                              |
| 153         | SPARES AND REPAIR PARTS .....                       | 250,718                    | 250,718                      |
|             | <b>TOTAL, OTHER PROCUREMENT, NAVY</b> .....         | <b>6,169,378</b>           | <b>6,169,378</b>             |
|             | <b>PROCUREMENT, MARINE CORPS</b>                    |                            |                              |
|             | <b>TRACKED COMBAT VEHICLES</b>                      |                            |                              |
| 001         | AAV7A1 PIP .....                                    | 16,089                     | 16,089                       |
| 002         | LAV PIP .....                                       | 186,216                    | 46,216                       |
|             | LAV procurement acquisition objective change .....  |                            | [-140,000]                   |
|             | <b>ARTILLERY AND OTHER WEAPONS</b>                  |                            |                              |
| 003         | EXPEDITIONARY FIRE SUPPORT SYSTEM .....             | 2,502                      | 2,502                        |
| 004         | 155MM LIGHTWEIGHT TOWED HOWITZER .....              | 17,913                     | 17,913                       |
| 005         | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....         | 47,999                     | 47,999                       |
| 006         | WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION ..... | 17,706                     | 17,706                       |
|             | <b>OTHER SUPPORT</b>                                |                            |                              |
| 007         | MODIFICATION KITS .....                             | 48,040                     | 48,040                       |
| 008         | WEAPONS ENHANCEMENT PROGRAM .....                   | 4,537                      | 4,537                        |
|             | <b>GUIDED MISSILES</b>                              |                            |                              |
| 009         | GROUND BASED AIR DEFENSE .....                      | 11,054                     | 11,054                       |
| 010         | JAVELIN .....                                       | 0                          | 0                            |

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 011         | FOLLOW ON TO SMAW .....                               | 19,650                     | 19,650                       |
| 012         | ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....        | 20,708                     | 20,708                       |
|             | <b>OTHER SUPPORT</b>                                  |                            |                              |
| 013         | MODIFICATION KITS .....                               | 0                          | 0                            |
|             | <b>COMMAND AND CONTROL SYSTEMS</b>                    |                            |                              |
| 014         | UNIT OPERATIONS CENTER .....                          | 1,420                      | 1,420                        |
|             | <b>REPAIR AND TEST EQUIPMENT</b>                      |                            |                              |
| 015         | REPAIR AND TEST EQUIPMENT .....                       | 25,127                     | 25,127                       |
|             | <b>OTHER SUPPORT (TEL)</b>                            |                            |                              |
| 016         | COMBAT SUPPORT SYSTEM .....                           | 25,822                     | 25,822                       |
| 017         | MODIFICATION KITS .....                               | 2,831                      | 2,831                        |
|             | <b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>           |                            |                              |
| 018         | ITEMS UNDER \$5 MILLION (COMM & ELEC) .....           | 5,498                      | 5,498                        |
| 019         | AIR OPERATIONS C2 SYSTEMS .....                       | 11,290                     | 11,290                       |
|             | <b>RADAR + EQUIPMENT (NON-TEL)</b>                    |                            |                              |
| 020         | RADAR SYSTEMS .....                                   | 128,079                    | 128,079                      |
| 021         | RQ-21 UAS .....                                       | 27,619                     | 27,619                       |
|             | <b>INTELL/COMM EQUIPMENT (NON-TEL)</b>                |                            |                              |
| 022         | FIRE SUPPORT SYSTEM .....                             | 7,319                      | 7,319                        |
| 023         | INTELLIGENCE SUPPORT EQUIPMENT .....                  | 7,466                      | 7,466                        |
| 025         | RQ-11 UAV .....                                       | 2,318                      | 2,318                        |
| 026         | DCGS-MC .....   | 18,291                     | 18,291                       |
|             | <b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>            |                            |                              |
| 029         | NIGHT VISION EQUIPMENT .....                          | 48,084                     | 48,084                       |
|             | <b>OTHER SUPPORT (NON-TEL)</b>                        |                            |                              |
| 030         | COMMON COMPUTER RESOURCES .....                       | 206,708                    | 206,708                      |
| 031         | COMMAND POST SYSTEMS .....                            | 35,190                     | 35,190                       |
| 032         | RADIO SYSTEMS .....                                   | 89,059                     | 89,059                       |
| 033         | COMM SWITCHING & CONTROL SYSTEMS .....                | 22,500                     | 22,500                       |
| 034         | COMM & ELEC INFRASTRUCTURE SUPPORT .....              | 42,625                     | 42,625                       |
|             | <b>CLASSIFIED PROGRAMS</b>                            |                            |                              |
| 035A        | CLASSIFIED PROGRAMS .....                             | 2,290                      | 2,290                        |
|             | <b>ADMINISTRATIVE VEHICLES</b>                        |                            |                              |
| 035         | COMMERCIAL PASSENGER VEHICLES .....                   | 2,877                      | 2,877                        |
| 036         | COMMERCIAL CARGO VEHICLES .....                       | 13,960                     | 13,960                       |
|             | <b>TACTICAL VEHICLES</b>                              |                            |                              |
| 037         | 54T TRUCK HMMWV (MYP) .....                           | 8,052                      | 8,052                        |
| 038         | MOTOR TRANSPORT MODIFICATIONS .....                   | 50,269                     | 50,269                       |
| 039         | MEDIUM TACTICAL VEHICLE REPLACEMENT .....             | 0                          | 0                            |
| 040         | LOGISTICS VEHICLE SYSTEM REP .....                    | 37,262                     | 37,262                       |
| 041         | FAMILY OF TACTICAL TRAILERS .....                     | 48,160                     | 48,160                       |
| 042         | TRAILERS .....  | 0                          | 0                            |
|             | <b>OTHER SUPPORT</b>                                  |                            |                              |
| 043         | ITEMS LESS THAN \$5 MILLION .....                     | 6,705                      | 6,705                        |
|             | <b>ENGINEER AND OTHER EQUIPMENT</b>                   |                            |                              |
| 044         | ENVIRONMENTAL CONTROL EQUIP ASSORT .....              | 13,576                     | 13,576                       |
| 045         | BULK LIQUID EQUIPMENT .....                           | 16,869                     | 16,869                       |
| 046         | TACTICAL FUEL SYSTEMS .....                           | 19,108                     | 19,108                       |
| 047         | POWER EQUIPMENT ASSORTED .....                        | 56,253                     | 56,253                       |
| 048         | AMPHIBIOUS SUPPORT EQUIPMENT .....                    | 13,089                     | 13,089                       |
| 049         | EOD SYSTEMS .....                                     | 73,699                     | 73,699                       |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                   |                            |                              |
| 050         | PHYSICAL SECURITY EQUIPMENT .....                     | 3,510                      | 3,510                        |
| 051         | GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....       | 11,490                     | 11,490                       |
| 052         | MATERIAL HANDLING EQUIP .....                         | 20,659                     | 20,659                       |
| 053         | FIRST DESTINATION TRANSPORTATION .....                | 132                        | 132                          |
|             | <b>GENERAL PROPERTY</b>                               |                            |                              |
| 054         | FIELD MEDICAL EQUIPMENT .....                         | 31,068                     | 31,068                       |
| 055         | TRAINING DEVICES .....                                | 45,895                     | 45,895                       |
| 056         | CONTAINER FAMILY .....                                | 5,801                      | 5,801                        |
| 057         | FAMILY OF CONSTRUCTION EQUIPMENT .....                | 23,939                     | 23,939                       |
| 058         | FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) .....    | 0                          | 0                            |
| 059         | BRIDGE BOATS .....                                    | 0                          | 0                            |
| 060         | RAPID DEPLOYABLE KITCHEN .....                        | 8,365                      | 8,365                        |
|             | <b>OTHER SUPPORT</b>                                  |                            |                              |
| 061         | ITEMS LESS THAN \$5 MILLION .....                     | 7,077                      | 7,077                        |
|             | <b>SPARES AND REPAIR PARTS</b>                        |                            |                              |
| 062         | SPARES AND REPAIR PARTS .....                         | 3,190                      | 3,190                        |
|             | <b>PRIOR YEAR SAVINGS</b>                             |                            |                              |
| 062A        | PRIOR YEAR SAVINGS .....                              |                            | -135,200                     |
|             | LAV procurement acquisition objective change PY ..... |                            | [-135,200]                   |
|             | <b>TOTAL, PROCUREMENT, MARINE CORPS</b> .....         | <b>1,622,955</b>           | <b>1,347,755</b>             |
|             | <b>AIRCRAFT PROCUREMENT, AIR FORCE</b>                |                            |                              |
|             | <b>TACTICAL FORCES</b>                                |                            |                              |
| 001         | F-35 .....  | 3,124,302                  | 3,124,302                    |
| 002         | ADVANCE PROCUREMENT (CY) .....                        | 293,400                    | 293,400                      |

**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 003         | F-22A .....   | 0                          | 0                            |
| 004         | C-17A (MYP) .....                                   | 0                          | 0                            |
|             | <b>OTHER AIRLIFT</b>                                |                            |                              |
| 005         | C-130J .....  | 68,373                     | 68,373                       |
| 006         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 007         | HC-130J .....                                       | 152,212                    | 152,212                      |
| 008         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 009         | MC-130J .....                                       | 374,866                    | 374,866                      |
| 010         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 011         | HC/MC-130 RECAP .....                               | 0                          | 0                            |
| 012         | C-27J .....   | 0                          | 0                            |
|             | <b>UPT TRAINERS</b>                                 |                            |                              |
| 013         | LIGHT MOBILITY AIRCRAFT .....                       | 0                          | 0                            |
| 014         | USAF POWERED FLIGHT PROGRAM .....                   | 0                          | 0                            |
|             | <b>HELICOPTERS</b>                                  |                            |                              |
| 015         | HH-60 LOSS REPLACEMENT/RECAP .....                  | 60,596                     | 60,596                       |
| 016         | COMMON VERTICAL LIFT SUPPORT PLATFORM (CVLSP) ..... | 0                          | 0                            |
| 017         | CV-22 (MYP) .....                                   | 294,220                    | 294,220                      |
| 018         | ADVANCE PROCUREMENT (CY) .....                      | 15,000                     | 15,000                       |
|             | <b>MISSION SUPPORT AIRCRAFT</b>                     |                            |                              |
| 019         | CIVIL AIR PATROL A/C .....                          | 2,498                      | 2,498                        |
| 020         | LIGHT ATTACK ARMED RECON ACFT .....                 | 0                          | 0                            |
| 021         | RQ-11 .....   | 0                          | 0                            |
| 022         | STUASLO .....                                       | 0                          | 0                            |
|             | <b>OTHER AIRCRAFT</b>                               |                            |                              |
| 023         | INTERIM GATEWAY .....                               | 0                          | 0                            |
| 024         | TARGET DRONES .....                                 | 129,866                    | 129,866                      |
| 025         | C-37A .....   | 0                          | 0                            |
| 026         | RQ-4 .....  | 75,000                     | 75,000                       |
| 027         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 028         | AC-130J .....                                       | 163,970                    | 163,970                      |
| 029         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 030         | MQ-9 .....  | 553,530                    | 553,530                      |
| 031         | RQ-4 BLOCK 40 PROC .....                            | 11,654                     | 11,654                       |
|             | <b>STRATEGIC AIRCRAFT</b>                           |                            |                              |
| 032         | B-2A .....  | 82,296                     | 82,296                       |
| 033         | B-1B .....  | 149,756                    | 149,756                      |
| 034         | B-52 .....  | 9,781                      | 9,781                        |
| 035         | LARGE AIRCRAFT INFRARED COUNTERMEASURES .....       | 28,800                     | 28,800                       |
|             | <b>TACTICAL AIRCRAFT</b>                            |                            |                              |
| 036         | A-10 .....  | 89,919                     | 89,919                       |
| 037         | F-15 .....  | 148,378                    | 148,378                      |
| 038         | F-16 .....  | 6,896                      | 6,896                        |
| 039         | F-22A .....   | 283,871                    | 283,871                      |
| 040         | F-35 MODIFICATIONS .....                            | 147,995                    | 147,995                      |
|             | <b>AIRLIFT AIRCRAFT</b>                             |                            |                              |
| 041         | C-5 .....   | 6,967                      | 6,967                        |
| 042         | ADVANCE PROCUREMENT (CY) .....                      | 0                          | 0                            |
| 043         | C-5M .....  | 944,819                    | 944,819                      |
| 044         | ADVANCE PROCUREMENT (CY) .....                      | 175,800                    | 175,800                      |
| 045         | C-9C .....  | 0                          | 0                            |
| 046         | C-17A .....   | 205,079                    | 205,079                      |
| 047         | C-21 .....  | 199                        | 199                          |
| 048         | C-32A .....   | 1,750                      | 1,750                        |
| 049         | C-37A .....   | 445                        | 445                          |
| 050         | C-130 AMP .....                                     | 0                          | 0                            |
|             | <b>TRAINER AIRCRAFT</b>                             |                            |                              |
| 051         | GLIDER MODS .....                                   | 126                        | 126                          |
| 052         | T-6 .....   | 15,494                     | 15,494                       |
| 053         | T-1 .....   | 272                        | 272                          |
| 054         | T-38 .....  | 20,455                     | 20,455                       |
|             | <b>OTHER AIRCRAFT</b>                               |                            |                              |
| 055         | U-2 MODS .....                                      | 0                          | 0                            |
| 056         | U-2 MODS .....                                      | 44,477                     | 44,477                       |
| 057         | KC-10A (ATCA) .....                                 | 46,921                     | 46,921                       |
| 058         | C-12 .....  | 1,876                      | 1,876                        |
| 059         | MC-12W .....  | 17,054                     | 17,054                       |
| 060         | C-20 MODS .....                                     | 243                        | 243                          |
| 061         | VC-25A MOD .....                                    | 11,185                     | 11,185                       |
| 062         | C-40 .....  | 243                        | 243                          |
| 063         | C-130 .....   | 67,853                     | 67,853                       |
| 064         | C-130 INTEL .....                                   | 0                          | 0                            |
| 065         | C-130J MODS .....                                   | 70,555                     | 70,555                       |
| 066         | C-135 .....   | 46,707                     | 46,707                       |
| 067         | COMPASS CALL MODS .....                             | 50,024                     | 50,024                       |
| 068         | RC-135 .....  | 165,237                    | 165,237                      |
| 069         | E-3 .....   | 193,099                    | 193,099                      |
| 070         | E-4 .....   | 47,616                     | 47,616                       |
| 071         | E-8 .....   | 59,320                     | 71,320                       |



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
|             | Restart production line for the JSTARS re-engining program ..... |                            | [12,000]                     |
| 072         | H-1 .....  | 5,449                      | 5,449                        |
| 073         | H-60 .....   | 26,227                     | 26,227                       |
| 074         | RQ-4 MODS .....  | 9,257                      | 9,257                        |
| 075         | HC/MC-130 MODIFICATIONS .....                                    | 22,326                     | 22,326                       |
| 076         | OTHER AIRCRAFT .....   | 18,832                     | 18,832                       |
| 077         | MQ-1 MODS .....  | 30,861                     | 30,861                       |
| 078         | MQ-9 MODS .....  | 238,360                    | 238,360                      |
| 079         | MQ-9 UAS PAYLOADS .....  | 93,461                     | 93,461                       |
| 080         | CV-22 MODS .....   | 23,881                     | 23,881                       |
|             | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>                          |                            |                              |
| 081         | INITIAL SPARES/REPAIR PARTS .....                                | 729,691                    | 729,691                      |
|             | <b>COMMON SUPPORT EQUIPMENT</b>                                  |                            |                              |
| 082         | AIRCRAFT REPLACEMENT SUPPORT EQUIP .....                         | 56,542                     | 56,542                       |
|             | <b>POST PRODUCTION SUPPORT</b>                                   |                            |                              |
| 083         | A-10 .....   | 5,100                      | 5,100                        |
| 084         | B-1 .....  | 965                        | 965                          |
| 085         | B-2A .....   | 0                          | 0                            |
| 086         | B-2A .....   | 47,580                     | 47,580                       |
| 087         | C-5 .....  | 0                          | 0                            |
| 088         | KC-10A (ATCA) .....  | 13,100                     | 13,100                       |
| 089         | C-17A .....  | 181,703                    | 181,703                      |
| 090         | C-130 .....  | 31,830                     | 31,830                       |
| 091         | C-135 .....  | 13,434                     | 13,434                       |
| 092         | F-15 .....   | 2,363                      | 2,363                        |
| 093         | F-16 .....   | 8,506                      | 8,506                        |
| 094         | HH-60 PPS .....  | 0                          | 0                            |
| 095         | T-6 .....  | 0                          | 0                            |
| 096         | OTHER AIRCRAFT .....   | 9,522                      | 9,522                        |
|             | <b>INDUSTRIAL PREPAREDNESS</b>                                   |                            |                              |
| 097         | INDUSTRIAL RESPONSIVENESS .....                                  | 20,731                     | 20,731                       |
|             | <b>WAR CONSUMABLES</b>   |                            |                              |
| 098         | WAR CONSUMABLES .....  | 89,727                     | 89,727                       |
|             | <b>OTHER PRODUCTION CHARGES</b>                                  |                            |                              |
| 099         | OTHER PRODUCTION CHARGES .....                                   | 842,392                    | 842,392                      |
|             | <b>DARP</b>  |                            |                              |
| 103         | U-2 .....  | 0                          | 0                            |
|             | <b>CLASSIFIED PROGRAMS</b>                                       |                            |                              |
| 103A        | CLASSIFIED PROGRAMS .....  | 20,164                     | 20,164                       |
|             | <b>PRIOR YEAR SAVINGS</b>  |                            |                              |
| 103B        | PRIOR YEAR SAVINGS .....   |                            | -920,748                     |
|             | Light attack armed reconnaissance (LAAR) cancellation .....      |                            | [-115,049]                   |
|             | Light mobility aircraft cancellation .....                       |                            | [-65,296]                    |
|             | Common vertical lift support platform (CVLSP) cancellation ..... |                            | [-52,800]                    |
|             | C-130 AMP cancellation .....                                     |                            | [-207,163]                   |
|             | RQ-4 Global Hawk Block 30 cancellation .....                     |                            | [-480,440]                   |
|             | <b>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE</b> .....              | <b>11,002,999</b>          | <b>10,094,251</b>            |
|             | <b>MISSILE PROCUREMENT, AIR FORCE</b>                            |                            |                              |
|             | <b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>                   |                            |                              |
| 001         | MISSILE REPLACEMENT EQ-BALLISTIC .....                           | 56,906                     | 56,906                       |
|             | <b>TACTICAL</b>  |                            |                              |
| 002         | JASSM .....  | 240,399                    | 240,399                      |
| 003         | SIDEWINDER (AIM-9X) .....  | 88,020                     | 88,020                       |
| 004         | AMRAAM .....   | 229,637                    | 229,637                      |
| 005         | PREDATOR HELLFIRE MISSILE .....                                  | 47,675                     | 47,675                       |
| 006         | SMALL DIAMETER BOMB .....  | 42,000                     | 42,000                       |
|             | <b>INDUSTRIAL FACILITIES</b>                                     |                            |                              |
| 007         | INDUSTRIAL PREPAREDNESS/POL PREVENTION .....                     | 744                        | 744                          |
|             | <b>CLASS IV</b>  |                            |                              |
| 008         | ADVANCED CRUISE MISSILE .....                                    | 0                          | 0                            |
| 009         | MM III MODIFICATIONS .....                                       | 54,794                     | 54,794                       |
| 010         | AGM-65D MAVERICK .....   | 271                        | 271                          |
| 011         | AGM-88A HARM .....   | 23,240                     | 23,240                       |
| 012         | AIR LAUNCH CRUISE MISSILE (ALCM) .....                           | 13,620                     | 13,620                       |
| 013         | SMALL DIAMETER BOMB .....  | 5,000                      | 5,000                        |
|             | <b>MISSILE SPARES AND REPAIR PARTS</b>                           |                            |                              |
| 014         | INITIAL SPARES/REPAIR PARTS .....                                | 74,373                     | 74,373                       |
|             | <b>SPACE PROGRAMS</b>  |                            |                              |
| 015         | ADVANCED EHF .....   | 557,205                    | 557,205                      |
| 016         | ADVANCE PROCUREMENT (CY) .....                                   | 0                          | 0                            |
| 017         | WIDEBAND GAFILLER SATELLITES(SPACE) .....                        | 36,835                     | 36,835                       |
| 018         | ADVANCE PROCUREMENT (CY) .....                                   | 0                          | 0                            |
| 019         | GPS III SPACE SEGMENT .....                                      | 410,294                    | 410,294                      |
| 020         | ADVANCE PROCUREMENT (CY) .....                                   | 82,616                     | 82,616                       |
| 021         | SPACEBORNE EQUIP (COMSEC) .....                                  | 10,554                     | 10,554                       |
| 022         | GLOBAL POSITIONING (SPACE) .....                                 | 58,147                     | 58,147                       |

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

| <b>Line</b> | <b>Item</b>  | <b>FY 2013<br/>Request</b> | <b>Senate<br/>Authorized</b> |
|-------------|--|----------------------------|------------------------------|
| 023         | DEF METEOROLOGICAL SAT PROG(SPACE) .....                 | 89,022                     | 89,022                       |
| 024         | EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....               | 1,679,856                  | 1,679,856                    |
| 025         | SBIR HIGH (SPACE) .....                                  | 454,251                    | 454,251                      |
| 026         | ADVANCE PROCUREMENT (CY) .....                           | 0                          | 0                            |
|             | <b>SPECIAL PROGRAMS</b>                                  |                            |                              |
| 028         | DEFENSE SPACE RECONN PROGRAM .....                       | 0                          | 0                            |
| 030         | SPECIAL UPDATE PROGRAMS .....                            | 138,904                    | 138,904                      |
|             | <b>CLASSIFIED PROGRAMS</b>                               |                            |                              |
| 030A        | CLASSIFIED PROGRAMS .....                                | 1,097,483                  | 1,097,483                    |
|             | <b>TOTAL, MISSILE PROCUREMENT, AIR FORCE</b> .....       | <b>5,491,846</b>           | <b>5,491,846</b>             |
|             | <b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>              |                            |                              |
|             | <b>ROCKETS</b>   |                            |                              |
| 001         | ROCKETS .....  | 8,927                      | 8,927                        |
|             | <b>CARTRIDGES</b>  |                            |                              |
| 002         | CARTRIDGES .....   | 118,075                    | 118,075                      |
|             | <b>BOMBS</b>   |                            |                              |
| 003         | PRACTICE BOMBS .....                                     | 32,393                     | 32,393                       |
| 004         | GENERAL PURPOSE BOMBS .....                              | 163,467                    | 163,467                      |
| 005         | JOINT DIRECT ATTACK MUNITION .....                       | 101,921                    | 101,921                      |
|             | <b>FLARE, IR MJU-7B</b>                                  |                            |                              |
| 006         | CAD/PAD .....  | 43,829                     | 43,829                       |
| 007         | EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....                  | 7,515                      | 7,515                        |
| 008         | SPARES AND REPAIR PARTS .....                            | 1,003                      | 1,003                        |
| 009         | MODIFICATIONS .....                                      | 5,321                      | 5,321                        |
| 010         | ITEMS LESS THAN \$5 MILLION .....                        | 5,066                      | 5,066                        |
|             | <b>FUZES</b>   |                            |                              |
| 011         | FLARES .....   | 46,010                     | 46,010                       |
| 012         | FUZES .....  | 36,444                     | 36,444                       |
|             | <b>SMALL ARMS</b>  |                            |                              |
| 013         | SMALL ARMS .....   | 29,223                     | 29,223                       |
|             | <b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</b> ..... | <b>599,194</b>             | <b>599,194</b>               |
|             | <b>OTHER PROCUREMENT, AIR FORCE</b>                      |                            |                              |
|             | <b>PASSENGER CARRYING VEHICLES</b>                       |                            |                              |
| 001         | PASSENGER CARRYING VEHICLES .....                        | 1,905                      | 1,905                        |
|             | <b>CARGO AND UTILITY VEHICLES</b>                        |                            |                              |
| 002         | MEDIUM TACTICAL VEHICLE .....                            | 18,547                     | 18,547                       |
| 003         | CAP VEHICLES .....                                       | 932                        | 932                          |
| 004         | ITEMS LESS THAN \$5 MILLION .....                        | 1,699                      | 1,699                        |
|             | <b>SPECIAL PURPOSE VEHICLES</b>                          |                            |                              |
| 005         | SECURITY AND TACTICAL VEHICLES .....                     | 10,850                     | 10,850                       |
| 006         | ITEMS LESS THAN \$5 MILLION .....                        | 9,246                      | 9,246                        |
|             | <b>FIRE FIGHTING EQUIPMENT</b>                           |                            |                              |
| 007         | FIRE FIGHTING/CRASH RESCUE VEHICLES .....                | 23,148                     | 23,148                       |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                      |                            |                              |
| 008         | ITEMS LESS THAN \$5 MILLION .....                        | 18,323                     | 18,323                       |
|             | <b>BASE MAINTENANCE SUPPORT</b>                          |                            |                              |
| 009         | RUNWAY SNOW REMOV AND CLEANING EQU .....                 | 1,685                      | 1,685                        |
| 010         | ITEMS LESS THAN \$5 MILLION .....                        | 17,014                     | 17,014                       |
|             | <b>CANCELLED ACCOUNT ADJUSTMENTS</b>                     |                            |                              |
| 011         | CANCELLED ACCOUNT ADJUSTMENTS .....                      | 0                          | 0                            |
|             | <b>COMM SECURITY EQUIPMENT(COMSEC)</b>                   |                            |                              |
| 012         | COMSEC EQUIPMENT .....                                   | 166,559                    | 166,559                      |
| 013         | MODIFICATIONS (COMSEC) .....                             | 1,133                      | 1,133                        |
|             | <b>INTELLIGENCE PROGRAMS</b>                             |                            |                              |
| 014         | INTELLIGENCE TRAINING EQUIPMENT .....                    | 2,749                      | 2,749                        |
| 015         | INTELLIGENCE COMM EQUIPMENT .....                        | 32,876                     | 32,876                       |
| 016         | ADVANCE TECH SENSORS .....                               | 877                        | 877                          |
| 017         | MISSION PLANNING SYSTEMS .....                           | 15,295                     | 15,295                       |
|             | <b>ELECTRONICS PROGRAMS</b>                              |                            |                              |
| 018         | AIR TRAFFIC CONTROL & LANDING SYS .....                  | 21,984                     | 21,984                       |
| 019         | NATIONAL AIRSPACE SYSTEM .....                           | 30,698                     | 30,698                       |
| 020         | BATTLE CONTROL SYSTEM—FIXED .....                        | 17,368                     | 17,368                       |
| 021         | THEATER AIR CONTROL SYS IMPROVEMENTS .....               | 23,483                     | 23,483                       |
| 022         | WEATHER OBSERVATION FORECAST .....                       | 17,864                     | 17,864                       |
| 023         | STRATEGIC COMMAND AND CONTROL .....                      | 53,995                     | 53,995                       |
| 024         | CHEYENNE MOUNTAIN COMPLEX .....                          | 14,578                     | 14,578                       |
| 025         | TAC SIGINT SPT .....                                     | 208                        | 208                          |
| 026         | DRUG INTERDICTION SPT .....                              | 0                          | 0                            |
|             | <b>SPCL COMM-ELECTRONICS PROJECTS</b>                    |                            |                              |
| 027         | GENERAL INFORMATION TECHNOLOGY .....                     | 69,743                     | 69,743                       |
| 028         | AF GLOBAL COMMAND & CONTROL SYS .....                    | 15,829                     | 15,829                       |
| 029         | MOBILITY COMMAND AND CONTROL .....                       | 11,023                     | 11,023                       |
| 030         | AIR FORCE PHYSICAL SECURITY SYSTEM .....                 | 64,521                     | 64,521                       |
| 031         | COMBAT TRAINING RANGES .....                             | 18,217                     | 18,217                       |
| 032         | C3 COUNTERMEASURES .....                                 | 11,899                     | 11,899                       |
| 033         | GCSS-AF FOS .....  | 13,920                     | 13,920                       |
| 034         | THEATER BATTLE MGT C2 SYSTEM .....                       | 9,365                      | 9,365                        |

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

| <b>Line</b> | <b>Item</b>   | <b>FY 2013<br/>Request</b> | <b>Senate<br/>Authorized</b> |
|-------------|---|----------------------------|------------------------------|
| 035         | AIR & SPACE OPERATIONS CTR-WPN SYS .....                    | 33,907                     | 33,907                       |
|             | <b>AIR FORCE COMMUNICATIONS</b>                             |                            |                              |
| 036         | INFORMATION TRANSPORT SYSTEMS .....                         | 52,464                     | 52,464                       |
| 037         | BASE INFO INFRASTRUCTURE .....                              | 0                          | 0                            |
| 038         | AFNET .....   | 125,788                    | 125,788                      |
| 039         | VOICE SYSTEMS .....   | 16,811                     | 16,811                       |
| 040         | USCENTCOM .....   | 32,138                     | 32,138                       |
|             | <b>DISA PROGRAMS</b>  |                            |                              |
| 041         | SPACE BASED IR SENSOR PGM SPACE .....                       | 47,135                     | 47,135                       |
| 042         | NAVSTAR GPS SPACE .....                                     | 2,031                      | 2,031                        |
| 043         | NUDET DETECTION SYS SPACE .....                             | 5,564                      | 5,564                        |
| 044         | AF SATELLITE CONTROL NETWORK SPACE .....                    | 44,219                     | 44,219                       |
| 045         | SPACELIFT RANGE SYSTEM SPACE .....                          | 109,545                    | 109,545                      |
| 046         | MILSATCOM SPACE .....                                       | 47,592                     | 47,592                       |
| 047         | SPACE MODS SPACE .....                                      | 47,121                     | 47,121                       |
| 048         | COUNTERSPACE SYSTEM .....                                   | 20,961                     | 20,961                       |
|             | <b>ORGANIZATION AND BASE</b>                                |                            |                              |
| 049         | TACTICAL C-E EQUIPMENT .....                                | 126,131                    | 126,131                      |
| 050         | COMBAT SURVIVOR EVADER LOCATER .....                        | 23,707                     | 23,707                       |
| 051         | RADIO EQUIPMENT .....                                       | 12,757                     | 12,757                       |
| 052         | CCTV/AUDIOVISUAL EQUIPMENT .....                            | 10,716                     | 10,716                       |
| 053         | BASE COMM INFRASTRUCTURE .....                              | 74,528                     | 74,528                       |
|             | <b>MODIFICATIONS</b>  |                            |                              |
| 054         | COMM ELECT MODS .....                                       | 43,507                     | 43,507                       |
|             | <b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>                   |                            |                              |
| 055         | NIGHT VISION GOGGLES .....                                  | 22,693                     | 22,693                       |
| 056         | ITEMS LESS THAN \$5 MILLION .....                           | 30,887                     | 30,887                       |
|             | <b>DEPOT PLANT+MTRLS HANDLING EQ</b>                        |                            |                              |
| 057         | MECHANIZED MATERIAL HANDLING EQUIP .....                    | 2,850                      | 2,850                        |
|             | <b>BASE SUPPORT EQUIPMENT</b>                               |                            |                              |
| 058         | BASE PROCURED EQUIPMENT .....                               | 8,387                      | 8,387                        |
| 059         | CONTINGENCY OPERATIONS .....                                | 10,358                     | 10,358                       |
| 060         | PRODUCTIVITY CAPITAL INVESTMENT .....                       | 3,473                      | 3,473                        |
| 061         | RAPID IMPROVEMENT PROCUREMENT INOVAT .....                  | 0                          | 0                            |
| 062         | MOBILITY EQUIPMENT .....                                    | 14,471                     | 14,471                       |
| 063         | ITEMS LESS THAN \$5 MILLION .....                           | 1,894                      | 1,894                        |
|             | <b>SPECIAL SUPPORT PROJECTS</b>                             |                            |                              |
| 065         | DARP RC135 .....  | 24,176                     | 24,176                       |
| 066         | DCGS-AF .....   | 142,928                    | 142,928                      |
| 068         | SPECIAL UPDATE PROGRAM .....                                | 479,446                    | 479,446                      |
| 069         | DEFENSE SPACE RECONNAISSANCE PROG. ....                     | 39,155                     | 39,155                       |
|             | <b>CLASSIFIED PROGRAMS</b>                                  |                            |                              |
| 069A        | CLASSIFIED PROGRAMS .....                                   | 14,331,312                 | 14,331,312                   |
|             | <b>SPARES AND REPAIR PARTS</b>                              |                            |                              |
| 071         | SPARES AND REPAIR PARTS .....                               | 14,663                     | 14,663                       |
|             | <b>TOTAL, OTHER PROCUREMENT, AIR FORCE</b> .....            | <b>16,720,848</b>          | <b>16,720,848</b>            |
|             | <b>PROCUREMENT, DEFENSE-WIDE</b>                            |                            |                              |
|             | <b>MAJOR EQUIPMENT, BTA</b>                                 |                            |                              |
| 001         | MAJOR EQUIPMENT, BTA .....                                  | 0                          | 0                            |
|             | <b>MAJOR EQUIPMENT, DCAA</b>                                |                            |                              |
| 002         | ITEMS LESS THAN \$5 MILLION .....                           | 1,486                      | 1,486                        |
|             | <b>MAJOR EQUIPMENT, DCMA</b>                                |                            |                              |
| 003         | MAJOR EQUIPMENT .....                                       | 2,129                      | 2,129                        |
|             | <b>EQUIPMENT</b>  |                            |                              |
| 004         | EQUIPMENT .....   | 0                          | 0                            |
|             | <b>MAJOR EQUIPMENT, DHRA</b>                                |                            |                              |
| 005         | PERSONNEL ADMINISTRATION .....                              | 6,147                      | 6,147                        |
|             | <b>MAJOR EQUIPMENT, DISA</b>                                |                            |                              |
| 012         | INFORMATION SYSTEMS SECURITY .....                          | 12,708                     | 12,708                       |
| 013         | GLOBAL COMMAND AND CONTROL SYSTEM .....                     | 0                          | 0                            |
| 014         | GLOBAL COMBAT SUPPORT SYSTEM .....                          | 3,002                      | 3,002                        |
| 015         | TELEPORT PROGRAM .....                                      | 46,992                     | 46,992                       |
| 016         | ITEMS LESS THAN \$5 MILLION .....                           | 108,462                    | 108,462                      |
| 017         | NET CENTRIC ENTERPRISE SERVICES (NCES) .....                | 2,865                      | 2,865                        |
| 018         | DEFENSE INFORMATION SYSTEM NETWORK .....                    | 116,906                    | 116,906                      |
| 019         | PUBLIC KEY INFRASTRUCTURE .....                             | 1,827                      | 1,827                        |
| 020         | DRUG INTERDICTION SUPPORT .....                             | 0                          | 0                            |
| 021         | CYBER SECURITY INITIATIVE .....                             | 10,319                     | 10,319                       |
|             | <b>MAJOR EQUIPMENT, DLA</b>                                 |                            |                              |
| 022         | MAJOR EQUIPMENT .....                                       | 9,575                      | 9,575                        |
|             | <b>MAJOR EQUIPMENT, DMACT</b>                               |                            |                              |
| 023         | MAJOR EQUIPMENT .....                                       | 15,179                     | 15,179                       |
|             | <b>MAJOR EQUIPMENT, DODEA</b>                               |                            |                              |
| 024         | AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....            | 1,458                      | 1,458                        |
|             | <b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b> |                            |                              |
| 025         | EQUIPMENT .....   | 0                          | 0                            |
|             | <b>MAJOR EQUIPMENT, DSS</b>                                 |                            |                              |
| 026         | MAJOR EQUIPMENT .....                                       | 2,522                      | 2,522                        |

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>   | <b>FY 2013<br/>Request</b> | <b>Senate<br/>Authorized</b> |
|-------------|---|----------------------------|------------------------------|
|             | <b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b> |                            |                              |
| 027         | VEHICLES .....  | 50                         | 50                           |
| 028         | OTHER MAJOR EQUIPMENT .....                             | 13,096                     | 13,096                       |
|             | <b>MAJOR EQUIPMENT, DTSA</b>                            |                            |                              |
| 029         | MAJOR EQUIPMENT .....                                   | 0                          | 0                            |
|             | <b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>          |                            |                              |
| 030         | THAAD .....   | 460,728                    | 560,728                      |
|             | THAAD Interceptors .....                                |                            | [100,000]                    |
| 031         | AEGIS BMD .....   | 389,626                    | 389,626                      |
| 032         | BMDS AN/TPY-2 RADARS .....                              | 217,244                    | 217,244                      |
| 033         | RADAR SPARES .....                                      | 10,177                     | 10,177                       |
| 034         | IRON DOME .....   | 0                          | 0                            |
|             | <b>MAJOR EQUIPMENT, NSA</b>                             |                            |                              |
| 041         | INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....       | 6,770                      | 6,770                        |
|             | <b>MAJOR EQUIPMENT, OSD</b>                             |                            |                              |
| 042         | MAJOR EQUIPMENT, OSD .....                              | 45,938                     | 45,938                       |
| 043         | MAJOR EQUIPMENT, INTELLIGENCE .....                     | 17,582                     | 17,582                       |
|             | <b>MAJOR EQUIPMENT, TJS</b>                             |                            |                              |
| 044         | MAJOR EQUIPMENT, TJS .....                              | 21,878                     | 21,878                       |
|             | <b>MAJOR EQUIPMENT, WHS</b>                             |                            |                              |
| 045         | MAJOR EQUIPMENT, WHS .....                              | 26,550                     | 26,550                       |
|             | <b>CLASSIFIED PROGRAMS</b>                              |                            |                              |
| 045A        | CLASSIFIED PROGRAMS .....                               | 555,787                    | 555,787                      |
|             | <b>AVIATION PROGRAMS</b>                                |                            |                              |
| 046         | ROTARY WING UPGRADES AND SUSTAINMENT .....              | 74,832                     | 74,832                       |
| 047         | MH-47 SERVICE LIFE EXTENSION PROGRAM .....              | 0                          | 0                            |
| 048         | MH-60 MODERNIZATION PROGRAM .....                       | 126,780                    | 126,780                      |
| 049         | NON-STANDARD AVIATION .....                             | 99,776                     | 37,000                       |
|             | Transfer to Line 51 at USSOCOM request .....            |                            | [-62,776]                    |
| 050         | TANKER RECAPITALIZATION .....                           | 0                          | 0                            |
| 051         | U-28 .....  | 7,530                      | 116,906                      |
|             | Transfer from Line 49 at USSOCOM request .....          |                            | [62,776]                     |
|             | USSOCOM UFR .....                                       |                            | [46,600]                     |
| 052         | MH-47 CHINOOK .....                                     | 134,785                    | 134,785                      |
| 053         | RQ-11 UNMANNED AERIAL VEHICLE .....                     | 2,062                      | 2,062                        |
| 054         | CV-22 MODIFICATION .....                                | 139,147                    | 139,147                      |
| 055         | MQ-1 UNMANNED AERIAL VEHICLE .....                      | 3,963                      | 26,963                       |
|             | USSOCOM UFR .....                                       |                            | [23,000]                     |
| 056         | MQ-9 UNMANNED AERIAL VEHICLE .....                      | 3,952                      | 39,352                       |
|             | USSOCOM UFR .....                                       |                            | [35,400]                     |
| 057         | RQ-7 UNMANNED AERIAL VEHICLE .....                      | 0                          | 0                            |
| 058         | STUASLO .....   | 12,945                     | 12,945                       |
| 059         | PRECISION STRIKE PACKAGE .....                          | 73,013                     | 73,013                       |
| 060         | AC/MC-130J .....  | 51,484                     | 51,484                       |
| 061         | MQ-8 UAV .....  | 0                          | 0                            |
| 062         | C-130 MODIFICATIONS .....                               | 25,248                     | 25,248                       |
| 063         | AIRCRAFT SUPPORT .....                                  | 5,314                      | 5,314                        |
|             | <b>SHIPBUILDING</b>                                     |                            |                              |
| 064         | UNDERWATER SYSTEMS .....                                | 23,037                     | 15,037                       |
|             | Transfer to RDDW Line 272 at USSOCOM request .....      |                            | [-8,000]                     |
| 065         | SEAL DELIVERY VEHICLE .....                             | 0                          | 0                            |
|             | <b>AMMUNITION PROGRAMS</b>                              |                            |                              |
| 066         | ORDNANCE REPLENISHMENT .....                            | 113,183                    | 113,183                      |
| 067         | ORDNANCE ACQUISITION .....                              | 36,981                     | 36,981                       |
|             | <b>OTHER PROCUREMENT PROGRAMS</b>                       |                            |                              |
| 068         | COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....          | 99,838                     | 103,738                      |
|             | USSOCOM UFR .....                                       |                            | [3,900]                      |
| 069         | INTELLIGENCE SYSTEMS .....                              | 71,428                     | 71,428                       |
| 070         | SMALL ARMS AND WEAPONS .....                            | 27,108                     | 27,108                       |
| 071         | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....         | 12,767                     | 15,967                       |
|             | USSOCOM UFR .....                                       |                            | [3,200]                      |
| 073         | MARITIME EQUIPMENT MODIFICATIONS .....                  | 0                          | 0                            |
| 074         | COMBATANT CRAFT SYSTEMS .....                           | 42,348                     | 42,348                       |
| 075         | SPARES AND REPAIR PARTS .....                           | 600                        | 600                          |
| 077         | TACTICAL VEHICLES .....                                 | 37,421                     | 37,421                       |
| 078         | MISSION TRAINING AND PREPARATION SYSTEMS .....          | 36,949                     | 41,949                       |
|             | USSOCOM UFR .....                                       |                            | [5,000]                      |
| 079         | COMBAT MISSION REQUIREMENTS .....                       | 20,255                     | 20,255                       |
| 080         | MILCON COLLATERAL EQUIPMENT .....                       | 17,590                     | 17,590                       |
| 082         | AUTOMATION SYSTEMS .....                                | 66,573                     | 66,573                       |
| 083         | GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....              | 6,549                      | 6,549                        |
| 084         | OPERATIONAL ENHANCEMENTS INTELLIGENCE .....             | 32,335                     | 32,335                       |
| 085         | SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....           | 15,153                     | 15,153                       |
| 086         | VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....     | 33,920                     | 33,920                       |
| 087         | TACTICAL RADIO SYSTEMS .....                            | 75,132                     | 75,132                       |
| 088         | MARITIME EQUIPMENT .....                                | 0                          | 0                            |
| 089         | DRUG INTERDICTION .....                                 | 0                          | 0                            |
| 090         | MISCELLANEOUS EQUIPMENT .....                           | 6,667                      | 6,667                        |
| 091         | OPERATIONAL ENHANCEMENTS .....                          | 217,972                    | 243,272                      |

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
|             | USSOCOM UFR .....  |                            | [25,300]                     |
| 092         | MILITARY INFORMATION SUPPORT OPERATIONS .....              | 27,417                     | 27,417                       |
|             | <b>CLASSIFIED PROGRAMS</b>                                 |                            |                              |
| 092A        | CLASSIFIED PROGRAMS .....                                  | 0                          | 0                            |
|             | <b>CBDP</b>  |                            |                              |
| 093         | INSTALLATION FORCE PROTECTION .....                        | 24,025                     | 24,025                       |
| 094         | INDIVIDUAL PROTECTION .....                                | 73,720                     | 73,720                       |
| 095         | DECONTAMINATION .....                                      | 506                        | 506                          |
| 096         | JOINT BIO DEFENSE PROGRAM (MEDICAL) .....                  | 32,597                     | 32,597                       |
| 097         | COLLECTIVE PROTECTION .....                                | 3,144                      | 3,144                        |
| 098         | CONTAMINATION AVOIDANCE .....                              | 164,886                    | 164,886                      |
|             | <b>TOTAL, PROCUREMENT, DEFENSE-WIDE</b> .....              | <b>4,187,935</b>           | <b>4,422,335</b>             |
|             | <b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>              |                            |                              |
|             | <b>ARMY RESERVE</b>  |                            |                              |
| 001         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>NAVY RESERVE</b>  |                            |                              |
| 002         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>MARINE CORPS RESERVE</b>                                |                            |                              |
| 003         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>AIR FORCE RESERVE</b>                                   |                            |                              |
| 004         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>ARMY NATIONAL GUARD</b>                                 |                            |                              |
| 005         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>AIR NATIONAL GUARD</b>                                  |                            |                              |
| 006         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>NATIONAL GUARD AIRCRAFT</b>                             |                            |                              |
| 007         | MISCELLANEOUS EQUIPMENT .....                              | 0                          | 0                            |
|             | <b>TOTAL, NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> ..... | <b>0</b>                   | <b>0</b>                     |
|             | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                 |                            |                              |
|             | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                 |                            |                              |
| 001         | JOINT URGENT OPERATIONAL NEEDS FUND .....                  | 99,477                     | 99,477                       |
|             | <b>TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND</b> .....    | <b>99,477</b>              | <b>99,477</b>                |
|             | <b>TOTAL, PROCUREMENT</b> .....                            | <b>97,432,379</b>          | <b>96,959,163</b>            |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
|             | <b>AIRCRAFT PROCUREMENT, ARMY</b>                   |                            |                              |
|             | <b>ROTARY</b>                                       |                            |                              |
| 009         | AH-64 APACHE BLOCK IIIB NEW BUILD .....             | 71,000                     | 0                            |
|             | Funding ahead of need .....                         |                            | [-71,000]                    |
| 012         | KIOWA WARRIOR (OH-58F) WRA .....                    | 183,900                    | 183,900                      |
| 015         | CH-47 HELICOPTER .....                              | 231,300                    | 231,300                      |
|             | <b>TOTAL, AIRCRAFT PROCUREMENT, ARMY</b> .....      | <b>486,200</b>             | <b>415,200</b>               |
|             | <b>MISSILE PROCUREMENT, ARMY</b>                    |                            |                              |
|             | <b>SURFACE-TO-AIR MISSILE SYSTEM</b>                |                            |                              |
| 004         | HELLFIRE SYS SUMMARY .....                          | 29,100                     | 29,100                       |
| 008         | GUIDED MLRS ROCKET (GMLRS) .....                    | 20,553                     | 20,553                       |
|             | <b>TOTAL, MISSILE PROCUREMENT, ARMY</b> .....       | <b>49,653</b>              | <b>49,653</b>                |
|             | <b>PROCUREMENT OF W&amp;TCV, ARMY</b>               |                            |                              |
|             | <b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>          |                            |                              |
| 036         | M16 RIFLE MODS .....                                | 15,422                     | 15,422                       |
|             | <b>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY</b> .....  | <b>15,422</b>              | <b>15,422</b>                |
|             | <b>PROCUREMENT OF AMMUNITION, ARMY</b>              |                            |                              |
|             | <b>SMALL/MEDIUM CAL AMMUNITION</b>                  |                            |                              |
| 003         | CTG, HANDGUN, ALL TYPES .....                       | 1,500                      | 1,500                        |
| 004         | CTG, .50 CAL, ALL TYPES .....                       | 10,000                     | 10,000                       |
| 007         | CTG, 30MM, ALL TYPES .....                          | 80,000                     | 80,000                       |
|             | <b>MORTAR AMMUNITION</b>                            |                            |                              |
| 009         | 60MM MORTAR, ALL TYPES .....                        | 14,000                     | 14,000                       |
| 010         | 81MM MORTAR, ALL TYPES .....                        | 6,000                      | 6,000                        |
| 011         | 120MM MORTAR, ALL TYPES .....                       | 56,000                     | 56,000                       |
|             | <b>ARTILLERY AMMUNITION</b>                         |                            |                              |
| 013         | ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP ..... | 29,956                     | 29,956                       |
| 014         | ARTILLERY PROJECTILE, 155MM, ALL TYPES .....        | 37,044                     | 37,044                       |
| 015         | PROJ 155MM EXTENDED RANGE XM982 .....               | 12,300                     | 12,300                       |
| 016         | ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL ..... | 17,000                     | 17,000                       |
|             | <b>MINES</b>  |                            |                              |
| 017         | MINES & CLEARING CHARGES, ALL TYPES .....           | 12,000                     | 12,000                       |
|             | <b>ROCKETS</b>                                      |                            |                              |

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|-------------|---|----------------------------|------------------------------|
| 020         | ROCKET, HYDRA 70, ALL TYPES .....                           | 63,635                     | 63,635                       |
|             | <b>OTHER AMMUNITION</b>                                     |                            |                              |
| 023         | SIGNALS, ALL TYPES .....                                    | 16,858                     | 16,858                       |
|             | <b>MISCELLANEOUS</b>  |                            |                              |
| 028         | ITEMS LESS THAN \$5 MILLION .....                           | 1,200                      | 1,200                        |
|             | <b>PRODUCTION BASE SUPPORT</b>                              |                            |                              |
|             | <b>TOTAL, PROCUREMENT OF AMMUNITION, ARMY</b> .....         | <b>357,493</b>             | <b>357,493</b>               |
|             | <b>OTHER PROCUREMENT, ARMY</b>                              |                            |                              |
|             | <b>TACTICAL VEHICLES</b>                                    |                            |                              |
| 002         | FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....                  | 28,247                     | 28,247                       |
| 004         | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....              | 2,050                      | 2,050                        |
| 011         | HMMWV RECAPITALIZATION PROGRAM .....                        | 271,000                    | 271,000                      |
| 014         | MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....           | 927,400                    | 927,400                      |
|             | <b>COMM—INTELLIGENCE COMM</b>                               |                            |                              |
| 052         | RESERVE CAMISO GPF EQUIPMENT .....                          | 8,000                      | 8,000                        |
|             | <b>COMM—BASE COMMUNICATIONS</b>                             |                            |                              |
| 061         | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....         | 25,000                     | 65,000                       |
|             | Transfer from OMA OCO at SOUTHCOM request .....             |                            | [40,000]                     |
|             | <b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>                 |                            |                              |
| 069         | DCGS-A (MIP) .....  | 90,355                     | 90,355                       |
| 073         | CI HUMINT AUTO REPRINTING AND COLLECTION .....              | 6,516                      | 6,516                        |
|             | <b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>                  |                            |                              |
| 075         | LIGHTWEIGHT COUNTER MORTAR RADAR .....                      | 27,646                     | 27,646                       |
| 077         | FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES .....          | 52,000                     | 52,000                       |
| 078         | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....          | 205,209                    | 205,209                      |
|             | <b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>                |                            |                              |
| 092         | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....               | 14,600                     | 14,600                       |
| 099         | COUNTERFIRE RADARS .....                                    | 54,585                     | 54,585                       |
|             | <b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>                      |                            |                              |
| 102         | FIRE SUPPORT C2 FAMILY .....                                | 22,430                     | 22,430                       |
| 103         | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....             | 2,400                      | 2,400                        |
| 112         | MANEUVER CONTROL SYSTEM (MCS) .....                         | 6,400                      | 6,400                        |
| 113         | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....               | 5,160                      | 5,160                        |
|             | <b>CHEMICAL DEFENSIVE EQUIPMENT</b>                         |                            |                              |
| 126         | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....                 | 15,000                     | 15,000                       |
| 127         | BASE DEFENSE SYSTEMS (BDS) .....                            | 66,100                     | 66,100                       |
|             | <b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>                |                            |                              |
| 135         | EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....         | 3,565                      | 3,565                        |
|             | <b>COMBAT SERVICE SUPPORT EQUIPMENT</b>                     |                            |                              |
| 143         | FORCE PROVIDER .....  | 39,700                     | 39,700                       |
| 145         | CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....         | 650                        | 650                          |
|             | <b>PETROLEUM EQUIPMENT</b>                                  |                            |                              |
| 149         | DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....               | 2,119                      | 2,119                        |
|             | <b>MAINTENANCE EQUIPMENT</b>                                |                            |                              |
| 152         | MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....                  | 428                        | 428                          |
| 153         | ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....                | 30                         | 30                           |
|             | <b>TRAINING EQUIPMENT</b>                                   |                            |                              |
| 175         | COMBAT TRAINING CENTERS SUPPORT .....                       | 7,000                      | 7,000                        |
| 176         | TRAINING DEVICES, NONSYSTEM .....                           | 27,250                     | 27,250                       |
| 178         | AVIATION COMBINED ARMS TACTICAL TRAINER .....               | 1,000                      | 1,000                        |
| 179         | GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....         | 5,900                      | 5,900                        |
|             | <b>OTHER SUPPORT EQUIPMENT</b>                              |                            |                              |
| 183         | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....             | 98,167                     | 91,167                       |
|             | Slow execution of prior years appropriations .....          |                            | [–37,000]                    |
|             | Solar power units .....                                     |                            | [30,000]                     |
|             | <b>TOTAL, OTHER PROCUREMENT, ARMY</b> .....                 | <b>2,015,907</b>           | <b>2,048,907</b>             |
|             | <b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>                 |                            |                              |
|             | <b>NETWORK ATTACK</b>                                       |                            |                              |
| 001         | ATTACK THE NETWORK .....                                    | 950,500                    | 850,500                      |
|             | Program decrease—under execution .....                      |                            | [–100,000]                   |
|             | <b>JIEDDO DEVICE DEFEAT</b>                                 |                            |                              |
| 002         | DEFEAT THE DEVICE .....                                     | 400,000                    | 350,000                      |
|             | Program decrease—under execution & program delays .....     |                            | [–50,000]                    |
|             | <b>FORCE TRAINING</b>                                       |                            |                              |
| 003         | TRAIN THE FORCE .....                                       | 149,500                    | 128,500                      |
|             | Program decrease—under execution & program delays .....     |                            | [–21,000]                    |
|             | <b>STAFF AND INFRASTRUCTURE</b>                             |                            |                              |
| 004         | OPERATIONS .....  | 175,400                    | 373,814                      |
|             | Transfer from Base .....                                    |                            | [227,414]                    |
|             | Program decrease—excessive contractor service support ..... |                            | [–29,000]                    |
|             | <b>TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....    | <b>1,675,400</b>           | <b>1,702,814</b>             |
|             | <b>AIRCRAFT PROCUREMENT, NAVY</b>                           |                            |                              |
|             | <b>COMBAT AIRCRAFT</b>                                      |                            |                              |
| 011         | H-1 UPGRADES (UH-1Y/AH-1Z) .....                            | 29,800                     | 29,800                       |
|             | <b>MODIFICATION OF AIRCRAFT</b>                             |                            |                              |
| 030         | AV-8 SERIES .....   | 42,238                     | 42,238                       |

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| 032         | F-18 SERIES .....                                      | 41,243                     | 41,243                       |
| 035         | H-53 SERIES .....                                      | 15,870                     | 15,870                       |
| 038         | EP-3 SERIES .....                                      | 13,030                     | 13,030                       |
| 043         | C-130 SERIES .....                                     | 16,737                     | 16,737                       |
| 048         | SPECIAL PROJECT AIRCRAFT .....                         | 2,714                      | 2,714                        |
| 054         | COMMON AVIONICS CHANGES .....                          | 570                        | 570                          |
|             | <b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>         |                            |                              |
| 062         | COMMON GROUND EQUIPMENT .....                          | 2,380                      | 2,380                        |
|             | <b>TOTAL, AIRCRAFT PROCUREMENT, NAVY</b> .....         | <b>164,582</b>             | <b>164,582</b>               |
|             | <b>WEAPONS PROCUREMENT, NAVY</b>                       |                            |                              |
|             | <b>TACTICAL MISSILES</b>                               |                            |                              |
| 009         | HELLFIRE .....   | 17,000                     | 17,000                       |
| 010         | STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....     | 6,500                      | 6,500                        |
|             | <b>TOTAL, WEAPONS PROCUREMENT, NAVY</b> .....          | <b>23,500</b>              | <b>23,500</b>                |
|             | <b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>              |                            |                              |
|             | <b>NAVY AMMUNITION</b>                                 |                            |                              |
| 001         | GENERAL PURPOSE BOMBS .....                            | 18,000                     | 18,000                       |
| 002         | AIRBORNE ROCKETS, ALL TYPES .....                      | 80,200                     | 80,200                       |
| 003         | MACHINE GUN AMMUNITION .....                           | 21,500                     | 21,500                       |
| 006         | AIR EXPENDABLE COUNTERMEASURES .....                   | 20,303                     | 20,303                       |
| 011         | OTHER SHIP GUN AMMUNITION .....                        | 532                        | 532                          |
| 012         | SMALL ARMS & LANDING PARTY AMMO .....                  | 2,643                      | 2,643                        |
| 013         | PYROTECHNIC AND DEMOLITION .....                       | 2,322                      | 2,322                        |
| 014         | AMMUNITION LESS THAN \$5 MILLION .....                 | 6,308                      | 6,308                        |
|             | <b>MARINE CORPS AMMUNITION</b>                         |                            |                              |
| 015         | SMALL ARMS AMMUNITION .....                            | 10,948                     | 10,948                       |
| 016         | LINEAR CHARGES, ALL TYPES .....                        | 9,940                      | 9,940                        |
| 017         | 40MM, ALL TYPES .....                                  | 5,963                      | 5,963                        |
| 020         | 120MM, ALL TYPES .....                                 | 11,605                     | 11,605                       |
| 021         | CTG 25MM, ALL TYPES .....                              | 2,831                      | 2,831                        |
| 022         | GRENADES, ALL TYPES .....                              | 2,359                      | 2,359                        |
| 023         | ROCKETS, ALL TYPES .....                               | 3,051                      | 3,051                        |
| 024         | ARTILLERY, ALL TYPES .....                             | 54,886                     | 54,886                       |
| 025         | DEMOLITION MUNITIONS, ALL TYPES .....                  | 1,391                      | 1,391                        |
| 026         | FUZE, ALL TYPES .....                                  | 30,945                     | 30,945                       |
| 027         | NON LETHALS .....                                      | 8                          | 8                            |
| 029         | ITEMS LESS THAN \$5 MILLION .....                      | 12                         | 12                           |
|             | <b>TOTAL, PROCUREMENT OF AMMO, NAVY &amp; MC</b> ..... | <b>285,747</b>             | <b>285,747</b>               |
|             | <b>OTHER PROCUREMENT, NAVY</b>                         |                            |                              |
|             | <b>OTHER SHORE ELECTRONIC EQUIPMENT</b>                |                            |                              |
| 070         | TACTICAL/MOBILE C4I SYSTEMS .....                      | 3,603                      | 3,603                        |
|             | <b>AIRCRAFT SUPPORT EQUIPMENT</b>                      |                            |                              |
| 097         | EXPEDITIONARY AIRFIELDS .....                          | 58,200                     | 58,200                       |
|             | <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>             |                            |                              |
| 127         | PASSENGER CARRYING VEHICLES .....                      | 3,901                      | 3,901                        |
| 128         | GENERAL PURPOSE TRUCKS .....                           | 852                        | 852                          |
| 129         | CONSTRUCTION & MAINTENANCE EQUIP .....                 | 2,436                      | 2,436                        |
| 130         | FIRE FIGHTING EQUIPMENT .....                          | 3,798                      | 3,798                        |
| 131         | TACTICAL VEHICLES .....                                | 13,394                     | 13,394                       |
| 134         | ITEMS UNDER \$5 MILLION .....                          | 375                        | 375                          |
|             | <b>COMMAND SUPPORT EQUIPMENT</b>                       |                            |                              |
| 149         | C4ISR EQUIPMENT .....                                  | 3,000                      | 3,000                        |
| 151         | PHYSICAL SECURITY EQUIPMENT .....                      | 9,323                      | 9,323                        |
|             | <b>TOTAL, OTHER PROCUREMENT, NAVY</b> .....            | <b>98,882</b>              | <b>98,882</b>                |
|             | <b>PROCUREMENT, MARINE CORPS</b>                       |                            |                              |
|             | <b>TRACKED COMBAT VEHICLES</b>                         |                            |                              |
| 002         | LAV PIP .....  | 10,000                     | 10,000                       |
|             | <b>ARTILLERY AND OTHER WEAPONS</b>                     |                            |                              |
| 005         | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....            | 108,860                    | 108,860                      |
|             | <b>GUIDED MISSILES</b>                                 |                            |                              |
| 010         | JAVELIN .....  | 29,158                     | 29,158                       |
|             | <b>OTHER SUPPORT</b>                                   |                            |                              |
| 013         | MODIFICATION KITS .....                                | 41,602                     | 41,602                       |
|             | <b>REPAIR AND TEST EQUIPMENT</b>                       |                            |                              |
| 015         | REPAIR AND TEST EQUIPMENT .....                        | 13,632                     | 13,632                       |
|             | <b>OTHER SUPPORT (TEL)</b>                             |                            |                              |
| 017         | MODIFICATION KITS .....                                | 2,831                      | 2,831                        |
|             | <b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>            |                            |                              |
| 019         | AIR OPERATIONS C2 SYSTEMS .....                        | 15,575                     | 15,575                       |
|             | <b>RADAR + EQUIPMENT (NON-TEL)</b>                     |                            |                              |
| 020         | RADAR SYSTEMS .....                                    | 8,015                      | 8,015                        |
|             | <b>INTELL/COMM EQUIPMENT (NON-TEL)</b>                 |                            |                              |
| 023         | INTELLIGENCE SUPPORT EQUIPMENT .....                   | 35,310                     | 35,310                       |
|             | <b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>              |                            |                              |
| 029         | NIGHT VISION EQUIPMENT .....                           | 652                        | 652                          |



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|             | <b>OTHER SUPPORT (NON-TEL)</b>                           |                            |                              |
| 030         | COMMON COMPUTER RESOURCES .....                          | 19,807                     | 19,807                       |
| 032         | RADIO SYSTEMS .....                                      | 36,482                     | 36,482                       |
| 033         | COMM SWITCHING & CONTROL SYSTEMS .....                   | 41,295                     | 41,295                       |
|             | <b>TACTICAL VEHICLES</b>                                 |                            |                              |
| 039         | MEDIUM TACTICAL VEHICLE REPLACEMENT .....                | 10,466                     | 10,466                       |
| 041         | FAMILY OF TACTICAL TRAILERS .....                        | 7,642                      | 7,642                        |
|             | <b>ENGINEER AND OTHER EQUIPMENT</b>                      |                            |                              |
| 045         | BULK LIQUID EQUIPMENT .....                              | 18,239                     | 18,239                       |
| 046         | TACTICAL FUEL SYSTEMS .....                              | 51,359                     | 51,359                       |
| 047         | POWER EQUIPMENT ASSORTED .....                           | 20,247                     | 20,247                       |
| 049         | EOD SYSTEMS .....  | 362,658                    | 362,658                      |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                      |                            |                              |
| 050         | PHYSICAL SECURITY EQUIPMENT .....                        | 55,500                     | 55,500                       |
| 052         | MATERIAL HANDLING EQUIP .....                            | 19,100                     | 19,100                       |
|             | <b>GENERAL PROPERTY</b>                                  |                            |                              |
| 054         | FIELD MEDICAL EQUIPMENT .....                            | 15,751                     | 15,751                       |
| 055         | TRAINING DEVICES .....                                   | 3,602                      | 3,602                        |
| 057         | FAMILY OF CONSTRUCTION EQUIPMENT .....                   | 15,900                     | 15,900                       |
|             | <b>TOTAL, PROCUREMENT, MARINE CORPS</b> .....            | <b>943,683</b>             | <b>943,683</b>               |
|             | <b>AIRCRAFT PROCUREMENT, AIR FORCE</b>                   |                            |                              |
|             | <b>STRATEGIC AIRCRAFT</b>                                |                            |                              |
| 035         | LARGE AIRCRAFT INFRARED COUNTERMEASURES .....            | 139,800                    | 139,800                      |
|             | <b>OTHER AIRCRAFT</b>                                    |                            |                              |
| 055         | U-2 MODS .....   | 46,800                     | 46,800                       |
| 063         | C-130 .....  | 11,400                     | 11,400                       |
| 067         | COMPASS CALL MODS .....                                  | 14,000                     | 14,000                       |
| 068         | RC-135 .....   | 8,000                      | 8,000                        |
| 075         | HC/MC-130 MODIFICATIONS .....                            | 4,700                      | 4,700                        |
|             | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>                  |                            |                              |
| 081         | INITIAL SPARES/REPAIR PARTS .....                        | 21,900                     | 21,900                       |
|             | <b>OTHER PRODUCTION CHARGES</b>                          |                            |                              |
| 099         | OTHER PRODUCTION CHARGES .....                           | 59,000                     | 59,000                       |
|             | <b>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE</b> .....      | <b>305,600</b>             | <b>305,600</b>               |
|             | <b>MISSILE PROCUREMENT, AIR FORCE</b>                    |                            |                              |
|             | <b>TACTICAL</b>  |                            |                              |
| 005         | PREDATOR HELLFIRE MISSILE .....                          | 34,350                     | 34,350                       |
|             | <b>TOTAL, MISSILE PROCUREMENT, AIR FORCE</b> .....       | <b>34,350</b>              | <b>34,350</b>                |
|             | <b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>              |                            |                              |
|             | <b>CARTRIDGES</b>  |                            |                              |
| 002         | CARTRIDGES .....   | 13,592                     | 13,592                       |
|             | <b>BOMBS</b>   |                            |                              |
| 004         | GENERAL PURPOSE BOMBS .....                              | 23,211                     | 23,211                       |
| 005         | JOINT DIRECT ATTACK MUNITION .....                       | 53,923                     | 53,923                       |
|             | <b>FLARE, IR MJU-7B</b>                                  |                            |                              |
| 006         | CAD/PAD .....  | 2,638                      | 2,638                        |
| 010         | ITEMS LESS THAN \$5 MILLION .....                        | 2,600                      | 2,600                        |
|             | <b>FUZES</b>   |                            |                              |
| 011         | FLARES .....   | 11,726                     | 11,726                       |
| 012         | FUZES .....  | 8,513                      | 8,513                        |
|             | <b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</b> ..... | <b>116,203</b>             | <b>116,203</b>               |
|             | <b>OTHER PROCUREMENT, AIR FORCE</b>                      |                            |                              |
|             | <b>CARGO AND UTILITY VEHICLES</b>                        |                            |                              |
| 002         | MEDIUM TACTICAL VEHICLE .....                            | 2,010                      | 2,010                        |
| 004         | ITEMS LESS THAN \$5 MILLION .....                        | 2,675                      | 2,675                        |
|             | <b>SPECIAL PURPOSE VEHICLES</b>                          |                            |                              |
| 006         | ITEMS LESS THAN \$5 MILLION .....                        | 2,557                      | 2,557                        |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                      |                            |                              |
| 008         | ITEMS LESS THAN \$5 MILLION .....                        | 4,329                      | 4,329                        |
|             | <b>BASE MAINTENANCE SUPPORT</b>                          |                            |                              |
| 009         | RUNWAY SNOW REMOV AND CLEANING EQU .....                 | 984                        | 984                          |
| 010         | ITEMS LESS THAN \$5 MILLION .....                        | 9,120                      | 9,120                        |
|             | <b>ELECTRONICS PROGRAMS</b>                              |                            |                              |
| 022         | WEATHER OBSERVATION FORECAST .....                       | 5,600                      | 5,600                        |
|             | <b>SPCL COMM-ELECTRONICS PROJECTS</b>                    |                            |                              |
| 027         | GENERAL INFORMATION TECHNOLOGY .....                     | 11,157                     | 11,157                       |
|             | <b>ORGANIZATION AND BASE</b>                             |                            |                              |
| 049         | TACTICAL C-E EQUIPMENT .....                             | 7,000                      | 7,000                        |
| 053         | BASE COMM INFRASTRUCTURE .....                           | 10,654                     | 10,654                       |
|             | <b>MODIFICATIONS</b>                                     |                            |                              |
| 054         | COMM ELECT MODS .....                                    | 8,000                      | 8,000                        |
|             | <b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>                |                            |                              |
| 055         | NIGHT VISION GOGGLES .....                               | 902                        | 902                          |
|             | <b>BASE SUPPORT EQUIPMENT</b>                            |                            |                              |
| 059         | CONTINGENCY OPERATIONS .....                             | 60,090                     | 60,090                       |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 062         | MOBILITY EQUIPMENT .....                                | 9,400                      | 9,400                        |
| 063         | ITEMS LESS THAN \$5 MILLION .....                       | 9,175                      | 9,175                        |
|             | <b>CLASSIFIED PROGRAMS</b>                              |                            |                              |
| 069A        | CLASSIFIED PROGRAMS .....                               | 2,672,317                  | 2,672,317                    |
|             | <b>SPARES AND REPAIR PARTS</b>                          |                            |                              |
| 071         | SPARES AND REPAIR PARTS .....                           | 2,300                      | 2,300                        |
|             | <b>TOTAL, OTHER PROCUREMENT, AIR FORCE</b> .....        | <b>2,818,270</b>           | <b>2,818,270</b>             |
|             | <b>PROCUREMENT, DEFENSE-WIDE</b>                        |                            |                              |
|             | <b>MAJOR EQUIPMENT, DISA</b>                            |                            |                              |
| 015         | TELEPORT PROGRAM .....                                  | 5,260                      | 5,260                        |
|             | <b>CLASSIFIED PROGRAMS</b>                              |                            |                              |
| 045A        | CLASSIFIED PROGRAMS .....                               | 126,201                    | 126,201                      |
|             | <b>AVIATION PROGRAMS</b>                                |                            |                              |
| 061         | MQ-8 UAV .....  | 16,500                     | 16,500                       |
|             | <b>OTHER PROCUREMENT PROGRAMS</b>                       |                            |                              |
| 068         | COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....          | 151                        | 151                          |
| 069         | INTELLIGENCE SYSTEMS .....                              | 30,528                     | 30,528                       |
| 077         | TACTICAL VEHICLES .....                                 | 1,843                      | 1,843                        |
| 082         | AUTOMATION SYSTEMS .....                                | 1,000                      | 1,000                        |
| 086         | VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....     | 108                        | 108                          |
| 091         | OPERATIONAL ENHANCEMENTS .....                          | 14,758                     | 14,758                       |
|             | <b>TOTAL, PROCUREMENT, DEFENSE-WIDE</b> .....           | <b>196,349</b>             | <b>196,349</b>               |
|             | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>              |                            |                              |
| 001         | JOINT URGENT OPERATIONAL NEEDS FUND .....               | 100,000                    | 100,000                      |
|             | <b>TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND</b> ..... | <b>100,000</b>             | <b>100,000</b>               |
|             | <b>TOTAL, PROCUREMENT</b> .....                         | <b>9,687,241</b>           | <b>9,676,655</b>             |

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Program<br/>Element</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|----------------------------|--|----------------------------|------------------------------|
|             |                            | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>      |                            |                              |
|             |                            | <b>BASIC RESEARCH</b>                                    |                            |                              |
| 001         | 0601101A                   | IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....           | 20,860                     | 20,860                       |
| 002         | 0601102A                   | DEFENSE RESEARCH SCIENCES .....                          | 219,180                    | 219,180                      |
| 003         | 0601103A                   | UNIVERSITY RESEARCH INITIATIVES .....                    | 80,986                     | 80,986                       |
| 004         | 0601104A                   | UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....           | 123,045                    | 123,045                      |
|             |                            | <b>SUBTOTAL, BASIC RESEARCH</b> .....                    | <b>444,071</b>             | <b>444,071</b>               |
|             |                            | <b>APPLIED RESEARCH</b>                                  |                            |                              |
| 005         | 0602105A                   | MATERIALS TECHNOLOGY .....                               | 29,041                     | 29,041                       |
| 006         | 0602120A                   | SENSORS AND ELECTRONIC SURVIVABILITY .....               | 45,260                     | 45,260                       |
| 007         | 0602122A                   | TRACTOR HIP .....  | 22,439                     | 22,439                       |
| 008         | 0602211A                   | AVIATION TECHNOLOGY .....                                | 51,607                     | 51,607                       |
| 009         | 0602270A                   | ELECTRONIC WARFARE TECHNOLOGY .....                      | 15,068                     | 15,068                       |
| 010         | 0602303A                   | MISSILE TECHNOLOGY .....                                 | 49,383                     | 49,383                       |
| 011         | 0602307A                   | ADVANCED WEAPONS TECHNOLOGY .....                        | 25,999                     | 25,999                       |
| 012         | 0602308A                   | ADVANCED CONCEPTS AND SIMULATION .....                   | 23,507                     | 23,507                       |
| 013         | 0602601A                   | COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....           | 69,062                     | 69,062                       |
| 014         | 0602618A                   | BALLISTICS TECHNOLOGY .....                              | 60,823                     | 60,823                       |
| 015         | 0602622A                   | CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY ..... | 4,465                      | 4,465                        |
| 016         | 0602623A                   | JOINT SERVICE SMALL ARMS PROGRAM .....                   | 7,169                      | 7,169                        |
| 017         | 0602624A                   | WEAPONS AND MUNITIONS TECHNOLOGY .....                   | 35,218                     | 35,218                       |
| 018         | 0602705A                   | ELECTRONICS AND ELECTRONIC DEVICES .....                 | 60,300                     | 60,300                       |
| 019         | 0602709A                   | NIGHT VISION TECHNOLOGY .....                            | 53,244                     | 53,244                       |
| 020         | 0602712A                   | COUNTERMINE SYSTEMS .....                                | 18,850                     | 18,850                       |
| 021         | 0602716A                   | HUMAN FACTORS ENGINEERING TECHNOLOGY .....               | 19,872                     | 19,872                       |
| 022         | 0602720A                   | ENVIRONMENTAL QUALITY TECHNOLOGY .....                   | 20,095                     | 20,095                       |
| 023         | 0602782A                   | COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....        | 28,852                     | 28,852                       |
| 024         | 0602783A                   | COMPUTER AND SOFTWARE TECHNOLOGY .....                   | 9,830                      | 9,830                        |
| 025         | 0602784A                   | MILITARY ENGINEERING TECHNOLOGY .....                    | 70,693                     | 70,693                       |
| 026         | 0602785A                   | MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....             | 17,781                     | 17,781                       |
| 027         | 0602786A                   | WARFIGHTER TECHNOLOGY .....                              | 28,281                     | 28,281                       |
| 028         | 0602787A                   | MEDICAL TECHNOLOGY .....                                 | 107,891                    | 107,891                      |
|             |                            | <b>SUBTOTAL, APPLIED RESEARCH</b> .....                  | <b>874,730</b>             | <b>874,730</b>               |
|             |                            | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>                   |                            |                              |
| 029         | 0603001A                   | WARFIGHTER ADVANCED TECHNOLOGY .....                     | 39,359                     | 39,359                       |
| 030         | 0603002A                   | MEDICAL ADVANCED TECHNOLOGY .....                        | 69,580                     | 69,580                       |
| 031         | 0603003A                   | AVIATION ADVANCED TECHNOLOGY .....                       | 64,215                     | 64,215                       |
| 032         | 0603004A                   | WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....          | 67,613                     | 67,613                       |
| 033         | 0603005A                   | COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....  | 104,359                    | 104,359                      |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b>  | <b>Program Element</b> | <b>Item</b>  | <b>FY 2013 Request</b> | <b>Senate Authorized</b> |
|--|------------------------|--|------------------------|--------------------------|
| 034  | 0603006A               | COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....                   | 4,157                  | 4,157                    |
| 035  | 0603007A               | MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....                   | 9,856                  | 9,856                    |
| 036  | 0603008A               | ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....                                 | 50,661                 | 50,661                   |
| 037  | 0603009A               | TRACTOR HIKE .....   | 9,126                  | 9,126                    |
| 038  | 0603015A               | NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....                          | 17,257                 | 17,257                   |
| 039  | 0603020A               | TRACTOR ROSE .....   | 9,925                  | 9,925                    |
| 040  | 0603105A               | MILITARY HIV RESEARCH .....  | 6,984                  | 6,984                    |
| 041  | 0603125A               | COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....                             | 9,716                  | 9,716                    |
| 042  | 0603130A               | TRACTOR NAIL .....   | 3,487                  | 3,487                    |
| 043  | 0603131A               | TRACTOR EGGS .....   | 2,323                  | 2,323                    |
| 044  | 0603270A               | ELECTRONIC WARFARE TECHNOLOGY .....  | 21,683                 | 21,683                   |
| 045  | 0603313A               | MISSILE AND ROCKET ADVANCED TECHNOLOGY .....                                 | 71,111                 | 71,111                   |
| 046  | 0603322A               | TRACTOR CAGE .....   | 10,902                 | 10,902                   |
| 047  | 0603461A               | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....                       | 180,582                | 180,582                  |
| 048  | 0603606A               | LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....                       | 27,204                 | 27,204                   |
| 049  | 0603607A               | JOINT SERVICE SMALL ARMS PROGRAM .....                                       | 6,095                  | 6,095                    |
| 050  | 0603710A               | NIGHT VISION ADVANCED TECHNOLOGY .....                                       | 37,217                 | 37,217                   |
| 051  | 0603728A               | ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....                        | 13,626                 | 13,626                   |
| 052  | 0603734A               | MILITARY ENGINEERING ADVANCED TECHNOLOGY .....                               | 28,458                 | 28,458                   |
| 053  | 0603772A               | ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....               | 25,226                 | 25,226                   |
|  |                        | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT .....</b>                       | <b>890,722</b>         | <b>890,722</b>           |
| <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> |                        |  |                        |                          |
| 054  | 0603305A               | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....                               | 14,505                 | 14,505                   |
| 055  | 0603308A               | ARMY SPACE SYSTEMS INTEGRATION .....   | 9,876                  | 9,876                    |
| 056  | 0603619A               | LANDMINE WARFARE AND BARRIER—ADV DEV .....                                   | 5,054                  | 5,054                    |
| 057  | 0603627A               | SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV .....                      | 2,725                  | 2,725                    |
| 058  | 0603639A               | TANK AND MEDIUM CALIBER AMMUNITION .....                                     | 30,560                 | 30,560                   |
| 059  | 0603653A               | ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....                                   | 14,347                 | 14,347                   |
| 060  | 0603747A               | SOLDIER SUPPORT AND SURVIVABILITY .....                                      | 10,073                 | 10,073                   |
| 061  | 0603766A               | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....                        | 8,660                  | 8,660                    |
| 062  | 0603774A               | NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....                              | 10,715                 | 10,715                   |
| 063  | 0603779A               | ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....                               | 4,631                  | 4,631                    |
| 064  | 0603782A               | WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL .....                        | 278,018                | 278,018                  |
| 065  | 0603790A               | NATO RESEARCH AND DEVELOPMENT .....  | 4,961                  | 4,961                    |
| 066  | 0603801A               | AVIATION—ADV DEV .....   | 8,602                  | 8,602                    |
| 067  | 0603804A               | LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....                               | 14,605                 | 14,605                   |
| 068  | 0603805A               | COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....          | 5,054                  | 5,054                    |
| 069  | 0603807A               | MEDICAL SYSTEMS—ADV DEV .....  | 24,384                 | 24,384                   |
| 070  | 0603827A               | SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....                                   | 32,050                 | 32,050                   |
| 071  | 0603850A               | INTEGRATED BROADCAST SERVICE .....   | 96                     | 96                       |
| 072  | 0604115A               | TECHNOLOGY MATURATION INITIATIVES .....                                      | 24,868                 | 24,868                   |
| 073  | 0604131A               | TRACTOR JUTE .....   | 59                     | 59                       |
| 074  | 0604284A               | JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G)/TECHNOLOGY DEV ..... | 0                      | 0                        |
| 075  | 0604319A               | INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2) .....      | 76,039                 | 76,039                   |
| 076  | 0604775A               | DEFENSE RAPID INNOVATION PROGRAM .....                                       | 0                      | 0                        |
| 077  | 0604785A               | INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....                            | 4,043                  | 4,043                    |
| 078  | 0305205A               | ENDURANCE UAVS .....   | 26,196                 | 26,196                   |
|  |                        | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>       | <b>610,121</b>         | <b>610,121</b>           |
| <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>          |                        |  |                        |                          |
| 079  | 0604201A               | AIRCRAFT AVIONICS .....  | 78,538                 | 78,538                   |
| 080  | 0604220A               | ARMED, DEPLOYABLE HELOS .....  | 90,494                 | 90,494                   |
| 081  | 0604270A               | ELECTRONIC WARFARE DEVELOPMENT .....   | 181,347                | 181,347                  |
| 082  | 0604280A               | JOINT TACTICAL RADIO .....   | 0                      | 0                        |
| 083  | 0604290A               | MID-TIER NETWORKING VEHICULAR RADIO (MNVF) .....                             | 12,636                 | 12,636                   |
| 084  | 0604321A               | ALL SOURCE ANALYSIS SYSTEM .....   | 5,694                  | 5,694                    |
| 085  | 0604328A               | TRACTOR CAGE .....   | 32,095                 | 32,095                   |
| 086  | 0604601A               | INFANTRY SUPPORT WEAPONS .....   | 96,478                 | 96,478                   |
| 087  | 0604604A               | MEDIUM TACTICAL VEHICLES .....   | 3,006                  | 3,006                    |
| 088  | 0604609A               | SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ENG DEV .....                      | 0                      | 0                        |
| 089  | 0604611A               | JAVELIN .....  | 5,040                  | 5,040                    |
| 090  | 0604622A               | FAMILY OF HEAVY TACTICAL VEHICLES .....                                      | 3,077                  | 3,077                    |
| 091  | 0604633A               | AIR TRAFFIC CONTROL .....  | 9,769                  | 9,769                    |
| 092  | 0604641A               | TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....                                | 13,141                 | 25,141                   |
|  |                        | Transfer from OPA line 191 at Army request .....                             |                        | [12,000]                 |
| 093  | 0604642A               | LIGHT TACTICAL WHEELED VEHICLES .....  | 0                      | 0                        |
| 094  | 0604661A               | FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....                             | 0                      | 0                        |
| 095  | 0604662A               | FCS RECONNAISSANCE (UAV) PLATFORMS .....                                     | 0                      | 0                        |
| 096  | 0604663A               | FCS UNMANNED GROUND VEHICLES .....   | 0                      | 0                        |
| 097  | 0604664A               | FCS UNATTENDED GROUND SENSORS .....  | 0                      | 0                        |
| 098  | 0604665A               | FCS SUSTAINMENT & TRAINING R&D .....   | 0                      | 0                        |
| 099  | 0604710A               | NIGHT VISION SYSTEMS—ENG DEV .....   | 32,621                 | 32,621                   |
| 100  | 0604713A               | COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....                                | 2,132                  | 2,132                    |
| 101  | 0604715A               | NON-SYSTEM TRAINING DEVICES—ENG DEV .....                                    | 44,787                 | 44,787                   |
| 102  | 0604716A               | TERRAIN INFORMATION—ENG DEV .....  | 1,008                  | 1,008                    |
| 103  | 0604741A               | AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....                  | 73,333                 | 73,333                   |
| 104  | 0604742A               | CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....                            | 28,937                 | 28,937                   |
| 105  | 0604746A               | AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....                                   | 10,815                 | 10,815                   |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b>                            | <b>Program Element</b> | <b>Item</b>  | <b>FY 2013 Request</b> | <b>Senate Authorized</b> |
|--|------------------------|--|------------------------|--------------------------|
| 106                                    | 0604760.A              | DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....                               | 13,926                 | 13,926                   |
| 107                                    | 0604780.A              | COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....                                       | 17,797                 | 17,797                   |
| 108                                    | 0604798.A              | BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....                                     | 214,270                | 214,270                  |
| 109                                    | 0604802.A              | WEAPONS AND MUNITIONS—ENG DEV .....  | 14,581                 | 14,581                   |
| 110                                    | 0604804.A              | LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....   | 43,706                 | 43,706                   |
| 111                                    | 0604805.A              | COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....                                 | 20,776                 | 20,776                   |
| 112                                    | 0604807.A              | MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV .....                    | 43,395                 | 43,395                   |
| 113                                    | 0604808.A              | LANDMINE WARFARE/BARRIER—ENG DEV .....   | 104,983                | 104,983                  |
| 114                                    | 0604814.A              | ARTILLERY MUNITIONS—EMD .....  | 4,346                  | 4,346                    |
| 115                                    | 0604817.A              | COMBAT IDENTIFICATION .....  | 0                      | 0                        |
| 116                                    | 0604818.A              | ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....                              | 77,223                 | 77,223                   |
| 117                                    | 0604820.A              | RADAR DEVELOPMENT .....  | 3,486                  | 3,486                    |
| 118                                    | 0604822.A              | GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....                                  | 9,963                  | 27,163                   |
|  |                        | GFEBS realignment per Army request .....   |                        | [17,200]                 |
| 119                                    | 0604823.A              | FIREFINDER .....   | 20,517                 | 20,517                   |
| 120                                    | 0604827.A              | SOLDIER SYSTEMS—WARRIOR DEM/VAL .....  | 51,851                 | 51,851                   |
| 121                                    | 0604854.A              | ARTILLERY SYSTEMS—EMD .....  | 167,797                | 167,797                  |
| 122                                    | 0604869.A              | PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....                                   | 400,861                | 0                        |
|  |                        | No funds authorized .....  |                        | [–400,861]               |
| 123                                    | 0604870.A              | NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....                                   | 7,922                  | 7,922                    |
| 124                                    | 0605013.A              | INFORMATION TECHNOLOGY DEVELOPMENT .....   | 51,463                 | 51,463                   |
| 125                                    | 0605018.A              | INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....                                | 158,646                | 158,646                  |
| 126                                    | 0605450.A              | JOINT AIR-TO-GROUND MISSILE (JAGM) .....   | 10,000                 | 10,000                   |
| 127                                    | 0605455.A              | SLAMRAAM .....   | 0                      | 0                        |
| 128                                    | 0605456.A              | PAC-3/MSE MISSILE .....  | 69,029                 | 69,029                   |
| 129                                    | 0605457.A              | ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....                                  | 277,374                | 277,374                  |
| 130                                    | 0605625.A              | MANNED GROUND VEHICLE .....  | 639,874                | 639,874                  |
| 131                                    | 0605626.A              | AERIAL COMMON SENSOR .....   | 47,426                 | 47,426                   |
| 132                                    | 0605812.A              | JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH ..... | 72,295                 | 72,295                   |
| 133                                    | 0303032.A              | TROJAN—RH12 .....  | 4,232                  | 4,232                    |
| 134                                    | 0304270.A              | ELECTRONIC WARFARE DEVELOPMENT .....   | 13,942                 | 13,942                   |
|  |                        | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                          | <b>3,286,629</b>       | <b>2,914,968</b>         |
| <b>RDT&amp;E MANAGEMENT SUPPORT</b>    |                        |  |                        |                          |
| 135                                    | 0604256.A              | THREAT SIMULATOR DEVELOPMENT .....   | 18,090                 | 18,090                   |
| 136                                    | 0604258.A              | TARGET SYSTEMS DEVELOPMENT .....   | 14,034                 | 14,034                   |
| 137                                    | 0604759.A              | MAJOR T&E INVESTMENT .....   | 37,394                 | 37,394                   |
| 138                                    | 0605103.A              | RAND ARROYO CENTER .....   | 21,026                 | 21,026                   |
| 139                                    | 0605301.A              | ARMY KWAJALEIN ATOLL .....   | 176,816                | 176,816                  |
| 140                                    | 0605326.A              | CONCEPTS EXPERIMENTATION PROGRAM .....   | 27,902                 | 27,902                   |
| 141                                    | 0605502.A              | SMALL BUSINESS INNOVATIVE RESEARCH .....   | 0                      | 0                        |
| 142                                    | 0605601.A              | ARMY TEST RANGES AND FACILITIES .....  | 369,900                | 369,900                  |
| 143                                    | 0605602.A              | ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....                                  | 69,183                 | 69,183                   |
| 144                                    | 0605604.A              | SURVIVABILITY/LETHALITY ANALYSIS .....   | 44,753                 | 44,753                   |
| 145                                    | 0605605.A              | DOD HIGH ENERGY LASER TEST FACILITY .....  | 0                      | 0                        |
| 146                                    | 0605606.A              | AIRCRAFT CERTIFICATION .....   | 5,762                  | 5,762                    |
| 147                                    | 0605702.A              | METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....                                       | 7,402                  | 7,402                    |
| 148                                    | 0605706.A              | MATERIEL SYSTEMS ANALYSIS .....  | 19,954                 | 19,954                   |
| 149                                    | 0605709.A              | EXPLOITATION OF FOREIGN ITEMS .....  | 5,535                  | 5,535                    |
| 150                                    | 0605712.A              | SUPPORT OF OPERATIONAL TESTING .....   | 67,789                 | 67,789                   |
| 151                                    | 0605716.A              | ARMY EVALUATION CENTER .....   | 62,765                 | 62,765                   |
| 152                                    | 0605718.A              | ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....                                  | 1,545                  | 1,545                    |
| 153                                    | 0605801.A              | PROGRAMWIDE ACTIVITIES .....   | 83,422                 | 83,422                   |
| 154                                    | 0605803.A              | TECHNICAL INFORMATION ACTIVITIES .....   | 50,820                 | 50,820                   |
| 155                                    | 0605805.A              | MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....                              | 46,763                 | 46,763                   |
| 156                                    | 0605857.A              | ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....                                    | 4,601                  | 4,601                    |
| 157                                    | 0605898.A              | MANAGEMENT HQ—R&D .....  | 18,524                 | 18,524                   |
| 158                                    | 0909999.A              | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                      | 0                      | 0                        |
|  |                        | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>                                    | <b>1,153,980</b>       | <b>1,153,980</b>         |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b> |                        |  |                        |                          |
| 159                                    | 0603778.A              | MLRS PRODUCT IMPROVEMENT PROGRAM .....   | 143,005                | 143,005                  |
| 160                                    | 0607665.A              | FAMILY OF BIOMETRICS .....   | 0                      | 0                        |
| 161                                    | 0607865.A              | PATRIOT PRODUCT IMPROVEMENT .....  | 109,978                | 109,978                  |
| 162                                    | 0102419.A              | AEROSTAT JOINT PROJECT OFFICE .....  | 190,422                | 190,422                  |
| 163                                    | 0203347.A              | INTELLIGENCE SUPPORT TO CYBER (ISC) MIP .....  | 0                      | 0                        |
| 164                                    | 0203726.A              | ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....   | 32,556                 | 32,556                   |
| 165                                    | 0203735.A              | COMBAT VEHICLE IMPROVEMENT PROGRAMS .....  | 253,959                | 253,959                  |
| 166                                    | 0203740.A              | MANEUVER CONTROL SYSTEM .....  | 68,325                 | 68,325                   |
| 167                                    | 0203744.A              | AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....                              | 280,247                | 226,247                  |
|  |                        | Improved turbine engine program delay .....  |                        | [–54,000]                |
| 168                                    | 0203752.A              | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....                                    | 898                    | 898                      |
| 169                                    | 0203758.A              | DIGITIZATION .....   | 35,180                 | 35,180                   |
| 170                                    | 0203759.A              | FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) .....                              | 0                      | 0                        |
| 171                                    | 0203801.A              | MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....                                  | 20,733                 | 20,733                   |
| 172                                    | 0203808.A              | TRACTOR CARD .....   | 63,243                 | 63,243                   |
| 173                                    | 0208053.A              | JOINT TACTICAL GROUND SYSTEM .....   | 31,738                 | 31,738                   |
| 174                                    | 0208058.A              | JOINT HIGH SPEED VESSEL (JHSV) .....   | 35                     | 35                       |
| 176                                    | 0303028.A              | SECURITY AND INTELLIGENCE ACTIVITIES .....   | 7,591                  | 7,591                    |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program Element</b> | <b>Item</b>  | <b>FY 2013 Request</b> | <b>Senate Authorized</b> |
|-------------|------------------------|--|------------------------|--------------------------|
| 177         | 0303140A               | INFORMATION SYSTEMS SECURITY PROGRAM .....                       | 15,961                 | 15,961                   |
| 178         | 0303141A               | GLOBAL COMBAT SUPPORT SYSTEM .....                               | 120,927                | 120,927                  |
| 179         | 0303142A               | SATCOM GROUND ENVIRONMENT (SPACE) .....                          | 15,756                 | 15,756                   |
| 180         | 0303150A               | WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....                   | 14,443                 | 14,443                   |
| 182         | 0305204A               | TACTICAL UNMANNED AERIAL VEHICLES .....                          | 31,303                 | 31,303                   |
| 183         | 0305208A               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                  | 40,876                 | 40,876                   |
| 184         | 0305219A               | MQ-1 SKY WARRIOR A UAV .....                                     | 74,618                 | 74,618                   |
| 185         | 0305232A               | RQ-11 UAV .....  | 4,039                  | 4,039                    |
| 186         | 0305233A               | RQ-7 UAV .....   | 31,158                 | 31,158                   |
| 187         | 0305235A               | VERTICAL UAS .....   | 2,387                  | 2,387                    |
| 188         | 0307665A               | BIOMETRICS ENABLED INTELLIGENCE .....                            | 15,248                 | 15,248                   |
| 189         | 0708045A               | END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....                | 59,908                 | 59,908                   |
| 189A        | 999999999              | CLASSIFIED PROGRAMS .....  | 4,628                  | 4,628                    |
|             |                        | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>           | <b>1,669,162</b>       | <b>1,615,162</b>         |
|             |                        | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b> | <b>8,929,415</b>       | <b>8,503,754</b>         |
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>              |                        |                          |
|             |                        | <b>BASIC RESEARCH</b>  |                        |                          |
| 001         | 0601103N               | UNIVERSITY RESEARCH INITIATIVES .....                            | 113,690                | 113,690                  |
| 002         | 0601152N               | IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....                   | 18,261                 | 18,261                   |
| 003         | 0601153N               | DEFENSE RESEARCH SCIENCES .....                                  | 473,070                | 473,070                  |
|             |                        | <b>SUBTOTAL, BASIC RESEARCH .....</b>                            | <b>605,021</b>         | <b>605,021</b>           |
|             |                        | <b>APPLIED RESEARCH</b>  |                        |                          |
| 004         | 0602114N               | POWER PROJECTION APPLIED RESEARCH .....                          | 89,189                 | 89,189                   |
| 005         | 0602123N               | FORCE PROTECTION APPLIED RESEARCH .....                          | 143,301                | 143,301                  |
| 006         | 0602131M               | MARINE CORPS LANDING FORCE TECHNOLOGY .....                      | 46,528                 | 46,528                   |
| 007         | 0602235N               | COMMON PICTURE APPLIED RESEARCH .....                            | 41,696                 | 41,696                   |
| 008         | 0602236N               | WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....                    | 44,127                 | 44,127                   |
| 009         | 0602271N               | ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....                   | 78,228                 | 78,228                   |
| 010         | 0602435N               | OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....             | 49,635                 | 49,635                   |
| 011         | 0602651M               | JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....                  | 5,973                  | 5,973                    |
| 012         | 0602747N               | UNDERSEA WARFARE APPLIED RESEARCH .....                          | 96,814                 | 96,814                   |
| 013         | 0602750N               | FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....                 | 162,417                | 162,417                  |
| 014         | 0602782N               | MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....            | 32,394                 | 32,394                   |
|             |                        | <b>SUBTOTAL, APPLIED RESEARCH .....</b>                          | <b>790,302</b>         | <b>790,302</b>           |
|             |                        | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>                           |                        |                          |
| 015         | 0603114N               | POWER PROJECTION ADVANCED TECHNOLOGY .....                       | 56,543                 | 56,543                   |
| 016         | 0603123N               | FORCE PROTECTION ADVANCED TECHNOLOGY .....                       | 18,616                 | 18,616                   |
| 017         | 0603235N               | COMMON PICTURE ADVANCED TECHNOLOGY .....                         | 0                      | 0                        |
| 018         | 0603236N               | WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....                 | 0                      | 0                        |
| 019         | 0603271N               | ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....                | 54,858                 | 54,858                   |
| 020         | 0603640M               | USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....               | 130,598                | 130,598                  |
| 021         | 0603651M               | JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....            | 11,706                 | 11,706                   |
| 022         | 0603673N               | FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....  | 256,382                | 256,382                  |
| 023         | 0603729N               | WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....                  | 3,880                  | 3,880                    |
| 024         | 0603747N               | UNDERSEA WARFARE ADVANCED TECHNOLOGY .....                       | 0                      | 0                        |
| 025         | 0603758N               | NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....            | 51,819                 | 51,819                   |
| 026         | 0603782N               | MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....         | 0                      | 0                        |
|             |                        | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT .....</b>           | <b>584,402</b>         | <b>584,402</b>           |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>           |                        |                          |
| 027         | 0603128N               | UNMANNED AERIAL SYSTEM .....                                     | 0                      | 0                        |
| 028         | 0603207N               | AIR/OCEAN TACTICAL APPLICATIONS .....                            | 34,085                 | 34,085                   |
| 029         | 0603216N               | AVIATION SURVIVABILITY .....                                     | 8,783                  | 8,783                    |
| 030         | 0603237N               | DEPLOYABLE JOINT COMMAND AND CONTROL .....                       | 3,773                  | 3,773                    |
| 031         | 0603251N               | AIRCRAFT SYSTEMS .....   | 24,512                 | 24,512                   |
| 032         | 0603254N               | ASW SYSTEMS DEVELOPMENT .....                                    | 8,090                  | 8,090                    |
| 033         | 0603261N               | TACTICAL AIRBORNE RECONNAISSANCE .....                           | 5,301                  | 5,301                    |
| 034         | 0603382N               | ADVANCED COMBAT SYSTEMS TECHNOLOGY .....                         | 1,506                  | 1,506                    |
| 035         | 0603502N               | SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....             | 190,622                | 190,622                  |
| 036         | 0603506N               | SURFACE SHIP TORPEDO DEFENSE .....                               | 93,346                 | 93,346                   |
| 037         | 0603512N               | CARRIER SYSTEMS DEVELOPMENT .....                                | 108,871                | 108,871                  |
| 038         | 0603513N               | SHIPBOARD SYSTEM COMPONENT DEVELOPMENT .....                     | 0                      | 0                        |
| 039         | 0603525N               | PILOT FISH .....   | 101,169                | 101,169                  |
| 040         | 0603527N               | RETRACT LARCH .....  | 74,312                 | 74,312                   |
| 041         | 0603536N               | RETRACT JUNIPER .....  | 90,730                 | 90,730                   |
| 042         | 0603542N               | RADIOLOGICAL CONTROL .....                                       | 777                    | 777                      |
| 043         | 0603553N               | SURFACE ASW .....  | 6,704                  | 6,704                    |
| 044         | 0603561N               | ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....                      | 555,123                | 555,123                  |
| 045         | 0603562N               | SUBMARINE TACTICAL WARFARE SYSTEMS .....                         | 9,368                  | 9,368                    |
| 046         | 0603563N               | SHIP CONCEPT ADVANCED DESIGN .....                               | 24,609                 | 24,609                   |
| 047         | 0603564N               | SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....              | 13,710                 | 13,710                   |
| 048         | 0603570N               | ADVANCED NUCLEAR POWER SYSTEMS .....                             | 249,748                | 249,748                  |
| 049         | 0603573N               | ADVANCED SURFACE MACHINERY SYSTEMS .....                         | 29,897                 | 29,897                   |
| 050         | 0603576N               | CHALK EAGLE .....  | 509,988                | 509,988                  |
| 051         | 0603581N               | LITTORAL COMBAT SHIP (LCS) .....                                 | 429,420                | 429,420                  |
| 052         | 0603582N               | COMBAT SYSTEM INTEGRATION .....                                  | 56,551                 | 56,551                   |

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|---|------------------------|--|------------------------|--------------------------|
| 053   | 0603609N               | CONVENTIONAL MUNITIONS .....   | 7,342                  | 7,342                    |
| 054   | 0603611M               | MARINE CORPS ASSAULT VEHICLES .....  | 95,182                 | 95,182                   |
| 055   | 0603635M               | MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....  | 10,496                 | 10,496                   |
| 056   | 0603654N               | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                                     | 52,331                 | 52,331                   |
| 057   | 0603658N               | COOPERATIVE ENGAGEMENT .....   | 56,512                 | 56,512                   |
| 058   | 0603713N               | OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....   | 7,029                  | 7,029                    |
| 059   | 0603721N               | ENVIRONMENTAL PROTECTION .....   | 21,080                 | 21,080                   |
| 060   | 0603724N               | NAVY ENERGY PROGRAM .....  | 55,324                 | 55,324                   |
| 061   | 0603725N               | FACILITIES IMPROVEMENT .....   | 3,401                  | 3,401                    |
| 062   | 0603734N               | CHALK CORAL .....  | 45,966                 | 45,966                   |
| 063   | 0603739N               | NAVY LOGISTIC PRODUCTIVITY .....   | 3,811                  | 3,811                    |
| 064   | 0603746N               | RETRACT MAPLE .....  | 341,305                | 341,305                  |
| 065   | 0603748N               | LINK PLUMERIA .....  | 181,220                | 181,220                  |
| 066   | 0603751N               | RETRACT ELM .....  | 174,014                | 174,014                  |
| 067   | 0603755N               | SHIP SELF DEFENSE—DEM/VAL .....  | 0                      | 0                        |
| 068   | 0603764N               | LINK EVERGREEN .....   | 68,654                 | 68,654                   |
| 069   | 0603787N               | SPECIAL PROCESSES .....  | 44,487                 | 44,487                   |
| 070   | 0603790N               | NATO RESEARCH AND DEVELOPMENT .....  | 9,389                  | 9,389                    |
| 071   | 0603795N               | LAND ATTACK TECHNOLOGY .....   | 16,132                 | 16,132                   |
| 072   | 0603851M               | JOINT NON-LETHAL WEAPONS TESTING .....   | 44,994                 | 44,994                   |
| 073   | 0603860N               | JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....                             | 137,369                | 137,369                  |
| 074   | 0603889N               | COUNTERDRUG RDT&E PROJECTS .....   | 0                      | 0                        |
| 075   | 0603925N               | DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....                                      | 0                      | 0                        |
| 076   | 0604272N               | TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....                      | 73,934                 | 73,934                   |
| 077   | 0604279N               | ASE SELF-PROTECTION OPTIMIZATION .....   | 711                    | 711                      |
| 078   | 0604653N               | JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....                    | 71,300                 | 71,300                   |
| 079   | 0604659N               | PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....                                     | 5,654                  | 5,654                    |
| 080   | 0604707N               | SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....              | 31,549                 | 31,549                   |
| 081   | 0604775N               | DEFENSE RAPID INNOVATION PROGRAM .....   | 0                      | 0                        |
| 082   | 0604786N               | OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....                                | 86,801                 | 86,801                   |
| 083   | 0605812M               | JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH ..... | 44,500                 | 44,500                   |
| 084   | 0303354N               | ASW SYSTEMS DEVELOPMENT—MIP .....  | 13,172                 | 13,172                   |
| 085   | 0303562N               | SUBMARINE TACTICAL WARFARE SYSTEMS—MIP .....   | 0                      | 0                        |
| 086   | 0304270N               | ELECTRONIC WARFARE DEVELOPMENT—MIP .....   | 643                    | 643                      |
|   |                        | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>                 | <b>4,335,297</b>       | <b>4,335,297</b>         |
| <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> |                        |  |                        |                          |
| 087   | 0604212N               | OTHER HELO DEVELOPMENT .....   | 33,978                 | 33,978                   |
| 088   | 0604214N               | AV-8B AIRCRAFT—ENG DEV .....   | 32,789                 | 32,789                   |
| 089   | 0604215N               | STANDARDS DEVELOPMENT .....  | 84,988                 | 84,988                   |
| 090   | 0604216N               | MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....                                     | 6,866                  | 6,866                    |
| 091   | 0604218N               | AIR/OCEAN EQUIPMENT ENGINEERING .....  | 4,060                  | 4,060                    |
| 092   | 0604221N               | P-3 MODERNIZATION PROGRAM .....  | 3,451                  | 3,451                    |
| 093   | 0604230N               | WARFARE SUPPORT SYSTEM .....   | 13,071                 | 13,071                   |
| 094   | 0604231N               | TACTICAL COMMAND SYSTEM .....  | 71,645                 | 71,645                   |
| 095   | 0604234N               | ADVANCED HAWKEYE .....   | 119,065                | 119,065                  |
| 096   | 0604245N               | H-1 UPGRADES .....   | 31,105                 | 31,105                   |
| 097   | 0604261N               | ACOUSTIC SEARCH SENSORS .....  | 34,299                 | 34,299                   |
| 098   | 0604262N               | V-22A .....  | 54,412                 | 54,412                   |
| 099   | 0604264N               | AIR CREW SYSTEMS DEVELOPMENT .....   | 2,717                  | 2,717                    |
| 100   | 0604269N               | EA-18 .....  | 13,009                 | 13,009                   |
| 101   | 0604270N               | ELECTRONIC WARFARE DEVELOPMENT .....   | 51,304                 | 51,304                   |
| 102   | 0604273N               | VH-71A EXECUTIVE HELO DEVELOPMENT .....  | 61,163                 | 61,163                   |
| 103   | 0604274N               | NEXT GENERATION JAMMER (NGJ) .....   | 187,024                | 187,024                  |
| 104   | 0604280N               | JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....                                     | 337,480                | 337,480                  |
| 105   | 0604307N               | SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....                                      | 260,616                | 260,616                  |
| 106   | 0604311N               | LPD-17 CLASS SYSTEMS INTEGRATION .....   | 824                    | 824                      |
| 107   | 0604329N               | SMALL DIAMETER BOMB (SDB) .....  | 31,064                 | 31,064                   |
| 108   | 0604366N               | STANDARD MISSILE IMPROVEMENTS .....  | 63,891                 | 63,891                   |
| 109   | 0604373N               | AIRBORNE MCM .....   | 73,246                 | 73,246                   |
| 110   | 0604376M               | MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION .....        | 10,568                 | 10,568                   |
| 111   | 0604378N               | NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....                    | 39,974                 | 39,974                   |
| 112   | 0604404N               | UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM .....       | 122,481                | 122,481                  |
| 113   | 0604501N               | ADVANCED ABOVE WATER SENSORS .....   | 255,516                | 255,516                  |
| 114   | 0604503N               | SSN-688 AND TRIDENT MODERNIZATION .....  | 82,620                 | 82,620                   |
| 115   | 0604504N               | AIR CONTROL .....  | 5,633                  | 5,633                    |
| 116   | 0604512N               | SHIPBOARD AVIATION SYSTEMS .....   | 55,826                 | 55,826                   |
| 117   | 0604518N               | COMBAT INFORMATION CENTER CONVERSION .....   | 918                    | 918                      |
| 118   | 0604558N               | NEW DESIGN SSN .....   | 165,230                | 165,230                  |
| 119   | 0604562N               | SUBMARINE TACTICAL WARFARE SYSTEM .....  | 49,141                 | 49,141                   |
| 120   | 0604567N               | SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....  | 196,737                | 196,737                  |
| 121   | 0604574N               | NAVY TACTICAL COMPUTER RESOURCES .....   | 3,889                  | 3,889                    |
| 122   | 0604601N               | MINE DEVELOPMENT .....   | 8,335                  | 8,335                    |
| 123   | 0604610N               | LIGHTWEIGHT TORPEDO DEVELOPMENT .....  | 49,818                 | 49,818                   |
| 124   | 0604654N               | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                                     | 10,099                 | 10,099                   |
| 125   | 0604703N               | PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....                               | 7,348                  | 7,348                    |
| 126   | 0604727N               | JOINT STANDOFF WEAPON SYSTEMS .....  | 5,518                  | 5,518                    |
| 127   | 0604755N               | SHIP SELF DEFENSE (DETECT & CONTROL) .....   | 87,662                 | 87,662                   |
| 128   | 0604756N               | SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....  | 64,079                 | 64,079                   |

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|-------------|------------------------|---|------------------------|--------------------------|
| 129         | 0604757N               | SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....  | 151,489                | 151,489                  |
| 130         | 0604761N               | INTELLIGENCE ENGINEERING .....  | 0                      | 0                        |
| 131         | 0604771N               | MEDICAL DEVELOPMENT .....   | 12,707                 | 12,707                   |
| 132         | 0604777N               | NAVIGATION/ID SYSTEM .....  | 47,764                 | 47,764                   |
| 133         | 0604800M               | JOINT STRIKE FIGHTER (JSF)—EMD .....  | 737,149                | 737,149                  |
| 134         | 0604800N               | JOINT STRIKE FIGHTER (JSF)—EMD .....  | 743,926                | 743,926                  |
| 135         | 0605013M               | INFORMATION TECHNOLOGY DEVELOPMENT .....  | 12,143                 | 12,143                   |
| 136         | 0605013N               | INFORMATION TECHNOLOGY DEVELOPMENT .....  | 72,209                 | 72,209                   |
| 137         | 0605018N               | NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS) .....                       | 0                      | 0                        |
| 138         | 0605212N               | CH-53K RDTE .....   | 606,204                | 606,204                  |
| 139         | 0605450N               | JOINT AIR-TO-GROUND MISSILE (JAGM) .....  | 0                      | 0                        |
| 140         | 0605500N               | MULTI-MISSION MARITIME AIRCRAFT (MMA) .....   | 421,102                | 421,102                  |
| 141         | 0204202N               | DDG-1000 .....  | 124,655                | 124,655                  |
| 142         | 0304231N               | TACTICAL COMMAND SYSTEM—MIP .....   | 1,170                  | 1,170                    |
| 143         | 0304503N               | SSN-688 AND TRIDENT MODERNIZATION—MIP .....   | 0                      | 0                        |
| 144         | 0304785N               | TACTICAL CRYPTOLOGIC SYSTEMS .....  | 23,255                 | 23,255                   |
| 145         | 0305124N               | SPECIAL APPLICATIONS PROGRAM .....  | 0                      | 0                        |
|             |                        | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                         | <b>5,747,232</b>       | <b>5,747,232</b>         |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                        |                          |
| 146         | 0604256N               | THREAT SIMULATOR DEVELOPMENT .....  | 30,790                 | 30,790                   |
| 147         | 0604258N               | TARGET SYSTEMS DEVELOPMENT .....  | 59,221                 | 59,221                   |
| 148         | 0604759N               | MAJOR T&E INVESTMENT .....  | 35,894                 | 35,894                   |
| 149         | 0605126N               | JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....                              | 7,573                  | 7,573                    |
| 150         | 0605152N               | STUDIES AND ANALYSIS SUPPORT—NAVY .....   | 20,963                 | 20,963                   |
| 151         | 0605154N               | CENTER FOR NAVAL ANALYSES .....   | 46,856                 | 46,856                   |
| 152         | 0605502N               | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 0                      | 0                        |
| 153         | 0605804N               | TECHNICAL INFORMATION SERVICES .....  | 796                    | 796                      |
| 154         | 0605853N               | MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....                                   | 32,782                 | 32,782                   |
| 155         | 0605856N               | STRATEGIC TECHNICAL SUPPORT .....   | 3,306                  | 3,306                    |
| 156         | 0605861N               | RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....   | 70,302                 | 70,302                   |
| 157         | 0605863N               | RDT&E SHIP AND AIRCRAFT SUPPORT .....   | 144,033                | 144,033                  |
| 158         | 0605864N               | TEST AND EVALUATION SUPPORT .....   | 342,298                | 342,298                  |
| 159         | 0605865N               | OPERATIONAL TEST AND EVALUATION CAPABILITY .....                                      | 16,399                 | 16,399                   |
| 160         | 0605866N               | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....                                 | 4,579                  | 4,579                    |
| 161         | 0605867N               | SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....   | 8,000                  | 8,000                    |
| 162         | 0605873M               | MARINE CORPS PROGRAM WIDE SUPPORT .....   | 18,490                 | 18,490                   |
| 163         | 0305885N               | TACTICAL CRYPTOLOGIC ACTIVITIES .....   | 2,795                  | 2,795                    |
| 164         | 0804758N               | SERVICE SUPPORT TO JFCOM, JNTC .....  | 0                      | 0                        |
| 165         | 0909999N               | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                     | 0                      | 0                        |
|             |                        | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>                                   | <b>845,077</b>         | <b>845,077</b>           |
|             |                        | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                        |                          |
| 167         | 0604402N               | UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT ..... | 142,282                | 142,282                  |
| 168         | 0604717M               | MARINE CORPS COMBAT SERVICES SUPPORT .....  | 0                      | 0                        |
| 169         | 0604766M               | MARINE CORPS DATA SYSTEMS .....   | 0                      | 0                        |
| 170         | 0101221N               | STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....  | 105,892                | 105,892                  |
| 171         | 0101224N               | SSBN SECURITY TECHNOLOGY PROGRAM .....  | 34,729                 | 34,729                   |
| 172         | 0101226N               | SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....  | 1,434                  | 1,434                    |
| 173         | 0101402N               | NAVY STRATEGIC COMMUNICATIONS .....   | 19,208                 | 19,208                   |
| 174         | 0203761N               | RAPID TECHNOLOGY TRANSITION (RTT) .....   | 25,566                 | 25,566                   |
| 175         | 0204136N               | F/A-18 SQUADRONS .....  | 188,299                | 188,299                  |
| 176         | 0204152N               | E-2 SQUADRONS .....   | 8,610                  | 8,610                    |
| 177         | 0204163N               | FLEET TELECOMMUNICATIONS (TACTICAL) .....   | 15,695                 | 15,695                   |
| 178         | 0204228N               | SURFACE SUPPORT .....   | 4,171                  | 4,171                    |
| 179         | 0204229N               | TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....                            | 11,265                 | 11,265                   |
| 180         | 0204311N               | INTEGRATED SURVEILLANCE SYSTEM .....  | 45,922                 | 45,922                   |
| 181         | 0204413N               | AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....                          | 8,435                  | 8,435                    |
| 182         | 0204460M               | GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....   | 75,088                 | 75,088                   |
| 183         | 0204571N               | CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....                                       | 20,229                 | 20,229                   |
| 184         | 0204574N               | CRYPTOLOGIC DIRECT SUPPORT .....  | 1,756                  | 1,756                    |
| 185         | 0204575N               | ELECTRONIC WARFARE (EW) READINESS SUPPORT .....                                       | 19,843                 | 19,843                   |
| 186         | 0205601N               | HARM IMPROVEMENT .....  | 11,477                 | 11,477                   |
| 187         | 0205604N               | TACTICAL DATA LINKS .....   | 118,818                | 118,818                  |
| 188         | 0205620N               | SURFACE ASW COMBAT SYSTEM INTEGRATION .....   | 27,342                 | 27,342                   |
| 189         | 0205632N               | MK-48 ADCAP .....   | 28,717                 | 28,717                   |
| 190         | 0205633N               | AVIATION IMPROVEMENTS .....   | 89,157                 | 89,157                   |
| 191         | 0205658N               | NAVY SCIENCE ASSISTANCE PROGRAM .....   | 3,450                  | 3,450                    |
| 192         | 0205675N               | OPERATIONAL NUCLEAR POWER SYSTEMS .....   | 86,435                 | 86,435                   |
| 193         | 0206313M               | MARINE CORPS COMMUNICATIONS SYSTEMS .....   | 219,054                | 219,054                  |
| 194         | 0206623M               | MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....                              | 181,693                | 181,693                  |
| 195         | 0206624M               | MARINE CORPS COMBAT SERVICES SUPPORT .....  | 58,393                 | 58,393                   |
| 196         | 0206625M               | USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....                              | 22,966                 | 22,966                   |
| 197         | 0207161N               | TACTICAL AIM MISSILES .....   | 21,107                 | 21,107                   |
| 198         | 0207163N               | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....                               | 2,857                  | 2,857                    |
| 199         | 0208058N               | JOINT HIGH SPEED VESSEL (JHSV) .....  | 1,932                  | 1,932                    |
| 204         | 0303109N               | SATELLITE COMMUNICATIONS (SPACE) .....  | 188,482                | 188,482                  |
| 205         | 0303138N               | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....                         | 16,749                 | 16,749                   |
| 206         | 0303140N               | INFORMATION SYSTEMS SECURITY PROGRAM .....  | 26,307                 | 26,307                   |



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program Element</b> | <b>Item</b>   | <b>FY 2013 Request</b> | <b>Senate Authorized</b> |
|-------------|------------------------|---|------------------------|--------------------------|
| 207         | 0303150M               | WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....                    | 500                    | 500                      |
| 208         | 0303238N               | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP ..... | 0                      | 0                        |
| 210         | 0305149N               | COBRA JUDY .....  | 17,091                 | 17,091                   |
| 211         | 0305160N               | NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....         | 810                    | 810                      |
| 212         | 0305192N               | MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....              | 8,617                  | 8,617                    |
| 213         | 0305204N               | TACTICAL UNMANNED AERIAL VEHICLES .....                           | 9,066                  | 9,066                    |
| 214         | 0305206N               | AIRBORNE RECONNAISSANCE SYSTEMS .....                             | 0                      | 0                        |
| 215         | 0305207N               | MANNED RECONNAISSANCE SYSTEMS .....                               | 30,654                 | 30,654                   |
| 216         | 0305208M               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                   | 25,917                 | 25,917                   |
| 217         | 0305208N               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                   | 14,676                 | 14,676                   |
| 218         | 0305220N               | RQ-4 UAV .....  | 657,483                | 657,483                  |
| 219         | 0305231N               | MQ-8 UAV .....  | 99,600                 | 99,600                   |
| 220         | 0305232M               | RQ-11 UAV .....   | 495                    | 495                      |
| 221         | 0305233N               | RQ-7 UAV .....  | 863                    | 863                      |
| 222         | 0305234M               | SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....                      | 0                      | 0                        |
| 223         | 0305234N               | SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....                      | 9,734                  | 9,734                    |
| 224         | 0305237N               | MEDIUM RANGE MARITIME UAS .....                                   | 0                      | 0                        |
| 225         | 0305239M               | RQ-21A .....  | 22,343                 | 22,343                   |
| 226         | 0308601N               | MODELING AND SIMULATION SUPPORT .....                             | 5,908                  | 5,908                    |
| 227         | 0702207N               | DEPOT MAINTENANCE (NON-IF) .....                                  | 27,391                 | 27,391                   |
| 228         | 0702239N               | AVIONICS COMPONENT IMPROVEMENT PROGRAM .....                      | 0                      | 0                        |
| 229         | 0708011N               | INDUSTRIAL PREPAREDNESS .....                                     | 54,879                 | 54,879                   |
| 230         | 0708730N               | MARITIME TECHNOLOGY (MARITECH) .....                              | 5,000                  | 5,000                    |
| 230A        | 9999999999             | CLASSIFIED PROGRAMS .....   | 1,151,159              | 1,151,159                |
|             |                        | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....            | <b>3,975,546</b>       | <b>3,975,546</b>         |
| 230B        |                        | PRIOR YEAR SAVINGS .....  |                        | -8,832                   |
|             |                        | Medium range maritime UAS cancellation .....                      |                        | [-8,832]                 |
|             |                        | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....  | <b>16,882,877</b>      | <b>16,874,045</b>        |
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>                 |                        |                          |
|             |                        | <b>BASIC RESEARCH</b>   |                        |                          |
| 001         | 0601102F               | DEFENSE RESEARCH SCIENCES .....                                   | 361,787                | 361,787                  |
| 002         | 0601103F               | UNIVERSITY RESEARCH INITIATIVES .....                             | 141,153                | 141,153                  |
| 003         | 0601108F               | HIGH ENERGY LASER RESEARCH INITIATIVES .....                      | 13,094                 | 13,094                   |
|             |                        | <b>SUBTOTAL, BASIC RESEARCH</b> .....                             | <b>516,034</b>         | <b>516,034</b>           |
|             |                        | <b>APPLIED RESEARCH</b>   |                        |                          |
| 004         | 0602102F               | MATERIALS .....   | 114,166                | 114,166                  |
| 005         | 0602201F               | AEROSPACE VEHICLE TECHNOLOGIES .....                              | 120,719                | 120,719                  |
| 006         | 0602202F               | HUMAN EFFECTIVENESS APPLIED RESEARCH .....                        | 89,319                 | 89,319                   |
| 007         | 0602203F               | AEROSPACE PROPULSION .....  | 232,547                | 232,547                  |
| 008         | 0602204F               | AEROSPACE SENSORS .....   | 127,637                | 127,637                  |
| 009         | 0602601F               | SPACE TECHNOLOGY .....  | 98,375                 | 98,375                   |
| 010         | 0602602F               | CONVENTIONAL MUNITIONS .....                                      | 77,175                 | 77,175                   |
| 011         | 0602605F               | DIRECTED ENERGY TECHNOLOGY .....                                  | 106,196                | 106,196                  |
| 012         | 0602788F               | DOMINANT INFORMATION SCIENCES AND METHODS .....                   | 104,362                | 104,362                  |
| 013         | 0602890F               | HIGH ENERGY LASER RESEARCH .....                                  | 38,557                 | 38,557                   |
|             |                        | <b>SUBTOTAL, APPLIED RESEARCH</b> .....                           | <b>1,109,053</b>       | <b>1,109,053</b>         |
|             |                        | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>                            |                        |                          |
| 014         | 0603112F               | ADVANCED MATERIALS FOR WEAPON SYSTEMS .....                       | 47,890                 | 47,890                   |
| 015         | 0603199F               | SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....                    | 6,565                  | 6,565                    |
| 016         | 0603203F               | ADVANCED AEROSPACE SENSORS .....                                  | 37,657                 | 37,657                   |
| 017         | 0603211F               | AEROSPACE TECHNOLOGY DEV/DEMO .....                               | 81,376                 | 81,376                   |
| 018         | 0603216F               | AEROSPACE PROPULSION AND POWER TECHNOLOGY .....                   | 151,152                | 151,152                  |
| 019         | 0603270F               | ELECTRONIC COMBAT TECHNOLOGY .....                                | 32,941                 | 32,941                   |
| 020         | 0603401F               | ADVANCED SPACECRAFT TECHNOLOGY .....                              | 64,557                 | 64,557                   |
| 021         | 0603444F               | MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....                       | 29,256                 | 29,256                   |
| 022         | 0603456F               | HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....         | 21,523                 | 21,523                   |
| 023         | 0603601F               | CONVENTIONAL WEAPONS TECHNOLOGY .....                             | 36,352                 | 36,352                   |
| 024         | 0603605F               | ADVANCED WEAPONS TECHNOLOGY .....                                 | 19,004                 | 19,004                   |
| 025         | 0603680F               | MANUFACTURING TECHNOLOGY PROGRAM .....                            | 37,045                 | 37,045                   |
| 026         | 0603788F               | BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....         | 31,419                 | 31,419                   |
| 027         | 0603924F               | HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....               | 0                      | 0                        |
|             |                        | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b> .....            | <b>596,737</b>         | <b>596,737</b>           |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>            |                        |                          |
| 028         | 0603260F               | INTELLIGENCE ADVANCED DEVELOPMENT .....                           | 3,866                  | 3,866                    |
| 029         | 0603287F               | PHYSICAL SECURITY EQUIPMENT .....                                 | 3,704                  | 3,704                    |
| 030         | 0603430F               | ADVANCED EHF MILSATCOM (SPACE) .....                              | 229,171                | 227,671                  |
|             |                        | Excess funding .....  |                        | [-1,500]                 |
| 031         | 0603432F               | POLAR MILSATCOM (SPACE) .....                                     | 120,676                | 120,676                  |
| 032         | 0603438F               | SPACE CONTROL TECHNOLOGY .....                                    | 25,144                 | 23,144                   |
|             |                        | Excess funding .....  |                        | [-2,000]                 |
| 033         | 0603742F               | COMBAT IDENTIFICATION TECHNOLOGY .....                            | 32,243                 | 32,243                   |
| 034         | 0603790F               | NATO RESEARCH AND DEVELOPMENT .....                               | 4,507                  | 4,507                    |
| 035         | 0603791F               | INTERNATIONAL SPACE COOPERATIVE R&D .....                         | 652                    | 652                      |

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|-------------|------------------------|---|------------------------|--------------------------|
| 036         | 0603830F               | SPACE PROTECTION PROGRAM (SPP) .....  | 10,429                 | 10,429                   |
| 037         | 0603850F               | INTEGRATED BROADCAST SERVICE—DEM/VAL .....  | 19,938                 | 19,938                   |
| 038         | 0603851F               | INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....                                  | 71,181                 | 71,181                   |
| 039         | 0603854F               | WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....  | 12,027                 | 12,027                   |
| 040         | 0603859F               | POLLUTION PREVENTION—DEM/VAL .....  | 2,054                  | 2,054                    |
| 041         | 0603860F               | JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....                        | 57,975                 | 57,975                   |
| 042         | 0604015F               | LONG RANGE STRIKE .....   | 291,742                | 291,742                  |
| 043         | 0604283F               | BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....                                   | 114,417                | 114,417                  |
| 044         | 0604317F               | TECHNOLOGY TRANSFER .....   | 2,576                  | 2,576                    |
| 045         | 0604327F               | HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....                | 16,711                 | 16,711                   |
| 046         | 0604330F               | JOINT DUAL ROLE AIR DOMINANCE MISSILE .....                                       | 0                      | 0                        |
| 047         | 0604337F               | REQUIREMENTS ANALYSIS AND MATURATION .....  | 16,343                 | 16,343                   |
| 048         | 0604422F               | WEATHER SATELLITE FOLLOW-ON .....   | 2,000                  | 2,000                    |
| 049         | 0604436F               | NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....                            | 0                      | 0                        |
| 050         | 0604635F               | GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....                                      | 9,423                  | 9,423                    |
| 051         | 0604775F               | DEFENSE RAPID INNOVATION PROGRAM .....  | 0                      | 0                        |
| 052         | 0604796F               | ALTERNATIVE FUELS .....   | 0                      | 0                        |
| 053         | 0604830F               | AUTOMATED AIR-TO-AIR REFUELING .....  | 0                      | 0                        |
| 054         | 0604857F               | OPERATIONALLY RESPONSIVE SPACE .....  | 0                      | 45,000                   |
|             |                        | Restore Operationally Responsive Space .....                                      |                        | [45,000]                 |
| 055         | 0604858F               | TECH TRANSITION PROGRAM .....   | 37,558                 | 34,558                   |
|             |                        | Excess funding .....  |                        | [-3,000]                 |
| 056         | 0305164F               | NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....                  | 96,840                 | 96,840                   |
| 057         | 0305178F               | NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS) ..... | 0                      | 0                        |
|             |                        | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>            | <b>1,181,177</b>       | <b>1,219,677</b>         |
|             |                        | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                                     |                        |                          |
| 058         | 0603840F               | GLOBAL BROADCAST SERVICE (GBS) .....  | 14,652                 | 14,652                   |
| 059         | 0604222F               | NUCLEAR WEAPONS SUPPORT .....   | 25,713                 | 25,713                   |
| 060         | 0604233F               | SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....                                   | 6,583                  | 6,583                    |
| 061         | 0604270F               | ELECTRONIC WARFARE DEVELOPMENT .....  | 1,975                  | 1,975                    |
| 062         | 0604280F               | JOINT TACTICAL RADIO .....  | 2,594                  | 2,594                    |
| 063         | 0604281F               | TACTICAL DATA NETWORKS ENTERPRISE .....   | 24,534                 | 24,534                   |
| 064         | 0604287F               | PHYSICAL SECURITY EQUIPMENT .....   | 51                     | 51                       |
| 065         | 0604329F               | SMALL DIAMETER BOMB (SDB)—EMD .....   | 143,000                | 143,000                  |
| 066         | 0604421F               | COUNTERSPACE SYSTEMS .....  | 28,797                 | 28,797                   |
| 067         | 0604425F               | SPACE SITUATION AWARENESS SYSTEMS .....   | 267,252                | 247,252                  |
|             |                        | Excess funding .....  |                        | [-20,000]                |
| 068         | 0604429F               | AIRBORNE ELECTRONIC ATTACK .....  | 4,118                  | 4,118                    |
| 069         | 0604441F               | SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....                                | 448,594                | 446,594                  |
|             |                        | Excess funding .....  |                        | [-2,000]                 |
| 070         | 0604602F               | ARMAMENT/ORDNANCE DEVELOPMENT .....   | 9,951                  | 9,951                    |
| 071         | 0604604F               | SUBMUNITIONS .....  | 2,567                  | 2,567                    |
| 072         | 0604617F               | AGILE COMBAT SUPPORT .....  | 13,059                 | 13,059                   |
| 073         | 0604706F               | LIFE SUPPORT SYSTEMS .....  | 9,720                  | 9,720                    |
| 074         | 0604735F               | COMBAT TRAINING RANGES .....  | 9,222                  | 9,222                    |
| 075         | 0604740F               | INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....                            | 0                      | 0                        |
| 076         | 0604750F               | INTELLIGENCE EQUIPMENT .....  | 803                    | 803                      |
| 077         | 0604800F               | F-35—EMD .....  | 1,210,306              | 1,210,306                |
| 078         | 0604851F               | INTERCONTINENTAL BALLISTIC MISSILE—EMD .....                                      | 135,437                | 135,437                  |
| 079         | 0604853F               | EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD .....                       | 7,980                  | 7,980                    |
| 080         | 0604932F               | LONG RANGE STANDOFF WEAPON .....  | 2,004                  | 2,004                    |
| 081         | 0604933F               | ICBM FUZE MODERNIZATION .....   | 73,512                 | 73,512                   |
| 082         | 0605213F               | F-22 MODERNIZATION INCREMENT 3.2B .....   | 140,100                | 140,100                  |
| 083         | 0605221F               | NEXT GENERATION AERIAL REFUELING AIRCRAFT .....                                   | 1,815,588              | 1,728,458                |
|             |                        | Excess prior year funds .....   |                        | [-87,130]                |
| 084         | 0605229F               | CSAR HH-60 RECAPITALIZATION .....   | 123,210                | 123,210                  |
| 085         | 0605278F               | HC/MC-130 RECAP RDT&E .....   | 19,039                 | 19,039                   |
| 086         | 0605931F               | B-2 DEFENSIVE MANAGEMENT SYSTEM .....   | 281,056                | 281,056                  |
| 087         | 0101125F               | NUCLEAR WEAPONS MODERNIZATION .....   | 80,200                 | 80,200                   |
| 088         | 0207100F               | LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS .....                          | 0                      | 0                        |
| 089         | 0207604F               | READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE .....                       | 310                    | 310                      |
| 090         | 0207701F               | FULL COMBAT MISSION TRAINING .....  | 14,861                 | 14,861                   |
| 091         | 0305230F               | MC-12 .....   | 19,949                 | 19,949                   |
| 092         | 0401138F               | C-27J AIRLIFT SQUADRONS .....   | 0                      | 0                        |
| 093         | 0401318F               | CV-22 .....   | 28,027                 | 28,027                   |
| 094         | 0401845F               | AIRBORNE SENIOR LEADER C3 (SLC3S) .....   | 1,960                  | 1,960                    |
|             |                        | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                     | <b>4,966,724</b>       | <b>4,857,594</b>         |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                        |                          |
| 095         | 0604256F               | THREAT SIMULATOR DEVELOPMENT .....  | 22,812                 | 22,812                   |
| 096         | 0604759F               | MAJOR T&E INVESTMENT .....  | 42,236                 | 42,236                   |
| 097         | 0605101F               | RAND PROJECT AIR FORCE .....  | 25,579                 | 25,579                   |
| 098         | 0605502F               | SMALL BUSINESS INNOVATION RESEARCH .....  | 0                      | 0                        |
| 099         | 0605712F               | INITIAL OPERATIONAL TEST & EVALUATION .....                                       | 16,197                 | 16,197                   |
| 100         | 0605807F               | TEST AND EVALUATION SUPPORT .....   | 722,071                | 722,071                  |
| 101         | 0605860F               | ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....                                       | 16,200                 | 16,200                   |
| 102         | 0605864F               | SPACE TEST PROGRAM (STP) .....  | 10,051                 | 45,051                   |
|             |                        | Restore Space Test Program .....  |                        | [35,000]                 |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b>                            | <b>Program Element</b> | <b>Item</b>  | <b>FY 2013 Request</b> | <b>Senate Authorized</b> |
|--|------------------------|--|------------------------|--------------------------|
| 103                                    | 0605976F               | FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT ..... | 42,597                 | 42,597                   |
| 104                                    | 0605978F               | FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....                   | 27,301                 | 27,301                   |
| 105                                    | 0606323F               | MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....                         | 13,964                 | 13,964                   |
| 106                                    | 0606392F               | SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....                    | 203,766                | 203,766                  |
| 107                                    | 0702806F               | ACQUISITION AND MANAGEMENT SUPPORT .....                                   | 42,430                 | 42,430                   |
| 108                                    | 0804731F               | GENERAL SKILL TRAINING .....   | 1,294                  | 1,294                    |
| 109                                    | 0909980F               | JUDGMENT FUND REIMBURSEMENT .....  | 0                      | 0                        |
| 110                                    | 0909999F               | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                          | 0                      | 0                        |
| 111                                    | 1001004F               | INTERNATIONAL ACTIVITIES .....   | 3,851                  | 3,851                    |
|  |                        | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>                        | <b>1,190,349</b>       | <b>1,225,349</b>         |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b> |                        |  |                        |                          |
| 112                                    | 0603423F               | GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....            | 371,595                | 370,095                  |
|  |                        | Excess funding .....   |                        | [-1,500]                 |
| 113                                    | 0604263F               | COMMON VERTICAL LIFT SUPPORT PLATFORM .....                                | 0                      | 0                        |
| 114                                    | 0605018F               | AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....                     | 91,697                 | 91,697                   |
| 115                                    | 0605024F               | ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....                              | 17,037                 | 17,037                   |
| 117                                    | 0101113F               | B-52 SQUADRONS .....   | 53,208                 | 53,208                   |
| 118                                    | 0101122F               | AIR-LAUNCHED CRUISE MISSILE (ALCM) .....                                   | 431                    | 431                      |
| 119                                    | 0101126F               | B-1B SQUADRONS .....   | 16,265                 | 16,265                   |
| 120                                    | 0101127F               | B-2 SQUADRONS .....  | 35,970                 | 20,970                   |
|  |                        | Efficiencies .....   |                        | [-15,000]                |
| 121                                    | 0101313F               | STRAT WAR PLANNING SYSTEM—USSTRATCOM .....                                 | 30,889                 | 30,889                   |
| 122                                    | 0101314F               | NIGHT FIST—USSTRATCOM .....  | 10                     | 10                       |
| 124                                    | 0102326F               | REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....         | 5,609                  | 5,609                    |
| 125                                    | 0102823F               | STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES .....                   | 0                      | 0                        |
| 126                                    | 0203761F               | WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....    | 15,098                 | 15,098                   |
| 127                                    | 0205219F               | MQ-9 UAV .....   | 147,971                | 147,971                  |
| 128                                    | 0207040F               | MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....                          | 49,848                 | 49,848                   |
| 129                                    | 0207131F               | A-10 SQUADRONS .....   | 13,538                 | 13,538                   |
| 130                                    | 0207133F               | F-16 SQUADRONS .....   | 190,257                | 190,257                  |
| 131                                    | 0207134F               | F-15E SQUADRONS .....  | 192,677                | 192,677                  |
| 132                                    | 0207136F               | MANNED DESTRUCTIVE SUPPRESSION .....                                       | 13,683                 | 13,683                   |
| 133                                    | 0207138F               | F-22A SQUADRONS .....  | 371,667                | 371,667                  |
| 134                                    | 0207142F               | F-35 SQUADRONS .....   | 8,117                  | 8,117                    |
| 135                                    | 0207161F               | TACTICAL AIM MISSILES .....  | 8,234                  | 8,234                    |
| 136                                    | 0207163F               | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....                    | 87,041                 | 87,041                   |
| 137                                    | 0207170F               | JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....                           | 1,472                  | 1,472                    |
| 138                                    | 0207224F               | COMBAT RESCUE AND RECOVERY .....   | 2,095                  | 2,095                    |
| 139                                    | 0207227F               | COMBAT RESCUE—PARARESCUE .....   | 1,119                  | 1,119                    |
| 140                                    | 0207247F               | AF TENCAP .....  | 63,853                 | 63,853                   |
| 141                                    | 0207249F               | PRECISION ATTACK SYSTEMS PROCUREMENT .....                                 | 1,063                  | 1,063                    |
| 142                                    | 0207253F               | COMPASS CALL .....   | 12,094                 | 12,094                   |
| 143                                    | 0207268F               | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....                        | 187,984                | 187,984                  |
| 144                                    | 0207277F               | ISR INNOVATIONS .....  | 0                      | 0                        |
| 145                                    | 0207325F               | JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....                        | 7,950                  | 7,950                    |
| 146                                    | 0207410F               | AIR & SPACE OPERATIONS CENTER (AOC) .....                                  | 76,315                 | 76,315                   |
| 147                                    | 0207412F               | CONTROL AND REPORTING CENTER (CRC) .....                                   | 8,653                  | 8,653                    |
| 148                                    | 0207417F               | AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....                          | 65,200                 | 65,200                   |
| 149                                    | 0207418F               | TACTICAL AIRBORNE CONTROL SYSTEMS .....                                    | 5,767                  | 5,767                    |
| 150                                    | 0207423F               | ADVANCED COMMUNICATIONS SYSTEMS .....                                      | 0                      | 0                        |
| 152                                    | 0207431F               | COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....                            | 5,756                  | 5,756                    |
| 153                                    | 0207438F               | THEATER BATTLE MANAGEMENT (TBM) C4I .....                                  | 0                      | 0                        |
| 154                                    | 0207444F               | TACTICAL AIR CONTROL PARTY-MOD .....                                       | 16,226                 | 16,226                   |
| 155                                    | 0207445F               | FIGHTER TACTICAL DATA LINK .....   | 0                      | 0                        |
| 156                                    | 0207448F               | C2ISR TACTICAL DATA LINK .....   | 1,633                  | 1,633                    |
| 157                                    | 0207449F               | COMMAND AND CONTROL (C2) CONSTELLATION .....                               | 18,086                 | 18,086                   |
| 158                                    | 0207452F               | DCAPES .....   | 15,690                 | 15,690                   |
| 159                                    | 0207581F               | JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....               | 24,241                 | 24,241                   |
| 160                                    | 0207590F               | SEEK EAGLE .....   | 22,654                 | 22,654                   |
| 161                                    | 0207601F               | USAF MODELING AND SIMULATION .....   | 15,501                 | 15,501                   |
| 162                                    | 0207605F               | WARGAMING AND SIMULATION CENTERS .....                                     | 5,699                  | 5,699                    |
| 163                                    | 0207697F               | DISTRIBUTED TRAINING AND EXERCISES .....                                   | 4,425                  | 4,425                    |
| 164                                    | 0208006F               | MISSION PLANNING SYSTEMS .....   | 69,377                 | 69,377                   |
| 165                                    | 0208021F               | INFORMATION WARFARE SUPPORT .....  | 7,159                  | 7,159                    |
| 166                                    | 0208059F               | CYBER COMMAND ACTIVITIES .....   | 66,888                 | 66,888                   |
| 174                                    | 0301400F               | SPACE SUPERIORITY INTELLIGENCE .....                                       | 12,056                 | 12,056                   |
| 175                                    | 0302015F               | E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....                      | 4,159                  | 4,159                    |
| 176                                    | 0303131F               | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....           | 20,124                 | 20,124                   |
| 177                                    | 0303140F               | INFORMATION SYSTEMS SECURITY PROGRAM .....                                 | 69,133                 | 69,133                   |
| 178                                    | 0303141F               | GLOBAL COMBAT SUPPORT SYSTEM .....   | 6,512                  | 6,512                    |
| 179                                    | 0303150F               | GLOBAL COMMAND AND CONTROL SYSTEM .....                                    | 4,316                  | 4,316                    |
| 180                                    | 0303601F               | MILSATCOM TERMINALS .....  | 107,237                | 107,237                  |
| 182                                    | 0304260F               | AIRBORNE SIGINT ENTERPRISE .....   | 129,106                | 129,106                  |
| 185                                    | 0305099F               | GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....                                 | 4,461                  | 4,461                    |
| 186                                    | 0305103F               | CYBER SECURITY INITIATIVE .....  | 2,055                  | 2,055                    |
| 187                                    | 0305105F               | DOD CYBER CRIME CENTER .....   | 285                    | 285                      |
| 188                                    | 0305110F               | SATELLITE CONTROL NETWORK (SPACE) .....                                    | 33,773                 | 33,773                   |
| 189                                    | 0305111F               | WEATHER SERVICE .....  | 29,048                 | 29,048                   |

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|-------------|------------------------|--|------------------------|--------------------------|
| 190         | 0305114F               | AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....       | 43,187                 | 43,187                   |
| 191         | 0305116F               | AERIAL TARGETS .....   | 50,496                 | 50,496                   |
| 194         | 0305128F               | SECURITY AND INVESTIGATIVE ACTIVITIES .....                            | 354                    | 354                      |
| 195         | 0305145F               | ARMS CONTROL IMPLEMENTATION .....                                      | 4,000                  | 4,000                    |
| 196         | 0305146F               | DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....                     | 342                    | 342                      |
| 198         | 0305164F               | NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....       | 29,621                 | 29,621                   |
| 199         | 0305165F               | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....   | 14,335                 | 14,335                   |
| 201         | 0305173F               | SPACE AND MISSILE TEST AND EVALUATION CENTER .....                     | 3,680                  | 3,680                    |
| 202         | 0305174F               | SPACE INNOVATION AND DEVELOPMENT CENTER .....                          | 2,430                  | 2,430                    |
| 203         | 0305182F               | SPACELIFT RANGE SYSTEM (SPACE) .....                                   | 8,760                  | 8,760                    |
| 204         | 0305193F               | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....              | 0                      | 0                        |
| 205         | 0305202F               | DRAGON U-2 .....   | 23,644                 | 23,644                   |
| 206         | 0305205F               | ENDURANCE UNMANNED AERIAL VEHICLES .....                               | 21,000                 | 21,000                   |
| 207         | 0305206F               | AIRBORNE RECONNAISSANCE SYSTEMS .....                                  | 96,735                 | 96,735                   |
| 208         | 0305207F               | MANNED RECONNAISSANCE SYSTEMS .....                                    | 13,316                 | 13,316                   |
| 209         | 0305208F               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                        | 63,501                 | 63,501                   |
| 210         | 0305219F               | MQ-1 PREDATOR A UAV .....  | 9,122                  | 9,122                    |
| 211         | 0305220F               | RQ-4 UAV .....   | 236,265                | 236,265                  |
| 212         | 0305221F               | NETWORK-CENTRIC COLLABORATIVE TARGETING .....                          | 7,367                  | 7,367                    |
| 213         | 0305236F               | COMMON DATA LINK (CDL) .....   | 38,094                 | 38,094                   |
| 214         | 0305238F               | NATO AGS .....   | 210,109                | 210,109                  |
| 215         | 0305240F               | SUPPORT TO DCGS ENTERPRISE .....                                       | 24,500                 | 24,500                   |
| 216         | 0305265F               | GPS III SPACE SEGMENT .....  | 318,992                | 318,992                  |
| 217         | 0305614F               | JSPOC MISSION SYSTEM .....   | 54,645                 | 54,645                   |
| 218         | 0305881F               | RAPID CYBER ACQUISITION .....  | 4,007                  | 4,007                    |
| 219         | 0305887F               | INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....                      | 13,357                 | 13,357                   |
| 220         | 0305913F               | NUDET DETECTION SYSTEM (SPACE) .....                                   | 64,965                 | 64,965                   |
| 221         | 0305940F               | SPACE SITUATION AWARENESS OPERATIONS .....                             | 19,586                 | 19,586                   |
| 222         | 0307141F               | INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT ..... | 0                      | 0                        |
| 223         | 0308699F               | SHARED EARLY WARNING (SEW) .....                                       | 1,175                  | 1,175                    |
| 224         | 0401115F               | C-130 AIRLIFT SQUADRON .....   | 5,000                  | 5,000                    |
| 225         | 0401119F               | C-5 AIRLIFT SQUADRONS (1F) .....                                       | 35,115                 | 35,115                   |
| 226         | 0401130F               | C-17 AIRCRAFT (1F) .....   | 99,225                 | 99,225                   |
| 227         | 0401132F               | C-130J PROGRAM .....   | 30,652                 | 30,652                   |
| 228         | 0401134F               | LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....                       | 7,758                  | 7,758                    |
| 229         | 0401139F               | LIGHT MOBILITY AIRCRAFT (LIMA) .....                                   | 100                    | 100                      |
| 230         | 0401218F               | KC-135S .....  | 0                      | 0                        |
| 231         | 0401219F               | KC-10S .....   | 24,022                 | 24,022                   |
| 232         | 0401314F               | OPERATIONAL SUPPORT AIRLIFT .....                                      | 7,471                  | 7,471                    |
| 233         | 0401315F               | C-STOL AIRCRAFT .....  | 0                      | 0                        |
| 234         | 0408011F               | SPECIAL TACTICS / COMBAT CONTROL .....                                 | 4,984                  | 4,984                    |
| 235         | 0702207F               | DEPOT MAINTENANCE (NON-1F) .....                                       | 1,588                  | 1,588                    |
| 236         | 0708012F               | LOGISTICS SUPPORT ACTIVITIES .....                                     | 577                    | 577                      |
| 237         | 0708610F               | LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....                         | 119,327                | 119,327                  |
| 238         | 0708611F               | SUPPORT SYSTEMS DEVELOPMENT .....                                      | 15,873                 | 15,873                   |
| 239         | 0801711F               | RECRUITING ACTIVITIES .....  | 0                      | 0                        |
| 240         | 0804743F               | OTHER FLIGHT TRAINING .....  | 349                    | 349                      |
| 241         | 0804757F               | JOINT NATIONAL TRAINING CENTER .....                                   | 0                      | 0                        |
| 242         | 0808716F               | OTHER PERSONNEL ACTIVITIES .....                                       | 117                    | 117                      |
| 243         | 0901202F               | JOINT PERSONNEL RECOVERY AGENCY .....                                  | 2,018                  | 2,018                    |
| 244         | 0901218F               | CIVILIAN COMPENSATION PROGRAM .....                                    | 1,561                  | 1,561                    |
| 245         | 0901220F               | PERSONNEL ADMINISTRATION .....   | 7,634                  | 7,634                    |
| 246         | 0901226F               | AIR FORCE STUDIES AND ANALYSIS AGENCY .....                            | 1,175                  | 1,175                    |
| 247         | 0901279F               | FACILITIES OPERATION—ADMINISTRATIVE .....                              | 3,491                  | 3,491                    |
| 248         | 0901538F               | FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....             | 100,160                | 100,160                  |
| 249         | 0902998F               | MANAGEMENT HQ—ADP SUPPORT (AF) .....                                   | 0                      | 0                        |
| 249A        | 9999999999             | CLASSIFIED PROGRAMS .....  | 11,172,183             | 11,149,583               |
|             |                        | Classified reduction .....   |                        | [-4,600]                 |
|             |                        | Classified reduction .....   |                        | [-18,000]                |
|             |                        | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                 | <b>15,867,972</b>      | <b>15,828,872</b>        |
| 249B        |                        | PRIOR YEAR SAVINGS .....   |                        | -78,426                  |
|             |                        | C-130 AMP cancellation .....   |                        | [-6,509]                 |
|             |                        | MALD II Cancellation .....   |                        | [-7,917]                 |
|             |                        | Global Hawk Block 30 cancellation .....                                |                        | [-64,000]                |
|             |                        | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....         | <b>25,428,046</b>      | <b>25,274,890</b>        |
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>                      |                        |                          |
|             |                        | <b>BASIC RESEARCH</b>  |                        |                          |
| 001         | 0601000BR              | DTRA BASIC RESEARCH INITIATIVE .....                                   | 45,071                 | 45,071                   |
| 002         | 0601101E               | DEFENSE RESEARCH SCIENCES .....  | 309,051                | 309,051                  |
| 003         | 0601110D8Z             | BASIC RESEARCH INITIATIVES .....                                       | 19,405                 | 19,405                   |
| 004         | 0601117E               | BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....                       | 39,676                 | 39,676                   |
| 005         | 0601120D8Z             | NATIONAL DEFENSE EDUCATION PROGRAM .....                               | 87,979                 | 87,979                   |
| 006         | 0601384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....                          | 50,566                 | 50,566                   |
|             |                        | <b>SUBTOTAL, BASIC RESEARCH</b> .....                                  | <b>551,748</b>         | <b>551,748</b>           |
|             |                        | <b>APPLIED RESEARCH</b>  |                        |                          |

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|-------------|------------------------|---|------------------------|--------------------------|
| 007         | 0602000D8Z             | JOINT MUNITIONS TECHNOLOGY .....  | 20,615                 | 20,615                   |
| 008         | 0602115E               | BIOMEDICAL TECHNOLOGY .....   | 110,900                | 110,900                  |
| 009         | 0602228D8Z             | HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....             | 0                      | 0                        |
| 010         | 0602234D8Z             | LINCOLN LABORATORY RESEARCH PROGRAM .....                                     | 36,826                 | 36,826                   |
| 011         | 0602250D8Z             | SYSTEMS 2020 APPLIED RESEARCH .....   | 7,898                  | 7,898                    |
| 012         | 0602303E               | INFORMATION & COMMUNICATIONS TECHNOLOGY .....                                 | 392,421                | 392,421                  |
| 013         | 0602304E               | COGNITIVE COMPUTING SYSTEMS .....   | 30,424                 | 30,424                   |
| 014         | 0602305E               | MACHINE INTELLIGENCE .....  | 0                      | 0                        |
| 015         | 0602383E               | BIOLOGICAL WARFARE DEFENSE .....  | 19,236                 | 19,236                   |
| 016         | 0602384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....                                 | 223,269                | 223,269                  |
| 017         | 0602663D8Z             | DATA TO DECISIONS APPLIED RESEARCH .....                                      | 13,753                 | 13,753                   |
| 018         | 0602668D8Z             | CYBER SECURITY RESEARCH .....   | 18,985                 | 18,985                   |
| 019         | 0602670D8Z             | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....     | 6,771                  | 6,771                    |
| 020         | 0602702E               | TACTICAL TECHNOLOGY .....   | 233,209                | 233,209                  |
| 021         | 0602715E               | MATERIALS AND BIOLOGICAL TECHNOLOGY .....                                     | 166,067                | 166,067                  |
| 022         | 0602716E               | ELECTRONICS TECHNOLOGY .....  | 222,416                | 222,416                  |
| 023         | 0602718BR              | WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....                         | 172,352                | 172,352                  |
| 024         | 1160401BB              | SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....                               | 28,739                 | 28,739                   |
|             |                        | <b>SUBTOTAL, APPLIED RESEARCH .....</b>                                       | <b>1,703,881</b>       | <b>1,703,881</b>         |
|             |                        | <b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>                                  |                        |                          |
| 025         | 0603000D8Z             | JOINT MUNITIONS ADVANCED TECHNOLOGY .....                                     | 25,612                 | 25,612                   |
| 026         | 0603121D8Z             | SO/LIC ADVANCED DEVELOPMENT .....   | 26,324                 | 26,324                   |
| 027         | 0603122D8Z             | COMBATING TERRORISM TECHNOLOGY SUPPORT .....                                  | 77,144                 | 65,844                   |
|             |                        | Reduction due to duplication of effort .....                                  |                        | [-11,300]                |
| 028         | 0603160BR              | COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....    | 275,022                | 275,022                  |
| 029         | 0603175C               | BALLISTIC MISSILE DEFENSE TECHNOLOGY .....                                    | 79,975                 | 79,975                   |
| 030         | 0603200D8Z             | JOINT ADVANCED CONCEPTS .....   | 0                      | 0                        |
| 031         | 0603225D8Z             | JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....                          | 20,032                 | 20,032                   |
| 032         | 0603264S               | AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....     | 3,892                  | 3,892                    |
| 033         | 0603274C               | SPECIAL PROGRAM—MDA TECHNOLOGY .....  | 36,685                 | 36,685                   |
| 034         | 0603286E               | ADVANCED AEROSPACE SYSTEMS .....  | 174,316                | 174,316                  |
| 035         | 0603287E               | SPACE PROGRAMS AND TECHNOLOGY .....   | 159,704                | 159,704                  |
| 036         | 0603384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....            | 234,280                | 234,280                  |
| 037         | 0603618D8Z             | JOINT ELECTRONIC ADVANCED TECHNOLOGY .....                                    | 6,983                  | 6,983                    |
| 038         | 0603648D8Z             | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....                              | 158,263                | 158,263                  |
| 039         | 0603662D8Z             | NETWORKED COMMUNICATIONS CAPABILITIES .....                                   | 25,393                 | 25,393                   |
| 040         | 0603663D8Z             | DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....                       | 13,754                 | 13,754                   |
| 041         | 0603665D8Z             | BIOMETRICS SCIENCE AND TECHNOLOGY .....                                       | 0                      | 0                        |
| 042         | 0603668D8Z             | CYBER SECURITY ADVANCED RESEARCH .....  | 19,935                 | 19,935                   |
| 043         | 0603670D8Z             | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT ..... | 8,235                  | 8,235                    |
| 044         | 0603680D8Z             | DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....               | 21,966                 | 51,966                   |
|             |                        | Industrial Base Innovation Fund .....   |                        | [30,000]                 |
| 045         | 0603699D8Z             | EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....                            | 24,662                 | 24,662                   |
| 046         | 0603711D8Z             | JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....                               | 0                      | 0                        |
| 047         | 0603712S               | GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....                         | 24,605                 | 24,605                   |
| 048         | 0603713S               | DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....                       | 30,678                 | 30,678                   |
| 049         | 0603716D8Z             | STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....                                | 65,282                 | 65,282                   |
| 050         | 0603720S               | MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....                     | 72,234                 | 69,234                   |
|             |                        | DMEA upgrade reduction .....  |                        | [-3,000]                 |
| 051         | 0603727D8Z             | JOINT WARFIGHTING PROGRAM .....   | 8,403                  | 8,403                    |
| 052         | 0603739E               | ADVANCED ELECTRONICS TECHNOLOGIES .....                                       | 111,008                | 111,008                  |
| 053         | 0603755D8Z             | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....                        | 0                      | 0                        |
| 054         | 0603760E               | COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....                             | 237,859                | 237,859                  |
| 055         | 0603765E               | CLASSIFIED DARPA PROGRAMS .....   | 3,000                  | 3,000                    |
| 056         | 0603766E               | NETWORK-CENTRIC WARFARE TECHNOLOGY .....                                      | 236,883                | 236,883                  |
| 057         | 0603767E               | SENSOR TECHNOLOGY .....   | 299,438                | 299,438                  |
| 058         | 0603769SE              | DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....                    | 12,195                 | 12,195                   |
| 059         | 0603781D8Z             | SOFTWARE ENGINEERING INSTITUTE .....  | 30,036                 | 30,036                   |
| 060         | 0603826D8Z             | QUICK REACTION SPECIAL PROJECTS .....   | 107,002                | 107,002                  |
| 061         | 0603828D8Z             | JOINT EXPERIMENTATION .....   | 0                      | 0                        |
| 062         | 0603828J               | JOINT EXPERIMENTATION .....   | 21,230                 | 21,230                   |
| 063         | 0603832D8Z             | DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....                           | 47,433                 | 47,433                   |
| 064         | 0603901C               | DIRECTED ENERGY RESEARCH .....  | 46,944                 | 46,944                   |
| 065         | 0603902C               | NEXT GENERATION AEGIS MISSILE .....   | 224,077                | 224,077                  |
| 066         | 0603941D8Z             | TEST & EVALUATION SCIENCE & TECHNOLOGY .....                                  | 92,602                 | 92,602                   |
| 067         | 0603942D8Z             | TECHNOLOGY TRANSFER .....   | 0                      | 0                        |
| 068         | 0604055D8Z             | OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....                               | 26,244                 | 26,244                   |
| 069         | 0303310D8Z             | CWMD SYSTEMS .....  | 53,946                 | 53,946                   |
| 070         | 1160402BB              | SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....                      | 45,317                 | 45,317                   |
| 071         | 1160422BB              | AVIATION ENGINEERING ANALYSIS .....   | 861                    | 861                      |
| 072         | 1160472BB              | SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....               | 4,959                  | 4,959                    |
|             |                        | <b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD) .....</b>                  | <b>3,194,413</b>       | <b>3,210,113</b>         |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                        | <b>3,194,413</b>       | <b>3,210,113</b>         |
| 073         | 0603161D8Z             | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....        | 33,234                 | 33,234                   |
| 074         | 0603527D8Z             | RETRACT LARCH .....   | 21,023                 | 21,023                   |
| 075         | 0603600D8Z             | WALKOFF .....   | 94,624                 | 94,624                   |
| 076         | 0603709D8Z             | JOINT ROBOTICS PROGRAM .....  | 0                      | 0                        |

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| 077         | 0603714D8Z             | ADVANCED SENSOR APPLICATIONS PROGRAM .....   | 16,958                 | 18,958                   |
|             |                        | Reverse cuts to testing .....  |                        | [2,000]                  |
| 078         | 0603851D8Z             | ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....                           | 75,941                 | 75,941                   |
| 079         | 0603881C               | BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....                               | 316,929                | 316,929                  |
| 080         | 0603882C               | BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....                              | 903,172                | 903,172                  |
| 081         | 0603884BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....                                  | 179,023                | 179,023                  |
| 082         | 0603884C               | BALLISTIC MISSILE DEFENSE SENSORS .....  | 347,012                | 347,012                  |
| 083         | 0603888C               | BALLISTIC MISSILE DEFENSE TEST & TARGETS .....   | 0                      | 0                        |
| 084         | 0603890C               | BMD ENABLING PROGRAMS .....  | 362,711                | 362,711                  |
| 085         | 0603891C               | SPECIAL PROGRAMS—MDA .....   | 272,387                | 272,387                  |
| 086         | 0603892C               | AEGIS BMD .....  | 992,407                | 992,407                  |
| 087         | 0603893C               | SPACE TRACKING & SURVEILLANCE SYSTEM .....   | 51,313                 | 51,313                   |
| 088         | 0603895C               | BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....                                  | 6,912                  | 6,912                    |
| 089         | 0603896C               | BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION ..... | 366,552                | 366,552                  |
| 090         | 0603898C               | BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....                               | 55,550                 | 55,550                   |
| 091         | 0603904C               | MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....                          | 63,043                 | 63,043                   |
| 092         | 0603906C               | REGARDING TRENCH .....   | 11,371                 | 11,371                   |
| 093         | 0603907C               | SEA BASED X-BAND RADAR (SBX) .....   | 9,730                  | 9,730                    |
| 094         | 0603913C               | ISRAELI COOPERATIVE PROGRAMS .....   | 99,836                 | 409,836                  |
|             |                        | Arrow Weapon System improvements .....   |                        | [20,000]                 |
|             |                        | Arrow-3 interceptor .....  |                        | [20,000]                 |
|             |                        | David's Sling short-range BMD .....  |                        | [60,000]                 |
|             |                        | Iron Dome short-range rocket defense .....   |                        | [210,000]                |
| 095         | 0603914C               | BALLISTIC MISSILE DEFENSE TEST .....   | 454,400                | 454,400                  |
| 096         | 0603915C               | BALLISTIC MISSILE DEFENSE TARGETS .....  | 435,747                | 435,747                  |
| 097         | 0603920D8Z             | HUMANITARIAN DEMINING .....  | 13,231                 | 13,231                   |
| 098         | 0603923D8Z             | COALITION WARFARE .....  | 11,398                 | 11,398                   |
| 099         | 0604016D8Z             | DEPARTMENT OF DEFENSE CORROSION PROGRAM .....  | 3,283                  | 24,083                   |
|             |                        | Increase for requirements shortfall .....  |                        | [20,800]                 |
| 100         | 0604400D8Z             | DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....    | 12,368                 | 12,368                   |
| 101         | 0604670D8Z             | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....      | 5,131                  | 5,131                    |
| 102         | 0604775D8Z             | DEFENSE RAPID INNOVATION PROGRAM .....   | 0                      | 200,000                  |
|             |                        | Rapid Innovation Program .....   |                        | [200,000]                |
| 103         | 0604787D8Z             | JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....   | 0                      | 0                        |
| 104         | 0604787J               | JOINT SYSTEMS INTEGRATION .....  | 3,273                  | 3,273                    |
| 105         | 0604828D8Z             | JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....                                | 0                      | 0                        |
| 106         | 0604828J               | JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....                                | 7,364                  | 7,364                    |
| 107         | 0604880C               | LAND-BASED SM-3 (LBSM3) .....  | 276,338                | 276,338                  |
| 108         | 0604881C               | AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....  | 420,630                | 420,630                  |
| 109         | 0604883C               | PRECISION TRACKING SPACE SENSOR RDT&E .....  | 297,375                | 297,375                  |
| 110         | 0604884C               | AIRBORNE INFRARED (ABIR) .....   | 0                      | 0                        |
| 111         | 0604886C               | ADVANCED REMOTE SENSOR TECHNOLOGY (ARST) .....   | 58,742                 | 58,742                   |
| 112         | 0605017D8Z             | REDUCTION OF TOTAL OWNERSHIP COST .....  | 0                      | 0                        |
| 113         | 0303191D8Z             | JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....                                   | 3,158                  | 3,158                    |
|             |                        | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....                 | <b>6,282,166</b>       | <b>6,814,966</b>         |
|             |                        | <b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>                                      |                        |                          |
| 114         | 0604051D8Z             | DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) .....                                     | 0                      | 0                        |
| 115         | 0604161D8Z             | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....                   | 6,817                  | 6,817                    |
| 116         | 0604165D8Z             | PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....                                      | 110,383                | 110,383                  |
| 117         | 0604384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....                                      | 311,071                | 311,071                  |
| 118         | 0604709D8Z             | JOINT ROBOTICS PROGRAM—EMD .....   | 0                      | 0                        |
| 119         | 0604764K               | ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....                             | 25,787                 | 25,787                   |
| 120         | 0604771D8Z             | JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....                           | 20,688                 | 20,688                   |
| 121         | 0605000BR              | WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....                                  | 5,749                  | 5,749                    |
| 122         | 0605013BL              | INFORMATION TECHNOLOGY DEVELOPMENT .....   | 12,699                 | 12,699                   |
| 123         | 0605018BTA             | DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS) .....                      | 0                      | 0                        |
| 124         | 0605020BTA             | BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES .....                                    | 0                      | 0                        |
| 125         | 0605021SE              | HOMELAND PERSONNEL SECURITY INITIATIVE .....   | 387                    | 387                      |
| 126         | 0605022D8Z             | DEFENSE EXPORTABILITY PROGRAM .....  | 1,859                  | 1,859                    |
| 127         | 0605027D8Z             | OUSD(C) IT DEVELOPMENT INITIATIVES .....   | 7,010                  | 7,010                    |
| 128         | 0605070S               | DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....                             | 133,104                | 133,104                  |
| 129         | 0605075D8Z             | DCMO POLICY AND INTEGRATION .....  | 25,269                 | 25,269                   |
| 130         | 0605140D8Z             | TRUSTED FOUNDRY .....  | 0                      | 0                        |
| 131         | 0605210D8Z             | DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....                                 | 10,238                 | 10,238                   |
| 132         | 0303141K               | GLOBAL COMBAT SUPPORT SYSTEM .....   | 19,670                 | 19,670                   |
| 133         | 0305304D8Z             | DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM) .....                              | 3,556                  | 3,556                    |
| 134         | 0807708D8Z             | WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE .....        | 0                      | 0                        |
|             |                        | <b>SUBTOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b> .....                      | <b>694,287</b>         | <b>694,287</b>           |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>  |                        |                          |
| 135         | 0604774D8Z             | DEFENSE READINESS REPORTING SYSTEM (DRRS) .....  | 6,383                  | 6,383                    |
| 136         | 0604875D8Z             | JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....   | 3,845                  | 3,845                    |
| 137         | 0604940D8Z             | CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....                       | 144,109                | 144,109                  |
| 138         | 0604942D8Z             | ASSESSMENTS AND EVALUATIONS .....  | 2,419                  | 2,419                    |
| 139         | 0604943D8Z             | THERMAL VICAR .....  | 8,214                  | 8,214                    |
| 140         | 0605100D8Z             | JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....                                | 19,380                 | 19,380                   |
| 141         | 0605104D8Z             | TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....  | 32,266                 | 32,266                   |
| 142         | 0605110D8Z             | USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....   | 840                    | 840                      |

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| 143                                    | 0605117D8Z             | FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....                                    | 56,012                 | 56,012                   |
| 144                                    | 0605126J               | JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....                   | 55,508                 | 55,508                   |
| 145                                    | 0605128D8Z             | CLASSIFIED PROGRAM USD(P) .....  | 0                      | 0                        |
| 146                                    | 0605130D8Z             | FOREIGN COMPARATIVE TESTING .....  | 18,174                 | 18,174                   |
| 147                                    | 0605142D8Z             | SYSTEMS ENGINEERING .....  | 43,195                 | 43,195                   |
| 148                                    | 0605151D8Z             | STUDIES AND ANALYSIS SUPPORT—OSD .....   | 6,457                  | 6,457                    |
| 149                                    | 0605161D8Z             | NUCLEAR MATTERS-PHYSICAL SECURITY .....  | 4,901                  | 4,901                    |
| 150                                    | 0605170D8Z             | SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....                                  | 6,307                  | 6,307                    |
| 151                                    | 0605200D8Z             | GENERAL SUPPORT TO USD (INTELLIGENCE) .....  | 6,601                  | 6,601                    |
| 152                                    | 0605384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....  | 92,849                 | 92,849                   |
| 153                                    | 0605502BR              | SMALL BUSINESS INNOVATION RESEARCH .....   | 0                      | 0                        |
| 154                                    | 0605502C               | SMALL BUSINESS INNOVATIVE RESEARCH—MDA .....   | 0                      | 0                        |
| 155                                    | 0605502D8W             | SMALL BUSINESS INNOVATIVE RESEARCH .....   | 0                      | 0                        |
| 156                                    | 0605502D8Z             | SMALL BUSINESS INNOVATIVE RESEARCH .....   | 0                      | 0                        |
| 157                                    | 0605502E               | SMALL BUSINESS INNOVATIVE RESEARCH .....   | 0                      | 0                        |
| 158                                    | 0605502S               | SMALL BUSINESS INNOVATIVE RESEARCH .....   | 0                      | 0                        |
| 159                                    | 0605790D8Z             | SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S ..... | 1,857                  | 1,857                    |
| 160                                    | 0605798D8Z             | DEFENSE TECHNOLOGY ANALYSIS .....  | 12,056                 | 12,056                   |
| 161                                    | 0605799D8Z             | EMERGING CAPABILITIES .....  | 0                      | 0                        |
| 162                                    | 0605801KA              | DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....                                      | 55,454                 | 55,454                   |
| 163                                    | 0605803SE              | R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....                         | 16,364                 | 16,364                   |
| 164                                    | 0605804D8Z             | DEVELOPMENT TEST AND EVALUATION .....  | 15,110                 | 20,110                   |
|  |                        | DT&E increase .....  |                        | [5,000]                  |
| 165                                    | 0605897E               | DARPA AGENCY RELOCATION .....  | 0                      | 0                        |
| 166                                    | 0605898E               | MANAGEMENT HQ—R&D .....  | 69,767                 | 69,767                   |
| 167                                    | 0606100D8Z             | BUDGET AND PROGRAM ASSESSMENTS .....   | 4,454                  | 4,454                    |
| 168                                    | 0606301D8Z             | AVIATION SAFETY TECHNOLOGIES .....   | 0                      | 0                        |
| 169                                    | 0203345D8Z             | DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....                                    | 2,637                  | 2,637                    |
| 170                                    | 0204571J               | JOINT STAFF ANALYTICAL SUPPORT .....   | 0                      | 0                        |
| 173                                    | 0303166D8Z             | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....                              | 0                      | 0                        |
| 174                                    | 0303166J               | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....                              | 8,238                  | 8,238                    |
| 175                                    | 0303169D8Z             | INFORMATION TECHNOLOGY RAPID ACQUISITION .....   | 0                      | 0                        |
| 176                                    | 0305103E               | CYBER SECURITY INITIATIVE .....  | 1,801                  | 1,801                    |
| 177                                    | 0305193D8Z             | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....                              | 16,041                 | 16,041                   |
| 179                                    | 0305400D8Z             | WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....                                     | 0                      | 0                        |
| 180                                    | 0804767D8Z             | COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....                    | 77,475                 | 77,475                   |
| 181                                    | 0901585C               | PENTAGON RESERVATION .....   | 0                      | 0                        |
| 182                                    | 0901598C               | MANAGEMENT HQ—MDA .....  | 34,855                 | 34,855                   |
| 183                                    | 0901598D8W             | MANAGEMENT HEADQUARTERS WHS .....  | 104                    | 104                      |
| 184                                    | 0909999D8Z             | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                      | 0                      | 0                        |
| 184A                                   | 9999999999             | CLASSIFIED PROGRAMS .....  | 64,255                 | 64,255                   |
|  |                        | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>                                    | <b>887,928</b>         | <b>892,928</b>           |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b> |                        |  |                        |                          |
| 185                                    | 0604130V               | ENTERPRISE SECURITY SYSTEM (ESS) .....   | 8,866                  | 8,866                    |
| 186                                    | 0605127T               | REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT ..... | 3,238                  | 3,238                    |
| 187                                    | 0605147T               | OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS) .....              | 288                    | 288                      |
| 188                                    | 0607384BP              | CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....                | 14,745                 | 14,745                   |
| 189                                    | 0607828D8Z             | JOINT INTEGRATION AND INTEROPERABILITY .....   | 0                      | 0                        |
| 190                                    | 0607828J               | JOINT INTEGRATION AND INTEROPERABILITY .....   | 5,013                  | 5,013                    |
| 191                                    | 0208043J               | PLANNING AND DECISION AID SYSTEM (PDAS) .....  | 3,922                  | 3,922                    |
| 192                                    | 0208045K               | C4I INTEROPERABILITY .....   | 72,574                 | 72,574                   |
| 194                                    | 0301144K               | JOINT/ALLIED COALITION INFORMATION SHARING .....                                       | 6,214                  | 6,214                    |
| 201                                    | 0302016K               | NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....                                    | 499                    | 499                      |
| 202                                    | 0302019K               | DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....                          | 14,498                 | 14,498                   |
| 203                                    | 0303126K               | LONG-HAUL COMMUNICATIONS—DCS .....   | 26,164                 | 26,164                   |
| 204                                    | 0303131K               | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....                       | 12,931                 | 12,931                   |
| 205                                    | 0303135G               | PUBLIC KEY INFRASTRUCTURE (PKI) .....  | 6,296                  | 6,296                    |
| 206                                    | 0303136G               | KEY MANAGEMENT INFRASTRUCTURE (KMI) .....  | 30,948                 | 30,948                   |
| 207                                    | 0303140D8Z             | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 11,780                 | 11,780                   |
| 208                                    | 0303140G               | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 191,452                | 191,452                  |
| 209                                    | 0303140K               | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 0                      | 0                        |
| 210                                    | 0303149J               | C4I FOR THE WARRIOR .....  | 0                      | 0                        |
| 211                                    | 0303150K               | GLOBAL COMMAND AND CONTROL SYSTEM .....  | 36,575                 | 36,575                   |
| 212                                    | 0303153K               | DEFENSE SPECTRUM ORGANIZATION .....  | 24,278                 | 24,278                   |
| 213                                    | 0303170K               | NET-CENTRIC ENTERPRISE SERVICES (NCES) .....   | 2,924                  | 2,924                    |
| 214                                    | 0303260D8Z             | DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....                                | 1,294                  | 1,294                    |
| 215                                    | 0303610K               | TELEPORT PROGRAM .....   | 6,050                  | 6,050                    |
| 217                                    | 0304210BB              | SPECIAL APPLICATIONS FOR CONTINGENCIES .....   | 17,058                 | 17,058                   |
| 220                                    | 0305103D8Z             | CYBER SECURITY INITIATIVE .....  | 0                      | 0                        |
| 222                                    | 0305103K               | CYBER SECURITY INITIATIVE .....  | 4,189                  | 4,189                    |
| 223                                    | 0305125D8Z             | CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....   | 10,462                 | 10,462                   |
| 227                                    | 0305186D8Z             | POLICY R&D PROGRAMS .....  | 6,360                  | 6,360                    |
| 229                                    | 0305199D8Z             | NET CENTRICITY .....   | 21,190                 | 21,190                   |
| 232                                    | 0305208BB              | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 7,114                  | 7,114                    |
|  |                        | USSOCOM UFR .....  |                        | [600]                    |
| 235                                    | 0305208K               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 3,247                  | 3,247                    |
| 237                                    | 0305219BB              | MQ-1 PREDATOR A UAV .....  | 1,355                  | 1,355                    |
| 239                                    | 0305231BB              | MQ-8 UAV .....   | 0                      | 0                        |



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| 240         | 0305387D8Z             | HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....                          | 2,303                  | 2,303                    |
| 241         | 0305600D8Z             | INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....               | 1,478                  | 1,478                    |
| 249         | 0708011S               | INDUSTRIAL PREPAREDNESS .....   | 27,044                 | 27,044                   |
| 250         | 0708012S               | LOGISTICS SUPPORT ACTIVITIES .....  | 4,711                  | 4,711                    |
| 251         | 0902298J               | MANAGEMENT HQ—OJCS .....  | 4,100                  | 4,100                    |
| 252         | 1001018D8Z             | NATO AGS .....  | 0                      | 0                        |
| 253         | 1105219BB              | MQ-9 UAV .....  | 3,002                  | 3,002                    |
| 254         | 1105232BB              | RQ-11 UAV .....   | 0                      | 0                        |
| 255         | 1105233BB              | RQ-7 UAV .....  | 0                      | 0                        |
| 256         | 1160279BB              | SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG ..... | 0                      | 0                        |
| 257         | 1160403BB              | SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT .....              | 97,267                 | 97,267                   |
| 258         | 1160404BB              | SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....                       | 821                    | 821                      |
| 259         | 1160405BB              | SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....                   | 25,935                 | 25,935                   |
| 260         | 1160408BB              | SOF OPERATIONAL ENHANCEMENTS .....  | 51,700                 | 51,700                   |
| 261         | 1160421BB              | SPECIAL OPERATIONS CV-22 DEVELOPMENT .....                                  | 1,822                  | 1,822                    |
| 262         | 1160427BB              | MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....                       | 10,131                 | 10,131                   |
| 263         | 1160429BB              | AC/MC-130J .....  | 19,647                 | 19,647                   |
| 264         | 1160474BB              | SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....                  | 2,225                  | 2,225                    |
| 265         | 1160476BB              | SOF TACTICAL RADIO SYSTEMS .....  | 3,036                  | 3,036                    |
| 266         | 1160477BB              | SOF WEAPONS SYSTEMS .....   | 1,511                  | 1,511                    |
| 267         | 1160478BB              | SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....                           | 4,263                  | 4,263                    |
| 268         | 1160479BB              | SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....                    | 4,448                  | 4,448                    |
| 269         | 1160480BB              | SOF TACTICAL VEHICLES .....   | 11,325                 | 11,325                   |
| 270         | 1160481BB              | SOF MUNITIONS .....   | 1,515                  | 1,515                    |
| 271         | 1160482BB              | SOF ROTARY WING AVIATION .....  | 24,430                 | 24,430                   |
| 272         | 1160483BB              | SOF UNDERWATER SYSTEMS .....  | 26,405                 | 34,405                   |
|             |                        | Transfer from PDW Line 64 at USSOCOM request .....                          |                        | [8,000]                  |
| 273         | 1160484BB              | SOF SURFACE CRAFT .....   | 8,573                  | 8,573                    |
| 274         | 1160488BB              | SOF MILITARY INFORMATION SUPPORT OPERATIONS .....                           | 0                      | 0                        |
| 275         | 1160489BB              | SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....                              | 7,620                  | 7,620                    |
| 276         | 1160490BB              | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....                             | 16,386                 | 16,386                   |
| 276A        | 9999999999             | CLASSIFIED PROGRAMS .....   | 3,754,516              | 3,754,516                |
|             |                        | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                      | <b>4,667,738</b>       | <b>4,676,338</b>         |
|             |                        | <b>UNDISTRIBUTED</b>  |                        |                          |
|             |                        | <b>UNDISTRIBUTED</b> .....  |                        | <b>-100,000</b>          |
|             |                        | DARPA undistributed reduction .....   |                        | [-75,000]                |
|             |                        | DARPA classified programs reduction .....                                   |                        | [-25,000]                |
|             |                        | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....              | <b>17,982,161</b>      | <b>18,444,261</b>        |
|             |                        | <b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>                                 |                        |                          |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                        |                          |
| 001         | 0605118OTE             | OPERATIONAL TEST AND EVALUATION .....                                       | 72,501                 | 76,501                   |
|             |                        | NCR transition .....  |                        | [4,000]                  |
| 002         | 0605131OTE             | LIVE FIRE TEST AND EVALUATION .....   | 49,201                 | 49,201                   |
| 003         | 0605814OTE             | OPERATIONAL TEST ACTIVITIES AND ANALYSES .....                              | 63,566                 | 63,566                   |
|             |                        | <b>TOTAL, OPERATIONAL TEST &amp; EVAL, DEFENSE</b> .....                    | <b>185,268</b>         | <b>189,268</b>           |
|             |                        | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL</b> .....                  | <b>69,407,767</b>      | <b>69,286,218</b>        |

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
**FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program Element</b> | <b>Item</b>  | <b>FY 2013 Request</b> | <b>Senate Authorized</b> |
|-------------|------------------------|--|------------------------|--------------------------|
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>                    |                        |                          |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                 |                        |                          |
| 060         | 0603747A               | SOLDIER SUPPORT AND SURVIVABILITY .....                                | 19,860                 | 19,860                   |
|             |                        | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> ..... | <b>19,860</b>          | <b>19,860</b>            |
|             |                        | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....       | <b>19,860</b>          | <b>19,860</b>            |
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>                    |                        |                          |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                 |                        |                          |
| 056         | 0603654N               | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                     | 4,600                  | 4,600                    |
|             |                        | <b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> ..... | <b>4,600</b>           | <b>4,600</b>             |
|             |                        | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                          |                        |                          |
| 131         | 0604771N               | MEDICAL DEVELOPMENT .....  | 2,173                  | 2,173                    |
|             |                        | <b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> .....          | <b>2,173</b>           | <b>2,173</b>             |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>                                    |                        |                          |
| 160         | 0605866N               | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....                  | 5,200                  | 5,200                    |
|             |                        | <b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT</b> .....                    | <b>5,200</b>           | <b>5,200</b>             |
|             |                        | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>                                 |                        |                          |
| 195         | 0206624M               | MARINE CORPS COMBAT SERVICES SUPPORT .....                             | 6,762                  | 6,762                    |

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)**

| <i>Line</i>   | <i>Program<br/>Element</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|---|----------------------------|--|----------------------------|------------------------------|
| 221   | 0305233N                   | RQ-7 UAV .....   | 7,600                      | 7,600                        |
| 230A  | 999999999                  | CLASSIFIED PROGRAMS .....  | 33,784                     | 33,784                       |
|   |                            | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>           | <b>48,146</b>              | <b>48,146</b>                |
|   |                            | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b> | <b>60,119</b>              | <b>60,119</b>                |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF<br/>OPERATIONAL SYSTEMS DEVELOPMENT</b> |                            |  |                            |                              |
| 249A  | 999999999                  | CLASSIFIED PROGRAMS .....  | 53,150                     | 53,150                       |
|   |                            | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>           | <b>53,150</b>              | <b>53,150</b>                |
|   |                            | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>   | <b>53,150</b>              | <b>53,150</b>                |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW<br/>OPERATIONAL SYSTEMS DEVELOPMENT</b> |                            |  |                            |                              |
| 239   | 0305231BB                  | MQ-8 UAV .....   | 5,000                      | 5,000                        |
| 276A  | 999999999                  | CLASSIFIED PROGRAMS .....  | 107,387                    | 107,387                      |
|   |                            | <b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT .....</b>           | <b>112,387</b>             | <b>112,387</b>               |
|   |                            | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>   | <b>112,387</b>             | <b>112,387</b>               |
|   |                            | <b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL .....</b>       | <b>245,516</b>             | <b>245,516</b>               |

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)**

| <i>Line</i>   | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|---|---|----------------------------|------------------------------|
| <b>OPERATION &amp; MAINTENANCE, ARMY<br/>OPERATING FORCES</b> |   |                            |                              |
| 010   | MANEUVER UNITS .....                                      | 1,223,087                  | 1,223,087                    |
| 020   | MODULAR SUPPORT BRIGADES .....                            | 80,574                     | 80,574                       |
| 030   | ECHELONS ABOVE BRIGADE .....                              | 723,039                    | 723,039                      |
| 040   | THEATER LEVEL ASSETS .....                                | 706,974                    | 706,974                      |
| 050   | LAND FORCES OPERATIONS SUPPORT .....                      | 1,226,650                  | 1,226,650                    |
| 060   | AVIATION ASSETS .....                                     | 1,319,832                  | 1,319,832                    |
| 070   | FORCE READINESS OPERATIONS SUPPORT .....                  | 3,447,174                  | 3,447,174                    |
| 080   | LAND FORCES SYSTEMS READINESS .....                       | 454,774                    | 454,774                      |
| 090   | LAND FORCES DEPOT MAINTENANCE .....                       | 1,762,757                  | 1,762,757                    |
| 100   | BASE OPERATIONS SUPPORT .....                             | 7,401,613                  | 7,401,613                    |
| 110   | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 3,041,074                  | 3,041,074                    |
| 120   | MANAGEMENT AND OPERATIONAL HQ'S .....                     | 410,171                    | 410,171                      |
| 130   | COMBATANT COMMANDERS CORE OPERATIONS .....                | 177,819                    | 177,819                      |
| 140   | ADDITIONAL ACTIVITIES .....                               | 0                          | 0                            |
| 150   | COMMANDERS EMERGENCY RESPONSE PROGRAM .....               | 0                          | 0                            |
| 160   | RESET .....   | 0                          | 0                            |
| 170   | COMBATANT COMMANDERS ANCILLARY MISSIONS .....             | 461,333                    | 461,333                      |
|   | <b>SUBTOTAL, OPERATING FORCES .....</b>                   | <b>22,436,871</b>          | <b>22,436,871</b>            |
| <b>MOBILIZATION</b>   |   |                            |                              |
| 180   | STRATEGIC MOBILITY .....                                  | 405,496                    | 405,496                      |
| 190   | ARMY PREPOSITIONING STOCKS .....                          | 195,349                    | 195,349                      |
| 200   | INDUSTRIAL PREPAREDNESS .....                             | 6,379                      | 6,379                        |
|   | <b>SUBTOTAL, MOBILIZATION .....</b>                       | <b>607,224</b>             | <b>607,224</b>               |
| <b>TRAINING AND RECRUITING</b>                                |   |                            |                              |
| 210   | OFFICER ACQUISITION .....                                 | 112,866                    | 112,866                      |
| 220   | RECRUIT TRAINING .....                                    | 73,265                     | 73,265                       |
| 230   | ONE STATION UNIT TRAINING .....                           | 51,227                     | 51,227                       |
| 240   | SENIOR RESERVE OFFICERS TRAINING CORPS .....              | 443,306                    | 443,306                      |
| 250   | SPECIALIZED SKILL TRAINING .....                          | 1,099,556                  | 1,099,556                    |
| 260   | FLIGHT TRAINING .....                                     | 1,130,627                  | 1,130,627                    |
| 270   | PROFESSIONAL DEVELOPMENT EDUCATION .....                  | 191,683                    | 191,683                      |
| 280   | TRAINING SUPPORT .....                                    | 652,095                    | 652,095                      |
| 290   | RECRUITING AND ADVERTISING .....                          | 507,510                    | 507,510                      |
| 300   | EXAMINING .....   | 156,964                    | 156,964                      |
| 310   | OFF-DUTY AND VOLUNTARY EDUCATION .....                    | 244,343                    | 244,343                      |
| 320   | CIVILIAN EDUCATION AND TRAINING .....                     | 212,477                    | 212,477                      |
| 330   | JUNIOR ROTC .....   | 182,691                    | 182,691                      |
|   | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>            | <b>5,058,610</b>           | <b>5,058,610</b>             |
| <b>ADMIN &amp; SRVWIDE ACTIVITIES</b>                         |   |                            |                              |
| 350   | SERVICEWIDE TRANSPORTATION .....                          | 601,331                    | 601,331                      |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>   | <b>FY 2013<br/>Request</b> | <b>Senate<br/>Authorized</b> |
|-------------|---|----------------------------|------------------------------|
| 360         | CENTRAL SUPPLY ACTIVITIES .....                       | 741,324                    | 741,324                      |
| 370         | LOGISTIC SUPPORT ACTIVITIES .....                     | 610,136                    | 610,136                      |
| 380         | AMMUNITION MANAGEMENT .....                           | 478,707                    | 478,707                      |
| 390         | ADMINISTRATION .....                                  | 556,307                    | 539,107                      |
|             | GFEBS realignment per Army request .....              |                            | [-17,200]                    |
| 400         | SERVICEWIDE COMMUNICATIONS .....                      | 1,547,925                  | 1,547,925                    |
| 410         | MANPOWER MANAGEMENT .....                             | 362,205                    | 362,205                      |
| 420         | OTHER PERSONNEL SUPPORT .....                         | 220,754                    | 220,754                      |
| 430         | OTHER SERVICE SUPPORT .....                           | 1,153,556                  | 1,145,456                    |
|             | Decrease for ahead of need request .....              |                            | [-8,100]                     |
| 440         | ARMY CLAIMS ACTIVITIES .....                          | 250,970                    | 250,970                      |
| 450         | REAL ESTATE MANAGEMENT .....                          | 222,351                    | 222,351                      |
| 460         | BASE OPERATIONS SUPPORT .....                         | 222,379                    | 222,379                      |
| 470         | SUPPORT OF NATO OPERATIONS .....                      | 459,710                    | 459,710                      |
| 480         | MISC. SUPPORT OF OTHER NATIONS .....                  | 25,637                     | 25,637                       |
| 490         | CLASSIFIED PROGRAMS .....                             | 1,052,595                  | 1,052,595                    |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWIDE ACTIVITIES .....</b> | <b>8,505,887</b>           | <b>8,480,587</b>             |
|             | <b>UNDISTRIBUTED</b>                                  |                            |                              |
|             | <b>UNDISTRIBUTED .....</b>                            |                            | <b>-120,000</b>              |
|             | Unobligated balances .....                            |                            | [-120,000]                   |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY .....</b> | <b>36,608,592</b>          | <b>36,463,292</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY</b>              |                            |                              |
|             | <b>OPERATING FORCES</b>                               |                            |                              |
| 010         | MISSION AND OTHER FLIGHT OPERATIONS .....             | 4,918,144                  | 4,918,144                    |
| 020         | FLEET AIR TRAINING .....                              | 1,886,825                  | 1,886,825                    |
| 030         | AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....  | 44,032                     | 44,032                       |
| 040         | AIR OPERATIONS AND SAFETY SUPPORT .....               | 101,565                    | 101,565                      |
| 050         | AIR SYSTEMS SUPPORT .....                             | 374,827                    | 374,827                      |
| 060         | AIRCRAFT DEPOT MAINTENANCE .....                      | 960,802                    | 960,802                      |
| 070         | AIRCRAFT DEPOT OPERATIONS SUPPORT .....               | 37,545                     | 37,545                       |
| 080         | AVIATION LOGISTICS .....                              | 328,805                    | 328,805                      |
| 090         | MISSION AND OTHER SHIP OPERATIONS .....               | 4,686,535                  | 4,686,535                    |
| 100         | SHIP OPERATIONS SUPPORT & TRAINING .....              | 769,204                    | 769,204                      |
| 110         | SHIP DEPOT MAINTENANCE .....                          | 5,089,981                  | 5,089,981                    |
| 120         | SHIP DEPOT OPERATIONS SUPPORT .....                   | 1,315,366                  | 1,315,366                    |
| 130         | COMBAT COMMUNICATIONS .....                           | 619,909                    | 619,909                      |
| 140         | ELECTRONIC WARFARE .....                              | 92,364                     | 92,364                       |
| 150         | SPACE SYSTEMS AND SURVEILLANCE .....                  | 174,437                    | 174,437                      |
| 160         | WARFARE TACTICS .....                                 | 441,035                    | 441,035                      |
| 170         | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....        | 333,554                    | 333,554                      |
| 180         | COMBAT SUPPORT FORCES .....                           | 910,087                    | 910,087                      |
| 190         | EQUIPMENT MAINTENANCE .....                           | 167,158                    | 167,158                      |
| 200         | DEPOT OPERATIONS SUPPORT .....                        | 4,183                      | 4,183                        |
| 210         | COMBATANT COMMANDERS CORE OPERATIONS .....            | 95,528                     | 95,528                       |
| 220         | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....     | 204,569                    | 204,569                      |
| 230         | CRUISE MISSILE .....                                  | 111,884                    | 111,884                      |
| 240         | FLEET BALLISTIC MISSILE .....                         | 1,181,038                  | 1,181,038                    |
| 250         | IN-SERVICE WEAPONS SYSTEMS SUPPORT .....              | 87,606                     | 87,606                       |
| 260         | WEAPONS MAINTENANCE .....                             | 519,583                    | 519,583                      |
| 270         | OTHER WEAPON SYSTEMS SUPPORT .....                    | 300,435                    | 300,435                      |
| 280         | ENTERPRISE INFORMATION .....                          | 1,077,924                  | 1,077,924                    |
| 290         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....      | 2,101,279                  | 2,101,279                    |
| 300         | BASE OPERATING SUPPORT .....                          | 4,822,093                  | 4,822,093                    |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>               | <b>33,758,297</b>          | <b>33,758,297</b>            |
|             | <b>MOBILIZATION</b>                                   |                            |                              |
| 310         | SHIP PREPOSITIONING AND SURGE .....                   | 334,659                    | 334,659                      |
| 320         | AIRCRAFT ACTIVATIONS/INACTIVATIONS .....              | 6,562                      | 6,562                        |
| 330         | SHIP ACTIVATIONS/INACTIVATIONS .....                  | 1,066,329                  | 1,066,329                    |
| 340         | EXPEDITIONARY HEALTH SERVICES SYSTEMS .....           | 83,901                     | 83,901                       |
| 350         | INDUSTRIAL READINESS .....                            | 2,695                      | 2,695                        |
| 360         | COAST GUARD SUPPORT .....                             | 23,502                     | 23,502                       |
|             | <b>SUBTOTAL, MOBILIZATION .....</b>                   | <b>1,517,648</b>           | <b>1,517,648</b>             |
|             | <b>TRAINING AND RECRUITING</b>                        |                            |                              |
| 370         | OFFICER ACQUISITION .....                             | 147,807                    | 147,807                      |
| 380         | RECRUIT TRAINING .....                                | 10,473                     | 10,473                       |
| 390         | RESERVE OFFICERS TRAINING CORPS .....                 | 139,220                    | 139,220                      |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 400         | SPECIALIZED SKILL TRAINING .....                              | 582,177                    | 582,177                      |
| 410         | FLIGHT TRAINING .....   | 5,456                      | 5,456                        |
| 420         | PROFESSIONAL DEVELOPMENT EDUCATION .....                      | 170,746                    | 170,746                      |
| 430         | TRAINING SUPPORT .....  | 153,403                    | 153,403                      |
| 440         | RECRUITING AND ADVERTISING .....                              | 241,329                    | 241,329                      |
| 450         | OFF-DUTY AND VOLUNTARY EDUCATION .....                        | 108,226                    | 108,226                      |
| 460         | CIVILIAN EDUCATION AND TRAINING .....                         | 105,776                    | 105,776                      |
| 470         | JUNIOR ROTC .....   | 51,817                     | 51,817                       |
|             | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>1,716,430</b>           | <b>1,716,430</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                            |                              |
| 480         | ADMINISTRATION .....  | 797,177                    | 797,177                      |
| 490         | EXTERNAL RELATIONS .....                                      | 12,872                     | 12,872                       |
| 500         | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....              | 120,181                    | 120,181                      |
| 510         | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....              | 235,753                    | 235,753                      |
| 520         | OTHER PERSONNEL SUPPORT .....                                 | 263,060                    | 263,060                      |
| 530         | SERVICEWIDE COMMUNICATIONS .....                              | 363,213                    | 363,213                      |
| 540         | MEDICAL ACTIVITIES .....                                      | 0                          | 0                            |
| 550         | SERVICEWIDE TRANSPORTATION .....                              | 182,343                    | 182,343                      |
| 560         | ENVIRONMENTAL PROGRAMS .....                                  | 0                          | 0                            |
| 570         | PLANNING, ENGINEERING AND DESIGN .....                        | 282,464                    | 282,464                      |
| 580         | ACQUISITION AND PROGRAM MANAGEMENT .....                      | 1,092,123                  | 1,092,123                    |
| 590         | HULL, MECHANICAL AND ELECTRICAL SUPPORT .....                 | 53,560                     | 53,560                       |
| 600         | COMBAT/WEAPONS SYSTEMS .....                                  | 25,299                     | 25,299                       |
| 610         | SPACE AND ELECTRONIC WARFARE SYSTEMS .....                    | 64,418                     | 64,418                       |
| 620         | NAVAL INVESTIGATIVE SERVICE .....                             | 580,042                    | 580,042                      |
| 680         | INTERNATIONAL HEADQUARTERS AND AGENCIES .....                 | 4,984                      | 4,984                        |
| 690         | CANCELLED ACCOUNT ADJUSTMENTS .....                           | 0                          | 0                            |
| 700         | JUDGEMENT FUND .....  | 0                          | 0                            |
| 710         | CLASSIFIED PROGRAMS .....                                     | 537,079                    | 537,079                      |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>4,614,568</b>           | <b>4,614,568</b>             |
|             | <b>UNDISTRIBUTED</b>  |                            |                              |
|             | <b>UNDISTRIBUTED .....</b>                                    |                            | <b>-23,000</b>               |
|             | Unobligated balances .....                                    |                            | [-23,000]                    |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY .....</b>         | <b>41,606,943</b>          | <b>41,583,943</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>              |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |
| 010         | OPERATIONAL FORCES .....                                      | 788,055                    | 788,055                      |
| 020         | FIELD LOGISTICS .....   | 762,614                    | 762,614                      |
| 030         | DEPOT MAINTENANCE .....                                       | 168,447                    | 168,447                      |
| 040         | MARITIME PREPOSITIONING .....                                 | 100,374                    | 100,374                      |
| 050         | SUSTAINMENT, RESTORATION & MODERNIZATION .....                | 825,039                    | 825,039                      |
| 060         | BASE OPERATING SUPPORT .....                                  | 2,188,883                  | 2,188,883                    |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>4,833,412</b>           | <b>4,833,412</b>             |
|             | <b>TRAINING AND RECRUITING</b>                                |                            |                              |
| 070         | RECRUIT TRAINING .....  | 18,251                     | 18,251                       |
| 080         | OFFICER ACQUISITION .....                                     | 869                        | 869                          |
| 090         | SPECIALIZED SKILL TRAINING .....                              | 80,914                     | 80,914                       |
| 100         | PROFESSIONAL DEVELOPMENT EDUCATION .....                      | 42,744                     | 42,744                       |
| 110         | TRAINING SUPPORT .....  | 292,150                    | 292,150                      |
| 120         | RECRUITING AND ADVERTISING .....                              | 168,609                    | 168,609                      |
| 130         | OFF-DUTY AND VOLUNTARY EDUCATION .....                        | 56,865                     | 56,865                       |
| 140         | JUNIOR ROTC .....   | 19,912                     | 19,912                       |
|             | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>680,314</b>             | <b>680,314</b>               |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                            |                              |
| 150         | SERVICEWIDE TRANSPORTATION .....                              | 39,962                     | 39,962                       |
| 170         | ACQUISITION AND PROGRAM MANAGEMENT .....                      | 83,404                     | 83,404                       |
| 180         | CANCELLED ACCOUNT ADJUSTMENT .....                            | 0                          | 0                            |
| 190         | CLASSIFIED PROGRAMS .....                                     | 346,071                    | 346,071                      |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>469,437</b>             | <b>469,437</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b> | <b>5,983,163</b>           | <b>5,983,163</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>                 |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |
| 010         | PRIMARY COMBAT FORCES .....                                   | 2,973,141                  | 2,973,141                    |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
| 020         | COMBAT ENHANCEMENT FORCES .....                            | 1,611,032                  | 1,611,032                    |
| 030         | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....       | 1,472,806                  | 1,472,806                    |
| 040         | DEPOT MAINTENANCE .....                                    | 5,545,470                  | 5,545,470                    |
| 050         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....  | 1,353,987                  | 1,353,987                    |
| 060         | BASE SUPPORT .....   | 2,595,032                  | 2,595,032                    |
| 070         | GLOBAL C3I AND EARLY WARNING .....                         | 957,040                    | 957,040                      |
| 080         | OTHER COMBAT OPS SPT PROGRAMS .....                        | 916,200                    | 916,200                      |
| 090         | JCS EXERCISES .....  | 0                          | 0                            |
| 100         | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....          | 733,716                    | 733,716                      |
| 110         | LAUNCH FACILITIES .....                                    | 314,490                    | 314,490                      |
| 120         | SPACE CONTROL SYSTEMS .....                                | 488,762                    | 488,762                      |
| 130         | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....          | 862,979                    | 862,979                      |
| 140         | COMBATANT COMMANDERS CORE OPERATIONS .....                 | 222,429                    | 222,429                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                    | <b>20,047,084</b>          | <b>20,047,084</b>            |
|             | <b>MOBILIZATION</b>  |                            |                              |
| 150         | AIRLIFT OPERATIONS .....                                   | 1,785,379                  | 1,785,379                    |
| 160         | MOBILIZATION PREPAREDNESS .....                            | 154,049                    | 154,049                      |
| 170         | DEPOT MAINTENANCE .....                                    | 1,477,396                  | 1,477,396                    |
| 180         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....  | 309,699                    | 309,699                      |
| 190         | BASE SUPPORT .....   | 707,574                    | 707,574                      |
|             | <b>SUBTOTAL, MOBILIZATION .....</b>                        | <b>4,434,097</b>           | <b>4,434,097</b>             |
|             | <b>TRAINING AND RECRUITING</b>                             |                            |                              |
| 200         | OFFICER ACQUISITION .....                                  | 115,427                    | 115,427                      |
| 210         | RECRUIT TRAINING .....                                     | 17,619                     | 17,619                       |
| 220         | RESERVE OFFICERS TRAINING CORPS (ROTC) .....               | 92,949                     | 92,949                       |
| 230         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....  | 336,433                    | 336,433                      |
| 240         | BASE SUPPORT .....   | 842,441                    | 842,441                      |
| 250         | SPECIALIZED SKILL TRAINING .....                           | 482,634                    | 482,634                      |
| 260         | FLIGHT TRAINING .....                                      | 750,609                    | 750,609                      |
| 270         | PROFESSIONAL DEVELOPMENT EDUCATION .....                   | 235,114                    | 235,114                      |
| 280         | TRAINING SUPPORT .....                                     | 101,231                    | 101,231                      |
| 290         | DEPOT MAINTENANCE .....                                    | 233,330                    | 233,330                      |
| 300         | JUDGEMENT FUND .....                                       | 0                          | 0                            |
| 310         | RECRUITING AND ADVERTISING .....                           | 130,217                    | 130,217                      |
| 320         | EXAMINING .....  | 2,738                      | 2,738                        |
| 330         | OFF-DUTY AND VOLUNTARY EDUCATION .....                     | 155,170                    | 155,170                      |
| 340         | CIVILIAN EDUCATION AND TRAINING .....                      | 175,147                    | 175,147                      |
| 350         | JUNIOR ROTC .....  | 74,809                     | 74,809                       |
|             | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>             | <b>3,745,868</b>           | <b>3,745,868</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                        |                            |                              |
| 360         | LOGISTICS OPERATIONS .....                                 | 1,029,734                  | 1,029,734                    |
| 370         | TECHNICAL SUPPORT ACTIVITIES .....                         | 913,843                    | 913,843                      |
| 390         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....  | 303,610                    | 303,610                      |
| 400         | BASE SUPPORT .....   | 1,266,800                  | 1,266,800                    |
| 410         | ADMINISTRATION .....                                       | 587,654                    | 587,654                      |
| 420         | SERVICEWIDE COMMUNICATIONS .....                           | 667,910                    | 667,910                      |
| 430         | OTHER SERVICEWIDE ACTIVITIES .....                         | 1,094,509                  | 1,094,509                    |
| 440         | CIVIL AIR PATROL .....                                     | 23,904                     | 23,904                       |
| 450         | JUDGEMENT FUND REIMBURSEMENT .....                         | 0                          | 0                            |
| 470         | INTERNATIONAL SUPPORT .....                                | 81,307                     | 81,307                       |
| 480         | CLASSIFIED PROGRAMS .....                                  | 1,239,040                  | 1,239,040                    |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>        | <b>7,208,311</b>           | <b>7,208,311</b>             |
|             | <b>UNDISTRIBUTED</b>                                       |                            |                              |
|             | <b>UNDISTRIBUTED .....</b>                                 |                            | <b>-32,000</b>               |
|             | Unobligated balances .....                                 |                            | [-32,000]                    |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, AIR FORCE .....</b> | <b>35,435,360</b>          | <b>35,403,360</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>           |                            |                              |
|             | <b>OPERATING FORCES</b>                                    |                            |                              |
| 010         | JOINT CHIEFS OF STAFF .....                                | 485,708                    | 485,708                      |
| 020         | SPECIAL OPERATIONS COMMAND .....                           | 0                          | 5,107,501                    |
|             | Transfer from Line 025 .....                               |                            | [5,091,001]                  |
|             | USSOCOM UFR .....  |                            | [16,500]                     |
| 025         | CLASSIFIED PROGRAMS .....                                  | 5,091,001                  | 0                            |
|             | Transfer to Line 020 .....                                 |                            | [-5,091,001]                 |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                    | <b>5,576,709</b>           | <b>5,593,209</b>             |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i>                                  | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|--|---|----------------------------|------------------------------|
| <b>TRAINING AND RECRUITING</b>               |   |                            |                              |
| 030  | DEFENSE ACQUISITION UNIVERSITY .....                          | 147,210                    | 147,210                      |
| 040  | NATIONAL DEFENSE UNIVERSITY .....                             | 84,999                     | 84,999                       |
|  | <b>SUBTOTAL, TRAINING AND RECRUITING</b> .....                | <b>232,209</b>             | <b>232,209</b>               |
| <b>ADMIN &amp; SRVWD ACTIVITIES</b>          |   |                            |                              |
| 050  | CIVIL MILITARY PROGRAMS .....                                 | 161,294                    | 161,294                      |
| 070  | DEFENSE BUSINESS TRANSFORMATION AGENCY .....                  | 0                          | 0                            |
| 080  | DEFENSE CONTRACT AUDIT AGENCY .....                           | 573,973                    | 573,973                      |
| 090  | DEFENSE CONTRACT MANAGEMENT AGENCY .....                      | 1,293,196                  | 1,293,196                    |
| 100  | DEFENSE FINANCE AND ACCOUNTING SERVICE .....                  | 17,513                     | 17,513                       |
| 110  | DEFENSE HUMAN RESOURCES ACTIVITY .....                        | 676,186                    | 676,186                      |
| 120  | DEFENSE INFORMATION SYSTEMS AGENCY .....                      | 1,346,847                  | 1,346,847                    |
| 140  | DEFENSE LEGAL SERVICES AGENCY .....                           | 35,137                     | 35,137                       |
| 150  | DEFENSE LOGISTICS AGENCY .....                                | 431,893                    | 431,893                      |
| 160  | DEFENSE MEDIA ACTIVITY .....                                  | 224,013                    | 224,013                      |
| 170  | DEFENSE POW/MIA OFFICE .....                                  | 21,964                     | 21,964                       |
| 180  | DEFENSE SECURITY COOPERATION AGENCY .....                     | 557,917                    | 540,317                      |
|  | Program decrease—Defense Security Assessment .....            |                            | [-2,600]                     |
|  | Program decrease—Global Train and Equip .....                 |                            | [-15,000]                    |
| 190  | DEFENSE SECURITY SERVICE .....                                |                            | 506,662                      |
|  | Transfer from Line 280 .....                                  |                            | [506,662]                    |
| 200  | DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....              | 35,319                     | 35,319                       |
| 210  | DEFENSE THREAT REDUCTION AGENCY .....                         |                            | 443,382                      |
|  | Transfer from Line 280 .....                                  |                            | [443,382]                    |
| 220  | DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....                | 2,744,971                  | 2,744,971                    |
| 230  | MISSILE DEFENSE AGENCY .....                                  | 259,975                    | 259,975                      |
| 250  | OFFICE OF ECONOMIC ADJUSTMENT .....                           | 253,437                    | 114,037                      |
|  | Decrease for ahead of need request .....                      |                            | [-139,400]                   |
| 260  | OFFICE OF THE SECRETARY OF DEFENSE .....                      | 2,095,362                  | 2,095,362                    |
| 270  | WASHINGTON HEADQUARTERS SERVICE .....                         | 521,297                    | 521,297                      |
| 280  | CLASSIFIED PROGRAMS .....                                     | 14,933,801                 | 14,158,757                   |
|  | Transfer to Line 190 .....                                    |                            | [-506,662]                   |
|  | Transfer to Line 210 .....                                    |                            | [-443,382]                   |
|  | Commercial imagery service level agreement .....              |                            | [125,000]                    |
|  | Additional ISR Support to Operation Observant Compass .....   |                            | [50,000]                     |
|  | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b> .....           | <b>26,184,095</b>          | <b>26,202,095</b>            |
| <b>UNDISTRIBUTED</b>                         |   |                            |                              |
|  | <b>UNDISTRIBUTED</b> .....                                    |                            | <b>5,000</b>                 |
|  | Unobligated balances .....                                    |                            | [-25,000]                    |
|  | Impact aid for schools with military dependent students ..... |                            | [25,000]                     |
|  | Impact aid for children with severe disabilities .....        |                            | [5,000]                      |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> ..... | <b>31,993,013</b>          | <b>32,032,513</b>            |
| <b>OPERATION &amp; MAINTENANCE, ARMY RES</b> |   |                            |                              |
| <b>OPERATING FORCES</b>                      |   |                            |                              |
| 010  | MANEUVER UNITS .....  | 1,391                      | 1,391                        |
| 020  | MODULAR SUPPORT BRIGADES .....                                | 20,889                     | 20,889                       |
| 030  | ECHELONS ABOVE BRIGADE .....                                  | 592,724                    | 592,724                      |
| 040  | THEATER LEVEL ASSETS .....                                    | 114,983                    | 114,983                      |
| 050  | LAND FORCES OPERATIONS SUPPORT .....                          | 633,091                    | 633,091                      |
| 060  | AVIATION ASSETS .....   | 76,823                     | 76,823                       |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                      | 481,997                    | 481,997                      |
| 080  | LAND FORCES SYSTEMS READINESS .....                           | 70,118                     | 70,118                       |
| 090  | LAND FORCES DEPOT MAINTENANCE .....                           | 141,205                    | 141,205                      |
| 100  | BASE OPERATIONS SUPPORT .....                                 | 561,878                    | 561,878                      |
| 110  | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 287,399                    | 287,399                      |
| 120  | MANAGEMENT AND OPERATIONAL HQ'S .....                         | 52,431                     | 52,431                       |
| 130  | ADDITIONAL ACTIVITIES .....                                   | 0                          | 0                            |
|  | <b>SUBTOTAL, OPERATING FORCES</b> .....                       | <b>3,034,929</b>           | <b>3,034,929</b>             |
| <b>ADMIN &amp; SRVWD ACTIVITIES</b>          |   |                            |                              |
| 140  | SERVICEWIDE TRANSPORTATION .....                              | 12,995                     | 12,995                       |
| 150  | ADMINISTRATION .....  | 32,432                     | 32,432                       |
| 160  | SERVICEWIDE COMMUNICATIONS .....                              | 4,895                      | 4,895                        |
| 170  | MANPOWER MANAGEMENT .....                                     | 16,074                     | 16,074                       |
| 180  | RECRUITING AND ADVERTISING .....                              | 60,683                     | 60,683                       |
|  | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b> .....           | <b>127,079</b>             | <b>127,079</b>               |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY RES .....</b>   | <b>3,162,008</b>           | <b>3,162,008</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY RES</b>                |                            |                              |
|             | <b>OPERATING FORCES</b>                                     |                            |                              |
| 010         | MISSION AND OTHER FLIGHT OPERATIONS .....                   | 616,776                    | 616,776                      |
| 020         | INTERMEDIATE MAINTENANCE .....                              | 15,076                     | 15,076                       |
| 030         | AIR OPERATIONS AND SAFETY SUPPORT .....                     | 1,479                      | 1,479                        |
| 040         | AIRCRAFT DEPOT MAINTENANCE .....                            | 107,251                    | 107,251                      |
| 050         | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                     | 355                        | 355                          |
| 060         | MISSION AND OTHER SHIP OPERATIONS .....                     | 82,186                     | 82,186                       |
| 070         | SHIP OPERATIONS SUPPORT & TRAINING .....                    | 589                        | 589                          |
| 080         | SHIP DEPOT MAINTENANCE .....                                | 48,593                     | 48,593                       |
| 090         | COMBAT COMMUNICATIONS .....                                 | 15,274                     | 15,274                       |
| 100         | COMBAT SUPPORT FORCES .....                                 | 124,917                    | 124,917                      |
| 110         | WEAPONS MAINTENANCE .....                                   | 1,978                      | 1,978                        |
| 120         | ENTERPRISE INFORMATION .....                                | 43,699                     | 43,699                       |
| 130         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....            | 60,646                     | 60,646                       |
| 140         | BASE OPERATING SUPPORT .....                                | 105,227                    | 105,227                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>1,224,046</b>           | <b>1,224,046</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                            |                              |
| 150         | ADMINISTRATION .....  | 3,117                      | 3,117                        |
| 160         | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....            | 14,337                     | 14,337                       |
| 170         | SERVICEWIDE COMMUNICATIONS .....                            | 2,392                      | 2,392                        |
| 180         | ACQUISITION AND PROGRAM MANAGEMENT .....                    | 3,090                      | 3,090                        |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>22,936</b>              | <b>22,936</b>                |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY RES .....</b>   | <b>1,246,982</b>           | <b>1,246,982</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>              |                            |                              |
|             | <b>OPERATING FORCES</b>                                     |                            |                              |
| 010         | OPERATING FORCES .....                                      | 89,690                     | 89,690                       |
| 020         | DEPOT MAINTENANCE .....                                     | 16,735                     | 16,735                       |
| 030         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....            | 37,913                     | 37,913                       |
| 040         | BASE OPERATING SUPPORT .....                                | 103,746                    | 103,746                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>248,084</b>             | <b>248,084</b>               |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                            |                              |
| 050         | SERVICEWIDE TRANSPORTATION .....                            | 873                        | 873                          |
| 060         | ADMINISTRATION .....  | 14,330                     | 14,330                       |
| 070         | RECRUITING AND ADVERTISING .....                            | 8,998                      | 8,998                        |
| 080         | CANCELLED ACCOUNT ADJUSTMENT .....                          | 0                          | 0                            |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>24,201</b>              | <b>24,201</b>                |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, MC RESERVE .....</b> | <b>272,285</b>             | <b>272,285</b>               |
|             | <b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>              |                            |                              |
|             | <b>OPERATING FORCES</b>                                     |                            |                              |
| 010         | PRIMARY COMBAT FORCES .....                                 | 2,089,326                  | 2,089,326                    |
| 020         | MISSION SUPPORT OPERATIONS .....                            | 112,992                    | 112,992                      |
| 030         | DEPOT MAINTENANCE .....                                     | 406,101                    | 406,101                      |
| 040         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....   | 71,564                     | 71,564                       |
| 050         | BASE SUPPORT .....  | 364,862                    | 364,862                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>3,044,845</b>           | <b>3,044,845</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                         |                            |                              |
| 060         | ADMINISTRATION .....  | 78,824                     | 78,824                       |
| 070         | RECRUITING AND ADVERTISING .....                            | 16,020                     | 16,020                       |
| 080         | MILITARY MANPOWER AND PERS MGMT (ARPC) .....                | 19,496                     | 19,496                       |
| 090         | OTHER PERS SUPPORT (DISABILITY COMP) .....                  | 6,489                      | 6,489                        |
| 100         | AUDIOVISUAL .....   | 808                        | 808                          |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>121,637</b>             | <b>121,637</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, AF RESERVE .....</b> | <b>3,166,482</b>           | <b>3,166,482</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, ARNG</b>                    |                            |                              |
|             | <b>OPERATING FORCES</b>                                     |                            |                              |
| 010         | MANEUVER UNITS .....  | 680,206                    | 680,206                      |
| 020         | MODULAR SUPPORT BRIGADES .....                              | 186,408                    | 186,408                      |
| 030         | ECHELONS ABOVE BRIGADE .....                                | 865,628                    | 865,628                      |
| 040         | THEATER LEVEL ASSETS .....                                  | 112,651                    | 112,651                      |
| 050         | LAND FORCES OPERATIONS SUPPORT .....                        | 36,091                     | 36,091                       |
| 060         | AVIATION ASSETS .....                                       | 907,011                    | 907,011                      |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                    | 751,606                    | 751,606                      |



**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 080         | LAND FORCES SYSTEMS READINESS .....                       | 60,043                     | 60,043                       |
| 090         | LAND FORCES DEPOT MAINTENANCE .....                       | 411,940                    | 411,940                      |
| 100         | BASE OPERATIONS SUPPORT .....                             | 995,423                    | 995,423                      |
| 110         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 688,189                    | 688,189                      |
| 120         | MANAGEMENT AND OPERATIONAL HQ'S .....                     | 953,716                    | 953,716                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                   | <b>6,648,912</b>           | <b>6,648,912</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                       |                            |                              |
| 130         | SERVICEWIDE TRANSPORTATION .....                          | 11,806                     | 11,806                       |
| 140         | REAL ESTATE MANAGEMENT .....                              | 1,656                      | 1,656                        |
| 150         | ADMINISTRATION .....                                      | 89,358                     | 89,358                       |
| 160         | SERVICEWIDE COMMUNICATIONS .....                          | 39,513                     | 39,513                       |
| 170         | MANPOWER MANAGEMENT .....                                 | 7,224                      | 7,224                        |
| 180         | RECRUITING AND ADVERTISING .....                          | 310,143                    | 310,143                      |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>       | <b>459,700</b>             | <b>459,700</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARNG .....</b>     | <b>7,108,612</b>           | <b>7,108,612</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, ANG</b>                   |                            |                              |
|             | <b>OPERATING FORCES</b>                                   |                            |                              |
| 010         | AIRCRAFT OPERATIONS .....                                 | 3,559,824                  | 3,559,824                    |
| 020         | MISSION SUPPORT OPERATIONS .....                          | 721,225                    | 721,225                      |
| 030         | DEPOT MAINTENANCE .....                                   | 774,875                    | 774,875                      |
| 040         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 270,709                    | 270,709                      |
| 050         | BASE SUPPORT .....  | 624,443                    | 624,443                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                   | <b>5,951,076</b>           | <b>5,951,076</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                       |                            |                              |
| 060         | ADMINISTRATION .....                                      | 32,358                     | 32,358                       |
| 070         | RECRUITING AND ADVERTISING .....                          | 32,021                     | 32,021                       |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>       | <b>64,379</b>              | <b>64,379</b>                |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, ANG .....</b>      | <b>6,015,455</b>           | <b>6,015,455</b>             |
|             | <b>MISCELLANEOUS APPROPRIATIONS</b>                       |                            |                              |
| 010         | US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....   | 13,516                     | 13,516                       |
| 040         | ACQ WORKFORCE DEV FD .....                                | 274,198                    | 274,198                      |
| 020         | OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....       | 108,759                    | 108,759                      |
| 030         | COOPERATIVE THREAT REDUCTION .....                        | 519,111                    | 519,111                      |
| 050         | ENVIRONMENTAL RESTORATION, ARMY .....                     | 335,921                    | 335,921                      |
| 060         | ENVIRONMENTAL RESTORATION, NAVY .....                     | 310,594                    | 310,594                      |
| 070         | ENVIRONMENTAL RESTORATION, AIR FORCE .....                | 529,263                    | 529,263                      |
| 080         | ENVIRONMENTAL RESTORATION, DEFENSE .....                  | 11,133                     | 11,133                       |
| 090         | ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....       | 237,543                    | 237,543                      |
|             | <b>TOTAL, MISCELLANEOUS APPROPRIATIONS .....</b>          | <b>2,340,038</b>           | <b>2,340,038</b>             |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE .....</b>           | <b>174,938,933</b>         | <b>174,778,133</b>           |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
|             | <b>OPERATION &amp; MAINTENANCE, ARMY</b>                  |                            |                              |
|             | <b>OPERATING FORCES</b>                                   |                            |                              |
| 040         | THEATER LEVEL ASSETS .....                                | 2,758,162                  | 2,758,162                    |
| 050         | LAND FORCES OPERATIONS SUPPORT .....                      | 991,396                    | 991,396                      |
| 060         | AVIATION ASSETS .....                                     | 40,300                     | 40,300                       |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                  | 1,755,445                  | 1,755,445                    |
| 080         | LAND FORCES SYSTEMS READINESS .....                       | 307,244                    | 307,244                      |
| 100         | BASE OPERATIONS SUPPORT .....                             | 393,165                    | 393,165                      |
| 110         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..... | 250,000                    | 250,000                      |
| 140         | ADDITIONAL ACTIVITIES .....                               | 12,524,137                 | 12,524,137                   |
| 150         | COMMANDERS EMERGENCY RESPONSE PROGRAM .....               | 400,000                    | 200,000                      |
|             | Program decrease .....                                    |                            | [-200,000]                   |
| 160         | RESET .....   | 3,687,973                  | 3,687,973                    |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                   | <b>23,107,822</b>          | <b>22,907,822</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                       |                            |                              |
| 350         | SERVICEWIDE TRANSPORTATION .....                          | 3,238,310                  | 3,238,310                    |
| 360         | CENTRAL SUPPLY ACTIVITIES .....                           | 129,000                    | 129,000                      |
| 380         | AMMUNITION MANAGEMENT .....                               | 78,022                     | 78,022                       |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 420         | OTHER PERSONNEL SUPPORT .....                                 | 137,277                    | 97,277                       |
|             | Transfer to OPA OCO Line 061 at SOUTHCOM request .....        |                            | [-40,000]                    |
| 430         | OTHER SERVICE SUPPORT .....                                   | 72,293                     | 72,293                       |
| 490         | CLASSIFIED PROGRAMS .....                                     | 1,828,717                  | 1,828,717                    |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWIDE ACTIVITIES .....</b>         | <b>5,483,619</b>           | <b>5,443,619</b>             |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY .....</b>         | <b>28,591,441</b>          | <b>28,351,441</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY</b>                      |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |
| 010         | MISSION AND OTHER FLIGHT OPERATIONS .....                     | 937,098                    | 937,098                      |
| 030         | AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....          | 1,000                      | 1,000                        |
| 040         | AIR OPERATIONS AND SAFETY SUPPORT .....                       | 15,794                     | 15,794                       |
| 050         | AIR SYSTEMS SUPPORT .....                                     | 19,013                     | 19,013                       |
| 060         | AIRCRAFT DEPOT MAINTENANCE .....                              | 201,912                    | 201,912                      |
| 070         | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                       | 3,000                      | 3,000                        |
| 080         | AVIATION LOGISTICS .....                                      | 44,150                     | 44,150                       |
| 090         | MISSION AND OTHER SHIP OPERATIONS .....                       | 463,738                    | 463,738                      |
| 100         | SHIP OPERATIONS SUPPORT & TRAINING .....                      | 24,774                     | 24,774                       |
| 110         | SHIP DEPOT MAINTENANCE .....                                  | 1,310,010                  | 1,310,010                    |
| 130         | COMBAT COMMUNICATIONS .....                                   | 42,965                     | 42,965                       |
| 160         | WARFARE TACTICS .....   | 25,970                     | 25,970                       |
| 170         | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....                | 19,226                     | 19,226                       |
| 180         | COMBAT SUPPORT FORCES .....                                   | 1,668,359                  | 1,668,359                    |
| 190         | EQUIPMENT MAINTENANCE .....                                   | 7,954                      | 7,954                        |
| 250         | IN-SERVICE WEAPONS SYSTEMS SUPPORT .....                      | 94,655                     | 94,655                       |
| 260         | WEAPONS MAINTENANCE .....                                     | 303,087                    | 303,087                      |
| 290         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....              | 3,218                      | 3,218                        |
| 300         | BASE OPERATING SUPPORT .....                                  | 143,442                    | 143,442                      |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>5,329,365</b>           | <b>5,329,365</b>             |
|             | <b>MOBILIZATION</b>   |                            |                              |
| 340         | EXPEDITIONARY HEALTH SERVICES SYSTEMS .....                   | 31,395                     | 31,395                       |
| 360         | COAST GUARD SUPPORT .....                                     | 254,461                    | 254,461                      |
|             | <b>SUBTOTAL, MOBILIZATION .....</b>                           | <b>285,856</b>             | <b>285,856</b>               |
|             | <b>TRAINING AND RECRUITING</b>                                |                            |                              |
| 400         | SPECIALIZED SKILL TRAINING .....                              | 50,903                     | 50,903                       |
|             | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>50,903</b>              | <b>50,903</b>                |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                            |                              |
| 480         | ADMINISTRATION .....  | 1,377                      | 1,377                        |
| 490         | EXTERNAL RELATIONS .....                                      | 487                        | 487                          |
| 510         | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....              | 6,022                      | 6,022                        |
| 520         | OTHER PERSONNEL SUPPORT .....                                 | 3,514                      | 3,514                        |
| 550         | SERVICEWIDE TRANSPORTATION .....                              | 184,864                    | 184,864                      |
| 580         | ACQUISITION AND PROGRAM MANAGEMENT .....                      | 2,026                      | 2,026                        |
| 620         | NAVAL INVESTIGATIVE SERVICE .....                             | 1,425                      | 1,425                        |
| 710         | CLASSIFIED PROGRAMS .....                                     | 14,556                     | 14,556                       |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>214,271</b>             | <b>214,271</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY .....</b>         | <b>5,880,395</b>           | <b>5,880,395</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>              |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |
| 010         | OPERATIONAL FORCES .....                                      | 1,921,258                  | 1,921,258                    |
| 020         | FIELD LOGISTICS .....   | 1,094,028                  | 1,094,028                    |
| 030         | DEPOT MAINTENANCE .....                                       | 222,824                    | 222,824                      |
| 060         | BASE OPERATING SUPPORT .....                                  | 88,690                     | 88,690                       |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>3,326,800</b>           | <b>3,326,800</b>             |
|             | <b>TRAINING AND RECRUITING</b>                                |                            |                              |
| 110         | TRAINING SUPPORT .....  | 215,212                    | 215,212                      |
|             | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>215,212</b>             | <b>215,212</b>               |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                            |                              |
| 150         | SERVICEWIDE TRANSPORTATION .....                              | 512,627                    | 512,627                      |
| 190         | CLASSIFIED PROGRAMS .....                                     | 11,701                     | 11,701                       |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>524,328</b>             | <b>524,328</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b> | <b>4,066,340</b>           | <b>4,066,340</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>                 |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|---|----------------------------|------------------------------|
| 010         | PRIMARY COMBAT FORCES .....                                   | 1,494,144                  | 1,494,144                    |
| 020         | COMBAT ENHANCEMENT FORCES .....                               | 809,531                    | 809,531                      |
| 030         | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....          | 13,095                     | 13,095                       |
| 040         | DEPOT MAINTENANCE .....                                       | 1,403,238                  | 1,403,238                    |
| 050         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 155,954                    | 155,954                      |
| 060         | BASE SUPPORT .....  | 342,226                    | 342,226                      |
| 070         | GLOBAL C3I AND EARLY WARNING .....                            | 15,108                     | 15,108                       |
| 080         | OTHER COMBAT OPS SPT PROGRAMS .....                           | 271,390                    | 271,390                      |
| 100         | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....             | 25,400                     | 25,400                       |
| 120         | SPACE CONTROL SYSTEMS .....                                   | 5,110                      | 5,110                        |
| 130         | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....             | 52,173                     | 52,173                       |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>4,587,369</b>           | <b>4,587,369</b>             |
|             | <b>MOBILIZATION</b>   |                            |                              |
| 150         | AIRLIFT OPERATIONS .....                                      | 3,187,211                  | 3,187,211                    |
| 160         | MOBILIZATION PREPAREDNESS .....                               | 43,509                     | 43,509                       |
| 170         | DEPOT MAINTENANCE .....                                       | 554,943                    | 554,943                      |
| 180         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 4,431                      | 4,431                        |
| 190         | BASE SUPPORT .....  | 9,256                      | 9,256                        |
|             | <b>SUBTOTAL, MOBILIZATION .....</b>                           | <b>3,799,350</b>           | <b>3,799,350</b>             |
|             | <b>TRAINING AND RECRUITING</b>                                |                            |                              |
| 230         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 424                        | 424                          |
| 240         | BASE SUPPORT .....  | 1,036                      | 1,036                        |
| 250         | SPECIALIZED SKILL TRAINING .....                              | 10,923                     | 10,923                       |
| 260         | FLIGHT TRAINING .....   | 72                         | 72                           |
| 270         | PROFESSIONAL DEVELOPMENT EDUCATION .....                      | 323                        | 323                          |
| 280         | TRAINING SUPPORT .....  | 352                        | 352                          |
|             | <b>SUBTOTAL, TRAINING AND RECRUITING .....</b>                | <b>13,130</b>              | <b>13,130</b>                |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                            |                              |
| 360         | LOGISTICS OPERATIONS .....                                    | 100,429                    | 100,429                      |
| 390         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....     | 47,200                     | 47,200                       |
| 400         | BASE SUPPORT .....  | 7,242                      | 7,242                        |
| 410         | ADMINISTRATION .....  | 1,552                      | 1,552                        |
| 420         | SERVICEWIDE COMMUNICATIONS .....                              | 82,094                     | 82,094                       |
| 430         | OTHER SERVICEWIDE ACTIVITIES .....                            | 582,977                    | 582,977                      |
| 480         | CLASSIFIED PROGRAMS .....                                     | 20,270                     | 20,270                       |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>841,764</b>             | <b>841,764</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>    | <b>9,241,613</b>           | <b>9,241,613</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>              |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |
| 010         | JOINT CHIEFS OF STAFF .....                                   | 2,000                      | 2,000                        |
| 020         | SPECIAL OPERATIONS COMMAND .....                              | 2,503,060                  | 2,503,060                    |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>2,505,060</b>           | <b>2,505,060</b>             |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                           |                            |                              |
| 080         | DEFENSE CONTRACT AUDIT AGENCY .....                           | 30,674                     | 30,674                       |
| 090         | DEFENSE CONTRACT MANAGEMENT AGENCY .....                      | 69,803                     | 69,803                       |
| 110         | DEFENSE HUMAN RESOURCES ACTIVITY .....                        | 3,334                      | 3,334                        |
| 120         | DEFENSE INFORMATION SYSTEMS AGENCY .....                      | 152,925                    | 152,925                      |
| 140         | DEFENSE LEGAL SERVICES AGENCY .....                           | 102,322                    | 102,322                      |
| 160         | DEFENSE MEDIA ACTIVITY .....                                  | 10,823                     | 10,823                       |
| 180         | DEFENSE SECURITY COOPERATION AGENCY .....                     | 2,200,000                  | 2,200,000                    |
| 220         | DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....                | 139,830                    | 139,830                      |
| 260         | OFFICE OF THE SECRETARY OF DEFENSE .....                      | 87,805                     | 87,805                       |
| 280         | CLASSIFIED PROGRAMS .....                                     | 2,522,003                  | 2,522,003                    |
|             | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>5,319,519</b>           | <b>5,319,519</b>             |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b> | <b>7,824,579</b>           | <b>7,824,579</b>             |
|             | <b>OPERATION &amp; MAINTENANCE, ARMY RES</b>                  |                            |                              |
|             | <b>OPERATING FORCES</b>                                       |                            |                              |
| 030         | ECHELONS ABOVE BRIGADE .....                                  | 78,600                     | 78,600                       |
| 050         | LAND FORCES OPERATIONS SUPPORT .....                          | 20,811                     | 20,811                       |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                      | 20,726                     | 20,726                       |
| 100         | BASE OPERATIONS SUPPORT .....                                 | 34,400                     | 34,400                       |
|             | <b>SUBTOTAL, OPERATING FORCES .....</b>                       | <b>154,537</b>             | <b>154,537</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY RES .....</b>     | <b>154,537</b>             | <b>154,537</b>               |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY RES</b>                  |                            |                              |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i>                                    | <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|--|---|----------------------------|------------------------------|
| <b>OPERATING FORCES</b>                        |   |                            |                              |
| 010  | MISSION AND OTHER FLIGHT OPERATIONS .....                   | 24,834                     | 24,834                       |
| 020  | INTERMEDIATE MAINTENANCE .....                              | 300                        | 300                          |
| 040  | AIRCRAFT DEPOT MAINTENANCE .....                            | 13,364                     | 13,364                       |
| 060  | MISSION AND OTHER SHIP OPERATIONS .....                     | 8,213                      | 8,213                        |
| 080  | SHIP DEPOT MAINTENANCE .....                                | 929                        | 929                          |
| 100  | COMBAT SUPPORT FORCES .....                                 | 8,244                      | 8,244                        |
| 140  | BASE OPERATING SUPPORT .....                                | 40                         | 40                           |
|  | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>55,924</b>              | <b>55,924</b>                |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY RES .....</b>   | <b>55,924</b>              | <b>55,924</b>                |
| <b>OPERATION &amp; MAINTENANCE, MC RESERVE</b> |   |                            |                              |
| <b>OPERATING FORCES</b>                        |   |                            |                              |
| 010  | OPERATING FORCES .....                                      | 22,657                     | 22,657                       |
| 040  | BASE OPERATING SUPPORT .....                                | 2,820                      | 2,820                        |
|  | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>25,477</b>              | <b>25,477</b>                |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, MC RESERVE .....</b> | <b>25,477</b>              | <b>25,477</b>                |
| <b>OPERATION &amp; MAINTENANCE, AF RESERVE</b> |   |                            |                              |
| <b>OPERATING FORCES</b>                        |   |                            |                              |
| 010  | PRIMARY COMBAT FORCES .....                                 | 7,600                      | 7,600                        |
| 030  | DEPOT MAINTENANCE .....                                     | 106,768                    | 106,768                      |
| 050  | BASE SUPPORT .....  | 6,250                      | 6,250                        |
|  | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>120,618</b>             | <b>120,618</b>               |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, AF RESERVE .....</b> | <b>120,618</b>             | <b>120,618</b>               |
| <b>OPERATION &amp; MAINTENANCE, ARNG</b>       |   |                            |                              |
| <b>OPERATING FORCES</b>                        |   |                            |                              |
| 010  | MANEUVER UNITS .....  | 38,485                     | 38,485                       |
| 020  | MODULAR SUPPORT BRIGADES .....                              | 1,959                      | 1,959                        |
| 030  | ECHELONS ABOVE BRIGADE .....                                | 20,076                     | 20,076                       |
| 040  | THEATER LEVEL ASSETS .....                                  | 2,028                      | 2,028                        |
| 060  | AVIATION ASSETS .....                                       | 183,811                    | 183,811                      |
| 070  | FORCE READINESS OPERATIONS SUPPORT .....                    | 43,780                     | 43,780                       |
| 100  | BASE OPERATIONS SUPPORT .....                               | 70,237                     | 70,237                       |
| 120  | MANAGEMENT AND OPERATIONAL HQ'S .....                       | 20,072                     | 20,072                       |
|  | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>380,448</b>             | <b>380,448</b>               |
| <b>ADMIN &amp; SRVWD ACTIVITIES</b>            |   |                            |                              |
| 160  | SERVICEWIDE COMMUNICATIONS .....                            | 2,000                      | 2,000                        |
|  | <b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>         | <b>2,000</b>               | <b>2,000</b>                 |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, ARNG .....</b>       | <b>382,448</b>             | <b>382,448</b>               |
| <b>OPERATION &amp; MAINTENANCE, ANG</b>        |   |                            |                              |
| <b>OPERATING FORCES</b>                        |   |                            |                              |
| 020  | MISSION SUPPORT OPERATIONS .....                            | 19,975                     | 19,975                       |
|  | <b>SUBTOTAL, OPERATING FORCES .....</b>                     | <b>19,975</b>              | <b>19,975</b>                |
|  | <b>TOTAL, OPERATION &amp; MAINTENANCE, ANG .....</b>        | <b>19,975</b>              | <b>19,975</b>                |
| <b>AFGHANISTAN SECURITY FORCES FUND</b>        |   |                            |                              |
| <b>MINISTRY OF DEFENSE</b>                     |   |                            |                              |
| 010  | SUSTAINMENT .....   | 2,523,825                  | 2,523,825                    |
| 020  | INFRASTRUCTURE .....  | 190,000                    | 190,000                      |
| 030  | EQUIPMENT AND TRANSPORTATION .....                          | 241,521                    | 241,521                      |
| 040  | TRAINING AND OPERATIONS .....                               | 758,380                    | 758,380                      |
|  | <b>SUBTOTAL, MINISTRY OF DEFENSE .....</b>                  | <b>3,713,726</b>           | <b>3,713,726</b>             |
| <b>MINISTRY OF INTERIOR</b>                    |   |                            |                              |
| 050  | SUSTAINMENT .....   | 1,305,950                  | 1,305,950                    |
| 060  | INFRASTRUCTURE .....  | 50,000                     | 50,000                       |
| 070  | EQUIPMENT AND TRANSPORTATION .....                          | 84,859                     | 84,859                       |
| 080  | TRAINING AND OPERATIONS .....                               | 569,868                    | 569,868                      |
|  | <b>SUBTOTAL, MINISTRY OF INTERIOR .....</b>                 | <b>2,010,677</b>           | <b>2,010,677</b>             |
| <b>RELATED ACTIVITIES</b>                      |   |                            |                              |
| 090  | SUSTAINMENT .....   | 18,325                     | 18,325                       |
| 100  | INFRASTRUCTURE .....  | 1,200                      | 1,200                        |
| 110  | EQUIPMENT & TRANSPORTATION .....                            | 1,239                      | 1,239                        |
| 120  | TRAINING AND OPERATIONS .....                               | 4,000                      | 4,000                        |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
|             | <b>SUBTOTAL, RELATED ACTIVITIES .....</b>            | <b>24,764</b>              | <b>24,764</b>                |
|             | <b>TOTAL, AFGHANISTAN SECURITY FORCES FUND .....</b> | <b>5,749,167</b>           | <b>5,749,167</b>             |
|             | <b>AFGHANISTAN INFRASTRUCTURE FUND</b>               |                            |                              |
| 010         | POWER .....  | 400,000                    | 350,000                      |
|             | Program decrease .....                               |                            | [-50,000]                    |
|             | <b>TOTAL, AFGHANISTAN INFRASTRUCTURE FUND .....</b>  | <b>400,000</b>             | <b>350,000</b>               |
|             | <b>TOTAL, OPERATION &amp; MAINTENANCE .....</b>      | <b>62,512,514</b>          | <b>62,222,514</b>            |

**TITLE XLIV—MILITARY PERSONNEL**

**SEC. 4401. MILITARY PERSONNEL.**

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

| <i>Item</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|---|----------------------------|------------------------------|
| MILITARY PERSONNEL .....                                | 135,111,799                | 135,117,799                  |
| BAH for Full-time Guard Transition to Active Duty ..... |                            | [6,000]                      |
| <b>TOTAL, MILITARY PERSONNEL .....</b>                  | <b>135,111,799</b>         | <b>135,117,799</b>           |

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Item</i>                            | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|--|----------------------------|------------------------------|
| MILITARY PERSONNEL .....               | 14,060,094                 | 14,060,094                   |
| <b>TOTAL, MILITARY PERSONNEL .....</b> | <b>14,060,094</b>          | <b>14,060,094</b>            |

**TITLE XLV—OTHER AUTHORIZATIONS**

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
|             | <b>WORKING CAPITAL FUND, ARMY</b>                      |                            |                              |
| 010         | PREPOSITIONED WAR RESERVE STOCKS .....                 | 60,037                     | 60,037                       |
|             | <b>TOTAL, WORKING CAPITAL FUND, ARMY .....</b>         | <b>60,037</b>              | <b>60,037</b>                |
|             | <b>WORKING CAPITAL FUND, AIR FORCE</b>                 |                            |                              |
| 010         | C-17 CLS ENGINE REPAIR .....                           | 0                          | 0                            |
| 020         | TRANSPORTATION FALLEN HEROES .....                     | 0                          | 0                            |
| 040         | SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....          | 45,452                     | 45,452                       |
|             | <b>TOTAL, WORKING CAPITAL FUND, AIR FORCE .....</b>    | <b>45,452</b>              | <b>45,452</b>                |
|             | <b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>              |                            |                              |
| 010         | DEFENSE LOGISTICS AGENCY (DLA) .....                   | 39,135                     | 39,135                       |
|             | <b>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE .....</b> | <b>39,135</b>              | <b>39,135</b>                |
|             | <b>WORKING CAPITAL FUND, DECA</b>                      |                            |                              |
| 010         | WORKING CAPITAL FUND, DECA .....                       | 1,371,560                  | 1,371,560                    |
|             | <b>TOTAL, WORKING CAPITAL FUND, DECA .....</b>         | <b>1,371,560</b>           | <b>1,371,560</b>             |
|             | <b>NATIONAL DEFENSE SEALIFT FUND</b>                   |                            |                              |
| 010         | T-AKE .....  | 0                          | 0                            |
| 020         | MPF MLP .....  | 38,000                     | 38,000                       |
| 030         | POST DELIVERY AND OUTFITTING .....                     | 39,386                     | 39,386                       |
| 040         | NATIONAL DEF SEALIFT VESSEL .....                      | 0                          | 0                            |
| 050         | LG MED SPD RO/RO MAINTENANCE .....                     | 128,819                    | 128,819                      |
| 060         | DOD MOBILIZATION ALTERATIONS .....                     | 26,598                     | 26,598                       |
| 070         | TAH MAINTENANCE .....                                  | 29,199                     | 29,199                       |
| 080         | RESEARCH AND DEVELOPMENT .....                         | 42,811                     | 42,811                       |
| 090         | READY RESERVE FORCE .....                              | 303,323                    | 303,323                      |
| 100         | MARAD SHIP FINANCING GUARANTEE PROGRAM .....           | 0                          | 0                            |

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
|             | <b>TOTAL, NATIONAL DEFENSE SEALIFT FUND .....</b>                    | <b>608,136</b>             | <b>608,136</b>               |
|             | <b>DEFENSE HEALTH PROGRAM</b>  |                            |                              |
|             | <b>DHP, OPERATION &amp; MAINTENANCE</b>                              |                            |                              |
| 010         | IN-HOUSE CARE .....  | 8,625,507                  | 8,625,507                    |
| 020         | PRIVATE SECTOR CARE .....  | 16,148,263                 | 16,148,263                   |
| 030         | CONSOLIDATED HEALTH SUPPORT .....                                    | 2,309,185                  | 2,309,185                    |
| 040         | INFORMATION MANAGEMENT .....   | 1,465,328                  | 1,465,328                    |
| 050         | MANAGEMENT ACTIVITIES .....  | 332,121                    | 332,121                      |
| 060         | EDUCATION AND TRAINING .....   | 722,081                    | 722,081                      |
| 070         | BASE OPERATIONS/COMMUNICATIONS .....                                 | 1,746,794                  | 1,746,794                    |
| 070A        | UNDISTRIBUTED .....  |                            | 452,000                      |
|             | Restore DOD assumed Savings for TRICARE Proposals .....              |                            | [452,000]                    |
|             | <b>SUBTOTAL, DHP, OPERATION &amp; MAINTENANCE .....</b>              | <b>31,349,279</b>          | <b>31,801,279</b>            |
|             | <b>DHP, RDT&amp;E</b>  |                            |                              |
| 080         | DEFENSE HEALTH PROGRAM .....   | 672,977                    | 672,977                      |
|             | <b>SUBTOTAL, DHP, RDT&amp;E .....</b>                                | <b>672,977</b>             | <b>672,977</b>               |
|             | <b>DHP, PROCUREMENT</b>  |                            |                              |
| 090         | DEFENSE HEALTH PROGRAM .....   | 506,462                    | 506,462                      |
|             | <b>SUBTOTAL, DHP, PROCUREMENT</b>                                    |                            |                              |
|             | <b>TOTAL, DEFENSE HEALTH PROGRAM .....</b>                           | <b>32,528,718</b>          | <b>32,980,718</b>            |
|             | <b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>                       |                            |                              |
| 001         | OPERATION & MAINTENANCE .....  | 635,843                    | 635,843                      |
| 002         | RDT&E .....  | 647,351                    | 647,351                      |
| 003         | PROCUREMENT .....  | 18,592                     | 18,592                       |
|             | <b>TOTAL, CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>          | <b>1,301,786</b>           | <b>1,301,786</b>             |
|             | <b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>              |                            |                              |
| 010         | DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF .....                   | 889,545                    | 863,645                      |
|             | Transfer to Demand Reduction Program .....                           |                            | [-25,900]                    |
| 020         | DRUG DEMAND REDUCTION PROGRAM .....                                  | 109,818                    | 135,718                      |
|             | Expanded drug testing .....  |                            | [25,900]                     |
|             | <b>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b> | <b>999,363</b>             | <b>999,363</b>               |
|             | <b>OFFICE OF THE INSPECTOR GENERAL</b>                               |                            |                              |
| 010         | OPERATION & MAINTENANCE .....  | 272,821                    | 331,921                      |
|             | DoD IG growth plan .....   |                            | [59,100]                     |
| 020         | RDT&E .....  | 0                          | 0                            |
| 030         | PROCUREMENT .....  | 1,000                      | 1,000                        |
|             | <b>TOTAL, OFFICE OF THE INSPECTOR GENERAL .....</b>                  | <b>273,821</b>             | <b>332,921</b>               |
|             | <b>TOTAL, OTHER AUTHORIZATIONS .....</b>                             | <b>37,228,008</b>          | <b>37,739,108</b>            |

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
|             | <b>WORKING CAPITAL FUND, ARMY</b>                      |                            |                              |
| 010         | PREPOSITIONED WAR RESERVE STOCKS .....                 | 42,600                     | 42,600                       |
|             | <b>TOTAL, WORKING CAPITAL FUND, ARMY .....</b>         | <b>42,600</b>              | <b>42,600</b>                |
|             | <b>WORKING CAPITAL FUND, AIR FORCE</b>                 |                            |                              |
| 010         | C-17 CLS ENGINE REPAIR .....                           | 230,400                    | 230,400                      |
| 020         | TRANSPORTATION FALLEN HEROES .....                     | 10,000                     | 10,000                       |
|             | <b>TOTAL, WORKING CAPITAL FUND, AIR FORCE .....</b>    | <b>240,400</b>             | <b>240,400</b>               |
|             | <b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>              |                            |                              |
| 010         | DEFENSE LOGISTICS AGENCY (DLA) .....                   | 220,364                    | 220,364                      |
|             | <b>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE .....</b> | <b>220,364</b>             | <b>220,364</b>               |
|             | <b>DEFENSE HEALTH PROGRAM</b>                          |                            |                              |
|             | <b>DHP, OPERATION &amp; MAINTENANCE</b>                |                            |                              |
| 010         | IN-HOUSE CARE .....                                    | 483,326                    | 483,326                      |
| 020         | PRIVATE SECTOR CARE .....                              | 376,982                    | 376,982                      |
| 030         | CONSOLIDATED HEALTH SUPPORT .....                      | 111,675                    | 111,675                      |

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|-------------|--|----------------------------|------------------------------|
| 040         | INFORMATION MANAGEMENT .....   | 4,773                      | 4,773                        |
| 050         | MANAGEMENT ACTIVITIES .....  | 660                        | 660                          |
| 060         | EDUCATION AND TRAINING .....   | 15,370                     | 15,370                       |
| 070         | BASE OPERATIONS/COMMUNICATIONS .....                                 | 1,112                      | 1,112                        |
|             | <b>SUBTOTAL, DHP, OPERATION &amp; MAINTENANCE</b>                    |                            |                              |
|             | <b>TOTAL, DEFENSE HEALTH PROGRAM</b> .....                           | <b>993,898</b>             | <b>993,898</b>               |
|             | <b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>              |                            |                              |
| 010         | DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF .....                   | 469,025                    | 469,025                      |
|             | <b>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b> ..... | <b>469,025</b>             | <b>469,025</b>               |
|             | <b>OFFICE OF THE INSPECTOR GENERAL</b>                               |                            |                              |
| 010         | OPERATION & MAINTENANCE .....  | 10,766                     | 10,766                       |
|             | <b>TOTAL, OFFICE OF THE INSPECTOR GENERAL</b> .....                  | <b>10,766</b>              | <b>10,766</b>                |
|             | <b>TOTAL, OTHER AUTHORIZATIONS</b> .....                             | <b>1,977,053</b>           | <b>1,977,053</b>             |

**TITLE XLVI—MILITARY CONSTRUCTION**

**SEC. 4601. MILITARY CONSTRUCTION.**

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <i>Account</i>     | <i>State or Country and Installation</i> | <i>Project Title</i>                           | <i>Budget<br/>Request</i> | <i>Senate<br/>Agreement</i> |
|--------------------|--|--|---------------------------|-----------------------------|
| <b>ARMY Milcon</b> |  |  |                           |                             |
|                    | Alaska                                   |  |                           |                             |
| ARMY               | Fort Wainwright                          | Modified Record Fire Range .....               | 10,400                    | 10,400                      |
| ARMY               | Joint Base Elmendorf-Richardson          | Modified Record Fire Range .....               | 7,900                     | 7,900                       |
|                    | California                               |  |                           |                             |
| ARMY               | Concord                                  | Lightning Protection System .....              | 5,800                     | 5,800                       |
| ARMY               | Concord                                  | Engineering/Housing Maintenance Shop .....     | 3,100                     | 3,100                       |
|                    | Colorado                                 |  |                           |                             |
| ARMY               | Fort Carson, Colorado                    | Digital Multipurpose Training Range .....      | 18,000                    | 18,000                      |
|                    | District of Columbia                     |  |                           |                             |
| ARMY               | Fort McNair                              | Vehicle Storage Building, Installation .....   | 7,200                     | 7,200                       |
|                    | Georgia                                  |  |                           |                             |
| ARMY               | Fort Benning                             | Ground Source Heat Transfer System .....       | 16,000                    | 16,000                      |
| ARMY               | Fort Gordon                              | Modified Record Fire Range .....               | 4,000                     | 4,000                       |
| ARMY               | Fort Gordon                              | Multipurpose Machine Gun Range .....           | 7,100                     | 7,100                       |
| ARMY               | Fort Gordon                              | Ground Source Heat Transfer System .....       | 12,200                    | 12,200                      |
| ARMY               | Fort Stewart, Georgia                    | Digital Multipurpose Training Range .....      | 22,000                    | 22,000                      |
| ARMY               | Fort Stewart, Georgia                    | Automated Combat Pistol Qual Crse .....        | 3,650                     | 3,650                       |
| ARMY               | Fort Stewart, Georgia                    | Unmanned Aerial Vehicle Complex .....          | 24,000                    | 24,000                      |
|                    | Hawaii                                   |  |                           |                             |
| ARMY               | Pohakuloa Training Area                  | Automated Infantry Platoon Battle Course ..... | 29,000                    | 29,000                      |
| ARMY               | Schofield Barracks                       | Barracks .....                                 | 41,000                    | 41,000                      |
| ARMY               | Schofield Barracks                       | Barracks .....                                 | 55,000                    | 55,000                      |
| ARMY               | Wheeler Army Air Field                   | Combat Aviation Brigade Barracks .....         | 85,000                    | 85,000                      |
|                    | Kansas                                   |  |                           |                             |
| ARMY               | Fort Riley, Kansas                       | Unmanned Aerial Vehicle Complex .....          | 12,200                    | 12,200                      |
|                    | Kentucky                                 |  |                           |                             |
| ARMY               | Fort Campbell, Kentucky                  | Battalion Headquarters Complex .....           | 55,000                    | 55,000                      |
| ARMY               | Fort Campbell, Kentucky                  | Live Fire Exercise Shoothouse .....            | 3,800                     | 3,800                       |
| ARMY               | Fort Campbell, Kentucky                  | Unmanned Aerial Vehicle Complex .....          | 23,000                    | 23,000                      |
| ARMY               | Fort Knox                                | Automated Infantry Squad Battle Course .....   | 6,000                     | 6,000                       |
|                    | Missouri                                 |  |                           |                             |
| ARMY               | Fort Leonard Wood                        | Trainee Barracks Complex 3, Ph 2 .....         | 58,000                    | 58,000                      |
| ARMY               | Fort Leonard Wood                        | Vehicle Maintenance Shop .....                 | 39,000                    | 39,000                      |
| ARMY               | Fort Leonard Wood                        | Battalion Complex Facilities .....             | 26,000                    | 26,000                      |
|                    | New Jersey                               |  |                           |                             |
| ARMY               | Picatinny Arsenal                        | Ballistic Evaluation Center .....              | 10,200                    | 10,200                      |
| ARMY               | Joint Base McGuire-Dix-Lakehurst         | Flight Equipment Complex .....                 | 47,000                    | 47,000                      |
|                    | New York                                 |  |                           |                             |
| ARMY               | Fort Drum, New York                      | Aircraft Maintenance Hangar .....              | 95,000                    | 95,000                      |
| ARMY               | U.S. Military Academy                    | Cadet Barracks .....                           | 192,000                   | 0                           |
|                    | North Carolina                           |  |                           |                             |
| ARMY               | Fort Bragg                               | Aerial Gunnery Range .....                     | 42,000                    | 42,000                      |
| ARMY               | Fort Bragg                               | Infrastructure .....                           | 30,000                    | 0                           |
| ARMY               | Fort Bragg                               | Unmanned Aerial Vehicle Complex .....          | 26,000                    | 26,000                      |
|                    | Oklahoma                                 |  |                           |                             |
| ARMY               | Fort Sill                                | Modified Record Fire Range .....               | 4,900                     | 4,900                       |
|                    | South Carolina                           |  |                           |                             |
| ARMY               | Fort Jackson                             | Trainee Barracks Complex 2, Ph 2 .....         | 24,000                    | 24,000                      |
|                    | Texas                                    |  |                           |                             |
| ARMY               | Corpus Christi                           | Aircraft Component Maintenance Shop .....      | 13,200                    | 13,200                      |
| ARMY               | Corpus Christi                           | Aircraft Paint Shop .....                      | 24,000                    | 24,000                      |



**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <b>Account</b>                  | <b>State or Country and Installation</b> | <b>Project Title</b>                              | <b>Budget Request</b> | <b>Senate Agreement</b> |
|---------------------------------|--|---|-----------------------|-------------------------|
| ARMY                            | Fort Bliss                               | Multipurpose Machine Gun Range .....              | 7,200                 | 7,200                   |
| ARMY                            | Fort Hood, Texas                         | Modified Record Fire Range .....                  | 4,200                 | 4,200                   |
| ARMY                            | Fort Hood, Texas                         | Training Aids Center .....                        | 25,000                | 25,000                  |
| ARMY                            | Fort Hood, Texas                         | Unmanned Aerial Vehicle Complex .....             | 22,000                | 22,000                  |
| ARMY                            | Joint Base San Antonio                   | Barracks .....                                    | 21,000                | 21,000                  |
|                                 | Virginia                                 |   |                       |                         |
| ARMY                            | Arlington                                | Cemetery Expansion Millennium Site .....          | 84,000                | 0                       |
| ARMY                            | Fort Belvoir                             | Secure Admin/Operations Facility .....            | 94,000                | 94,000                  |
| ARMY                            | Fort Lee                                 | Adv Individual Training Barracks Cpltr, Ph2 ..... | 81,000                | 81,000                  |
|                                 | Washington                               |   |                       |                         |
| ARMY                            | Yakima                                   | Convoy Live Fire Range .....                      | 5,100                 | 5,100                   |
| ARMY                            | Joint Base Lewis-McChord                 | Battalion Complex .....                           | 73,000                | 73,000                  |
| ARMY                            | Joint Base Lewis-McChord                 | Waste Water Treatment Plant .....                 | 91,000                | 91,000                  |
|                                 | Italy                                    |   |                       |                         |
| ARMY                            | Camp Ederle                              | Barracks .....                                    | 36,000                | 36,000                  |
| ARMY                            | Vicenza                                  | Simulations Center .....                          | 32,000                | 32,000                  |
|                                 | Japan                                    |   |                       |                         |
| ARMY                            | Okinawa                                  | Satellite Communications Facility .....           | 78,000                | 78,000                  |
| ARMY                            | Sagami                                   | Vehicle Maintenance Shop .....                    | 18,000                | 18,000                  |
|                                 | Korea                                    |   |                       |                         |
| ARMY                            | Camp Humphreys                           | Battalion Headquarters Complex .....              | 45,000                | 45,000                  |
|                                 | Worldwide Unspec                         |   |                       |                         |
| ARMY                            | Unspecified Worldwide Locations          | Minor Construction FY 13 .....                    | 25,000                | 25,000                  |
| ARMY                            | Unspecified Worldwide Locations          | Host Nation Support FY 13 .....                   | 34,000                | 34,000                  |
| ARMY                            | Unspecified Worldwide Locations          | Planning and Design FY13 .....                    | 65,173                | 46,173                  |
| <b>Milcon, A—SUBTOTAL .....</b> |  |   | <b>1,923,323</b>      | <b>1,598,323</b>        |
| <b>NAVY Milcon</b>              |  |   |                       |                         |
|                                 | Arizona                                  |   |                       |                         |
| NAVY                            | Yuma                                     | Security Operations Complex .....                 | 13,300                | 13,300                  |
| NAVY                            | Yuma                                     | Combat Aircraft Loading Apron .....               | 15,985                | 15,985                  |
|                                 | California                               |   |                       |                         |
| NAVY                            | Camp Pendleton, California               | Comm. Information Systems Ops Complex .....       | 78,897                | 78,897                  |
| NAVY                            | Camp Pendleton, California               | San Jacinto Road Extension .....                  | 5,074                 | 5,074                   |
| NAVY                            | Camp Pendleton, California               | MV22 Aviation Simulator Building .....            | 4,139                 | 4,139                   |
| NAVY                            | Ventura County                           | BAMS Maintenance Training Facility .....          | 14,843                | 12,790                  |
| NAVY                            | Miramar                                  | Hangar 5 Renovations & Addition .....             | 27,897                | 27,897                  |
| NAVY                            | San Diego                                | Entry Control Point (Gate Five) .....             | 11,752                | 11,752                  |
| NAVY                            | San Diego                                | LCS Training Facility .....                       | 59,436                | 59,436                  |
| NAVY                            | Seal Beach                               | Strategic Systems Weapons Eval. Test Lab .....    | 30,594                | 30,594                  |
| NAVY                            | Twentynine Palms, California             | Land Expansion Phase 2 .....                      | 47,270                | 47,270                  |
| NAVY                            | Coronado                                 | Bachelor Quarters .....                           | 76,063                | 76,063                  |
| NAVY                            | Coronado                                 | H-60S Simulator Training Facility .....           | 2,478                 | 2,478                   |
|                                 | Florida                                  |   |                       |                         |
| NAVY                            | Jacksonville                             | BAMS Mission Control Complex .....                | 21,980                | 21,980                  |
|                                 | Hawaii                                   |   |                       |                         |
| NAVY                            | Kaneohe Bay                              | MV-22 Hangar and Infrastructure .....             | 82,630                | 82,630                  |
| NAVY                            | Kaneohe Bay                              | Aircraft Staging Area .....                       | 14,680                | 14,680                  |
|                                 | Mississippi                              |   |                       |                         |
| NAVY                            | Meridian                                 | Dining Facility .....                             | 10,926                | 10,926                  |
|                                 | New Jersey                               |   |                       |                         |
| NAVY                            | Earle                                    | Combat System Engineering Building Addition ..... | 33,498                | 33,498                  |
|                                 | North Carolina                           |   |                       |                         |
| NAVY                            | Camp Lejeune, North Carolina             | Staff NCO Academy Facilities .....                | 28,986                | 28,986                  |
| NAVY                            | Camp Lejeune, North Carolina             | Base Access and Road—Phase 3 .....                | 40,904                | 40,904                  |
| NAVY                            | Cherry Point Marine Corps Air Station    | Marine Air Support Squadron Compound .....        | 34,310                | 34,310                  |
| NAVY                            | Cherry Point Marine Corps Air Station    | Armory .....                                      | 11,581                | 11,581                  |
| NAVY                            | New River                                | Personnel Administration Center .....             | 8,525                 | 8,525                   |
|                                 | South Carolina                           |   |                       |                         |
| NAVY                            | Beaufort                                 | Ground Support Equipment Shop .....               | 9,465                 | 9,465                   |
| NAVY                            | Beaufort                                 | Simulated LHD Flight Deck .....                   | 12,887                | 12,887                  |
| NAVY                            | Beaufort                                 | Recycling/Hazardous Waste Facility .....          | 3,743                 | 3,743                   |
| NAVY                            | Beaufort                                 | Aircraft Maintenance Hangar .....                 | 42,010                | 42,010                  |
| NAVY                            | Beaufort                                 | Airfield Security Upgrades .....                  | 13,675                | 13,675                  |
| NAVY                            | Parris Island                            | Front Gate ATPF Improvements .....                | 10,135                | 10,135                  |
|                                 | Virginia                                 |   |                       |                         |
| NAVY                            | Dahlgren                                 | Cruiser/Destroyer Upgrade Training Facility ..... | 16,494                | 16,494                  |
| NAVY                            | Dahlgren                                 | Physical Fitness Center .....                     | 11,734                | 11,734                  |
| NAVY                            | Oceana Naval Air Station                 | A School Barracks .....                           | 39,086                | 39,086                  |
| NAVY                            | Portsmouth                               | Drydock 8 Electrical Distribution Upgrade .....   | 32,706                | 32,706                  |
| NAVY                            | Quantico                                 | The Basic School Student Quarters—Phase 7 .....   | 31,012                | 31,012                  |
| NAVY                            | Quantico                                 | Infrastructure—Widen Russell Road .....           | 14,826                | 14,826                  |
| NAVY                            | Quantico                                 | Weapons Training Battalion Mess Hall .....        | 12,876                | 12,876                  |
| NAVY                            | Yorktown                                 | Regimental Headquarters .....                     | 11,015                | 11,015                  |
| NAVY                            | Yorktown                                 | Bachelor Enlisted Quarters .....                  | 18,422                | 18,422                  |
| NAVY                            | Yorktown                                 | Motor Transportation Facility .....               | 6,188                 | 6,188                   |
| NAVY                            | Yorktown                                 | Supply Warehouse Facility .....                   | 8,939                 | 8,939                   |
| NAVY                            | Yorktown                                 | Armory .....                                      | 4,259                 | 4,259                   |

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <b>Account</b>                   | <b>State or Country and Installation</b> | <b>Project Title</b>                                | <b>Budget Request</b> | <b>Senate Agreement</b> |
|----------------------------------|--|---|-----------------------|-------------------------|
|                                  | Washington                               |   |                       |                         |
| NAVY                             | Whidbey Island                           | EA-18G Flight Simulator Facility .....              | 6,272                 | 6,272                   |
| NAVY                             | Kitsap                                   | Explosives Handling Wharf #2 (INC) .....            | 280,041               | 234,241                 |
|                                  | Bahrain Island                           |   |                       |                         |
| NAVY                             | SW Asia                                  | Transient Quarters .....                            | 41,529                | 41,529                  |
| NAVY                             | SW Asia                                  | Combined Dining Facility .....                      | 9,819                 | 9,819                   |
|                                  | Diego Garcia                             |   |                       |                         |
| NAVY                             | Diego Garcia                             | Communications Infrastructure .....                 | 1,691                 | 1,691                   |
|                                  | Greece                                   |   |                       |                         |
| NAVY                             | Souda Bay                                | Aircraft Parking Apron Expansion .....              | 20,493                | 20,493                  |
| NAVY                             | Souda Bay                                | Intermodal Access Road .....                        | 4,630                 | 4,630                   |
|                                  | Guam                                     |   |                       |                         |
| NAVY                             | Joint Region Marianas                    | North Ramp Parking (Andersen AFB)—INC 2 .....       | 25,904                | 0                       |
|                                  | Japan                                    |   |                       |                         |
| NAVY                             | Iwakuni                                  | Maintenance Hangar Improvements .....               | 5,722                 | 5,722                   |
| NAVY                             | Iwakuni                                  | Vertical Take-Off and Landing Pad North .....       | 7,416                 | 7,416                   |
| NAVY                             | Okinawa                                  | Bachelor Quarters .....                             | 8,206                 | 8,206                   |
|                                  | Romania                                  |   |                       |                         |
| NAVY                             | Deveselu, Romania                        | AEGIS Ashore Missile Defense Complex .....          | 45,205                | 45,205                  |
|                                  | Spain                                    |   |                       |                         |
| NAVY                             | Rota                                     | General Purpose Warehouse .....                     | 3,378                 | 3,378                   |
| NAVY                             | Rota                                     | High Explosive Magazine .....                       | 13,837                | 13,837                  |
|                                  | Worldwide Unspec                         |   |                       |                         |
| NAVY                             | Various Worldwide Locations              | BAMS Operational Facilities .....                   | 34,048                | 34,048                  |
|                                  | Djibouti                                 |   |                       |                         |
| NAVY                             | Camp Lemonier, Djibouti                  | Containerized Living and Work Units .....           | 7,510                 | 7,510                   |
| NAVY                             | Camp Lemonier, Djibouti                  | Galley Addition and Warehouse .....                 | 22,220                | 22,220                  |
| NAVY                             | Camp Lemonier, Djibouti                  | Joint HQ/Joint Operations Center Facility .....     | 42,730                | 42,730                  |
| NAVY                             | Camp Lemonier, Djibouti                  | Fitness Center .....                                | 26,960                | 26,960                  |
|                                  | Worldwide Unspec                         |   |                       |                         |
| NAVY                             | Unspecified Worldwide Locations          | Unspecified Minor Construction .....                | 16,535                | 16,535                  |
| NAVY                             | Unspecified Worldwide Locations          | MCON Design Funds .....                             | 102,619               | 102,619                 |
| <b>Milcon, N—SUBTOTAL .....</b>  |  |   | <b>1,701,985</b>      | <b>1,648,228</b>        |
| <b>AF Milcon</b>                 |  |   |                       |                         |
|                                  | Arkansas                                 |   |                       |                         |
| AF                               | Little Rock AFB                          | C-130J Fuel Systems Maintenance Hangar .....        | 26,000                | 26,000                  |
| AF                               | Little Rock AFB                          | C-130J Flight Simulator Addition .....              | 4,178                 | 4,178                   |
|                                  | Florida                                  |   |                       |                         |
| AF                               | Tyndall AFB                              | F-22 ADAL Hangar for Low Observable/Composite ..... | 14,750                | 14,750                  |
|                                  | Georgia                                  |   |                       |                         |
| AF                               | Fort Stewart, Georgia                    | Air Support Operations Center (ASOC) .....          | 7,250                 | 7,250                   |
| AF                               | Moody AFB                                | HC-130J Simulator Facility .....                    | 8,500                 | 8,500                   |
|                                  | Nebraska                                 |   |                       |                         |
| AF                               | Offutt AFB                               | US STRATCOM Replacement Facility, Incr 2 .....      | 161,000               | 128,000                 |
|                                  | New Mexico                               |   |                       |                         |
| AF                               | Holloman AFB                             | MQ-9 Maintenance Hangar .....                       | 25,000                | 25,000                  |
|                                  | North Dakota                             |   |                       |                         |
| AF                               | Minot AFB                                | B-52 Add/Alter Munitions AGE Facility .....         | 4,600                 | 4,600                   |
|                                  | Texas                                    |   |                       |                         |
| AF                               | Joint Base San Antonio                   | Dormitory (144 Rm) .....                            | 18,000                | 18,000                  |
|                                  | Utah                                     |   |                       |                         |
| AF                               | Hill AFB                                 | F-35 ADAL Hangar 45W/AMU .....                      | 7,250                 | 7,250                   |
| AF                               | Hill AFB                                 | F-35 Modular Storage Magazines .....                | 2,280                 | 2,280                   |
| AF                               | Hill AFB                                 | F-35 ADAL Building 118 for Flight Simulator .....   | 4,000                 | 4,000                   |
|                                  | Greenland                                |   |                       |                         |
| AF                               | Thule Ab                                 | Dormitory (48 PN) .....                             | 24,500                | 24,500                  |
|                                  | Italy                                    |   |                       |                         |
| AF                               | Aviano Ab                                | F-16 Mission Training Center .....                  | 9,400                 | 9,400                   |
|                                  | Worldwide Unspec                         |   |                       |                         |
| AF                               | Unspecified Worldwide Locations          | Transient Contingency Dormitory—100 Rm .....        | 17,625                | 0                       |
| AF                               | Unspecified Worldwide Locations          | Transient Aircraft Hangars .....                    | 15,032                | 0                       |
| AF                               | Unspecified Worldwide Locations          | Sanitary Sewer Lift/Pump Station .....              | 2,000                 | 2,000                   |
| AF                               | Various Worldwide Locations              | Unspecified Minor Construction .....                | 18,200                | 18,200                  |
| AF                               | Unspecified Worldwide Locations          | Planning and Design .....                           | 18,635                | 18,635                  |
| <b>Milcon, AF—SUBTOTAL .....</b> |  |   | <b>388,200</b>        | <b>322,543</b>          |
| <b>DEF-WIDE</b>                  |  |   |                       |                         |
| <b>Milcon</b>                    |  |   |                       |                         |
|                                  | Belgium                                  |   |                       |                         |
| DEFW                             | Brussels                                 | NATO Headquarters Facility .....                    | 26,969                | 26,969                  |
|                                  | Worldwide Unspec                         |   |                       |                         |
| DEFW                             | Unspecified Worldwide Locations          | Energy Conservation Investment Program .....        | 150,000               | 150,000                 |
| DEFW                             | Unspecified Worldwide Locations          | Contingency Construction .....                      | 10,000                | 10,000                  |
|                                  | Texas                                    |   |                       |                         |
| DFAS                             | Red River Army Depot                     | DFAS Facility .....                                 | 16,715                | 16,715                  |
|                                  | Illinois                                 |   |                       |                         |

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

| <b>Account</b> | <b>State or Country and Installation</b> | <b>Project Title</b>                               | <b>Budget Request</b> | <b>Senate Agreement</b> |
|----------------|--|--|-----------------------|-------------------------|
| DISA           | Scott AFB                                | DISA Facility Upgrades .....                       | 84,111                | 84,111                  |
|                | Germany                                  |  |                       |                         |
| DISA           | Stuttgart-Patch Barracks                 | DISA Europe Facility Upgrades .....                | 2,413                 | 2,413                   |
|                | Arizona                                  |  |                       |                         |
| DLA            | Yuma                                     | Truck Unload Facility .....                        | 1,300                 | 1,300                   |
|                | California                               |  |                       |                         |
| DLA            | Def Fuel Support Point—San Diego         | Replace Fuel Pier .....                            | 91,563                | 91,563                  |
| DLA            | Edwards Air Force Base                   | Replace Fuel Storage .....                         | 27,500                | 27,500                  |
|                | Delaware                                 |  |                       |                         |
| DLA            | Dover AFB                                | Replace Truck Off-Load Facility .....              | 2,000                 | 2,000                   |
|                | Florida                                  |  |                       |                         |
| DLA            | Hurlburt Field                           | Construct Fuel Storage Facility .....              | 16,000                | 16,000                  |
|                | Indiana                                  |  |                       |                         |
| DLA            | Grissom ARB                              | Replace Hydrant Fuel System .....                  | 26,800                | 26,800                  |
|                | Louisiana                                |  |                       |                         |
| DLA            | Barksdale AFB                            | Upgrade Pumphouse .....                            | 11,700                | 11,700                  |
|                | North Carolina                           |  |                       |                         |
| DLA            | Seymour Johnson AFB                      | Replace Pipeline .....                             | 1,850                 | 1,850                   |
|                | Pennsylvania                             |  |                       |                         |
| DLA            | Def Dist Depot New Cumberland            | Replace Sewage Treatment Plant .....               | 6,300                 | 6,300                   |
| DLA            | Def Dist Depot New Cumberland            | Replace Communications Building .....              | 6,800                 | 6,800                   |
| DLA            | Def Dist Depot New Cumberland            | Replace Reservoir .....                            | 4,300                 | 4,300                   |
|                | Guam                                     |  |                       |                         |
| DLA            | Andersen AFB                             | Upgrade Fuel Pipeline .....                        | 67,500                | 0                       |
|                | Guantanamo Bay, Cuba                     |  |                       |                         |
| DLA            | Guantanamo Bay                           | Replace Truck Load Facility .....                  | 2,600                 | 2,600                   |
| DLA            | Guantanamo Bay                           | Replace Fuel Pier .....                            | 37,600                | 37,600                  |
|                | Kentucky                                 |  |                       |                         |
| DODEA          | Fort Campbell, Kentucky                  | Replace Barkley Elementary School .....            | 41,767                | 41,767                  |
|                | Germany                                  |  |                       |                         |
| DODEA          | Vogelweh                                 | Replace Vogelweh Elementary School .....           | 61,415                | 61,415                  |
| DODEA          | Weisbaden                                | Weisbaden High School Addition .....               | 52,178                | 52,178                  |
|                | Japan                                    |  |                       |                         |
| DODEA          | Camp Zama                                | Renovate Zama High School .....                    | 13,273                | 13,273                  |
| DODEA          | Kadena AB                                | Replace Elementary School .....                    | 71,772                | 71,772                  |
| DODEA          | Kadena AB                                | Replace Stearley Heights Elementary School .....   | 71,773                | 71,773                  |
| DODEA          | Zukeran                                  | Replace Zukeran Elementary School .....            | 79,036                | 79,036                  |
| DODEA          | Sasebo                                   | Replace Sasebo Elementary School .....             | 35,733                | 35,733                  |
|                | Korea                                    |  |                       |                         |
| DODEA          | Osan AFB                                 | Replace Osan Elementary School .....               | 42,692                | 42,692                  |
|                | United Kingdom                           |  |                       |                         |
| DODEA          | RAF Feltwell                             | Feltwell Elementary School Addition .....          | 30,811                | 30,811                  |
| DODEA          | Menwith Hill Station                     | Replace Menwith Hill Elementary/High School .....  | 46,488                | 46,488                  |
|                | New York                                 |  |                       |                         |
| MDA            | Fort Drum, New York                      | IDT Complex .....                                  | 25,900                | 25,900                  |
|                | Romania                                  |  |                       |                         |
| MDA            | Deveselu, Romania                        | Aegis Ashore Missile Defense System Complex .....  | 157,900               | 157,900                 |
|                | Colorado                                 |  |                       |                         |
| NSA            | Buckley Air Force Base                   | Denver Power House .....                           | 30,000                | 30,000                  |
|                | Maryland                                 |  |                       |                         |
| NSA            | Fort Meade                               | NSAW Recapitalize Building #1/Site M Inc 1 .....   | 25,000                | 25,000                  |
| NSA            | Fort Meade                               | High Performance Computing Center Inc 2 .....      | 300,521               | 225,521                 |
|                | Utah                                     |  |                       |                         |
| NSA            | Camp Williams                            | IC CNCI Data Center 1 Inc 4 .....                  | 191,414               | 191,414                 |
|                | United Kingdom                           |  |                       |                         |
| NSA            | Menwith Hill Station                     | MHS Utilities and Roads .....                      | 3,795                 | 3,795                   |
|                | California                               |  |                       |                         |
| SOCOM          | Coronado                                 | SOF Indoor Dynamic Shooting Facility .....         | 31,170                | 31,170                  |
| SOCOM          | Coronado                                 | SOF Close Quarters Combat/Dynamic Shoot Fac .....  | 13,969                | 13,969                  |
| SOCOM          | Coronado                                 | SOF Mobile Comm Detachment Support Facility .....  | 10,120                | 10,120                  |
|                | Colorado                                 |  |                       |                         |
| SOCOM          | Fort Carson, Colorado                    | SOF Battalion Operations Complex .....             | 56,673                | 56,673                  |
|                | Florida                                  |  |                       |                         |
| SOCOM          | Eglin AFB                                | SOF AVFID Ops and Maintenance Facilities .....     | 41,695                | 41,695                  |
| SOCOM          | Macdill AFB                              | SOF Joint Special Ops University Fac (JSOU) .....  | 34,409                | 34,409                  |
|                | Hawaii                                   |  |                       |                         |
| SOCOM          | Joint Base Pearl Harbor-Hickam           | SOF SDVT-1 Waterfront Operations Facility .....    | 24,289                | 24,289                  |
|                | Kentucky                                 |  |                       |                         |
| SOCOM          | Fort Campbell, Kentucky                  | SOF Landgraf Hangar Extension .....                | 3,559                 | 3,559                   |
| SOCOM          | Fort Campbell, Kentucky                  | SOF Ground Support Battalion .....                 | 26,313                | 26,313                  |
|                | New Mexico                               |  |                       |                         |
| SOCOM          | Cannon AFB                               | SOF AC-130J Combat Parking Apron .....             | 22,062                | 22,062                  |
|                | North Carolina                           |  |                       |                         |
| SOCOM          | Camp Lejeune, North Carolina             | SOF Marine Battalion Company/Team Facilities ..... | 53,399                | 53,399                  |
| SOCOM          | Camp Lejeune, North Carolina             | SOF Survival Evasion Resist. Escape Tng Fac .....  | 5,465                 | 5,465                   |
| SOCOM          | Fort Bragg                               | SOF Support Addition .....                         | 3,875                 | 3,875                   |
| SOCOM          | Fort Bragg                               | SOF Battalion Operations Facility .....            | 40,481                | 50,481                  |
| SOCOM          | Fort Bragg                               | SOF Civil Affairs Battalion Complex .....          | 31,373                | 41,373                  |
| SOCOM          | Fort Bragg                               | SOF Sustainment Brigade Complex .....              | 24,693                | 34,693                  |

**SEC. 4601. MILITARY CONSTRUCTION**  
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| <b>Account</b>                        | <b>State or Country and Installation</b> | <b>Project Title</b>                              | <b>Budget Request</b> | <b>Senate Agreement</b> |
|---------------------------------------|--|---|-----------------------|-------------------------|
|                                       | Virginia                                 |   |                       |                         |
| SOCOM                                 | Joint Exp Base Little Creek—Story        | SOF Combat Services Support Facility—East .....   | 11,132                | 11,132                  |
|                                       | Washington                               |   |                       |                         |
| SOCOM                                 | Fort Lewis                               | SOF Military Working Dog Kennel .....             | 3,967                 | 3,967                   |
| SOCOM                                 | Fort Lewis                               | SOF Battalion Operations Facility .....           | 46,553                | 46,553                  |
|                                       | Conus Classified                         |   |                       |                         |
| SOCOM                                 | Classified Location                      | SOF Parachute Training Facility .....             | 6,477                 | 6,477                   |
|                                       | United Kingdom                           |   |                       |                         |
| SOCOM                                 | RAF Mildenhall                           | SOF CV-22 Simulator Facility .....                | 6,490                 | 6,490                   |
|                                       | California                               |   |                       |                         |
| TMA                                   | Twentynine Palms, California             | Medical Clinic Replacement .....                  | 27,400                | 27,400                  |
|                                       | Colorado                                 |   |                       |                         |
| TMA                                   | Pikes Peak                               | High Altitude Medical Research Lab .....          | 3,600                 | 3,600                   |
|                                       | Illinois                                 |   |                       |                         |
| TMA                                   | Great Lakes                              | Drug Laboratory Replacement .....                 | 28,700                | 28,700                  |
| TMA                                   | Scott AFB                                | Medical Logistics Warehouse .....                 | 2,600                 | 2,600                   |
|                                       | Maryland                                 |   |                       |                         |
| TMA                                   | Annapolis                                | Health Clinic Replacement .....                   | 66,500                | 66,500                  |
| TMA                                   | Bethesda Naval Hospital                  | Temporary Medical Facilities .....                | 26,600                | 26,600                  |
| TMA                                   | Bethesda Naval Hospital                  | Base Installation Access/Appearance Plan .....    | 7,000                 | 0                       |
| TMA                                   | Bethesda Naval Hospital                  | Electrical Capacity and Cooling Towers .....      | 35,600                | 35,600                  |
| TMA                                   | Fort Detrick                             | USAMRIID Stage I, Incr 7 .....                    | 19,000                | 19,000                  |
|                                       | Missouri                                 |   |                       |                         |
| TMA                                   | Fort Leonard Wood                        | Dental Clinic .....                               | 18,100                | 18,100                  |
|                                       | New Mexico                               |   |                       |                         |
| TMA                                   | Cannon AFB                               | Medical/Dental Clinic Replacement .....           | 71,023                | 71,023                  |
|                                       | New York                                 |   |                       |                         |
| TMA                                   | Fort Drum, New York                      | Soldier Specialty Care Clinic .....               | 17,300                | 17,300                  |
|                                       | North Carolina                           |   |                       |                         |
| TMA                                   | Camp Lejeune, North Carolina             | Medical Clinic Replacement .....                  | 21,200                | 21,200                  |
| TMA                                   | Seymour Johnson AFB                      | Medical Clinic Replacement .....                  | 53,600                | 53,600                  |
|                                       | South Carolina                           |   |                       |                         |
| TMA                                   | Shaw AFB                                 | Medical Clinic Replacement .....                  | 57,200                | 57,200                  |
|                                       | Texas                                    |   |                       |                         |
| TMA                                   | Fort Bliss                               | Hospital Replacement Incr 4 .....                 | 207,400               | 107,400                 |
| TMA                                   | Joint Base San Antonio                   | Ambulatory Care Center Phase 3 Incr .....         | 80,700                | 80,700                  |
|                                       | Virginia                                 |   |                       |                         |
| TMA                                   | Norfolk                                  | Veterinary Facility Replacement .....             | 8,500                 | 8,500                   |
|                                       | Germany                                  |   |                       |                         |
| TMA                                   | Rhine Ordnance Barracks                  | Medical Center Replacement Incr 2 .....           | 127,000               | 127,000                 |
|                                       | Korea                                    |   |                       |                         |
| TMA                                   | Kunsan Air Base                          | Medical/Dental Clinic Addition .....              | 13,000                | 13,000                  |
| TMA                                   | Osan AFB                                 | Hospital Addition/Alteration .....                | 34,600                | 34,600                  |
|                                       | Worldwide Unspec                         |   |                       |                         |
| DEFW                                  | Unspecified Worldwide Locations          | Unspecified Minor Construction .....              | 3,000                 | 3,000                   |
| DLA                                   | Unspecified Worldwide Locations          | Unspecified Minor Construction .....              | 7,254                 | 7,254                   |
| DODEA                                 | Unspecified Worldwide Locations          | Unspecified Minor Construction .....              | 4,091                 | 4,091                   |
| NSA                                   | Unspecified Worldwide Locations          | Unspecified Minor Milcon .....                    | 3,000                 | 3,000                   |
| SOCOM                                 | Unspecified Worldwide Locations          | Unspecified Minor Const .....                     | 10,000                | 10,000                  |
| TJS                                   | Unspecified Worldwide Locations          | Exercise Related Minor Construction .....         | 6,440                 | 6,440                   |
| TMA                                   | Unspecified Worldwide Locations          | Minor Construction .....                          | 5,000                 | 5,000                   |
| DEFW                                  | Unspecified Worldwide Locations          | Planning and Design .....                         | 47,978                | 47,978                  |
| DIA                                   | Unspecified Worldwide Locations          | Planning and Design .....                         | 2,919                 | 2,919                   |
| DLA                                   | Unspecified Worldwide Locations          | Planning & Design .....                           | 5,000                 | 5,000                   |
| DODEA                                 | Unspecified Worldwide Locations          | Planning and Design .....                         | 105,569               | 105,569                 |
| MDA                                   | Unspecified Worldwide Locations          | Planning and Design .....                         | 4,548                 | 4,548                   |
| NSA                                   | Unspecified Worldwide Locations          | Planning and Design .....                         | 8,300                 | 8,300                   |
| SOCOM                                 | Unspecified Worldwide Locations          | Planning and Design .....                         | 27,620                | 27,620                  |
| TMA                                   | Unspecified Worldwide Locations          | Planning and Design .....                         | 105,700               | 105,700                 |
| WHS                                   | Unspecified Worldwide Locations          | Planning and Design .....                         | 7,928                 | 7,928                   |
| <b>Milcon,Def-Wide—SUBTOTAL .....</b> |  |   | <b>3,654,623</b>      | <b>3,435,123</b>        |
| <b>Services MILCON—TOTAL .....</b>    |  |   | <b>7,668,131</b>      | <b>7,004,217</b>        |
| <b>MCon,Army</b>                      |  |   |                       |                         |
| <b>NG</b>                             |  |   |                       |                         |
|                                       | Alabama                                  |   |                       |                         |
| ARMY, NG                              | Fort McClellan                           | Live Fire Shoot House .....                       | 5,400                 | 5,400                   |
|                                       | Arkansas                                 |   |                       |                         |
| ARMY, NG                              | Searcy                                   | Field Maintenance Shop .....                      | 6,800                 | 6,800                   |
|                                       | California                               |   |                       |                         |
| ARMY, NG                              | Fort Irwin                               | Maneuver Area Training & Equipment Site Ph3 ..... | 25,000                | 25,000                  |
|                                       | Connecticut                              |   |                       |                         |
| ARMY, NG                              | Camp Hartell                             | Combined Support Maintenance Shop .....           | 32,000                | 32,000                  |
|                                       | Delaware                                 |   |                       |                         |
| ARMY, NG                              | Bethany Beach                            | Regional Training Institute Ph1 .....             | 5,500                 | 5,500                   |
|                                       | Florida                                  |   |                       |                         |
| ARMY, NG                              | Camp Blanding                            | Combined Arms Collective Training Fac .....       | 9,000                 | 9,000                   |
| ARMY, NG                              | Miramar                                  | Readiness Center .....                            | 20,000                | 20,000                  |

**SEC. 4601. MILITARY CONSTRUCTION**  
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| <b>Account</b>                     | <b>State or Country and Installation</b>            | <b>Project Title</b>                             | <b>Budget Request</b> | <b>Senate Agreement</b> |
|------------------------------------|---|--|-----------------------|-------------------------|
| ARMY, NG                           | Hawaii<br>Kapolei                                   | Army Aviation Support Facility Ph1 .....         | 28,000                | 28,000                  |
| ARMY, NG                           | Idaho<br>Orchard Training Area                      | ORTC(Barracks)Ph2 .....                          | 40,000                | 40,000                  |
| ARMY, NG                           | Indiana<br>South Bend                               | Armed Forces Reserve Center Add/Alt .....        | 21,000                | 21,000                  |
| ARMY, NG                           | Terre Haute   | Field Maintenance Shop .....                     | 9,000                 | 9,000                   |
| ARMY, NG                           | Iowa<br>Camp Dodge                                  | Urban Assault Course .....                       | 3,000                 | 3,000                   |
| ARMY, NG                           | Kansas<br>Topeka                                    | Taxiway, Ramp & Hangar Alterations .....         | 9,500                 | 9,500                   |
| ARMY, NG                           | Kentucky<br>Frankfort                               | Army Aviation Support Facility .....             | 32,000                | 32,000                  |
| ARMY, NG                           | Massachusetts<br>Camp Edwards                       | Unit Training Equipment Site .....               | 22,000                | 22,000                  |
| ARMY, NG                           | Minnesota<br>Camp Ripley                            | Scout Reconnaissance Range .....                 | 17,000                | 17,000                  |
| ARMY, NG                           | St Paul   | Readiness Center .....                           | 17,000                | 17,000                  |
| ARMY, NG                           | Missouri<br>Fort Leonard Wood                       | Regional Training Institute .....                | 18,000                | 18,000                  |
| ARMY, NG                           | Kansas City   | Readiness Center Add/Alt .....                   | 1,900                 | 1,900                   |
| ARMY, NG                           | Monett  | Readiness Center Add/Alt .....                   | 820                   | 820                     |
| ARMY, NG                           | Perryville  | Readiness Center Add/Alt .....                   | 700                   | 700                     |
| ARMY, NG                           | Montana<br>Miles City                               | Readiness Center .....                           | 11,000                | 11,000                  |
| ARMY, NG                           | New Jersey<br>Sea Girt                              | Regional Training Institute .....                | 34,000                | 34,000                  |
| ARMY, NG                           | New York<br>Stormville                              | Combined Support Maint Shop Ph1 .....            | 24,000                | 24,000                  |
| ARMY, NG                           | Ohio<br>Chillicothe                                 | Field Maintenance Shop Add/Alt .....             | 3,100                 | 3,100                   |
| ARMY, NG                           | Delaware  | Readiness Center .....                           | 12,000                | 12,000                  |
| ARMY, NG                           | Oklahoma<br>Camp Gruber                             | Operations Readiness Training Complex .....      | 25,000                | 25,000                  |
| ARMY, NG                           | Utah<br>Camp Williams                               | BEQ Facility (Regional Training Institute) ..... | 15,000                | 15,000                  |
| ARMY, NG                           | Camp Williams                                       | Regional Training Institute Ph2 .....            | 21,000                | 21,000                  |
| ARMY, NG                           | Washington<br>Fort Lewis                            | Readiness Center .....                           | 35,000                | 35,000                  |
| ARMY, NG                           | West Virginia<br>Logan                              | Readiness Center .....                           | 14,200                | 14,200                  |
| ARMY, NG                           | Wisconsin<br>Wausau                                 | Field Maintenance Shop .....                     | 10,000                | 10,000                  |
| ARMY, NG                           | Guam<br>Barrigada                                   | JFHQ Ph4 .....                                   | 8,500                 | 8,500                   |
| ARMY, NG                           | Puerto Rico<br>Camp Santiago                        | Readiness Center .....                           | 3,800                 | 3,800                   |
| ARMY, NG                           | Ceiba   | Refill Station Building .....                    | 2,200                 | 2,200                   |
| ARMY, NG                           | Guaynabo  | Readiness Center (JFHQ) .....                    | 15,000                | 15,000                  |
| ARMY, NG                           | Gurabo  | Readiness Center .....                           | 14,700                | 14,700                  |
| ARMY, NG                           | Worldwide Unspec<br>Unspecified Worldwide Locations | Unspecified Minor Construction .....             | 15,057                | 15,057                  |
| ARMY, NG                           | Unspecified Worldwide Locations                     | Planning and Design .....                        | 26,622                | 26,622                  |
| <b>MCon,Army NG—Subtotal .....</b> |   |  | <b>613,799</b>        | <b>613,799</b>          |
| <b>MCon,Air NG</b>                 |   |  |                       |                         |
| AF, NG                             | California<br>Fresno Yosemite IAP ANG               | F-15 Conversion .....                            | 11,000                | 11,000                  |
| AF, NG                             | Hawaii<br>Joint Base Pearl Harbor-Hickam            | TFI—F-22 Combat Apron Addition .....             | 6,500                 | 6,500                   |
| AF, NG                             | New Mexico<br>Kirtland AFB                          | Alter Target Intelligence Facility .....         | 8,500                 | 8,500                   |
| AF, NG                             | Wyoming<br>Cheyenne Map                             | C-130 Flight Simulator Training Facility .....   | 6,486                 | 6,486                   |
| AF, NG                             | Worldwide Unspec<br>Various Worldwide Locations     | Unspecified Minor Construction .....             | 5,900                 | 5,900                   |
| AF, NG                             | Various Worldwide Locations                         | Planning and Design .....                        | 4,000                 | 4,000                   |
| <b>MCon,Air NG—Subtotal .....</b>  |   |  | <b>42,386</b>         | <b>42,386</b>           |
| <b>NG MILCON—TOTAL .....</b>       |   |  | <b>656,185</b>        | <b>656,185</b>          |
| <b>MCon,A Res</b>                  |   |  |                       |                         |
| ARMY, RE-SERVE                     | California<br>Fort Hunter Liggett                   | ORTC .....                                       | 64,000                | 64,000                  |
| ARMY, RE-SERVE                     | Fort Hunter Liggett                                 | UPH Barracks .....                               | 4,300                 | 4,300                   |
| ARMY, RE-SERVE                     | Tustin  | Army Reserve Center .....                        | 27,000                | 27,000                  |

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| <b>Account</b>                           | <b>State or Country and Installation</b> | <b>Project Title</b>                               | <b>Budget Request</b> | <b>Senate Agreement</b> |
|--|--|--|-----------------------|-------------------------|
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Illinois</i>                          |  |                       |                         |
|  | Fort Sheridan                            | Army Reserve Center .....                          | 28,000                | 28,000                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Maryland</i>                          |  |                       |                         |
|  | Aberdeen Proving Ground                  | Army Reserve Center .....                          | 21,000                | 21,000                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | Baltimore                                | Add/Alt Army Reserve Center .....                  | 10,000                | 10,000                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Massachusetts</i>                     |  |                       |                         |
|  | Devens Reserve Forces Training Area      | Automatic Record Fire Range .....                  | 4,800                 | 4,800                   |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | Devens Reserve Forces Training Area      | Combat Pistol/MP Firearms Qualification .....      | 3,700                 | 3,700                   |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Nevada</i>                            |  |                       |                         |
|  | Las Vegas                                | Army Reserve Center/AMSA .....                     | 21,000                | 21,000                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>New Jersey</i>                        |  |                       |                         |
|  | Joint Base McGuire-Dix-Lakehurst         | Automated Infantry Squad Battle Course .....       | 7,400                 | 7,400                   |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Washington</i>                        |  |                       |                         |
|  | Joint Base Lewis-McChord                 | Army Reserve Center .....                          | 40,000                | 40,000                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Wisconsin</i>                         |  |                       |                         |
|  | Fort McCoy                               | Central Issue Facility .....                       | 12,200                | 12,200                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | Fort McCoy                               | Dining Facility .....                              | 8,600                 | 8,600                   |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | Fort McCoy                               | ECS Tactical Equip. Maint. Facility (TEMF) .....   | 27,000                | 27,000                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Worldwide Unspec</i>                  |  |                       |                         |
|  | Unspecified Worldwide Locations          | Unspecified Minor Construction .....               | 10,895                | 10,895                  |
| <b>ARMY, RE-SERVE</b>                    |  |  |                       |                         |
|  | Unspecified Worldwide Locations          | Planning and Design .....                          | 15,951                | 15,951                  |
| <b>MCon,A Res—Subtotal .....</b>         |  |  | <b>305,846</b>        | <b>305,846</b>          |
| <b>Milcon, Naval Res</b>                 |  |  |                       |                         |
| <b>NAVY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Arizona</i>                           |  |                       |                         |
|  | Yuma                                     | Reserve Training Facility—Yuma AZ .....            | 5,379                 | 5,379                   |
| <b>NAVY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Iowa</i>                              |  |                       |                         |
|  | Fort Des Moines                          | Joint Reserve Center—Des Moines IA .....           | 19,162                | 19,162                  |
| <b>NAVY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Louisiana</i>                         |  |                       |                         |
|  | New Orleans                              | Transient Quarters .....                           | 7,187                 | 7,187                   |
| <b>NAVY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>New York</i>                          |  |                       |                         |
|  | Brooklyn                                 | Vehicle Maint. Fac.—Brooklyn NY .....              | 4,430                 | 4,430                   |
| <b>NAVY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Texas</i>                             |  |                       |                         |
|  | Fort Worth                               | Commercial Vehicle Inspection Site .....           | 11,256                | 11,256                  |
| <b>NAVY, RE-SERVE</b>                    |  |  |                       |                         |
|  | <i>Worldwide Unspec</i>                  |  |                       |                         |
|  | Unspecified Worldwide Locations          | Planning and Design .....                          | 2,118                 | 2,118                   |
| <b>Milcon, Naval Res—Subtotal .....</b>  |  |  | <b>49,532</b>         | <b>49,532</b>           |
| <b>MCon,AF Res</b>                       |  |  |                       |                         |
| <b>AF, RESERVE</b>                       |  |  |                       |                         |
|  | <i>New York</i>                          |  |                       |                         |
|  | Niagara Falls IAP                        | Flight Simulator Facility .....                    | 6,100                 | 6,100                   |
| <b>AF, RESERVE</b>                       |  |  |                       |                         |
|  | <i>Worldwide Unspec</i>                  |  |                       |                         |
|  | Various Worldwide Locations              | Unspecified Minor Construction .....               | 2,000                 | 2,000                   |
| <b>AF, RESERVE</b>                       |  |  |                       |                         |
|  | Various Worldwide Locations              | Planning and Design .....                          | 2,879                 | 2,879                   |
| <b>MCon,AF Res—Subtotal .....</b>        |  |  | <b>10,979</b>         | <b>10,979</b>           |
| <b>Reserve Milcon—TOTAL .....</b>        |  |  | <b>366,357</b>        | <b>366,357</b>          |
| <b>MILCON Major Accounts—TOTAL .....</b> |  |  | <b>8,690,673</b>      | <b>8,026,759</b>        |
| <b>Chem-Demil</b>                        |  |  |                       |                         |
| <b>Chem Demil</b>                        |  |  |                       |                         |
|  | <i>Colorado</i>                          |  |                       |                         |
|  | Pueblo Depot                             | Ammunition Demilitarization Facility, Ph XIV ..... | 36,000                | 36,000                  |
| <b>Chem Demil</b>                        |  |  |                       |                         |
|  | <i>Kentucky</i>                          |  |                       |                         |
|  | Blue Grass Army Depot                    | Ammunition Demilitarization Ph XIII .....          | 115,000               | 115,000                 |

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| <b>Account</b>                            | <b>State or Country and Installation</b>             | <b>Project Title</b>             | <b>Budget Request</b> | <b>Senate Agreement</b> |
|---|--|----------------------------------|-----------------------|-------------------------|
| <b>ChemDemil / NSIP—Total</b>             |  |                                  | <b>151,000</b>        | <b>151,000</b>          |
| <b>NSIP</b>                               |  |                                  |                       |                         |
| NSIP                                      | Worldwide Unspec<br>NATO Security Investment Program | NATO Security Investment Program | 254,163               | 254,163                 |
| <b>NATO Security Investment Program</b>   |  |                                  | <b>254,163</b>        | <b>254,163</b>          |
| <b>Army Fam Housing</b>                   |  |                                  |                       |                         |
| FH Const,A                                | Worldwide Unspec<br>Unspecified Worldwide Locations  | Family Housing P&D               | 4,641                 | 4,641                   |
| <b>Army Fam Hsg Construction—Subtotal</b> |  |                                  | <b>4,641</b>          | <b>4,641</b>            |
|   | Worldwide Unspec                                     |                                  |                       |                         |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Utilities Account                | 88,112                | 88,112                  |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Services Account                 | 13,487                | 13,487                  |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Management Account               | 56,970                | 56,970                  |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Miscellaneous Account            | 620                   | 620                     |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Furnishings Account              | 31,785                | 31,785                  |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Leasing                          | 203,533               | 203,533                 |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Maintenance of Real Property     | 109,534               | 109,534                 |
| FH Op&Dt,A                                | Unspecified Worldwide Locations                      | Privatization Support Costs      | 26,010                | 26,010                  |
| <b>Army Fam Hsg O&amp;M—Subtotal</b>      |  |                                  | <b>530,051</b>        | <b>530,051</b>          |
| <b>Army Fam Hsg—TOTAL</b>                 |  |                                  | <b>534,692</b>        | <b>534,692</b>          |
| <b>Navy Fam Housing</b>                   |  |                                  |                       |                         |
| FH Const,N                                | Worldwide Unspec<br>Unspecified Worldwide Locations  | Improvements                     | 97,655                | 97,655                  |
| FH Const,N                                | Unspecified Worldwide Locations                      | Design                           | 4,527                 | 4,527                   |
| <b>Navy Fam Hsg Construction—Subtotal</b> |  |                                  | <b>102,182</b>        | <b>102,182</b>          |
|   | Worldwide Unspec                                     |                                  |                       |                         |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Utilities Account                | 80,860                | 80,860                  |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Furnishings Account              | 17,697                | 17,697                  |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Management Account               | 62,741                | 62,741                  |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Miscellaneous Account            | 491                   | 491                     |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Services Account                 | 19,615                | 19,615                  |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Leasing                          | 83,774                | 83,774                  |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Maintenance of Real Property     | 85,254                | 85,254                  |
| FH Op&Dt,N                                | Unspecified Worldwide Locations                      | Privatization Support Costs      | 27,798                | 27,798                  |
| <b>Navy Fam Hsg O&amp;M—Subtotal</b>      |  |                                  | <b>378,230</b>        | <b>378,230</b>          |
| <b>Navy Fam Hsg—TOTAL</b>                 |  |                                  | <b>480,412</b>        | <b>480,412</b>          |
| <b>AF Fam Housing</b>                     |  |                                  |                       |                         |
| FH Con,AF                                 | Worldwide Unspec<br>Unspecified Worldwide Locations  | Improvements                     | 79,571                | 79,571                  |
| FH Con,AF                                 | Unspecified Worldwide Locations                      | Planning and Design              | 4,253                 | 4,253                   |
| <b>AF Fam Hsg Construction—Subtotal</b>   |  |                                  | <b>83,824</b>         | <b>83,824</b>           |
|   | Worldwide Unspec                                     |                                  |                       |                         |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Utilities Account                | 75,662                | 75,662                  |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Management Account               | 55,002                | 55,002                  |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Services Account                 | 16,550                | 16,550                  |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Furnishings Account              | 37,878                | 37,878                  |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Miscellaneous Account            | 1,943                 | 1,943                   |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Leasing                          | 62,730                | 62,730                  |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Maintenance (RPMA RPMC)          | 201,937               | 201,937                 |
| FH Op&Dt,AF                               | Unspecified Worldwide Locations                      | Housing Privatization            | 46,127                | 46,127                  |
| <b>AF Fam Hsg O&amp;M—Subtotal</b>        |  |                                  | <b>497,829</b>        | <b>497,829</b>          |
| <b>AF Fam Hsg—TOTAL</b>                   |  |                                  | <b>581,653</b>        | <b>581,653</b>          |
| <b>Def-Wide Fam Housing</b>               |  |                                  |                       |                         |
| FH Op&Dt,D-W                              | Worldwide Unspec<br>Unspecified Worldwide Locations  | Utilities Account                | 283                   | 283                     |
| FH Op&Dt,D-W                              | Unspecified Worldwide Locations                      | Utilities Account                | 12                    | 12                      |
| FH Op&Dt,D-W                              | Unspecified Worldwide Locations                      | Furnishings Account              | 4,660                 | 4,660                   |



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| <b>Account</b>                                | <b>State or Country and Installation</b>    | <b>Project Title</b>                                       | <b>Budget Request</b> | <b>Senate Agreement</b> |
|---|---|--|-----------------------|-------------------------|
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Furnishings Account .....</i>                           | <i>20</i>             | <i>20</i>               |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Services Account .....</i>                              | <i>31</i>             | <i>31</i>               |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Management Account .....</i>                            | <i>371</i>            | <i>371</i>              |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Furnishings Account .....</i>                           | <i>66</i>             | <i>66</i>               |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Leasing .....</i>                                       | <i>35,333</i>         | <i>35,333</i>           |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Leasing .....</i>                                       | <i>10,822</i>         | <i>10,822</i>           |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Maintenance of Real Property .....</i>                  | <i>567</i>            | <i>567</i>              |
| <i>FH Op&amp;Dt,D-W</i>                       | <i>Unspecified Worldwide Locations</i>      | <i>Maintenance of Real Property .....</i>                  | <i>73</i>             | <i>73</i>               |
| <b>DefWide Fam Hsg O&amp;M—Subtotal .....</b> |   |  | <b>52,238</b>         | <b>52,238</b>           |
| <b>DoD FH Imprv Fd</b>                        |   |  |                       |                         |
|   | <i>Worldwide Unspec</i>                     |  |                       |                         |
| <i>DoD FH Imprv Fd</i>                        | <i>Unspecified Worldwide Locations</i>      | <i>Family Housing Improvement Fund .....</i>               | <i>1,786</i>          | <i>1,786</i>            |
| <b>DoD Fam Hsg Imprv Fd—Subtotal .....</b>    |   |  | <b>1,786</b>          | <b>1,786</b>            |
| <b>FAM HSG—TOTAL .....</b>                    |   |  | <b>1,650,781</b>      | <b>1,650,781</b>        |
| <b>BRAC IV</b>                                |   |  |                       |                         |
|   | <i>Worldwide Unspec</i>                     |  |                       |                         |
| <i>BRAC, A</i>                                | <i>Base Realignment &amp; Closure, Army</i> | <i>Base Realignment &amp; Closure .....</i>                | <i>79,893</i>         | <i>79,893</i>           |
| <i>BRAC, N</i>                                | <i>Base Realignment &amp; Closure, Navy</i> | <i>Base Realignment &amp; Closure .....</i>                | <i>146,951</i>        | <i>146,951</i>          |
| <i>BRAC, AF</i>                               | <i>Base Realignment &amp; Closure, AF</i>   | <i>Base Realignment &amp; Closure .....</i>                | <i>122,552</i>        | <i>122,552</i>          |
| <b>BRAC IV—TOTAL .....</b>                    |   |  | <b>349,396</b>        | <b>349,396</b>          |
| <b>2005 BRAC ARMY BRAC</b>                    |   |  |                       |                         |
|   | <i>Worldwide Unspec</i>                     |  |                       |                         |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-121: Fort Gillem, GA .....</i>                      | <i>4,976</i>          | <i>4,976</i>            |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-222: Fort McPherson, GA .....</i>                   | <i>6,772</i>          | <i>6,772</i>            |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>Program Management Various Locations .....</i>          | <i>20,453</i>         | <i>20,453</i>           |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-223: Fort Monmouth, NJ .....</i>                    | <i>9,989</i>          | <i>9,989</i>            |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-36: Red River Army Depot .....</i>                  | <i>1,385</i>          | <i>1,385</i>            |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-113: Fort Monroe, VA .....</i>                      | <i>12,184</i>         | <i>12,184</i>           |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-236: RC Transformation in CT .....</i>              | <i>557</i>            | <i>557</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-242: RC Transformation in NY .....</i>              | <i>172</i>            | <i>172</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-253: RC Transformation in PA .....</i>              | <i>100</i>            | <i>100</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-212: USAR Cmd &amp; Cntrl—New England .....</i>     | <i>222</i>            | <i>222</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>USA-167: USAR Command and Control—NE .....</i>          | <i>175</i>            | <i>175</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>IND-112: River Bank Army Ammo Plant, CA .....</i>       | <i>22,431</i>         | <i>22,431</i>           |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>IND-119: Newport Chemical Depot, IN .....</i>           | <i>197</i>            | <i>197</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>IND-106: Kansas Army Ammunition Plant, KS .....</i>     | <i>7,280</i>          | <i>7,280</i>            |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>IND-110: Mississippi Army Ammo Plant, MS .....</i>      | <i>160</i>            | <i>160</i>              |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>IND-122: Lone Star Army Ammo Plant, TX .....</i>        | <i>11,379</i>         | <i>11,379</i>           |
| <i>BRAC—Army</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>MED-2: Walter Reed NMMC, Bethesda, MD .....</i>         | <i>7,787</i>          | <i>7,787</i>            |
| <b>BRAC—Army—Subtotal .....</b>               |   |  | <b>106,219</b>        | <b>106,219</b>          |
| <b>NAVY BRAC</b>                              |   |  |                       |                         |
|   | <i>Worldwide Unspec</i>                     |  |                       |                         |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-172: NWS Seal Beach, Concord, CA .....</i>          | <i>2,129</i>          | <i>2,129</i>            |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-138: NAS Brunswick, ME .....</i>                    | <i>4,897</i>          | <i>4,897</i>            |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-157: MCSA Kansas City, MO .....</i>                 | <i>39</i>             | <i>39</i>               |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-84: JRB Willow Grove &amp; Cambria Reg AP .....</i> | <i>189</i>            | <i>189</i>              |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-168: NS Newport, RI .....</i>                       | <i>1,742</i>          | <i>1,742</i>            |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-100: Planning, Design and Management .....</i>      | <i>5,038</i>          | <i>5,038</i>            |
| <i>BRAC—Navy</i>                              | <i>Unspecified Worldwide Locations</i>      | <i>DON-101: Various Locations .....</i>                    | <i>4,176</i>          | <i>4,176</i>            |
| <b>BRAC—Navy—Subtotal .....</b>               |   |  | <b>18,210</b>         | <b>18,210</b>           |
| <b>AF BRAC</b>                                |   |  |                       |                         |
|   | <i>Worldwide Unspec</i>                     |  |                       |                         |
| <i>BRAC—Air Force</i>                         | <i>Unspecified Worldwide Locations</i>      | <i>Program Management Various Locations .....</i>          | <i>605</i>            | <i>605</i>              |
| <i>BRAC—Air Force</i>                         | <i>Unspecified Worldwide Locations</i>      | <i>MED-57: Brooks City Base, TX .....</i>                  | <i>326</i>            | <i>326</i>              |
| <i>BRAC—Air Force</i>                         | <i>Unspecified Worldwide Locations</i>      | <i>Comm Add 3: Galena Fol, AK .....</i>                    | <i>1,337</i>          | <i>1,337</i>            |

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <i>Account</i>                   | <i>State or Country and Installation</i> | <i>Project Title</i> | <i>Budget Request</i> | <i>Senate Agreement</i> |
|----------------------------------|--|----------------------|-----------------------|-------------------------|
| <b>BRAC—Air Force—Subtotal</b>   |  |                      | <b>2,268</b>          | <b>2,268</b>            |
| <b>BRAC 2005—TOTAL</b>           |  |                      | <b>126,697</b>        | <b>126,697</b>          |
| <b>BRAC IV + BRAC 2005—TOTAL</b> |  |                      | <b>476,093</b>        | <b>476,093</b>          |
| <b>MILCON GRAND TOTAL</b>        |  |                      | <b>11,222,710</b>     | <b>10,558,796</b>       |

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>   | <i>FY 2013 Request</i> | <i>Senate Authorized</i> |
|--|------------------------|--------------------------|
| <b>Discretionary Summary By Appropriation</b>              |                        |                          |
| <b>Energy And Water Development, And Related Agencies</b>  |                        |                          |
| <b>Appropriation Summary:</b>                              |                        |                          |
| <b>Energy Programs</b>                                     |                        |                          |
| Electricity delivery and energy reliability                | 6,000                  | 0                        |
| <b>Atomic Energy Defense Activities</b>                    |                        |                          |
| <b>National nuclear security administration:</b>           |                        |                          |
| Weapons activities   | 7,577,341              | 7,602,341                |
| Defense nuclear nonproliferation                           | 2,458,631              | 2,458,631                |
| Naval reactors   | 1,088,635              | 1,126,621                |
| Office of the administrator                                | 411,279                | 386,279                  |
| <b>Total, National nuclear security administration</b>     | <b>11,535,886</b>      | <b>11,573,872</b>        |
| <b>Environmental and other defense activities:</b>         |                        |                          |
| Defense environmental cleanup                              | 5,472,001              | 5,009,001                |
| Other defense activities                                   | 735,702                | 735,702                  |
| <b>Total, Environmental &amp; other defense activities</b> | <b>6,207,703</b>       | <b>5,744,703</b>         |
| <b>Total, Atomic Energy Defense Activities</b>             | <b>17,743,589</b>      | <b>17,318,575</b>        |
| <b>Total, Discretionary Funding</b>                        | <b>17,749,589</b>      | <b>17,318,575</b>        |
| <b>Electricity Delivery &amp; Energy Reliability</b>       |                        |                          |
| <b>Electricity Delivery &amp; Energy Reliability</b>       |                        |                          |
| Infrastructure security & energy restoration               | 6,000                  | 0                        |
| <b>Weapons Activities</b>                                  |                        |                          |
| <b>Directed stockpile work</b>                             |                        |                          |
| <b>Life extension programs</b>                             |                        |                          |
| B61 Life extension program                                 | 369,000                | 369,000                  |
| W76 Life extension program                                 | 174,931                | 174,931                  |
| <b>Total, Life extension programs</b>                      | <b>543,931</b>         | <b>543,931</b>           |
| <b>Stockpile systems</b>                                   |                        |                          |
| B61 Stockpile systems                                      | 72,364                 | 72,364                   |
| W76 Stockpile systems                                      | 65,445                 | 90,445                   |
| W78 Stockpile systems                                      | 139,207                | 139,207                  |
| W80 Stockpile systems                                      | 46,540                 | 46,540                   |
| B83 Stockpile systems                                      | 57,947                 | 57,947                   |
| W87 Stockpile systems                                      | 85,689                 | 85,689                   |
| W88 Stockpile systems                                      | 123,217                | 123,217                  |
| <b>Total, Stockpile systems</b>                            | <b>590,409</b>         | <b>615,409</b>           |
| <b>Weapons dismantlement and disposition</b>               |                        |                          |
| Operations and maintenance                                 | 51,265                 | 51,265                   |
| <b>Stockpile services</b>                                  |                        |                          |
| Production support   | 365,405                | 365,405                  |
| Research and development support                           | 28,103                 | 28,103                   |
| R&D certification and safety                               | 191,632                | 191,632                  |
| Management, technology, and production                     | 175,844                | 175,844                  |
| Plutonium sustainment                                      | 141,685                | 141,685                  |
| <b>Total, Stockpile services</b>                           | <b>902,669</b>         | <b>902,669</b>           |
| <b>Total, Directed stockpile work</b>                      | <b>2,088,274</b>       | <b>2,113,274</b>         |
| <b>Campaigns:</b>  |                        |                          |
| <b>Science campaign</b>                                    |                        |                          |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <b>Program</b>  | <b>FY 2013<br/>Request</b> | <b>Senate<br/>Authorized</b> |
|---|----------------------------|------------------------------|
| Advanced certification .....  | 44,104                     | 44,104                       |
| Primary assessment technologies .....   | 94,000                     | 94,000                       |
| Dynamic materials properties .....  | 97,000                     | 97,000                       |
| Advanced radiography .....  | 30,000                     | 30,000                       |
| Secondary assessment technologies .....   | 85,000                     | 85,000                       |
| <b>Total, Science campaign .....</b>  | <b>350,104</b>             | <b>350,104</b>               |
| <b>Engineering campaign</b>   |                            |                              |
| Enhanced surety .....   | 46,421                     | 46,421                       |
| Weapon systems engineering assessment technology .....  | 18,983                     | 18,983                       |
| Nuclear survivability .....   | 21,788                     | 21,788                       |
| Enhanced surveillance .....   | 63,379                     | 63,379                       |
| <b>Total, Engineering campaign .....</b>  | <b>150,571</b>             | <b>150,571</b>               |
| <b>Inertial confinement fusion ignition and high yield campaign</b>                               |                            |                              |
| Diagnostics, cryogenics and experimental support .....  | 81,942                     | 81,942                       |
| Ignition .....  | 84,172                     | 84,172                       |
| Support of other stockpile programs .....   | 14,817                     | 14,817                       |
| Pulsed power inertial confinement fusion .....  | 6,044                      | 6,044                        |
| Joint program in high energy density laboratory plasmas .....                                     | 8,334                      | 8,334                        |
| Facility operations and target production .....   | 264,691                    | 264,691                      |
| <b>Total, Inertial confinement fusion and high yield campaign .....</b>                           | <b>460,000</b>             | <b>460,000</b>               |
| Advanced simulation and computing campaign .....  | 600,000                    | 600,000                      |
| <b>Readiness Campaign</b>   |                            |                              |
| Nonnuclear readiness .....  | 64,681                     | 64,681                       |
| Tritium readiness .....   | 65,414                     | 65,414                       |
| <b>Total, Readiness campaign .....</b>  | <b>130,095</b>             | <b>130,095</b>               |
| <b>Total, Campaigns .....</b>   | <b>1,690,770</b>           | <b>1,690,770</b>             |
| <b>Readiness in technical base and facilities (RTBF)</b>  |                            |                              |
| <b>Operations of facilities</b>   |                            |                              |
| Kansas City Plant .....   | 163,602                    | 163,602                      |
| Lawrence Livermore National Laboratory .....  | 89,048                     | 89,048                       |
| Los Alamos National Laboratory .....  | 335,978                    | 335,978                      |
| Nevada National Security Site .....   | 115,697                    | 115,697                      |
| Pantex .....  | 172,020                    | 172,020                      |
| Sandia National Laboratory .....  | 167,384                    | 167,384                      |
| Savannah River Site .....   | 120,577                    | 120,577                      |
| Y-12 National security complex .....  | 255,097                    | 255,097                      |
| <b>Total, Operations of facilities .....</b>  | <b>1,419,403</b>           | <b>1,419,403</b>             |
| Science, technology and engineering capability support .....                                      | 166,945                    | 166,945                      |
| Nuclear operations capability support .....   | 203,346                    | 203,346                      |
| <b>Subtotal, Readiness in technical base and facilities .....</b>                                 | <b>1,789,694</b>           | <b>1,789,694</b>             |
| <b>Construction:</b>  |                            |                              |
| 13-D-301 Electrical infrastructure upgrades, LANL/LLNL .....                                      | 23,000                     | 23,000                       |
| 12-D-301 TRU waste facilities, LANL .....   | 24,204                     | 24,204                       |
| 11-D-801 TA-55 Reinvestment project, LANL .....   | 8,889                      | 8,889                        |
| 10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....     | 17,909                     | 17,909                       |
| 09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM ..... | 11,332                     | 11,332                       |
| 08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX .....                        | 24,800                     | 24,800                       |
| 06-D-141 PED/Construction, UPFY-12, Oak Ridge, TN .....   | 340,000                    | 0                            |
| 06-D-141 PED/Construction, UPFY-12, Phase I, Oak Ridge, TN .....                                  | 0                          | 340,000                      |
| <b>Total, Construction .....</b>  | <b>450,134</b>             | <b>450,134</b>               |
| <b>Total, Readiness in technical base and facilities .....</b>                                    | <b>2,239,828</b>           | <b>2,239,828</b>             |
| <b>Secure transportation asset</b>  |                            |                              |
| Operations and equipment .....  | 114,965                    | 114,965                      |
| Program direction .....   | 104,396                    | 104,396                      |
| <b>Total, Secure transportation asset .....</b>   | <b>219,361</b>             | <b>219,361</b>               |
| Nuclear counterterrorism incident response .....  | 247,552                    | 247,552                      |
| <b>Site stewardship</b>   |                            |                              |
| Operations and maintenance .....  | 90,001                     | 90,001                       |
| <b>Total, Site stewardship .....</b>  | <b>90,001</b>              | <b>90,001</b>                |
| <b>Defense nuclear security</b>   |                            |                              |
| Operations and maintenance .....  | 643,285                    | 643,285                      |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|--|----------------------------|------------------------------|
| NNSA CIO activities .....  | 155,022                    | 155,022                      |
| Legacy contractor pensions .....   | 185,000                    | 185,000                      |
| National security applications .....   | 18,248                     | 18,248                       |
| <b>Subtotal, Weapons activities</b> .....  | <b>7,577,341</b>           | <b>7,602,341</b>             |
| <b>Total, Weapons Activities</b> .....   | <b>7,577,341</b>           | <b>7,602,341</b>             |
| <b>Defense Nuclear Nonproliferation</b>  |                            |                              |
| <b>Nonproliferation and verification R&amp;D</b>   |                            |                              |
| Operations and maintenance .....   | 398,186                    | 398,186                      |
| Domestic Enrichment R&D .....  | 150,000                    | 150,000                      |
| <b>Subtotal, Nonproliferation and verification R&amp;D</b> .....                                     | <b>548,186</b>             | <b>548,186</b>               |
| <b>Nonproliferation and international security</b> .....   | <b>150,119</b>             | <b>150,119</b>               |
| <b>International nuclear materials protection and cooperation</b> .....                              | <b>311,000</b>             | <b>311,000</b>               |
| <b>Fissile materials disposition</b>   |                            |                              |
| <b>U.S. surplus fissile materials disposition</b>  |                            |                              |
| <b>Operations and maintenance</b>  |                            |                              |
| U.S. plutonium disposition .....   | 498,979                    | 498,979                      |
| U.S. uranium disposition .....   | 29,736                     | 29,736                       |
| <b>Total, Operations and maintenance</b> .....   | <b>528,715</b>             | <b>528,715</b>               |
| <b>Construction:</b>   |                            |                              |
| 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....                             | 388,802                    | 388,802                      |
| <b>Total, Construction</b> .....   | <b>388,802</b>             | <b>388,802</b>               |
| <b>Total, U.S. surplus fissile materials disposition</b> .....                                       | <b>917,517</b>             | <b>917,517</b>               |
| Russian surplus fissile materials disposition .....  | 3,788                      | 3,788                        |
| <b>Total, Fissile materials disposition</b> .....  | <b>921,305</b>             | <b>921,305</b>               |
| Global threat reduction initiative .....   | 466,021                    | 466,021                      |
| Legacy contractor pensions .....   | 62,000                     | 62,000                       |
| <b>Subtotal, Defense Nuclear Nonproliferation</b> .....  | <b>2,458,631</b>           | <b>2,458,631</b>             |
| <b>Total, Defense Nuclear Nonproliferation</b> .....   | <b>2,458,631</b>           | <b>2,458,631</b>             |
| <b>Naval Reactors</b>  |                            |                              |
| Naval reactors development .....   | 418,072                    | 418,072                      |
| Ohio replacement reactor systems development .....   | 89,700                     | 127,686                      |
| S8G Prototype refueling .....  | 121,100                    | 121,100                      |
| Naval reactors operations and infrastructure .....   | 366,961                    | 366,961                      |
| <b>Construction:</b>   |                            |                              |
| 13-D-905 Remote-handled low-level waste facility, INL .....  | 8,890                      | 8,890                        |
| 13-D-904 KS Radiological work and storage building, KSO .....  | 2,000                      | 2,000                        |
| 13-D-903, KS Prototype Staff Building, KSO .....   | 14,000                     | 14,000                       |
| 10-D-903, Security upgrades, KAPL .....  | 19,000                     | 19,000                       |
| 08-D-190 Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID ..... | 5,700                      | 5,700                        |
| <b>Total, Construction</b> .....   | <b>49,590</b>              | <b>49,590</b>                |
| Program direction .....  | 43,212                     | 43,212                       |
| <b>Subtotal, Naval Reactors</b> .....  | <b>1,088,635</b>           | <b>1,126,621</b>             |
| <b>Total, Naval Reactors</b> .....   | <b>1,088,635</b>           | <b>1,126,621</b>             |
| <b>Office Of The Administrator</b>   |                            |                              |
| Office of the administrator .....  | 411,279                    | 386,279                      |
| <b>Total, Office Of The Administrator</b> .....  | <b>411,279</b>             | <b>386,279</b>               |
| <b>Defense Environmental Cleanup</b>   |                            |                              |
| <b>Closure sites:</b>  |                            |                              |
| Closure sites administration .....   | 1,990                      | 1,990                        |
| <b>Hanford site:</b>   |                            |                              |
| River corridor and other cleanup operations .....  | 389,347                    | 389,347                      |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>   | <i>FY 2013<br/>Request</i> | <i>Senate<br/>Authorized</i> |
|--|----------------------------|------------------------------|
| <i>Central plateau remediation .....</i>                                 | <i>558,820</i>             | <i>558,820</i>               |
| <i>Richland community and regulatory support .....</i>                   | <i>15,156</i>              | <i>15,156</i>                |
| <b><i>Total, Hanford site .....</i></b>                                  | <b><i>963,323</i></b>      | <b><i>963,323</i></b>        |
| <b><i>Idaho National Laboratory:</i></b>                                 |                            |                              |
| <i>Idaho cleanup and waste disposition .....</i>                         | <i>396,607</i>             | <i>396,607</i>               |
| <i>Idaho community and regulatory support .....</i>                      | <i>3,000</i>               | <i>3,000</i>                 |
| <b><i>Total, Idaho National Laboratory .....</i></b>                     | <b><i>399,607</i></b>      | <b><i>399,607</i></b>        |
| <b><i>NNSA sites</i></b>   |                            |                              |
| <i>Lawrence Livermore National Laboratory .....</i>                      | <i>1,484</i>               | <i>1,484</i>                 |
| <i>Nuclear facility D&amp;D Separations Process Research Unit .....</i>  | <i>24,000</i>              | <i>24,000</i>                |
| <i>Nevada .....</i>  | <i>64,641</i>              | <i>64,641</i>                |
| <i>Sandia National Laboratories .....</i>                                | <i>5,000</i>               | <i>5,000</i>                 |
| <i>Los Alamos National Laboratory .....</i>                              | <i>239,143</i>             | <i>239,143</i>               |
| <b><i>Total, NNSA sites and Nevada off-sites .....</i></b>               | <b><i>334,268</i></b>      | <b><i>334,268</i></b>        |
| <b><i>Oak Ridge Reservation:</i></b>                                     |                            |                              |
| <i>Building 3019 .....</i>   | <i>67,525</i>              | <i>67,525</i>                |
| <i>OR cleanup and disposition .....</i>                                  | <i>109,470</i>             | <i>109,470</i>               |
| <i>OR reservation community and regulatory support .....</i>             | <i>4,500</i>               | <i>4,500</i>                 |
| <b><i>Total, Oak Ridge Reservation .....</i></b>                         | <b><i>181,495</i></b>      | <b><i>181,495</i></b>        |
| <b><i>Office of River Protection:</i></b>                                |                            |                              |
| <b><i>Waste treatment and immobilization plant</i></b>                   |                            |                              |
| <i>01-D-416 A-E/ORP-0060/Major construction .....</i>                    | <i>690,000</i>             | <i>690,000</i>               |
| <b><i>Tank farm activities</i></b>                                       |                            |                              |
| <i>Rad liquid tank waste stabilization and disposition .....</i>         | <i>482,113</i>             | <i>482,113</i>               |
| <b><i>Total, Office of River protection .....</i></b>                    | <b><i>1,172,113</i></b>    | <b><i>1,172,113</i></b>      |
| <b><i>Savannah River sites:</i></b>                                      |                            |                              |
| <i>Savannah River risk management operations .....</i>                   | <i>444,089</i>             | <i>444,089</i>               |
| <i>SR community and regulatory support .....</i>                         | <i>16,584</i>              | <i>16,584</i>                |
| <b><i>Radioactive liquid tank waste:</i></b>                             |                            |                              |
| <i>Radioactive liquid tank waste stabilization and disposition .....</i> | <i>698,294</i>             | <i>698,294</i>               |
| <b><i>Construction:</i></b>  |                            |                              |
| <i>05-D-405 Salt waste processing facility, Savannah River .....</i>     | <i>22,549</i>              | <i>22,549</i>                |
| <b><i>Total, Radioactive liquid tank waste .....</i></b>                 | <b><i>720,843</i></b>      | <b><i>720,843</i></b>        |
| <b><i>Total, Savannah River site .....</i></b>                           | <b><i>1,181,516</i></b>    | <b><i>1,181,516</i></b>      |
| <b><i>Waste Isolation Pilot Plant</i></b>                                |                            |                              |
| <i>Waste isolation pilot plant .....</i>                                 | <i>198,010</i>             | <i>198,010</i>               |
| <b><i>Total, Waste Isolation Pilot Plant .....</i></b>                   | <b><i>198,010</i></b>      | <b><i>198,010</i></b>        |
| <i>Program direction .....</i>   | <i>323,504</i>             | <i>323,504</i>               |
| <i>Program support .....</i>   | <i>18,279</i>              | <i>18,279</i>                |
| <b><i>Safeguards and Security:</i></b>                                   |                            |                              |
| <i>Oak Ridge Reservation .....</i>                                       | <i>18,817</i>              | <i>18,817</i>                |
| <i>Paducah .....</i>   | <i>8,909</i>               | <i>8,909</i>                 |
| <i>Portsmouth .....</i>  | <i>8,578</i>               | <i>8,578</i>                 |
| <i>Richland/Hanford Site .....</i>                                       | <i>71,746</i>              | <i>71,746</i>                |
| <i>Savannah River Site .....</i>   | <i>121,977</i>             | <i>121,977</i>               |
| <i>Waste Isolation Pilot Project .....</i>                               | <i>4,977</i>               | <i>4,977</i>                 |
| <i>West Valley .....</i>   | <i>2,015</i>               | <i>2,015</i>                 |
| <b><i>Total, Safeguards and Security .....</i></b>                       | <b><i>237,019</i></b>      | <b><i>237,019</i></b>        |
| <i>Technology development .....</i>                                      | <i>20,000</i>              | <i>20,000</i>                |
| <i>Uranium enrichment D&amp;D fund contribution .....</i>                | <i>463,000</i>             | <i>0</i>                     |
| <b><i>Subtotal, Defense environmental cleanup .....</i></b>              | <b><i>5,494,124</i></b>    | <b><i>5,031,124</i></b>      |
| <b><i>Adjustments</i></b>  |                            |                              |
| <i>Use of prior year balances .....</i>                                  | <i>-12,123</i>             | <i>-12,123</i>               |
| <i>Use of unobligated balances .....</i>                                 | <i>-10,000</i>             | <i>-10,000</i>               |
| <b><i>Total, Adjustments .....</i></b>                                   | <b><i>-22,123</i></b>      | <b><i>-22,123</i></b>        |
| <b><i>Total, Defense Environmental Cleanup .....</i></b>                 | <b><i>5,472,001</i></b>    | <b><i>5,009,001</i></b>      |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| Program   | FY 2013<br>Request | Senate<br>Authorized |
|---|--------------------|----------------------|
| <b>Other Defense Activities</b>                 |                    |                      |
| <b>Health, safety and security</b>              |                    |                      |
| Health, safety and security .....               | 139,325            | 139,325              |
| Program direction .....                         | 106,175            | 106,175              |
| <b>Total, Health, safety and security .....</b> | <b>245,500</b>     | <b>245,500</b>       |
| Specialized security activities .....           | 188,619            | 188,619              |
| <b>Office of Legacy Management</b>              |                    |                      |
| Legacy management .....                         | 164,477            | 164,477              |
| Program direction .....                         | 13,469             | 13,469               |
| <b>Total, Office of Legacy Management .....</b> | <b>177,946</b>     | <b>177,946</b>       |
| <b>Defense-related activities</b>               |                    |                      |
| Defense related administrative support .....    | 118,836            | 118,836              |
| Office of hearings and appeals .....            | 4,801              | 4,801                |
| <b>Subtotal, Other defense activities .....</b> | <b>735,702</b>     | <b>735,702</b>       |
| <b>Total, Other Defense Activities .....</b>    | <b>735,702</b>     | <b>735,702</b>       |

**DIVISION E—HOUSING ASSISTANCE FOR VETERANS**

**TITLE I—HOUSING ASSISTANCE FOR VETERANS**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Housing Assistance for Veterans Act of 2012” or the “HAVEN Act”.

**SEC. 5002. DEFINITIONS.**

In this division:

(1) **DISABLED.**—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) **ELIGIBLE VETERAN.**—The term “eligible veteran” means a disabled or low-income veteran.

(3) **ENERGY EFFICIENT FEATURES OR EQUIPMENT.**—The term “energy efficient features or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) **LOW-INCOME VETERAN.**—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) **PRIMARY RESIDENCE.**—

(A) **IN GENERAL.**—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran’s principal dwelling and is owned by such veteran or a family member of such veteran.

(B) **FAMILY MEMBER DEFINED.**—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) **QUALIFIED ORGANIZATION.**—The term “qualified organization” means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) **VETERAN.**—The term “veteran” has the same meaning as given such term in section 101 of title 38, United States Code.

(10) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.**

(a) **GRANT.**—

(1) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) **MAXIMUM GRANT.**—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) **PREFERENCES.**—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term “rural areas”).

(c) **CRITERIA.**—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) **USE OF FUNDS.**—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) **OVERSIGHT.**—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) **IN-KIND CONTRIBUTIONS.**—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) **LIMITATION COST TO THE VETERANS.**—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) **REPORTS.**—

(1) **ANNUAL REPORT.**—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) **FINAL REPORT.**—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for carrying out this division \$4,000,000 for each of fiscal years 2013 through 2017.

## **DIVISION F—STOLEN VALOR ACT TITLE LI—STOLEN VALOR ACT**

### **SEC. 5011. SHORT TITLE.**

This division may be cited as the “Stolen Valor Act of 2012”.

### **SEC. 5012. FINDINGS.**

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

### **SEC. 5013. MILITARY MEDALS OR DECORATIONS.**

Section 704 of title 18, United States Code, is amended to read as follows:

#### **“§ 704. Military medals or decorations**

“(a) **IN GENERAL.**—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(b) **FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND**

**FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.**—

“(1) **IN GENERAL.**—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) **TANGIBLE BENEFIT OR PERSONAL GAIN.**—For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) **DEFINITION.**—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”

### **SEC. 5014. SEVERABILITY.**

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

## **DIVISION G—MISCELLANEOUS**

### **TITLE LII—MISCELLANEOUS**

### **SEC. 5021. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “Dale Long Public Safety Officers' Benefits Improvements Act of 2012”.

(b) **BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.**—

(1) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—



“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(i) in subsection (b)—

(I) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;

(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(aa) by striking “, to such officer”;

(V) by striking “the total” and all that follows through “For” and inserting “for”; and

(VI) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “. Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(bb) by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a-1)—

(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking “post-mortem” each place it appears and inserting “post-injury”;

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(iv) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system.”; and

(v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d-1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—

(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d-2(b)), by striking “dependent’s” each place it appears and inserting “person’s”;

(J) in section 1216 (42 U.S.C. 3796d-5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”; and

(B) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

(c) AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.—The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: Provided further, That,

on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: Provided further, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

#### SEC. 5022. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

##### “SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

“(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

“(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

“(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) CURRENT STATUS.—

“(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

“(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

“(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

“(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

“(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

“(3) TIMING.—

“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

“(ii) review and update the scientific framework not later than 5 years after its initial development.

“(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

“(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

“(B) make such framework publicly available on the Internet website of the Department of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT CANCER.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and

“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”.

#### SEC. 5023. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”.

(c) **REPORTS.**—Section 604(d) of such Act is amended to read as follows:

“(d) **REPORTS.**—

“(1) **COMPREHENSIVE ANNUAL REPORT.**—

“(A) **IN GENERAL.**—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and

“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) **EFFECTIVENESS ASSESSMENT.**—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(III) are well-managed and cost efficient;

“(ii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed; and

“(III) need to improve their performance results or cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead; and

“(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) **OTHER REPORTS.**—

“(A) **IN GENERAL.**—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) **AVAILABILITY.**—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) **ACCESS TO INFORMATION.**—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry

out its duties and responsibilities under this subsection.”.

(d) **REAUTHORIZATION.**—

(1) **IN GENERAL.**—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2014”.

(2) **RETROACTIVITY OF EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) **FUNDING.**—From amounts appropriated by Congress under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

#### **SEC. 5024. REMOVAL OF ACTION.**

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

#### **TITLE LIII—GAO MANDATES REVISION ACT**

##### **Subtitle A—GAO Mandates Revision Act**

#### **SEC. 5301. SHORT TITLE.**

This subtitle may be cited as the “GAO Mandates Revision Act of 2012”.

#### **SEC. 5302. REPEALS AND MODIFICATIONS.**

(a) **CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.**—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Com-

mission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.”.

(b) **JUDICIAL SURVIVORS’ ANNUITIES FUND AUDIT BY GAO.**—

(1) **IN GENERAL.**—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.

(c) **ONDCP ANNUAL REPORT REQUIREMENT.**—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter,”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

(d) **USERRA GAO REPORT.**—Section 105(g)(1) of the Veterans’ Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted,”.

(e) **SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.**—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) **EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.**—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) **AMERICAN BATTLE MONUMENTS COMMISSION’S FINANCIAL STATEMENTS AND AUDITS.**—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”; and

(2) in paragraph (1), by striking “(1)”; and

(3) by striking paragraph (2).

(h) **SENATE PRESERVATION FUND AUDITS.**—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,”.

##### **Subtitle B—Improper Payments Elimination and Recovery Improvement Act**

#### **SEC. 5311. SHORT TITLE.**

This subtitle may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

#### **SEC. 5312. DEFINITIONS.**

In this subtitle—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 03(a)(1) of this subtitle.

**SEC. 5313. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; (2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or high-est rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “sub-

section (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”.

**SEC. 5314. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

**SEC. 5315. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility

and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) **WORKING SYSTEM.**—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) **APPLICATION TO ALL AGENCIES.**—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) **FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.**—

(1) **DEFINITION.**—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.**—

(A) **IN GENERAL.**—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) **REVIEW.**—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) **TERMINATION DATE.**—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) **MULTIPLE AGENCIES.**—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) **COST-BENEFIT ANALYSIS.**—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) **CORRECTIONS.**—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) **COMPLIANCE.**—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) **DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.**—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) **PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.**—

(1) **ESTABLISHMENT.**—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) **ADDITIONAL ACTIONS UNDER PLAN.**—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) **REPORT.**—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### **SEC. 5316. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) **DEFINITION.**—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) **REVIEW.**—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

#### **Subtitle C—Sense of Congress Regarding Spectrum**

#### **SEC. 5317. SENSE OF CONGRESS REGARDING SPECTRUM.**

It is the sense of Congress that—

(1) the Nation’s mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106-65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability; and

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balance the private sector’s demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government

stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

Under the previous order, the Presiding Officer appointed Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER conferees on the part of the Senate.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Rhode Island is recognized.

#### EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate continue in morning business until 7 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COAST GUARD AUTHORIZATION ACT OF 2012

Mr. BEGICH. Madam President, I now lay before the Senate a message from the House with respect to H.R. 2838.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the House of Representatives (H.R. 2838) entitled “An Act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.”, do pass with amendments.

#### AMERICAN FISHERIES ACT VESSELS

Mr. BEGICH. Madam President, I rise to engage in a colloquy with my colleague from the State of Alaska, Ms. MURKOWSKI, and my colleague from the State of Washington, Ms. CANTWELL, regarding a provision in H.R. 2838, the Coast Guard and Maritime Transportation Act of 2012, that deals with two great fisheries of the Bering Sea. The American Fisheries Act—AFA—regulates one of the single greatest fishery

resources in the world: Alaska Pollock. This fishery produces over 2 billion pounds of product in most years and is sustainably harvested, thanks to standards set under the Magnuson-Stevens Fishery Conservation and Management Act. Amendment 80 to the Bering Sea Groundfish Fishery Management Plan regulates fishing for other species of groundfish like Pacific cod, Atka mackerel and yellowfin sole and while smaller than the AFA fishery, it still ranks among the major fisheries of the world.

Ms. MURKOWSKI. Madam President, I agree these are two great fisheries and economic drivers of our thriving seafood industry. I have a question about Section 307 of H.R. 2838, which I understand is intended to clarify longstanding restrictions that have applied with respect to certain vessels under the American Fisheries Act. I know that Senator CANTWELL and the senior Senator from Washington, Mrs. MURRAY, have worked with Senator BEGICH and others to develop this language for inclusion in the final version of the Coast Guard bill as received from the other body last week, and I think it is important for us to make clear what it is intended to do. I am told that this provision is designed to maintain and reinforce the separation that exists between these two fisheries, and nothing more. Currently, none of these 20 AFA vessels participate in the Amendment 80 fishery, and under Amendment 97 to the Bering Sea Fishery Management Plan they are expressly prohibited from doing so. Is it true that Section 307 maintains this separation?

Ms. CANTWELL. Madam President, I appreciate Senator MURKOWSKI raising this issue, as I know it is of great importance to both our States, and I am happy to discuss the intent and effect of the provision to which she is referring. Senator MURRAY and I have worked closely with Senator BEGICH, with the Commerce Committee, and with our colleagues in the other body to develop this language for inclusion in the Coast Guard bill. Section 307 of H.R. 2838 does, as Senator MURKOWSKI states, clarify longstanding restrictions that apply to certain vessels under the American Fisheries Act. The intent of this language is to maintain the status quo between two separate and distinct fisheries: one regulated under the American Fisheries Act and the other by Amendment 80 to the Bering Sea Fishery Management Plan. There has always been a careful balance struck between these two sectors, and we need to maintain that balance in order to protect the investments and job opportunities they provide. This language is in no way intended to upset that balance, but rather to insure that the status quo of separate and mutually exclusive sectors remains in place while affording the Amendment 80 fleet the opportunity to replace their older

vessels with new ones and to encourage the economic investments that would follow.

Mr. BEGICH. Madam President, as chairman of the Commerce Subcommittee on Oceans, Atmosphere, Fisheries and the Coast Guard, I concur with my colleagues that this is an important provision, and I want to reiterate that it is only designed to maintain and reinforce the separation between these two fisheries, and nothing more. As NOAA informed our offices via email this week: “There is currently a regulatory prohibition on AFA vessels from being used as replacement vessels in the Amendment 80 fleet. The concerns addressed in the assistance address what would occur if that regulatory prohibition were to be removed. Subject to judicial interpretation, any change to the status quo would need to be made through the Council’s and NOAA Fisheries’ rule-making process and is unlikely to occur in the near future.”

I thank my colleagues.

#### SURVIVAL CRAFT

Mr. HARKIN. Madam President, as my colleagues know, I was the lead Senate author of the Americans with Disabilities Act the ADA. The ADA stands for a simple proposition—that disability is a natural part of the human experience and that all people with disabilities have a right to make choices and participate fully in all aspects of society. Thanks to the ADA, our country has become a more welcoming place not just for people with a variety of disabilities but for everyone.

In that context, I want to raise an issue in H.R. 2838, the Coast Guard and Maritime Transportation Act of 2012. Under current law, there is a provision that requires that no survival craft allow a person to be submerged in water. H.R. 2838 requires a study and report on this requirement to be completed within 6 months. While I have no objection to the Coast Guard doing another report on the issue, I want to be sure that this study will appropriately take into account the specific needs of people with a diverse variety of disabilities who may need to utilize these survival craft. For example, my expectation is that the study would not recommend that all individuals be required to hold on to the outside of the survival craft or other items, since an individual with a significant disability may not be able to do so, as a result of their disability. In addition, it is important that not only the means of egress, but also the avenues for evacuation and rescue should be accessible for people with disabilities.

I would also want to be sure that the study will be completed within the 6 month designated period.

Mr. ROCKEFELLER. Mr. President, I very much appreciate the comments of the Senator from Iowa. My expectation is that the Coast Guard study and report will include the consideration of



the specific needs of individuals with disabilities with respect to their use of survival craft, and will not make any recommendations that could be considered discriminatory against people with disabilities, or require individuals with disabilities to perform actions which they may be unable to do as a result of their specific disability. The goal of the study and report should be an inclusive one which allows people with disabilities to participate fully in the underlying activity, and provides a full and equal opportunity for each person with a disability to utilize these survival craft in a safe manner, as necessary. I will continue to work with my colleague from Iowa and the Coast Guard on these issues and I will encourage the Coast Guard to complete their report within the 6 month period so that new requirements will take effect in a timely manner.

Mr. HARKIN. Mr. President, I appreciate the efforts of the Senator from West Virginia, the chairman of the Commerce Committee, and I look forward to continuing to work with him to assure that individuals with disabilities have access to survival craft that will properly protect them from injury.

Mr. ROCKEFELLER. Madam President, I rise today to celebrate the final passage of a reconciled Coast Guard authorization bill for fiscal years 2013 and 2014. This achievement is the culmination of several months of careful negotiation between the Senate and the House, and is a tribute to what can happen when we rise above trivial partisanship, roll up our sleeves, and reach across the aisle on behalf of the American people.

The United States Coast Guard is truly unique among the services and agencies of the Federal Government. As a branch of our Armed Forces, it defends the Nation in time of war, but it also functions as a Federal agency with law enforcement and regulatory authority in a number of areas critical to our national security, economic security, and environment. Today, the Coast Guard is charged with 11 statutory missions that include saving lives at sea; protecting our ports, waterways, and maritime infrastructure from terrorists; responding to natural disasters; interdicting drugs and migrants at sea; and protecting our marine environment.

Each and every day, we ask the 42,000 men and women of the Coast Guard to put their lives on the line to carry out these important missions. Over the past few years, we have seen the Coast Guard take the lead in responding to numerous crises like Hurricanes Katrina and Sandy, the earthquake in Haiti, and the BP Deepwater Horizon oil spill. In all of these cases, the Coast Guard has met and exceeded our expectations. We have asked them to do more with less and they have responded. The least we can do is to

make sure they have the tools essential to carrying out their missions successfully. With the passage of this year's Coast Guard reauthorization bill, I believe we're on our way towards meeting that responsibility.

This bipartisan bill authorizes additional funding and personnel levels for the Coast Guard over fiscal years 2013 and 2014, improving its ability to carry out its three overarching roles of maritime security, safety and stewardship successfully. The bill also makes a number of changes to the Coast Guard's major acquisitions authorities critical to the ongoing and needed recapitalization of its aging fleet. Additionally, the bill addresses America's increasing presence in a changing Arctic by ensuring that the Coast Guard maintains and strengthens its capability to conduct polar ice operations in support of its statutory missions and operational needs of the United States Navy. Importantly, the bill also gives the Coast Guard greater parity with its sister Armed Services by further aligning Coast Guard management and personnel authorities with statutory authorities of the Department of Defense to better support its service members and their families.

The bill's passage would not have been successful without the tireless efforts of many here in Congress. I first want to thank Senator BEGICH, who, after assuming the chairmanship of the Oceans Subcommittee at the beginning of this Congress, quickly went to work on drafting the Senate's version of the Coast Guard bill. His legislation, of which I was a proud cosponsor, served as a blueprint for the Senate's negotiations with the House.

I also want to thank my dear friend and ranking member of the Commerce Committee, Senator HUTCHISON. Her efforts were instrumental to moving the ball down the field. It is increasingly difficult to get consensus in this body, particularly for legislation that needs unanimity. Without her efforts to hammer out differences across the aisle, today's achievement would not have been possible. Senator HUTCHISON will be missed.

In recent weeks, much attention was given to the efforts to pass needed reauthorization for the Department of Defense and each of the Armed Services under it. It was a tough slog, but in the end it demonstrated what can be achieved when the Senate works as it should. In its own quiet way, the passage of this legislation for this essential service branch is a testament to that as well.

Mr. BEGICH. I further ask that the Senate immediately proceed to a voice vote on a motion to concur in the House amendment to the Senate amendment to H.R. 2838.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion.

The motion was agreed to.

Mr. BEGICH. I further ask that the motion to reconsider be made and laid upon the table, with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. To conclude, this is the Coast Guard reauthorization bill. It is a bill that has taken a while to work out between all of the parties, but it has incredible value, obviously, for my home State of Alaska and for the Presiding Officer's home State of Washington and for, really, the country to make sure we have the right elements for our Coast Guard. It is very exciting to see it now moves from this side, and we anticipate the House will accept it.

So thank you very much, Madam President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

#### TRIBUTE TO MATTHEW WALKER

Ms. SNOWE. Mr. President, I rise today to recognize the outstanding service provided by one of my long-serving staff members, Matthew Walker, to the Small Business Committee, our beloved home State of Maine, and indeed our Nation. Matt is a dedicated individual whose enthusiasm and insights will be sorely missed. As he moves on to the next step in his professional life, I wish him the best and thank him for his years of service.

A native son of Bangor, ME, Matt attended my alma mater, the University of Maine, before earning his Juris Doctor from the Maine School of Law. I first met Matt when he served as an intern in my office in 1994, when I was still a Member of the House of Representatives, and since then he has been an integral part of my staff for nearly 14 years collectively. Among his experiences, he has been a volunteer on my first Senatorial campaign, worked in two of my district offices handling constituent casework, served in my personal office in Washington, and most recently, Matt performed the absolutely crucial role of Deputy Staff Director and Chief Counsel on the Senate Committee on Small Business and Entrepreneurship. From these roles he has gained diverse and invaluable knowledge from many areas, from providing effective constituent services to the people of Maine to drafting and introducing significant legislation. His flexibility and wide range of experience have made him a vital member of my



staff. On the Small Business Committee, Matt has been a trusted advisor on a host of legislative issues that have come before the Committee since 2003, as well as shaping the Committee's agenda during my tenure as chair and ranking member.

Anyone who knows Matt can attest to the crucial role service to our Nation plays in his life. A recent retiree from the National Guard and a veteran, Matt served a 1-year tour of duty in Afghanistan in 2006 and 2007. And I certainly gained an even greater sense of what it was like to experience the gratification and honor—as well as trepidation—that service members feel when we saw Master Sergeant Walker deploy. I was so touched when Matt had an American flag fly over Bagram Air Field in Afghanistan for me, and when he sent it to me, I had it framed and displayed in my front office.

Finally, I would be remiss if I didn't mention Matt's boundless energy, personable demeanor, and infectious sense of humor. Over the years, I have been truly fortunate to benefit from Matt's indispensable wisdom and thoughtful guidance. I will miss his strong work ethic and cheerful demeanor, which have been nearly constant in my office for so long. Matt's strengths and attributes will serve him well as he moves off the Hill. I wish Matt, his wife Rhonda, and their beautiful children, Riley and Logan, all the best as they begin an exciting new chapter.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO REBEKAH FORMAN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Rebekah Forman for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Rebekah is a native of Sheridan, WY and a graduate of Sheridan High School. She currently attends Laramie County Community College. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Rebekah for the dedication she has shown while working for me and my staff. It is wonderful to have her as part of our team. I am pleased she will be continuing her internship with my office through next semester.●

##### TRIBUTE TO MARY FREEMAN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Mary Freeman for her hard work as an intern in my Cheyenne office. I recognize her ef-

forts and contributions to my office as well as to the State of Wyoming.

Mary is a native of Cheyenne, WY and a graduate of Cheyenne East High School. She currently attends the University of Wyoming College of Law. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Mary for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

##### TRIBUTE TO RONALD PALMER

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Ronald Palmer for his hard work as an intern in my Casper office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Ronald is a native of Rawlins, WY and a graduate of Rawlins High School. He currently attends Casper College where he is majoring in theatre performance. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Ronald for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

##### TRIBUTE TO MARY FRANCES ROONEY

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Franci Rooney for her hard work as an intern in my Washington, D.C. office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Franci is a native of Dallas, TX. She graduated from the University of Notre Dame with a bachelor of arts in philosophy and Spanish. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Franci for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

##### TRIBUTE TO ABRAHAM SCHREIER

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Abe Schreier for his hard work as an intern in my Washington, D.C. office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Abe is a native of Fort Wayne, IN. He graduated from Indiana University with a bachelor of arts in political science and history. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Abe for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

##### TRIBUTE TO CYRUS WESTERN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Cyrus Western for his hard work as an intern in the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Cyrus is a native of Sheridan, WY. He graduated from Washington and Jefferson College with a bachelor of arts in environmental science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Cyrus for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

##### MESSAGES FROM THE HOUSE

###### ENROLLED BILLS SIGNED

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3187. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

H.R. 6582. An act to allow for innovations and alternative technologies that meet or exceed desired efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mrs. GILLIBRAND).

At 5:35 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 829. Resolution to respectfully return to the Senate the bill (H. R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8547. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin Pesticide Tolerances; Technical Correction" (FRL No. 9371-3) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8548. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zeta Cypermethrin; Pesticide Tolerances" (FRL No. 9371-7) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8549. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spirodiclofen; Pesticide Tolerances" (FRL No. 9371-5) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8550. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpyroximate; Pesticide Tolerances" (FRL No. 9360-3) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8551. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8552. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures" (RIN0648-BC57) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8553. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Crescent City Fourth of July Fireworks Event, Crescent City, CA" ((RIN1625-AA00) (Docket No. USCG-2012-0141)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8554. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System, Yellowstone National Park - Winter Use" (RIN1024-AE10) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Energy and Natural Resources.

EC-8555. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "Revised Guidance of Treatment of Tenants under CERCLA'S BFPF Provision"; to the Committee on Environment and Public Works.

EC-8556. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Parkersburg-Marietta, WV-OH Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9760-7) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Environment and Public Works.

EC-8557. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Charleston Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9759-7) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Environment and Public Works.

EC-8558. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Inventory for the Baltimore, Maryland Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9759-6) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Environment and Public Works.

EC-8559. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Washington County, Maryland Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9760-1) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Environment and Public Works.

EC-8560. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard and Diesel Sulfur Programs" (FRL No. 9758-8) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Environment and Public Works.

EC-8561. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Huntington-Ashland, WV-KY-OH Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9759-9) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Environment and Public Works.

EC-8562. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance for Performing the Integrated Assessment for External Flooding" (JLD-ISG-2012-05) received in the Office of the President of the Senate on December 7, 2012; to the Committee on Environment and Public Works.

EC-8563. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Competitive Sourcing Report for fiscal year 2012; to the Committee on Finance.

EC-8564. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Leave-Based Donation Programs to Aid Victims of Hurricane Sandy" (Notice 2012-69) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Finance.

EC-8565. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fees on Health Insurance Policies and Self-Insured Plans for the Patient-Centered Outcomes Research Trust Fund" ((RIN1545-BK59) (TD 9602)) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Finance.

EC-8566. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to U.S. Customs and Border Protection Regulations" (CBP Dec. 12-21) received in the Office of the President of the Senate on December 7, 2012; to the Committee on Finance.

EC-8567. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Children's Health Insurance Program Reauthorization Act (CHIPRA) Mandated Evaluation of Express Lane Eligibility: First Year Findings"; to the Committee on Finance.

EC-8568. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-157, of the proposed sale or export of defense articles and/or defense services to a Middle East

country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8569. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-167, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8570. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-095); to the Committee on Foreign Relations.

EC-8571. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-126); to the Committee on Foreign Relations.

EC-8572. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-156); to the Committee on Foreign Relations.

EC-8573. A communication from the Program Manager, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction; Proposed Modification of Dispensing Restrictions for Buprenorphine and Buprenorphine Combination as Used in Approved Opioid Treatment Medications" (RIN0930-AA14) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8574. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Information Technology: Revisions to the 2014 Edition Electronic Health Record Certification Criteria; and Medicare and Medicaid Programs; Revisions to the Electronic Health Record Incentive Program" (RIN0938-AR71; RIN0991-AB89) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8575. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption; Sodium Dodecylbenzenesulfonate" (Docket No. FDA-2011-F-0853) received in the Office of the President of the Senate on December 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8576. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2012

Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8577. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8578. A communication from the Chief Operating Officer/Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8579. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012 and the Semi-Annual Report of the Treasury Inspector General for Tax Administration (TIGTA); to the Committee on Homeland Security and Governmental Affairs.

EC-8580. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Residential, Business, and Wind and Solar Resource Leases on Indian Land" (RIN1076-AE73) received in the Office of the President of the Senate on December 7, 2012; to the Committee on Indian Affairs.

EC-8581. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Enforcement Actions" (RIN3141-AA50) received in the Office of the President of the Senate on December 7, 2012; to the Committee on Indian Affairs.

EC-8582. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to Part 53—State Veterans Homes" (RIN2900-AO54) received in the Office of the President of the Senate on December 10, 2012; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY:

S. 3670. A bill to prohibit the use of fiscal year 2013 funds for United States participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Egypt-Israel peace treaty; to the Committee on Armed Services.

By Mr. LUGAR:

S. 3671. A bill to provide certain assistance to North Atlantic Treaty Organization allies; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 3672. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. CORKER:

S. 3673. A bill to provide a comprehensive deficit reduction plan, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. WICKER, and Mr. COCHRAN):

S. 3674. A bill to amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3675. A bill to expand the HUBZone program for communities affected by base realignment and closure, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. AKAKA:

S. 3676. A bill to promote high-quality, cost-efficient, and effective administrative support services to agencies overseas; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY):

S. 3677. A bill to make a technical correction to the Flood Disaster Protection Act of 1973; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 614. A resolution celebrating the World Peace Corps Mission and the World Peace Prize; considered and agreed to.

By Mr. BURR (for himself, Mrs. BOXER, Mrs. FEINSTEIN, and Mrs. HAGAN):

S. Res. 615. A resolution congratulating the recipients of the 2012 Nobel Prize in Chemistry; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 2347

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3231

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3231, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service to support effective programs targeted at improving permanency outcomes for youth in foster care.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon

(Mr. MERKLEY) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3275

At the request of Mr. COONS, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. CARPER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3275, a bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

S. 3460

At the request of Mr. COONS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3460, a bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes.

S. 3616

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3616, a bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010, and for other purposes.

AMENDMENT NO. 3311

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 3311 intended to be proposed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

AMENDMENT NO. 3319

At the request of Mr. UDALL of Colorado, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3319 intended to be proposed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

AMENDMENT NO. 3320

At the request of Mr. TOOMEY, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of amendment No. 3320 intended to be proposed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

AMENDMENT NO. 3323

At the request of Mr. CORKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3323 intended to be proposed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

AMENDMENT NO. 3324

At the request of Mr. CORKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3324 intended to be proposed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 3671. A bill to provide certain assistance to North Atlantic Treaty Organization allies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LUGAR. Mr. President, I rise to introduce the Liquefied Natural Gas, LNG, for NATO Act.

The United States is in possession of vast resources that could directly contribute to the energy security of our closest NATO allies, who face over-reliance on Russian and Iranian gas sources. In 2009, the United States overtook Russia as the world's largest natural gas producer due to vast unconventional reserves. At current U.S. consumption rates, the United States possesses perhaps a century of gas supply. This development has caused U.S. natural gas prices to fall to nearly a half to a third of gas prices in other key European and Asian markets and has prompted numerous applications for export licenses of U.S. liquefied natural gas exports.

Pursuant to Section 3 of the Natural Gas Act, gas exports are subject to approval by the Department of Energy's Office of Fossil Energy and the Federal Energy Regulatory Commission, which must certify that a particular export is in the U.S. public interest. For destination countries with which the United States has a free trade agreement, a presumption is created that the export is in the public interest, and the license is automatic. For non-free trade agreement nations, a study must be conducted to determine the public interest, entailing a notice and comment period. Several companies have submitted applications to retrofit U.S. LNG import terminals for regasification and export; to construct new LNG export terminals; and to export cryogenic natural gas to Latin America by rail and ship. After approving one application, the Obama administration deferred others until at least 2013, pending a study completed last week. This study found that under any scenario, LNG exports will be a net benefit for the U.S. economy. Moreover, continued development of unconventional gas suppliers is an important source of job creation in the United States.

U.S. shale gas reserves are already transforming European natural gas markets since LNG previously destined for the United States has now been made available for Europe. The United

States can do much more to both use LNG exports to benefit NATO allies facing energy insecurity in Europe and to promote economic growth in the United States.

Turkey currently relies on Iran for 20 percent of its gas imports, which could come under increased pressure when the European Council's decision of October 15, 2012 to prohibit the "purchase, import or transport of natural gas from Iran" is implemented. Moreover, several allies and partners in Central and Southeastern Europe, Bulgaria, Croatia, Hungary, Greece, the Czech Republic, and Moldova, will see their long-term contracts with Gazprom expire in the coming years. For these countries, targeted U.S. LNG exports, along with infrastructure investment and other policy responses, could help alleviate energy insecurity. It is possible that several other NATO allies and partners may opt for U.S. natural gas imports, and even paying a reliability premium for them, if the opportunity existed.

Meanwhile, European nations are ramping up capacity to import LNG. At present, Europe imports LNG primarily from Algeria, Egypt, Oman, and Qatar to meet about 26 percent of its gas needs, due in large part to a lack of LNG import terminals, which are mostly located in Western Europe, as well as underdeveloped onward interconnectors and storage capacity in Europe. However, numerous European countries, some with financing from the European Bank for Reconstruction and Development, EBRD, are considering construction of additional LNG import terminals, including Bulgaria, Croatia, Estonia, Lithuania, Latvia, Poland, Romania, Turkey, and Ukraine. In light of these dynamics, the United States is well-positioned to become a strategic energy supplier of LNG to NATO allies in need of diversification.

The LNG for NATO Act would not direct supply, which should remain exclusively the function of private industry. Instead, this legislation would affect Section 3 the Natural Gas Act to create a presumption that licenses to export U.S. natural gas to NATO allies is in the U.S. public interest, giving NATO allies the same preferential treatment enjoyed by our free trade partners. Specifically, swift passage of this act will make gas export licenses automatic for Turkey, which relies on Iran for 20 percent of its gas demand, and those NATO countries, whose long-term gas contracts with Russia's Gazprom expire in the coming years.

Through market forces, NATO allies will be more secure and the Alliance will be stronger. While the U.S. Congress will no doubt continue to debate full liberalization of natural gas exports, the LNG for NATO Act follows other precedents for narrowly tailored exceptions to our export licensing regime.

I am hopeful that the LNG for NATO Act can command bipartisan support and swift passage.

By Mr. CORKER:

S. 3673. A bill to provide a comprehensive deficit reduction plan, and for other purposes; to the Committee on Finance.

Mr. CORKER. Mr. President, I am here to introduce a bill that would address entitlement reforms and the debt ceiling called the Dollar for Dollar Act. I continue to hope Speaker BOEHNER and President Obama will negotiate a deal north of \$4 trillion before year end. However, I think we should also prepare now for the possibility that they will not, especially based on recent conversations. The next opportunity we have to make the structural, transformative reforms to Social Security, Medicare, and Medicaid that will save these programs and put our country on a path to fiscal solvency will be during the debt ceiling vote which will come up after the first of the year as soon as we get back.

I am introducing the Dollar for Dollar legislation that will raise the debt ceiling by roughly \$1 trillion in exchange for roughly \$1 trillion in reforms to Social Security, Medicare, and Medicaid. This puts into legislative language many of the concepts laid out in a bipartisan Simpson-Bowles and Domenici-Rivlin proposal. This meets our obligations to older and younger Americans.

Young Americans expect us to solve their fiscal issues so they are not saddled with debt and robbed of opportunity for the American dream. Seniors expect us to honor the commitments we have made to them. If we act now, we will be addressing the debt ceiling more than 3 months before we reach it.

Let me walk through those changes that are well known to policymakers and Congress and the administration. I will begin with Medicare. Medicare's trust fund has \$27 trillion in unfunded liabilities, and it is expected to be insolvent by the year 2024. According to an Urban Institute study, an average income of a married family will contribute about \$119,000 in payroll taxes to Medicare in today's dollars over their lifetime and consume about \$357,000 in today's dollars in Medicare benefits. Obviously, this is unsustainable. Everybody in this room knows this. The pages in front of me know it. Medicare needs to be structured in a way to provide care for current and future beneficiaries in a fiscally responsible manner.

This bill would structurally transform Medicare, keeping fee-for-service Medicare in place forever, while having it compete side-by-side with a reformed Medicare Advantage program called Medicare Total Health. Seniors would maintain the option of choosing fee-

for-service Medicare or a private plan as they do today. I think most of us know that about 25 percent of the people in our country who are on Medicare are in a private plan today.

The competition created by these reforms would significantly reduce Medicare costs by \$290 billion—and this is very important—without a spending cap on the program. This proposal is similar to one backed by Alice Rivlin, former Budget Director for Bill Clinton.

In addition, this bill would update cost-sharing requirements to reflect 21st-century health care practices, such as capping out-of-pocket expenditures for beneficiaries and unifying deductibles and coinsurance structures. This bill also would improve solvency by requiring higher income beneficiaries to pay more for their premiums.

Finally, it would raise the eligibility age incrementally from 65 to 67 by the year 2027. Moving to Medicaid, the bill would provide increased flexibility for States to achieve Medicaid savings by establishing a waiver process for States to better manage their Medicaid programs. It also would eliminate a massive "bed tax" gimmick used to bilk Federal taxpayers out of \$50 billion over a 10-year period.

Next, let me walk through Social Security changes. Although some have suggested we should ignore the impending crisis in Social Security funding, we should address it now because it is already beginning to cause the Federal Government to spend more than it takes in, and the Social Security trust fund is projected to be exhausted in the year 2033. It also will be much more painful to make these adjustments to achieve solvency in Social Security if we procrastinate.

In order to return the program to long-term solvency, the bill would enhance the progressivity of benefit calculations. In addition, it would adopt chained CPI in measuring inflation to calculate annual cost-of-living adjustments. Chained CPI is the Bureau of Labor Statistics most modern and most accurate measure of inflation. By the way, the bill would apply chained CPI government-wide, which would also affect revenues, and it would reflect revenues in a positive way as it relates to our budget deficits. It would slowly raise the retirement age to better reflect longevity increases.

Finally, the bill would strengthen the disability insurance program by moving beneficiaries into Social Security insurance at an earlier age. This part of Social Security will go bankrupt by the year 2017 if we do nothing.

In conclusion, I am offering a bill that would implement structural entitlement reforms and, in exchange, it would raise the debt ceiling dollar for dollar. Dealing with this now would avoid facing a crisis next year when we

hit that debt ceiling in February or March, which would rattle financial markets and generate tremendous uncertainty in our country and around the world. We need to get our fiscal problems behind us so that businesses, investors, and all of the American people can have confidence about the future. If we do that, the economy will truly take off.

So if I could, if one of the pages could take this to the desk, I am introducing this bill. I hope Senator REID will put in place a process through regular order for bills of this nature to be introduced and go through the appropriate committees. I hope when we deal with the debt ceiling in this coming year, we do so on a dollar-for-dollar basis, just as has been recently established this last year—the precedent has been set—that during this fiscal dilemma we are dealing with, when we raise the debt ceiling, we actually lower spending by a dollar. Up until this point, almost all the things we have talked about have been through discretionary spending. Thus far, we really haven't addressed entitlement reforms.

Again, let me reiterate that I hope the President and Speaker BOEHNER come to some accommodation over the next couple of weeks that actually deals with some maybe \$4 trillion in size that would actually put this in the rearview mirror. But as the conversations continue, and not much substance is coming forward, that is looking doubtful. So I hope as we end this year and move into next year we will begin to put in place an open process whereas we move toward the debt ceiling and use the same precedent we have already used this last year, so that when we raise the debt ceiling by a dollar, we will reduce spending by a dollar.

We have all said we need revenues and we need entitlement reform. What I have done today is to lay out a way—and I know other Senators will have ideas, and I hope they will bring them to the floor—for us to raise the debt ceiling by around \$1 trillion and in return have entitlement reform on a dollar-for-dollar basis, saving and reforming these programs, so that seniors in the future certainly will have the opportunity to continue these programs they depend upon so much, and the young people who are coming behind us will have the certainty that we, as mature adults, I hope, have dealt with these issues in an appropriate way.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3675. A bill to expand the HUBZone program for communities affected by base realignment and closure, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. COLLINS. Mr. President, today I am introducing legislation, with Senator SNOWE, to expand the geographic

boundaries of HUBZones located at former U.S. military installations that have been closed through the so-called Base Closure and Realignment—or BRAC—process. These military installations were often the economic heart of the community in which they were located, and those communities can struggle for years to overcome the closure of those facilities.

In recognition of this fact, Congress passed legislation providing “HUBZone” status for 5 years to military facilities closed through the BRAC process. Last week, the Defense Reauthorization bill passed by the Senate included language, authored by Senator SHERROD BROWN of Ohio, to extend HUBZone status for these facilities for an additional five years.

The HUBZone program provides certain federal contracting preferences to small businesses located within a HUBZone. In addition to the BRAC-related HUBZones I have already mentioned, HUBZones are located in “economically distressed communities,” that suffer from low income, high poverty rates, or high unemployment.

According to the Congressional Research Service, there are currently 127 BRAC-related HUBZones in the United States. Unfortunately, for many of the military bases that have been closed, HUBZone status has not brought the benefits we had hoped for. One of the reasons is simple—the law defines the geographic boundaries of a BRAC-related HUBZone to be the same as the boundaries of the base that was closed. When that is combined with the requirement that 35 percent of the employees of a qualifying business must live within the HUBZone, the problem is clear: very few people live on these former bases, so it is difficult or impossible for businesses to get the workers they need to meet the requirements of the HUBZone program.

One of these HUBZones is located at the former Brunswick Naval Air Station, in Brunswick, Maine. This facility closed in 2011, as a result of the 2005 BRAC round. When the Navy left, the host community lost more than 2400 military and civilian personnel. Brunswick and its neighbor, Topsham, have a combined population of just 22,000, so losing the Naval Air Station has had a significant economic impact on these communities. Because so few people actually live within the boundaries of the former base, its HUBZone designation does not provide any real assistance to these communities.

My legislation would expand the geographic boundaries of BRAC-related HUBZones to include the town or county where the closed installation is located, or census tracts contiguous to the installation, up to a total population base of 50,000. This would provide a large enough pool of potential workers to enable qualifying businesses to locate within the HUBZone, and to

help host communities overcome the loss of military installations closed through the BRAC process.

The Association of Defense Communities has endorsed the concept of expanding BRAC-related HUBZones in this manner. In a letter to Senate Armed Services Committee Chairman LEVIN and Ranking Member MCCAIN, the ADC noted how important it is that “Congress restore its intent to support BRAC-impacted communities attracting small businesses to help build and strengthen their local economies.”

Steve Levesque, the Executive Director of the Midcoast Regional Redevelopment Authority, or MRRA, which oversees the redevelopment of the former Brunswick Naval Air Station, also urges Congress to modify the HUBZone program. In a letter, Steve explained that BRAC facilities do not have the residential areas needed to support the 35 percent residency requirement for businesses located within the HUBZone. As a consequence, these businesses cannot “realize the HUBZone benefits for BRAC’d installations as envisioned by Congress.”

This point was underscored in a letter from Heather Blease, an entrepreneur who is hoping to locate a new business at the former Brunswick Naval Air Station. Ms. Blease describes the HUBZone law as “flawed,” because the 35 percent residency requirement makes it impossible for businesses like hers to achieve HUBZone status.

I ask my colleagues to consider the legislation I am offering today to help communities get back on their feet after the loss of a military installation closed through the BRAC process.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF DEFENSE  
COMMUNITIES,

*Washington, DC, December 11, 2012,*

Hon. CARL LEVIN,  
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

Hon. JOHN MCCAIN,  
*Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN AND RANKING MEMBER MCCAIN: The Association of Defense Communities (ADC) admires your longstanding support of current and former military communities. ADC, the leading organization representing those communities, always appreciates the opportunity to share information with you and your staff that may help strengthen communities with active installations and those that continue to redevelop following base closure or realignment.

Communities that have been impacted by Base Realignment and Closure (BRAC) often face severe economic distress for years, especially during times of national economic difficulty. To assist in these communities’ recovery, Congress authorized in the Small Business Reauthorization Act of 1997 that BRAC-impacted communities would receive Small Business Administration HUBZone

certification, a federal initiative that further helps small businesses in disadvantaged areas to compete for federal contracts. The designation gives small businesses relocating to closed military installation areas equal footing with businesses in other disadvantaged areas that receive the designation because of their location in under-utilized census tracts.

While the intent of Congress was to provide the HUBZone designation to help closed military installations attract small businesses, one aspect of the HUBZone program actually works against these redevelopment areas. To maintain HUBZone status, 35 percent of a business’ employees must also live in a HUBZone area. Because a military installation’s HUBZone area encompasses only the base itself, many closed military installations do not have a substantial number of HUBZone-certified residential areas from which to draw sufficient future employees for the businesses desiring to locate on those properties. Thus, it is often impossible for a business to qualify for HUBZone status and compete fairly against other small businesses.

Many defense community leaders are hopeful this issue can be resolved without additional spending, creation of a new government program or a change in government contracting goals. Senator Susan Collins is also working to address this issue during the final stages of the FY 2013 National Defense Authorization Act. We look forward to sharing further information with your office and hers to help explain why it is important to defense communities that Congress restore its intent to support BRAC-impacted communities attracting small businesses to help build and strengthen their local economies.

As always, ADC appreciate your service and support and hopes you will contact us if we may be of further assistance.

Respectfully,

ROBERT M. MURDOCK,  
*President, Association  
of Defense Communities.*

MIDCOAST REGIONAL  
REDEVELOPMENT AUTHORITY,  
*December 11, 2012.*

Hon. SUSAN COLLINS,  
*U.S. Senator,  
Washington, DC.*

DEAR SENATOR COLLINS: I represent the Midcoast Regional Redevelopment Authority, which is charged with redeveloping the former Naval Air Station Brunswick, Maine that closed in 2011 and is now known as Brunswick Landing.

We seek your assistance in modifying the current federal program related to SBA HUBZones to make it a more effective tool for businesses locating at Brunswick Landing. Over the past several years, we have had several companies inquire about the current HUBZone status of the former NAS Brunswick. In fact, we are currently working with one company who is willing to locate here and create upwards of 200 jobs, if we are successful in getting the current HUBZone program for closed military installations broadened.

With the implementation of the latest 2005 BRAC round, a number of military installations have been closed across the country resulting in severe economic distress for those communities and States that have realized these closures. Redeveloping these BRAC’d properties proved quite difficult in good economic times, and now it is made even more difficult with the national and State economic recession we are experiencing.



While it would seem that the HUBZone designation for a closed military installation would be an aid to its redevelopment efforts, the 35% residency rule in the existing law actually makes the program not a very effective redevelopment tool for these properties at all. With the exception of closed military installations, most of the HUBZones in the Country are census tract based. Under current law, only the closed military base itself (i.e., the geographic area which used to be the former base) is designated as a HUBZone, which is a much smaller area than the census tract basis. Furthermore, many closed military installations do not have a substantial amount of residential areas from which to draw sufficient future employees (35%) for the businesses desiring to locate on those properties.

In addition the above, the Small Business Act established a five year time-frame for the duration of the HUBZone from the actual date of base closure. This is of particular concern given that the actual transfer of properties from the military services to the base closure communities often occurs many years following closure. Thus, these properties are not available for business development until actually transferred.

The net effect is that eligible HUB businesses seeking new or expanded opportunities on closed installations cannot meet these requirements and thus are not able to realize the HUBZone benefits for BRAC'd installations as envisioned by Congress. This issue exacerbates the difficulties for us and other similar communities to overcome the devastating economic effects of base closures.

In order to make the BRAC HUBZone designation an effective economic development tool for Brunswick Landing, as well as all the other closed installations across the country, the attached amendment language to the existing law is recommended. It should be noted that these recommendations do not create a new program, require additional government spending, or increase federal contracting goals.

Thank you for your service to our Country and the State of Maine and your thoughtful consideration of this request.

Sincerely,

STEVEN H. LEVESQUE,  
*Executive Director.*

DECEMBER 12, 2012.

Hon. SUSAN COLLINS,  
*U.S. Senator,  
Washington, DC.*

DEAR SENATOR COLLINS: I have established a new contact center business that focuses on providing service to the federal government. A key strategy for our success hinges upon the establishment of my business as a HUBZone certified entity.

As a native of Brunswick, Maine, I am keenly interested in locating my business at the former Brunswick Naval Air Station, now called Brunswick Landing. As a BRAC facility, the SBA rules limit the boundary of the HUBZone geographically to base property which has very few housing units.

In order to achieve HUBZone certification, 35% of my employees need to reside within the HUBZone.

As the law is written, I cannot locate at Brunswick Landing and hope to achieve HUBZone status. The BRAC HUBZone law is flawed as written. Our Congress attempted to create an economic development vehicle to help communities recover from base closures, but unless the law is tweaked, the HUBZone designation is meaningless.

Please help modify the existing definition for BRAC HUBZones by broadening the boundary of the HUBZone for closed military installations to include the surrounding community. In the case of my company, it provides me with HUBZone employees to put to work so I can meet the HUBZone certification requirements.

If the law is changed, I will locate my business at Brunswick Landing and provide hundreds of jobs to the economically depressed area. Otherwise, I will need to seek out other alternatives.

Thank you for your service to our country, the State of Maine and your interest in helping small businesses thrive.

With greatest respect,

HEATHER D. BLEASE,  
*CEO, Savi Systems, LLC.*

Ms. SNOWE. Mr. President, I rise to speak in support of a bill that I am cosponsoring today with my colleague from Maine, Senator COLLINS, that will ensure that the Small Business Administration's, SBA, Historically Underutilized Business Zone, HUBZone, program will support the many communities around this Nation that have been negatively impacted by base closures.

Over the course of my career, my state has experienced two major base closures—Loring Air Force Base was closed by the 1991 BRAC round and Brunswick Naval Air Station was closed by the 2005 BRAC round. Like every community around the Nation that has experienced a base closure, Brunswick and Loring have fought tirelessly to replace the jobs and economic impact of their military installations.

Unfortunately, theirs is an exceptionally difficult task. Consider, for instance, that the closure of Brunswick Naval Air Station directly eliminated nearly 3,300 military and federal civilian jobs, and indirectly caused the loss of approximately 3,800 additional jobs from the region. Overcoming the effects of such dramatic changes in a local employment and economic market is, without question, a long-term challenge that is made even more difficult in a period of prolonged economic recession.

That is why I have always argued that the Nation has a responsibility to do everything within our power to help those communities that have supported our military infrastructure for decades to recover from the devastating economic impacts of a base closure.

One way that we can assist in their recovery is to encourage the location and growth of small businesses in and around closed military installations. As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I frequently talk with small business owners and employees about their challenges and needs. In many cases, they tell me about the difficulties they face in competing against larger and more established businesses for federal contracts.

That is why, in my efforts to champion our Nation's small businesses and

to promote their interests, I have supported the Small Business Administration's HUBZone Empowerment Contracting program. Congress established this program as part of the Small Business Reauthorization Act in 1997 in order to spur business development and employment opportunities in economically distressed areas of the country. In 2004, with my support, we took the critical step of expanding the HUBZone program to include "base closure areas," which directly addressed military installations that have been closed through any of several military base closure and realignment authorities, including BRAC rounds.

Although this was an important step forward, the 2004 expansion to include closed military installations in the HUBZone program was limited to areas within the physical boundaries of the military base. Current law requires that 35 percent of the employees of a HUBZone qualified small business concern also must live within the HUBZone designated area.

However, small businesses that are interested in establishing a location at a closed military installation in order to gain the benefits of becoming a HUBZone small business concern are likely to discover that not very many people live on the grounds of that closed base, leaving them without sufficient workers to meet the 35 percent requirement. This, of course, defeats the very purpose of the HUBZone designation for closed military installations by serving as a disincentive for small businesses to open shop at a redeveloping base.

In light of these facts, and considering that the economic and employment impacts of closing a military installation are unquestionably and disproportionately felt by the people who reside in the communities around former military installations—not just within the fencelines of former bases—it is clear that the HUBZone designation for closed military installations needs to be clarified.

That is why the bill that I have cosponsored with my colleague adjusts the designation of a base closure area to include the geographic area that is the municipality, county, or census tract in which the installation is located (as well as the adjacent census tract), which incorporates up to 50,000 people. And so, to my friends and colleagues here in the Senate, I urge you to join me in supporting this bill and showing your strong support for providing the maximum benefits of the HUBZone designation to the many communities around our nation that have been impacted by base closures.

By Mr. AKAKA:

S. 3676. A bill to promote high-quality, cost-efficient, and effective administrative support services to agencies



overseas; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce the Reducing Duplication Overseas Act of 2012.

At a time when the Federal Government is facing significant fiscal challenges, we must explore all potential avenues to improve the efficiency and effectiveness of Federal programs. This bill seeks to ease some of our current fiscal pressures by eliminating duplication of certain administrative services at overseas posts and reducing administrative operational costs.

The Department of State oversees the International Cooperative Administrative Support Services, ICASS, system, which provides and shares the cost of administrative support services for overseas employees, such as vehicle maintenance or leasing services. The purpose of developing this system was to ensure more efficient delivery and quality of overseas administrative support services. Although the level of agency participation varies, as use of ICASS for most administrative services is voluntary, last year, more than 40 agencies participated in ICASS and the cost of the services totaled approximately \$2 billion.

In 2004, the Government Accountability Office, GAO, reported that ICASS had not achieved efficient delivery of administrative support services because it failed to eliminate duplicative services and contain costs. GAO recommended that there be one provider for each service at American facilities overseas. The ICASS Executive Board took steps to reduce costs, but still had not implemented GAO's recommendation that there be a single service provider.

In 2010, former Senator Voinovich and I requested that the GAO review the delivery of administrative services at overseas posts. In their report issued earlier this year, GAO concluded that, although agency participation in ICASS has increased, agencies chose to provide their own services about one third of the time, resulting in duplicative administrative services and missed opportunities to decrease costs.

Duplication and overseas administrative costs can and must be decreased. The Reducing Duplication Overseas Act seeks to eliminate duplicative services and reduce overall costs to the Federal Government by requiring agencies to use ICASS for services. Although the GAO recommends that agencies consolidate all services with ICASS, this bill starts with only a few services in order to determine best practices for consolidation, as well as whether consolidation is appropriate for all services.

Specifically, the Act would require agencies to participate in the ICASS for household furniture, furnishings, appliance pools, and motor pool serv-

ices, unless the agency provides an explanation on how providing the service outside the ICASS system will not increase overall costs to the Federal Government or if it certifies that the mission of the agency cannot be achieved by participating in ICASS system.

Additionally, the bill would allow an agency to provide administrative services at an overseas post in place of the existing ICASS provider if it can provide the administrative service more efficiently and agrees to provide the administrative service to all ICASS customer agencies at the overseas post.

The Act would also require the ICASS Executive Board and the Comptroller General of the United States to submit reports to Congress on agency use of ICASS services and the impact consolidating these services has on cost-efficiencies and redundancies at overseas posts. Nothing in this bill is intended to interfere with the existing authorities of the Chief of Mission at each overseas post.

I believe that this bill is an important step towards improving the efficiency and effectiveness of government operations overseas. Although I will not have the opportunity to push for this bill in the next Congress, it is my hope that my colleagues will take up and pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3676

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Duplication Overseas Act of 2012".

#### SEC. 2. PURPOSE.

The purpose of this Act is to promote high-quality, cost-efficient, and effective administrative support services to agencies overseas.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" means a department, agency, or independent establishment in the executive branch performing any foreign affairs functions.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Oversight and Government Reform of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(3) INTERNATIONAL COOPERATIVE ADMINISTRATIVE SUPPORT SERVICES SYSTEM.—The term "International Cooperative Administrative Support Services system" means the mechanism established pursuant to section

23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) by which the United States Government manages and funds administrative support services at overseas posts.

(4) INTERNATIONAL COOPERATIVE ADMINISTRATIVE SUPPORT SERVICES CUSTOMER AGENCIES.—The term "International Cooperative Administrative Support Services customer agencies" means agencies participating in the International Cooperative Administrative Support Services system.

(5) INTERNATIONAL COOPERATIVE ADMINISTRATIVE SUPPORT SERVICES EXECUTIVE BOARD.—The term "International Cooperative Administrative Support Services Executive Board" means the highest-level International Cooperative Administrative Support Services policy-making body comprised of senior representatives of agencies participating in the International Cooperative Administrative Support Services system.

#### SEC. 4. PARTICIPATION IN INTERNATIONAL COOPERATIVE ADMINISTRATIVE SUPPORT SERVICES SYSTEM.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, each agency with operations overseas under the authority of the Chief of Mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate in the International Cooperative Administrative Support Services system for purposes of obtaining household furniture, furnishings, and appliance pools services, motor pool services, and management services unless—

(1) the agency provides a detailed explanation for evaluation and decision by the International Cooperative Administrative Support Services Executive Board that describes—

(A) how the agency will provide the service outside of the International Cooperative Administrative Support Services system;

(B) the cost to the agency of the service; and

(C) how providing the service outside the International Cooperative Administrative Support Services system will not increase overall costs to the United States Government; or

(2) the agency submits a detailed explanation for evaluation and decision by the International Cooperative Administrative Support Services Executive Board certifying that the mission of the agency cannot be achieved by such participation in the International Cooperative Administrative Support Services system.

(b) RULE OF CONSTRUCTION.—The motor pool services requirement under subsection (a) applies to administrative services, and shall not be construed as superseding, removing, or limiting any statutory or programmatic requirements related to agency use or procurement of vehicles.

#### SEC. 5. USE OF ALTERNATE SERVICE PROVIDERS.

The International Cooperative Administrative Support Services Executive Board shall allow an agency to act as an alternate service provider for administrative services at an overseas post in place of the existing International Cooperative Administrative Support Services provider for purposes of reducing overall costs to the United States Government if the agency—

(1) demonstrates through a business case that it can provide the administrative service more efficiently; and

(2) agrees to provide the administrative service to all other International Cooperative Administrative Support Services customer agencies at the overseas post.

#### SEC. 6. REPORTING REQUIREMENTS.

(a) BIENNIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter, the Secretary of State, in consultation with the International Cooperative Administrative Support Services Executive Board, shall submit to the appropriate congressional committees a report on the International Cooperative Administrative Support Services system.

(2) CONTENT.—The report required under paragraph (1) shall—

(A) establish performance goals to define the level of performance to be achieved in providing efficient, effective, and equitable administrative services to International Cooperative Administrative Support Services customer agencies;

(B) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal;

(C) describe how the International Cooperative Administrative Support Services system ensures the accuracy and reliability of the data used to measure progress; and

(D) identify strategies and the resources required to achieve performance goals.

(b) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a review of the International Cooperative Administrative Support Services system.

(2) CONTENT.—The review required under paragraph (1) shall include—

(A) an evaluation of whether requiring agencies to participate in the International Cooperative Administrative Support Services system for household furniture, furnishings, and appliance pools services and motor pools services has increased cost-efficiency and reduced administrative redundancies;

(B) recommendations, if warranted, for further consolidation of services in the International Cooperative Administrative Support Services system;

(C) an evaluation of how implementation of this Act is affecting the performance of International Cooperative Administrative Support Services customer agencies; and

(D) recommendations, if warranted, for improving the International Cooperative Administrative Support Services system and implementing this Act.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 614—CELEBRATING THE WORLD PEACE CORPS MISSION AND THE WORLD PEACE PRIZE

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 614

Whereas the World Peace Corps Mission is an international organization that operates according to the core spirit of advancing peace, justice, and inter-religious collaborations;

Whereas the World Peace Prize is a prestigious award presented by the World Peace Corps Mission that celebrates individuals who have contributed tremendously to peace and enlightenment for humanity;

Whereas past recipients of the World Peace Prize include President Ronald Reagan of

the United States, President Abdurrahman Wahid of Indonesia, and President Nakamura of Palau;

Whereas in 2010, the World Peace Prize Awarding Council recognized His Holiness Dorje Chang Buddha III (referred to in this preamble as “H.H. Dorje Chang Buddha III”) for his devotion to an immensely wide scope of humanitarian activities directed at individuals from different communities throughout the world;

Whereas H.H. Dorje Chang Buddha III has received numerous awards, including the United States Presidential Gold Award, which the Chairman of the President’s Advisory Commission on Asian Americans and Pacific Islanders presented on behalf of President George W. Bush to H.H. Dorje Chang Buddha III for the outstanding contributions of H.H. Dorje Chang Buddha III to the arts, medicine, ethics, Buddhism, spiritual leadership, and United States society; and

Whereas in 2010, the World Peace Prize Awarding Council also recognized the Honorable Benjamin A. Gilman for being a lifelong champion of human rights who has fought world hunger, narcotics abuse, and narcotics trafficking; Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the World Peace Corps Mission for advancing peace, justice, and inter-religious collaborations; and

(2) celebrates the World Peace Award and the recipients of the World Peace Award.

##### SENATE RESOLUTION 615—CONGRATULATING THE RECIPIENTS OF THE 2012 NOBEL PRIZE IN CHEMISTRY

Mr. BURR (for himself, Mrs. BOXER, Mrs. FEINSTEIN, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 615

Whereas the Nobel Prize is an international award administered by the Nobel Foundation in Stockholm, Sweden;

Whereas the Nobel Prize has been awarded for outstanding achievements in physics, chemistry, physiology or medicine, literature, and peace since 1901;

Whereas the Nobel Prize in Chemistry is awarded by the Royal Swedish Academy of Sciences in Stockholm, Sweden to recognize scientific advancements that have increased our understanding of chemical processes and their molecular basis;

Whereas the 2012 Nobel Prize in Chemistry is awarded jointly to Robert J. Lefkowitz, M.D., a Howard Hughes Medical Institute investigator and James B. Duke Professor of Medicine and Biochemistry at Duke University Medical Center in Durham, North Carolina, and Brian K. Kobilka, M.D., Professor and Chair of Molecular and Cellular Physiology at the Stanford University School of Medicine in Stanford, California, for their studies on G-protein-coupled receptors;

Whereas G-protein-coupled receptors are a class of cell surface receptors that catch chemical signals from the outside and transmit their messages into the cell, providing the cell with information about changes occurring within the body;

Whereas the studies completed by Robert J. Lefkowitz, M.D., and Brian K. Kobilka, M.D., have significantly advanced our scientific understanding of G-protein-coupled receptors and their functions;

Whereas the groundbreaking discoveries made by Robert J. Lefkowitz, M.D., and

Brian K. Kobilka, M.D., have made it possible to target and treat diseases more precisely and effectively, as nearly half of all medicines used in the world are aimed at G-protein-coupled receptors;

Whereas the National Institutes of Health supported the work done by Robert J. Lefkowitz, M.D., and Brian K. Kobilka, M.D., through research grants with the goal of advancing scientific knowledge and improving public health; and

Whereas the accomplishments and discoveries of Robert J. Lefkowitz, M.D., and Brian K. Kobilka, M.D., are significant achievements in the field of scientific and medical research and further promote the United States as a world leader in science: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the recipients of the 2012 Nobel Prize in Chemistry, which is awarded for their outstanding scientific achievements and discoveries; and

(2) recognizes Duke University Medical Center in Durham, North Carolina, and the Stanford University School of Medicine in Stanford, California for their leadership role in advancing medical research.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3329. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

SA 3330. Mrs. HAGAN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3331. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review; which was ordered to lie on the table.

SA 3332. Mr. DURBIN proposed an amendment to the bill H.R. 4310, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 3333. Mr. MENENDEZ proposed an amendment to the bill H.R. 4310, supra.

SA 3334. Mr. COONS (for Mr. RUBIO) proposed an amendment to the bill H.R. 3783, to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other purposes.

#### TEXT OF AMENDMENTS

SA 3329. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him

to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . ADDITIONAL FEES TO ADDRESS DEPLETION OF INSURANCE FUNDS.**

If the amendments made by this Act would result in the inability of the Deposit Insurance Fund of the Federal Deposit Insurance Corporation (in this section referred to as the "Corporation") or the Share Insurance Fund of the National Credit Union Administration (in this section referred to as the "Administration") to fully cover insured losses, the Corporation and the Administration shall impose additional fees on insured depository institutions and insured credit unions, respectively, in the same proportion as fees are imposed under section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) and section 105 of the Federal Credit Union Act (12 U.S.C. 1755), respectively.

**SA 3330.** Mrs. HAGAN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . LIMITATION ON RULES REGARDING CREDIT RISK RETENTION.**

Rules jointly issued in final form under section 15G(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-11(b)) may not include a premium capture cash reserve account (or any similar instrument).

**SA 3331.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SEC. 1. APPROVAL OF THE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF PALAU.**

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means the Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010.

(2) COMPACT OF FREE ASSOCIATION.—The term "Compact of Free Association" means the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99-658).

(b) RESULTS OF COMPACT REVIEW.—

(1) IN GENERAL.—Title I of Public Law 99-658 (48 U.S.C. 1931 et seq.) is amended by adding at the end the following:

**"SEC. 105. RESULTS OF COMPACT REVIEW.**

"(a) IN GENERAL.—The Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010 (referred to in this section as the 'Agreement'), in connection with section 432 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99-658) (referred to in this section as the 'Compact of Free Association'), are approved—

"(1) except for the extension of Article X of the Agreement Regarding Federal Programs and Services, and Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association; and

"(2) subject to the provisions of this section.

"(b) WITHHOLDING OF FUNDS.—

"(1) IN GENERAL.—If the Agreement becomes effective prior to fiscal year 2014, and if during fiscal years 2010 through 2013, the Republic of Palau withdraws an amount greater than \$30,000,000 from the trust fund established under section 211(f) of the Compact of Free Association, amounts payable under sections 1, 2(a), 3, and 4(a) of the Agreement shall be withheld from the Republic of Palau until the date on which the Republic of Palau reimburses the trust fund for the amount withdrawn that exceeds \$30,000,000.

"(2) WITHDRAWAL.—The Republic of Palau may withdraw \$15,000,000 in fiscal year 2013, if the Republic of Palau uses \$10,000,000 of the amount withdrawn in accordance with section 3 of the Agreement.

"(c) FUNDING FOR CERTAIN PROVISIONS UNDER SECTION 105 OF COMPACT OF FREE ASSOCIATION.—On the date of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4(a), and 5 of the Agreement, which sums shall remain available until expended without any further appropriation.

"(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia \$1,500,000 for each of fiscal years 2014 through 2024, to remain available until expended; and

"(2) to the head of each Federal entity described in paragraphs (1), (3), and (4) of section 221(a) of the Compact of Free Association (including the successor of each Federal entity) to carry out the responsibilities of the Federal entity under section 221(a) of the Compact of Free Association such sums as are necessary, to remain available until expended."

(2) OFFSET.—Section 3 of the Act of June 30, 1954 (68 Stat. 330, 82 Stat. 1213, chapter 423), is repealed.

(c) PAYMENT SCHEDULE; WITHHOLDING OF FUNDS; FUNDING.—

(1) UNITED STATES CONTRIBUTION TO THE TRUST FUND.—Section 1 of the Agreement shall be construed as though the section reads as follows:

**"SEC. 1. COMPACT SECTION 211(F) FUND.**

"The Government of the United States shall contribute \$40,250,000 to the Fund referred to in section 211(f) of the Compact of

Free Association in accordance with the following schedule: \$16,000,000 in fiscal year 2014; \$8,000,000 in fiscal year 2015; \$3,000,000 in each of fiscal years 2016 and 2017; \$2,000,000 in each of fiscal years 2018 through 2022; and \$250,000 for fiscal year 2023."

(2) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement shall be construed as though the subsection reads as follows:

"(a) The Government of the United States shall provide a grant of \$6,912,000 for fiscal year 2014 and a grant of \$2,000,000 annually from the beginning of fiscal year 2015 through fiscal year 2024 to create a trust fund (the 'Infrastructure Maintenance Fund') to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided by the United States. The Government of the Republic of Palau will match the contributions made by the United States by making contributions of \$150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of fiscal year 2014 through fiscal year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement."

(3) FISCAL CONSOLIDATION FUND.—Section 3 of the Agreement shall be construed as though the section reads as follows:

**"SEC. 3. FISCAL CONSOLIDATION FUND.**

"The Government of Palau shall withdraw \$10,000,000 from the Fund referred to in section 211(f) of the Compact of Free Association in fiscal year 2013 for deposit in an interest bearing account to be used to reduce government payment arrears of Palau. Implementation of this section shall be carried out in accordance with the provisions of Appendix B to this Agreement."

(4) DIRECT ECONOMIC ASSISTANCE.—Subsections (a) and (b) of section 4 of the Agreement shall be construed as though the subsections read as follows:

"(a) In addition to the economic assistance of \$13,147,000 provided to the Government of Palau by the Government of the United States in each of fiscal years 2010 through 2013, and unless otherwise specified in this Agreement or in an Appendix to this Agreement, the Government of the United States shall provide the Government of Palau \$69,250,000 in economic assistance as follows: \$12,000,000 in fiscal year 2014; \$11,500,000 in fiscal year 2015; \$10,000,000 in fiscal year 2016; \$8,500,000 in fiscal year 2017; \$7,250,000 in fiscal year 2018; \$6,000,000 in fiscal year 2019; \$5,000,000 in fiscal year 2020; \$4,000,000 in fiscal year 2021; \$3,000,000 in fiscal year 2022; and \$2,000,000 in fiscal year 2023. The funds provided in any fiscal year under this subsection for economic assistance shall be provided in 4 quarterly payments (30 percent in the first quarter, 30 percent in the second quarter, 20 percent in the third quarter, and 20 percent in the fourth quarter) unless otherwise specified in this Agreement or in an Appendix to this Agreement.

"(b) Notwithstanding the provisions of Compact section 211(f) and the Agreement Between the Government of the United States and the Government of Palau Regarding Economic Assistance Concluded Pursuant to Section 211(f) of the Compact of Free Association, if prior to fiscal year 2013 the Government of Palau did not exceed a \$5,000,000 distribution from the Section 211(f) Fund and, with respect to fiscal years 2014 through fiscal year 2023 and except as otherwise agreed by the Government of the United States and the Government of Palau, the Government of Palau agrees not to exceed

the following distributions from the Section 211(f) Fund: \$5,000,000 in fiscal year 2012; \$15,000,000 in fiscal year 2013 (\$10,000,000 of which shall be used in accordance with section 3); \$5,250,000 in fiscal year 2014; \$5,500,000 in fiscal year 2015; \$6,750,000 in fiscal year 2016; \$8,000,000 in fiscal year 2017; \$9,000,000 in fiscal year 2018; \$10,000,000 in fiscal year 2019; \$10,500,000 in fiscal year 2020; \$11,000,000 in fiscal year 2021; \$12,000,000 in fiscal year 2022; and \$13,000,000 in fiscal year 2023.”

(5) **INFRASTRUCTURE PROJECTS.**—Section 5 of the Agreement shall be construed as though the section reads as follows: **“SEC. 5. INFRASTRUCTURE PROJECTS.**

“The Government of the United States shall provide grants totaling \$40,000,000 to the Government of Palau as follows: \$30,000,000 in fiscal year 2014; and \$5,000,000 annually in fiscal years 2015 and 2016; towards 1 or more mutually agreed infrastructure projects in accordance with the provisions of Appendix C to this Agreement.”

(d) **CONTINUING PROGRAMS AND LAWS.**—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(e) **PASSPORT REQUIREMENT.**—Section 141 of Article IV of Title One of the Compact of Free Association shall be construed and applied as if it read as follows:

**“SEC. 141. PASSPORT REQUIREMENT.**

“(a) Any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a non-immigrant in the United States and its territories and possessions without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5) or (a)(7)(B)(i)(II)), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability—

“(1) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of Palau;

“(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

“(3) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

“(b) Such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States.

“(c) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for—

“(1) in statutes or regulations of the United States; or

“(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

“(d) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.”

**SA 3332.** Mr. DURBIN proposed an amendment to the bill H.R. 4310, to au-

thorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 728, of the Sente amendment to H.R. 4310, strike line 4 through page 730, line 18 and insert the following:

**SEC. 12 . IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **EXCEPTION.**—The authority to block and prohibit all transactions in all property and interests in property under paragraph (1) does not include the authority to impose sanctions on the importation of property.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—Sanctions imposed under this section may terminate 15 days after the date on which the President determines and reports to the appropriate congressional committees that the person covered by such determination has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date that is 15 days after the date on which the President determines and reports to the appropriate congressional committees that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Demo-

cratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 3333.** Mr. MENENDEZ proposed an amendment to the bill H.R. 4310, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

AMENDMENT NO. 3333

On page 757 of the Senate amendment to H.R. 4310, strike line 1 through page 789, line 20 and insert the following:

**Subtitle E—Iran Sanctions**

**SEC. 1261. SHORT TITLE.**

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

**SEC. 1262. DEFINITIONS.**

(a) **IN GENERAL.**—In this subtitle:

(1) **AGRICULTURAL COMMODITY.**—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) **COAL.**—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) **CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) **IRANIAN FINANCIAL INSTITUTION.**—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) **IRANIAN PERSON.**—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) **SHIPPING.**—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(12) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) **VESSEL.**—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) **DETERMINATIONS OF SIGNIFICANCE.**—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

#### **SEC. 1263. DECLARATION OF POLICY ON HUMAN RIGHTS.**

(a) **FINDING.**—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) **DECLARATION OF POLICY.**—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

#### **SEC. 1264. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the “IAEA”) has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the “potential connection between Iran's revenues derived

from its energy sector and the funding of Iran's proliferation sensitive nuclear activities”.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) **DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.**—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) **BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.**—

(1) **BLOCKING OF PROPERTY.**—

(A) **IN GENERAL.**—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) **EXCEPTION.**—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) does not include the authority to impose sanctions on the importation of property.

(2) **PERSONS DESCRIBED.**—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) **ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**—

(1) **SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.**—Except as provided in

this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) (other than sanctions relating to the importation of property under paragraph (8)(A) or (12) of such section) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) **FACILITATION OF CERTAIN TRANSACTIONS.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) **GOODS AND SERVICES DESCRIBED.**—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **EXPORTATION.**—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) **FINANCIAL TRANSACTIONS.**—

(i) **IN GENERAL.**—This section shall not apply with respect to a financial transaction

described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(i) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1265. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.**

(a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) (other than sanctions relating to the importation of property under paragraph (8)(A) or (12) of such section) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to

be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) MATERIALS DESCRIBED.—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) DETERMINATION WITH RESPECT TO USE OF MATERIALS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days,

and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) NATIONAL BALANCE SHEET OF IRAN DEFINED.—For purposes of this section, the term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1266. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.**

(a) IN GENERAL.—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) (other than sanctions relating to the importation of property under paragraph (8)(A) or (12) of such section) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or



(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

**SEC. 1267. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) **IN GENERAL.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **IN GENERAL.**—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1268. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) **INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

**SEC. 1269. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

(a) **IN GENERAL.**—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

**"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

**"(a) IN GENERAL.**—The President shall impose sanctions described in section 105(c) (other than sanctions relating to the importation of property under such section) with respect to each person on the list required by subsection (b).

**"(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.**—

**"(1) IN GENERAL.**—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

**"(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or**

**"(B) the misappropriation of proceeds from the sale or resale of such goods.**

**"(2) FORM OF REPORT; PUBLIC AVAILABILITY.**—

**"(A) FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**"(B) PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph



(1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.”.

(b) **WAIVER.**—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking “or 105B(a)” and inserting “105B(a), or 105C(a)”;

(2) by striking “or 105B(b)” and inserting “105B(b), or 105C(b)”.

(c) **CLERICAL AMENDMENT.**—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.”.

**SEC. 1270. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.**

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

“(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and”.

**SEC. 1271. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) **IN GENERAL.**—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “4 years” and inserting “10 years”; and

(2) in subsection (b), by striking “4-year period” and inserting “10-year period”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

**SEC. 1272. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) **PERIOD SPECIFIED.**—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) **FORM OF REPORT.**—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1273. IMPLEMENTATION; PENALTIES.**

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

**SEC. 1274. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

**SEC. 1275. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

**SA 3334.** Mr. COONS (for Mr. RUBIO) proposed an amendment to the bill H.R. 3783, to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

On page 11, strike lines 17–19 and insert the following:

(d) **FORM.**—The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON THE JUDICIARY**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 12, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the

Senate on December 12, 2012. The Committees will meet in SR-418 of the Russell Senate Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, be authorized to meet during the session of the Senate, on December 12, 2012, at 2 p.m., in room SH-216 of the Dirksen Senate Office Building, to conduct a hearing entitled “Ending the School-to-Prison Pipeline.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON ENERGY, NATURAL RESOURCES, AND INFRASTRUCTURE**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Natural Resources, and Infrastructure of the Committee on Finance authorized to meet during the session of the Senate, on December 12, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform and Federal Energy Policy: Incentives to Promote Energy Efficiency.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Chair grant privileges of the floor to my intern, Mark Suzuki, for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012**

Mr. COONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3783, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3783) to provide a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COONS. I ask unanimous consent that the Rubio amendment No. 3334 at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that the comprehensive strategy may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere)

On page 11, strike lines 17–19 and insert the following:

(d) FORM.—The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.

Mr. COONS. I know of no further debate on this measure and ask that the bill be read for a third time and that the Senate proceed to a vote.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time.

The PRESIDING OFFICER. If there is no further debate, the question is on the passage of the bill, as amended.

The bill (H.R. 3783), as amended, was passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 3783) entitled “An Act to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other purposes.”, do pass with the following amendment:

On page 11, strike lines 17–19 and insert the following:

(d) FORM.—*The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.*

Mr. COONS. I ask unanimous consent that the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FLOOD DISASTER PROTECTION ACT OF 1973 CORRECTION

Mr. COONS. Mr. President, I ask unanimous consent that the Senate proceed to S. 3677, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:  
A bill (S. 3677) to make a technical correction to the Flood Disaster Protection Act of 1973.

There being no objection, the Senate proceeded to consider the bill.

Mr. COONS. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3677) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3677

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TECHNICAL CORRECTION.

Section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)(A)) is amended by inserting “residential” before “improved real estate” each place that term appears.

#### CELEBRATING THE WORLD PEACE CORPS MISSION AND THE WORLD PEACE PRIZE

Mr. COONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 614, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 614) celebrating the World Peace Corps Mission and the World Peace Prize.

There being no objection, the Senate proceeded to the resolution.

Mr. COONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 614) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 614

Whereas the World Peace Corps Mission is an international organization that operates according to the core spirit of advancing peace, justice, and inter-religious collaborations;

Whereas the World Peace Prize is a prestigious award presented by the World Peace Corps Mission that celebrates individuals who have contributed tremendously to peace and enlightenment for humanity;

Whereas past recipients of the World Peace Prize include President Ronald Reagan of the United States, President Abdurrahman Wahid of Indonesia, and President Nakamura of Palau;

Whereas in 2010, the World Peace Prize Awarding Council recognized His Holiness Dorje Chang Buddha III (referred to in this preamble as “H.H. Dorje Chang Buddha III”) for his devotion to an immensely wide scope of humanitarian activities directed at individuals from different communities throughout the world;

Whereas H.H. Dorje Chang Buddha III has received numerous awards, including the United States Presidential Gold Award, which the Chairman of the President’s Advisory Commission on Asian Americans and Pacific Islanders presented on behalf of President George W. Bush to H.H. Dorje Chang Buddha III for the outstanding contributions of H.H. Dorje Chang Buddha III to the arts, medicine, ethics, Buddhism, spiritual leadership, and United States society; and

Whereas in 2010, the World Peace Prize Awarding Council also recognized the Honor-

able Benjamin A. Gilman for being a life-long champion of human rights who has fought world hunger, narcotics abuse, and narcotics trafficking: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the World Peace Corps Mission for advancing peace, justice, and inter-religious collaborations; and

(2) celebrates the World Peace Award and the recipients of the World Peace Award.

#### CONGRATULATING THE RECIPIENTS OF THE 2012 NOBEL PEACE PRIZE IN CHEMISTRY

Mr. COONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 615, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 615) congratulating the recipients of the 2012 Nobel Prize in Chemistry.

There being no objection, the Senate proceeded to the resolution.

Mr. COONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 615) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 615

Whereas the Nobel Prize is an international award administered by the Nobel Foundation in Stockholm, Sweden;

Whereas the Nobel Prize has been awarded for outstanding achievements in physics, chemistry, physiology or medicine, literature, and peace since 1901;

Whereas the Nobel Prize in Chemistry is awarded by the Royal Swedish Academy of Sciences in Stockholm, Sweden to recognize scientific advancements that have increased our understanding of chemical processes and their molecular basis;

Whereas the 2012 Nobel Prize in Chemistry is awarded jointly to Robert J. Lefkowitz, M.D., a Howard Hughes Medical Institute investigator and James B. Duke Professor of Medicine and Biochemistry at Duke University Medical Center in Durham, North Carolina, and Brian K. Kobilka, M.D., Professor and Chair of Molecular and Cellular Physiology at the Stanford University School of Medicine in Stanford, California, for their studies on G-protein-coupled receptors;

Whereas G-protein-coupled receptors are a class of cell surface receptors that catch chemical signals from the outside and transmit their messages into the cell, providing the cell with information about changes occurring within the body;

Whereas the studies completed by Robert J. Lefkowitz, M.D., and Brian K. Kobilka, M.D., have significantly advanced our scientific understanding of G-protein-coupled receptors and their functions;

Whereas the groundbreaking discoveries made by Robert J. Lefkowitz, M.D., and

Brian K. Kobilka, M.D., have made it possible to target and treat diseases more precisely and effectively, as nearly half of all medicines used in the world are aimed at G-protein-coupled receptors;

Whereas the National Institutes of Health supported the work done by Robert J. Lefkowitz, M.D., and Brian K. Kobilka, M.D., through research grants with the goal of advancing scientific knowledge and improving public health; and

Whereas the accomplishments and discoveries of Robert J. Lefkowitz, M.D., and Brian K. Kobilka, M.D., are significant achievements in the field of scientific and medical research and further promote the United States as a world leader in science: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the recipients of the 2012 Nobel Prize in Chemistry, which is awarded for their outstanding scientific achievements and discoveries; and

(2) recognizes Duke University Medical Center in Durham, North Carolina, and the Stanford University School of Medicine in Stanford, California for their leadership role in advancing medical research.

Mr. COONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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UNANIMOUS CONSENT  
AGREEMENT—S. 3637

Mr. COONS. Mr. President, I ask unanimous consent that at 11:30 a.m.,

Thursday, December 13, the Senate resume consideration of S. 3637, the FDIC TAG Program extension bill; that it be in order for the Republican leader or his designee to raise a budget point of order against the bill; that if a point of order is so raised, the majority leader or his designee be recognized to move to waive the point of order; that the time until 12 noon be equally divided between the two leaders or their designees; that at 12 noon the Senate vote on the motion to waive the budget point of order, if such a motion is made; that if the motion is successful, the Senate then proceed to the vote on the motion to invoke cloture on S. 3637; further, that if the motion to waive is not successful, the cloture motion be vitiated and the majority leader be recognized.

Finally, if a budget point of order is not raised, the time until 12 noon be equally divided between the two leaders or their designees; that at 12 noon the Senate proceed to vote on the motion to invoke cloture on S. 3637.

The PRESIDING OFFICER. Without objection, it is so ordered.

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ORDERS FOR THURSDAY,  
DECEMBER 13, 2012

Mr. COONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 13, 2012; that following the prayer and Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed ex-

pired and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate then resume consideration of S. 3637, the FDIC TAG extension legislation, under the previous order; finally, that the filing deadline for all second-degree amendments to S. 3637 be 10:30 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. COONS. Mr. President, there will be up to two rollcall votes at noon tomorrow.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. COONS. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Thursday, December 13, 2012, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, December 12, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 12, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### GUN VIOLENCE ECLIPSES FISCAL CLIFF DEBATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. It's difficult to focus on the task at hand in the aftermath of a shooting rampage in my district yesterday. With at least 10,000 people in a shopping mall, a young man allegedly, say some eyewitnesses, in body armor, and armed with a semi-automatic weapon discharged 60 or more shots. There were two people killed and a young 15-year-old girl seriously wounded.

Mr. Speaker, one is haunted by these events. We had one in Aurora, Colorado, at the theater where there were 12 people killed, 60 wounded; six people killed at the Sikh temple this summer; and the day spa in Milwaukee, where three women were killed before the shooter turned the gun on himself. We had a horrific episode earlier in my congressional career in Springfield, Oregon.

It is hard to have meaningful conversations on a variety of subjects. I was going to deal with that problem

with the fiscal cliff today, but gun violence is another area in America where it seems we can't have a discussion without delusional claims of overreach and taking away hunting rifles. Congress won't even allow statistics on gun violence to be gathered, and we certainly have made no progress towards closing the gun show loophole.

Yet I come today, in the aftermath of this tragedy, with a small ray of hope. When nearly half of all military suicides are committed with privately owned weapons, the Pentagon and Congress are moving towards establishing policies to separate at-risk servicemembers from personal private weapons. Congress is poised to enact legislation to end a prohibition about the military collecting information about firearms kept at home. These are simple, commonsense steps for an armed services where more military personnel take their own life than who die in battle.

Perhaps if we can take these reasonable steps to protect our servicemen and their families, perhaps we can develop the courage to treat the epidemic of gun violence with the same thoughtful, small steps when it comes to protecting the rest of our families. Until then, we will mourn the victims and thank God that our families were not at that mall.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, in this very chaotic time for the House of Representatives and for the American people, we need to remain focused on the fact that our young men and women are still dying in Afghanistan. Our involvement in Afghanistan has become a confused strategy at best.

Mr. Speaker, I will submit a news article for the RECORD. The title of this article is: Afghan peace plan gives U.S. smaller role. With it, Mr. Speaker, I would like to submit 12 names of American servicepeople killed recently.

Mr. Speaker, it is time for Congress to listen to the American people and start acting on their wishes. Poll after poll shows that they want to get out of Afghanistan now, they want our troops home, they want to stop seeing our young men and women dying, and the American people want the \$10 billion a month being spent in Afghanistan to be spent here in America to help all our

economic problems. I do not understand why we in Congress seem to be without debate about this problem in Afghanistan.

We are currently in the process of a bilateral security agreement that will keep our troops in Afghanistan for 10 years after 2014. Where is the outrage by Congress? We are financially broke. We complain all the time about we can't reach this deal or that deal, we're going over the cliff, and yet our troops are dying in Afghanistan and we're spending money we don't have.

Mr. Speaker, the article states:

The Afghan Government is pursuing a peace initiative in which Pakistan would replace the United States in arranging talks between the warring sides and the Taliban would be granted government posts that effectively could cede to them political control of the southern and the eastern strongholds.

Mr. Speaker, those areas are where we've lost most of our young men and women fighting the war in Afghanistan, and yet we are going to give those areas where our young men and women died to the Taliban so they can control it? Where is the outrage here in Congress? I do not know.

Mr. Speaker, in plain English, Afghanistan is allowing Pakistan and the Taliban to control half the country. And while the Taliban takes back Afghanistan, how does this make any sense? Where is the outrage? The American people are outraged, Mr. Speaker, but not Congress.

Mr. Speaker, I have beside me a poster that tells pain. There is this little girl sitting in her mother's arms. The mother is crying. The little girl is so young, she doesn't know why this Army officer is presenting her mother a flag. She doesn't know that her daddy has been killed. She will one day, and she'll ask her mom, What was my daddy like? And the mom will say, He was a great man. He would love to see you now as you've grown older, but he died in a country known as Afghanistan, a country that will never change, no matter how much blood or how much money is spent in Afghanistan.

Mr. Speaker, before closing, I have a Web site that if people would join and sign, and the Web site is [www.bringthemhome2013.com](http://www.bringthemhome2013.com).

It is time for this administration and Congress to say enough has been done. It is time to bring our young men and women home. If Pakistan is going to have more influence in Afghanistan than America, then let Pakistan send their soldiers to die in Afghanistan. Let Pakistan pay the \$10 billion a month that America is paying right

now—and it is borrowed money from the Chinese.

Mr. Speaker, with that, I will close by asking God to please bless our men and women in uniform, to please bless the families who have given a child dying for freedom in Afghanistan and Iraq, God to please bless the House and Senate that we will do what's right for the American people in the House and the Senate. I ask God to give strength, wisdom, and courage to President Obama that he would do what is right in the eyes of God, and I'll close by asking three times, God please, God please, God please continue to bless America.

[From the McClatchy Washington Bureau, Dec. 8, 2012]

#### AFGHANISTAN PEACE PLAN WOULD INCREASE PAKISTAN'S ROLE

(By Jonathan S. Landay)

The Afghan government is pursuing an ambitious new peace initiative in which Pakistan would replace the United States in arranging direct talks between the warring sides and the Taliban would be granted government posts that effectively could cede to them political control of their southern and eastern strongholds.

If implemented, the plan would diminish the role of the United States in the peace process, but would still leave Washington with input on a number of critical issues, including the terms for initiating negotiations. Saudi Arabia, Turkey and Great Britain also would be involved.

The plan envisions ending the war by 2015 through a ceasefire and negotiations in the second half of next year, most likely in Saudi Arabia. Pakistan would help select the leaders of the Taliban and other rebel groups who would take part in the negotiations with the Afghan government. The effort, the plan says, should be conducted “through one consistent and coherent channel,” a measure that would secure a role for Afghan President Hamid Karzai after the end of his term following April 2014 elections.

Another provision would give the insurgents a voice on “issues related . . . to the withdrawal” of the U.S.-led NATO force by the end of 2014.

The plan foresees the United States working with Kabul and Islamabad in determining which insurgent leaders would participate. The United States also would be critical to approving the removal of the insurgent negotiators from the U.N.'s list of terrorists.

Entitled “Peace Process Roadmap to 2015,” the blueprint represents a decision by Karzai—in close coordination with Pakistan—to assume the lead in peace-making efforts following the collapse earlier this year of an Obama administration bid to persuade the Taliban to participate in direct talks with Kabul.

The new initiative comes amid persistent distrust between Karzai and the Obama administration and deep insecurity in Kabul over future U.S. support. Those concerns and the U.S. failure to arrange peace talks appear to have pushed Karzai closer to Pakistan, whose army and main intelligence service are widely believed to exercise significant influence over Taliban and other militant leaders based in Pakistan's border areas with Afghanistan.

The plan also comes as the ongoing U.S. combat troop pullout and cuts in U.S. finan-

cial aid to Afghanistan are fueling fears in both countries that violence and instability could worsen, spurring them to take matters into their own hands.

The blueprint, a copy of which was obtained by McClatchy, officially is the work of Afghanistan's High Peace Council, which is charged with overseeing government peace efforts. But it was drafted by Karzai and his inner circle over the past six months in coordination with Pakistan, according to a person familiar with the document who requested anonymity because of the matter's sensitivity.

The plan was presented to Pakistan and the United States during visits last month by High Peace Council Chairman Salauddin Rabbani, who Karzai named to the post after Rabbani's father, former Afghan President Burhanuddin Rabbani, was assassinated in September 2011.

The State Department declined to comment on the plan, refusing even to confirm its existence. However, a State Department official, who requested anonymity because of the issue's sensitivity, was authorized to say that, “The United States continues to support an Afghan-led peace process and welcomes initiatives through which Afghans sit down with other Afghans in pursuit of that goal.”

The Afghan embassy did not respond to a request to discuss the plan.

“By 2015, Taliban, Hezb-e-Islami and other armed groups will have given up armed opposition, transformed from military entities into political parties, and are actively participating in the country's political and constitutional processes, including national elections,” says the plan's preamble. “NATO/ISAF forces will have departed from Afghanistan, leaving the ANSF (Afghan National Security Forces) as the only legitimate armed forces delivering security and protection to the Afghan population.”

Despite that optimistic forecast, however, the plan may rest on shaky legs. Its far-reaching assumptions not only could doom it to failure, but risk an all-out civil war before the U.S.-led International Security Assistance Force, or ISAF, completes its pullout.

“This is living in a dream world of wishful thinking,” said Marvin Weinbaum, a Middle East Institute scholar who served as a State Department intelligence analyst on Afghanistan. “It is not based on anything that the Taliban has given us reason to expect.”

A major assumption is that all insurgent leaders and their fighters will participate even though the Taliban have consistently rejected negotiations with Karzai, who they denounce as an American puppet. Moreover, the insurgency is far from being monolithic and many leaders are known to distrust each other and Pakistan.

Taliban chief Mullah Mohammad Omar and other leaders based in Pakistan could come under pressure from the Pakistani military to take part if they balk. But such pressure could backfire, risking Afghan militants joining Pakistani Islamists fighting to topple their government.

In an incident underscoring the hurdles, two Taliban factions claimed responsibility for a suicide bomb attack on Thursday that wounded Asadullah Khalid, the chief of Afghanistan's intelligence service. Karzai on Saturday alleged that the attack was planned in Pakistan, but he denied that the Taliban were responsible.

The new plan would preserve Afghanistan as a parliamentary democracy, denying the militants the Islamic rule for which they've spent years fighting.

It also appears to ignore warnings from politicians of the former Northern Alliance against giving the Taliban and their allies power that they hadn't won in elections. The Northern Alliance, dominated by ethnic minorities, battled the Taliban, which is made up primarily of the dominant Pashtun ethnic group, until the 2001 U.S. invasion. Many former alliance members now head Karzai's political opposition and hold key army, police and intelligence posts.

“Any Afghanistan reconciliation effort will have to address varied and complex ethnic concerns,” acknowledged a U.S. official, who requested anonymity in order to discuss the issue.

Finally, the key role that the plan confers on Pakistan could inflame suspicion among many Afghans that Islamabad plans to exert influence in a post-war Afghanistan—especially to block a pro-India tilt—by placing former insurgents in cabinet posts, ministries, provincial governorships and positions like police chiefs and district administrators.

“The northerners won't buy this,” said Weinbaum, referring to former Northern Alliance leaders. “So what you get then is the beginning of a civil war.”

Pakistan is widely despised in Afghanistan, particularly by minorities who dominate the country's north, because of its sponsorship of the Taliban's bloody nationwide takeover in the mid-1990s and the support and sanctuary that they and other insurgents allegedly still receive from the Pakistani army and the army-run Inter-Services Intelligence Directorate, or ISI.

In principles governing the new peace process, the plan reiterates Afghan and U.S. demands that the Taliban and other insurgents cut ties with al Qaeda and renounce violence.

But in a shift that could raise concerns among human rights and women's groups, the plan changes what had been a demand for the insurgents to “accept” the Afghan Constitution to one that they “respect” it.

“Any outcome of the peace process must respect the Afghan Constitution and must not jeopardize the rights and freedoms that the citizens of Afghanistan, both men and women, enjoy under the Constitution,” the plan says.

The plan comprises five steps. The first step, which now appears underway, calls for Pakistan to end cross-border shelling of Afghan villages and to free Taliban detainees. Nine were released last month after Rabbani's visit, and Pakistan has agreed to free more.

In the first half of 2013, Afghan, U.S. and Pakistani officials are to agree on terms for removing Taliban leaders “willing to engage in peace talks” from a U.N. terrorism list and giving them safe passage. Pakistan would “facilitate direct contact” between Afghan officials “and identified leaders of the Taliban and other armed opposition groups.”

Afghan, Pakistani and U.S. officials would “explore and agree to terms for initiating direct peace talks” between the sides “with a focus on Saudi Arabia as the venue.”

The negotiations would begin in the second half of 2013 “preferably through one consistent and coherent channel, with the aim of securing agreements on priority issues, such as ending violence, allowing space for the provision of basic public services, e.g. education, humanitarian aid, and security in the conduct of the upcoming elections,” the plan says.

The sides would agree to a ceasefire and terms for the release of Taliban prisoners by

the government “in return for their agreement to disengage and renounce violence.”

The sides also would “reach an understanding on issues related to security and the withdrawal of international forces,” and agree on rules for the insurgents’ participation in 2014 provincial council and 2015 parliamentary elections.

Another provision would confer considerable political power on the insurgents by allowing them to become cabinet members, provincial governors, district administrators, police chiefs and other key officials.

“The negotiating parties to agree on modalities for the inclusion of Taliban and other armed opposition leaders in the power structure of the state, to include non-elected positions at different levels with due consideration of legal and governance principles,” the plan says.

That provision, combined with one for an agreement “creating immediate space for education and humanitarian and development aid and public services,” could effectively cede political control of the Taliban’s southern and eastern heartland to the insurgents.

The agreements would be implemented in the first half of 2014, and the final phase, set for the second half of 2014, would be used to build international cooperation on preserving the long-term stability of Afghanistan and the region, the plan says.

Correction: Paragraph 10 of this version has been revised to provide the correct date for the assassination of former Afghan President Burhanuddin Rabbani.

#### LIST OF NAMES TO SUBMIT FOR THE RECORD

Sgt. 1st Class Darren M. Linde  
Spc. Tyler J. Orgaard  
Lance Cpl. Anthony J. Denier  
Cpl. Christopher M. Monahan, Jr.  
Petty Officer 1st Class Kevin R. Ebbert  
Lance Cpl. Dale W. Means  
Sgt. Channing B. Hicks  
Spc. Joseph A. Richardson  
Staff Sgt. Rayvon Battle, Jr.  
Sgt. Matthew H. Stiltz  
Capt. James D. Nehl  
Kenneth W. Bennett

#### PAYING TRIBUTE TO ALABAMA STATE REPRESENTATIVE DR. YVONNE KENNEDY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL. Mr. Speaker, I rise today to recognize and pay tribute to the life and legacy of an Alabama State representative, Dr. Yvonne Kennedy, a lawmaker from Mobile, Alabama, who passed away, sadly, on Saturday at the age of 67.

Dr. Kennedy was a pillar in the community and a tremendous public servant. She was the epitome of a servant leader, and she blazed the trails in Alabama politics that so many of us now follow. She led by example and was motivated by a drive and a passion for public service and education.

□ 1010

I am deeply saddened by her passing and know that her legacy of service will live on.

Yvonne Kennedy was born on January 8, 1945, in Mobile, Alabama, to

Leroy and Thelma Kennedy. At a young age, she displayed a commitment to academic excellence, and upon graduating from high school, she earned her bachelor’s degree from Alabama State University, a master’s degree from Morgan State University, and a Ph.D. from the University of Alabama. These early accomplishments were the beginning of an illustrious career both as a lawmaker and a community leader.

First elected to the Alabama State House of Representatives in a special election in 1979, Dr. Kennedy was one of the longest-serving members of the Alabama State legislature. She served the 97th District of Mobile for more than 33 years. She was a prominent lawmaker who fought against Alabama’s egregious voter ID laws, and she also championed the restoration of voter rights for rehabilitated ex-felons. She was the former chair of Alabama’s legislative black caucus and was well respected by her colleagues. Her tireless commitment to public service and her advocacy for quality education in Alabama was unparalleled.

In 1981, Dr. Kennedy became the president of Bishop State Community College in Mobile, Alabama, and she served in that role for over 25 years. Under her leadership, Bishop State expanded from one campus to three campuses, and flourished until her departure in 2007. Dr. Kennedy was a premier educator whose commitment to education knew no bounds.

Dr. Kennedy was a member of Delta Sigma Theta Sorority, Incorporated, and was their 19th national President from 1988 to 1992. She served on the boards of the Association of Higher Education, America’s Junior Miss, was a trustee for Miles College, and she was a longstanding member of the Christian Methodist Episcopal Church. She was chairwoman of the Mobile County United Negro College Fund and youth director of the Board of Christian Education-Southeast Alabama Conference.

I know that my generation owes Dr. Kennedy a debt of gratitude. I know that my generation stands on the shoulders of trailblazers like Dr. Yvonne Kennedy. It was her light that guided the path that led me to become Alabama’s first African American Congresswoman, and for that I am eternally grateful.

She left an indelible imprint on Alabama and across this Nation, and her legacy will live on. It is indeed a great privilege and an honor that I have today to recognize the legacy and contributions of Dr. Yvonne Kennedy with this tribute on the floor of the House of Representatives. Let her life stand as a testament to the courage and strength of one individual’s ability to shape the lives of so many. On behalf of the Seventh Congressional District and the State of Alabama and a grateful Nation, I ask my colleagues to join me in

honoring the life and legacy of Dr. Yvonne Kennedy.

#### THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, to understand the Federal budget mess and the so-called fiscal cliff, it’s important to know three numbers: 39, 37, and 64.

Thirty-nine percent is the combined growth of inflation and population over the last 10 years. Thirty-seven percent is the increase in revenues in the same period. That’s despite the recession and the tax cuts. It’s not quite keeping pace, but it’s pretty close. Sixty-four percent is the number that is killing us. Sixty-four percent is the increase in Federal spending in that period. That’s nearly twice the rate of inflation and population growth over the last 10 years.

The spending side of the fiscal cliff is the so-called “sequester,” automatic cuts in Federal spending. To hear some tell it, it is the end of Western civilization as we know it. That’s hardly the case. After a 64 percent increase in expenditures during this decade, the sequester doesn’t actually cut spending at all. It simply limits spending growth next year to about a half of a percent. I opposed the budget deal that created the sequester last year because it fell woefully short of what Standard & Poor’s clearly warned was necessary to preserve the Nation’s AAA credit rating. Sadly, that fear was borne out, but now the sequester is all we have.

It’s true defense takes the brunt of it, but does our defense spending really need to be higher—inflation adjusted—than it was at the height of the Vietnam War, when we faced down the Soviet Union and had 500,000 combat troops in the field? The sequester isn’t stepping off a cliff; it is taking one step back from the cliff.

The tax increases, however, are a very different matter. Without intervention, the Federal tax burden will balloon 21 percent at the stroke of midnight on New Year’s Eve, taking somewhere between \$2,000 and \$3,000 from an average family. This summer, the House passed legislation to protect our Nation from such a calamity, but Mr. Obama vowed to veto it, and the Senate killed it. Instead, Mr. Obama tells us that he’ll veto any plan that stops taxes from going up on all of those very wealthy folks making over \$200,000, who he says need to pay their fair share. I suppose fairness is in the eye of the beholder. The top 1 percent earns 17 percent of all income and pays 37 percent of all income taxes, but that’s beside the point. The fine point of it is that a lot of these very wealthy folks making over \$200,000 aren’t very

wealthy, and they aren't even folks. They're 1.3 million struggling small businesses filing under subchapter S. Our small businesses produce two-thirds of the new jobs in our economy. So this battle is very much for the middle class.

The Congressional Budget Office estimates that Mr. Obama's tax increase on the so-called "wealthy" will actually throw 200,000 middle and working class families into unemployment. That's 200,000 lost jobs. By the way, that is the optimistic estimate. An independent analysis by Ernst & Young puts that figure closer to 700,000 lost jobs. That's because the President's taxes would slam 84 percent of the net small business income in the country. That's precisely the income that is used to support and expand our labor force.

In their blind pursuit of an eat-the-rich ideology, Mr. Obama and his acolytes are imposing a policy that would utterly devastate hundreds of thousands of middle class families who depend upon the jobs that these small businesses provide. And for what? To wring enough money to fund Mr. Obama's spending spree for a grand total of 8 days. It's telling that three-fourths of the new taxes he's proposed would be used to finance the new spending that he's also proposed.

We Republicans don't want to see taxes go up on anyone, period. We don't want to see this government willfully throw hundreds of thousands of Americans out of work by this policy. The President obviously believes that in the eleventh hour Republicans will have no choice but ultimately to protect as many taxpayers as we possibly can since the only alternative would be tax increases on everyone, including those job creators. He may be right, but that would mean a bleak and bitter New Year for all of those families who will watch helplessly as their jobs evaporate before their eyes. Let us pray that this President has a change of heart before setting this calamity in motion.

#### THE REAL VICTIMS OF SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, we just heard a terrible cry on behalf of the wealthy in the United States, that top 2 percent. Tax them, and it will kill jobs, put people out of work.

If you want to know the real victims of sequestration, the real victims of the Republican fight to protect that 2 percent at all costs, it's the homeless, it's the poor, it's the lower income, and it's the vulnerable amongst us.

Most of the debate up until now about the fiscal cliff has focused on de-

fense cuts and expiring tax cuts justifiably, but the ramifications for local safety nets are equally portentous. In my district, for example, Fairfax County recently kicked off its annual hypothermia prevention program. During my tenure on the county board, I worked with faith, business, and community leaders to open houses of worship and other places to offer shelter from the cold and a hot meal for the homeless, individuals, and families. It saves lives.

Last winter, the program served more than 1,000 clients in one of the wealthiest districts in the United States. Sequestration threatens support for this and other Federal homeless prevention efforts. The McKinney-Vento homeless prevention program would be cut by as much as \$156 million. You didn't hear anything about that just now.

□ 1020

And it would leave more than 145,000 more people out in the cold and at risk of dying from hypothermia.

Similarly, families in every State rely on low-income heating assistance, which stands to lose as much as \$270 million in sequestration. That may not seem like much, but that program has already been cut by the Republicans by 30 percent. Millions of Americans in every State rely on this support, including 145,000 in my home State of Virginia.

The picture gets even worse when you look at the looming cuts to Federal housing assistance. Programs like the Community Development Block Grants, section 8 housing, and rental assistance for the needy and senior citizens already have sustained dramatic cuts over the last 2 years under Republican control. The HOME Investment Partnership Program, which supports homeownership and rental assistance, was cut by more than \$600 million, or 38 percent, last year alone. It faces another \$82 million cut in sequestration. Prince William County, in my district, was one of the hardest-hit by foreclosures, and it has an acute shortage of affordable housing right now. Cuts in Federal housing support would further exacerbate that situation just as the local housing market is beginning to recover.

There is an old proverb about someone always getting "left out in the cold," but in this case, people literally will be left out in the cold if we allow sequestration to go forward.

Mr. Speaker, the cuts in housing assistance are just one piece of the local safety net threatened by sequestration. I recently met with the disability community in my district, and they, too, are anxious about losing the vital support that allows disabled loved ones to live independently. One local organization, for example, is providing work opportunities and rehabilitative services

to more than 650 disabled adults in our community. Whether it's performing custodial services, packing medical kits for our troops, working in food services or other duties, these Ability One workers are making a positive difference in providing autonomy for individuals in our community. I and many of my colleagues here in the House, both Democrats and Republicans, are Ability One champions, and we know firsthand the positive effect this program has had, not only on the individuals, but on their families and their friends.

Employment opportunities for the disabled and revenue from their work reached an all-time high last year, but that momentum is at risk because of looming cuts through sequestration. Community service boards, for example, could lose as much as \$52 million, which would reduce services for more than 1.5 million people in America. You heard my colleague talk about maybe a few hundred thousand jobs being at risk if we cut taxes for the rich. What about these people? What about the real cuts and real effects on real people in America?

What has been troubling to the residents of my district is the fact that, up until now, the Republican alternative to these cuts has been to shift even more of the burden, not less, onto the social safety net programs. The sequestration replacement bill, which was pushed through earlier by House Republicans, cuts \$261 billion from safety net programs. It eliminates social service block grants, which support Meals on Wheels for 1.7 million seniors. Where is the concern for that? It also provides child care assistance for low-income parents who are returning to work. That plan cut \$36 billion in nutrition assistance for at-risk families. In my district, the demand for nutrition assistance has jumped by 135 percent since the recession, and it has gone up by 73 percent in the Commonwealth of Virginia during that same time period.

Mr. Speaker, we cannot afford to turn our backs on these families. Sequestration is a real threat. We need to have a compromise and a deal now to help these families.

#### REVEREND JEROME R. MILTON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Today, when the House opens for regular session, we will be led by visiting chaplain Reverend Jerome R. Milton. This extraordinary man is a friend, and he is an inspiration to me.

To borrow from a testimonial sermon of his, Reverend Milton, as a very small child, was left to die with his brother and sister in a rundown California motel. The San Diego County



welfare department found them and placed them in a horrific orphanage, called the Hillcrest Orphanage, where abuse of all kinds imaginable and unimaginable were inflicted upon them. Many of the children in such terrible conditions committed suicide, which included his brother and sister. After the horrors of this orphanage, he was placed in 13 different foster homes, where he suffered more unfathomable abuse and inhuman treatment.

Finally, as Jerome says, "God heard the cry of the lamb," and he was placed in his 14th home, that of Dadie Florence Johnson Brown. She could not read or write, but she was a good woman with a big heart and a stronger will. She took Jerome, and she said she could not imagine all the abuse he had been through, that it just sounded too unbelievable, but she looked him in the eye and said, Don't let your abuse be your excuse. She said, Someday, you can be a great juvenile judge or a case worker or something special.

But there was a lot of rebellion and anger in the young man. He hated lots of people and things, and especially God. Ms. Brown would not heed Jerome's pleas to leave him alone. She kept praying for him every single day by name. She said she knew there was good in him, but prayed that God would not let him end up in jail or in prison, because she knew God could do something very special with him.

He eventually tried the praying thing himself, but he was very cynical. He wanted to go to college, he wanted to be a coach, but he knew no one who had money. Then he found out he could run really fast, and he could play football really well. Though his teacher told him he was too black and too stupid to ever amount to anything, he proved her wrong when, just 4½ years later, he taught in a classroom right next to hers.

As Reverend Milton says, God moved him from foster care to people care. This angry, black, abused, hopeless shell of a downtrodden young boy had God-given potential. This is what Dadie Brown saw in him. Before she died, she told Jerome, All you can do for me is, if you can do for a group of children what I've done for you, then my living will not have been in vain. She said, I don't have \$1 million, but I hope I made a \$1 million difference. When she died, she had raised 44 children, giving hope to each one.

Jerome says she led him to Jesus and that Jesus opened his heart. He providentially met and married Charlene Olgis, and together, they have nine children. Six of them were adopted through the foster care program. Tyler, Texas, is where two Heisman Trophy winners grew up, Earl Campbell and Johnny Manziel, but it is also the mission field of Reverend Jerome R. Milton and his wife, Charlene, and that's where they've invested their lives.

He is the senior pastor of the Greater New Pleasant Hill Baptist Church in Tyler. He has been there for 25 years. He established the Dadie Florence Brown children's home for homeless mothers and abused children. He has been the head track and field coach at Bishop Gorman Catholic High School for 24 years, leading his team to 10 State track and field championships, and he has helped 150 athletes earn scholarships. He has also been the Tyler Citizen of the Year, winning the T.B. Butler Award. His work toward spanning race and religion and all types of barriers is boundless, and his list of accomplishments would take all day long to read.

He has blessed our town, our district, our State, and our country. It is an honor and an inspiration to know him and to count him as a friend. I so look forward to having my friend as a visiting chaplain today at noon eastern time when he opens the official part of this session in Congress.

God bless America, and God bless Jerome Milton.

#### THE WIND INDUSTRY AND OUR VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCNERNEY) for 5 minutes.

Mr. MCNERNEY. This morning, I rise to talk about two issues I care very passionately about: wind energy and veterans.

Mr. Speaker, I spent more than 20 years in the wind industry as a technology development engineer. In those early days, we saw some spectacular failures and dramatic failures, but every year, we put more into the technology development. We put a little bit this year in the gear box, in the foundations. Every year, we put a little increment of improvement in the control systems, in the field testing, in the power electronics so that we understood what was going on.

□ 1030

Today we have an industry that is a spectacular industry. The wind turbines now are hundreds of feet tall. They are extremely reliable. They produce power for 4 to 5 cents a kilowatt hour, depending on the resource. It's been a very successful business.

In the early days, the United States of America dominated that business because of consistent policies, consistent tax policies. We could rely on the policies being there year after year. Investors came in; engineers came in. But in the early 1980s, those policies began to change, and the technology began to leave our country.

We've seen, I've seen in my career, the incentives come and go over the years. I can tell you, it's devastating to the industry. It takes years to develop

the infrastructure to produce wind turbines. The bearings are 20 feet in diameter. It takes expertise. In order to get a project in, you need to get a power purchase agreement. You need to get permits. You need to get investments, and then you need to order products. The products have a 1- to 2-year lead time they're so large. We're putting a lot at risk by ending the production tax credit.

And not only that, we'll see at least 40,000 jobs lost when the production tax credit expires at the end of this year. A lot of those jobs go to United States veterans, veterans of our armed services. And I can tell you what, when soldiers are trained, they're trained on large equipment. They're trained on big projects. They're well disciplined. They're reliable. They work in very adverse conditions. And that's exactly the kind of training you need to be a windsmith and a wind turbine installer, so it's been a very good fit.

There's one company in particular, Airstreams. They train wind turbine windsmiths, and 80 percent of their graduates are veterans. They get good jobs in this country. And when the production tax credit goes away, that removes the hope of many of our veterans.

Now, the veterans of our country were soldiers and sailors. They volunteered their time for our country. They put themselves in grave danger, and they came home and found a very bad employment situation. The wind energy has been a tremendous opportunity for them, and to take this hope away from our veterans is a travesty. Eliminating those jobs for veterans is absolutely unacceptable.

Now, the production tax credit, itself, is a very effective way to produce energy. You get paid for when you deliver energy in the production tax credit. In the early days, the credits went to investments, and a lot of investments were not so good. But today, the motive is to have a very reliable, a very productive set of equipment, and that's what happens when the production tax credit is extended. It creates jobs. It helps develop the manufacturing base in this country. And I can tell you, if you want to be a great country, you have to have a big manufacturing base. Of those things that are at risk of going overseas, our manufacturing base, our engineering expertise, jobs, investment, this will be a real loss for our country. It will hurt our veterans. And the last thing it will hurt is our climate.

Now, there are people who don't believe in climate change, but I can tell you what: The evidence out there is absolutely overwhelming, whether it's biological systems migrating to higher elevations, more northern latitude, whether it's the melting of our glaciers, whether it's Hurricane Sandy, event after event shows climate change

is here; it's real; it's a threat, and we need to reduce our consumption of fossil fuels. Wind energy is a tremendous opportunity for us to do that.

So if we let the production tax credit expire, we are risking losing manufacturing. We're risking putting veterans out of work. We're risking climate change. This is something we can't afford to do as a Nation. The production tax credit is a very good investment in America and our future and our manufacturing base.

I urge all of my colleagues to consider helping to extend the production tax credits for our Nation and for our future.

#### TAKE THEM BACK HOME

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, according to the Boston Globe, Qian Wu was beaten, choked, punched, and held at knife-point by Chinese national Huang Chen. That was in 2006.

Her attacker was sent to prison in Texas, supposedly never to be heard of again. Or so she thought. Four years later, Wu was sitting alone in her apartment when guess who shows up—the person who assaulted her to begin with—busting through her door. He reportedly said in a taunting voice, “I bet you didn’t expect to see me here.”

Wu called the police, and Chen quickly fled the scene, but 2 weeks later, he returned to finish what began 4 years before. Chen beat Ms. Wu to death with a hammer, stabbed her with a knife, leaving her to die in her own pool of blood.

Mr. Speaker, Ms. Wu’s death did not have to occur. This crime could have actually been prevented. Chen should not have been back on the streets after serving time in prison, but he was, and here’s why.

After he had served his initial sentence for assaulting Ms. Wu, he was ordered legally deported back where he came from, back to China. But his home country, our good old buddies the Chinese, refused to take him back. They didn’t want him. And so they stalled and stalled and stalled, and over those 3 years of Chinese stalling and giving the runaround, Chen was eventually freed—free to kill, and kill he did.

Mr. Speaker, this tragedy is not an isolated phenomenon. Unfortunately, other Americans have died as a result of this gaping hole in the immigration system. It’s no secret that everybody believes our immigration system is broken. Fixing it down the road will be complex and complicated. But there are some things that we can do about immigration right now to fix specific problems, and here’s one.

Currently, Mr. Speaker, thousands of criminal aliens are in our country, just

like Chen, who have committed a crime and gone to prison. Our immigration system worked to order them deported, but their country won’t take them back. They refuse to do so. So those countries stall and delay and eventually never take back their outlaws. So by law, after the person serves the time in our prisons, we can’t keep them indefinitely waiting on their country to take them back, and so they are eventually released. These countries know that, and that’s why they stall.

Many of those criminals now are running around on American streets looking for more crime and up to malicious mischief.

The blood of American victims are not only on the hands of the felons who commit these crimes from foreign countries, but they’re also the fault of those countries that refuse to take back these criminal citizens.

You know, the blood of Ms. Wu is on the hands of Chinese citizen Huang Chen, but it’s also on the hands of the Chinese bureaucrats that would not take Chen back. Oh, Mr. Speaker, they may wear white gloves because they weren’t the direct killer of Ms. Wu, but their delay allowed for that crime to be committed. And below those white gloves are the blood of this citizen who was killed in this country.

And it’s not just China committing these acts of not taking back lawfully deported individuals; there are numerous countries. Vietnam, Jamaica, Pakistan, and Cuba are just a few.

So what should we do? Well, Mr. Speaker, there’s already a law to require that there be some sanctions against these countries that refuse to take back their lawfully deported aliens, but the State Department doesn’t enforce the law. The State Department says, well, we want to work diplomatically to get these people sent back. We don’t want to require any sanctions. And so they talk and they talk and they talk. Meanwhile, more crimes are being committed by these people who are released, who should have been sent home, while the State Department continues to talk. Like my grandfather used to say: When all is said and done, more is said than done.

We need to get these people out of our country who have been lawfully deported. These countries need to take them back, or there ought to be a consequence.

I’ve introduced legislation that removes the uncertainty and the weak knees of bureaucrats and requires the State Department to follow through with visa sanctions against the countries that won’t take back their lawfully deported criminals. I repeat, those visa sanctions should be primarily against, first, diplomats from these countries when they don’t take back these individuals.

□ 1040

It’s time to play a little bit of diplomatic hard ball with these nations. After all, Americans are dying because these criminals are illegally on the streets and our Nation does not insist on them being taken back.

It’s time to make these crooks and misfits the problem of their home country, rather than continue to remain our problem. Otherwise, more Americans are going to die.

It’s time to play a little hard ball with these countries.

And that’s just the way it is.

#### FISCAL CONCERNS AND OTHER ISSUES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, I know that America watches as we deliberate—and I’d like to use that terminology—on facing the fiscal concerns of this Nation.

Let me quickly remind my colleagues, Mr. Speaker, that America is on the upswing, with increased manufacturing, more consumer confidence. We’re moving forward. The economy is moving up. And so I believe it should be pronounced here today that the reform of the entitlements, based upon slipshod, reckless deliberations, or should I say actions, are a nonstarter.

There is no way, Mr. Speaker, that we should raise the eligibility age for Medicare, that we should not think carefully about how we approach the reform of Medicaid, and that we don’t tell the American people that Social Security is solvent.

So I would say, move quickly to pass the middle class tax cuts that would be for all Americans, 100 percent, up to \$250,000, and let’s think about, moving into 2013, how we make this economy better by looking carefully at how we reform entitlements that are not hand-outs, but they are earned.

I wanted to move to something else, offer my deepest sympathy for those who lost their lives in the Oregon massacre, again, at the hands of a gun and a perpetrator that is now dead, and to say that I thank Bob Costa for having the courage to get on national TV and speak to those who are rabid sports fans and say it’s time for some form of gun regulation.

The tragedy that occurred with the NFL player and his girlfriend speaks volumes to the idea of individuals who don’t need to have guns in their hands. This phenomenon that guns don’t kill, people do, is a trite and redundant and ridiculous statement.

We understand that guns have to have someone at their trigger; but the idea that with no regulations about those who’ve had previous offenses, no regulations dealing with those who’ve had mental health issues, no regulations for the gun show loophole, that

you can go in and buy guns on top of guns, it is time to reflect.

I think the sports community could work with us to ensure that America realizes that there's nothing wrong with standing up for gun regulation.

As well, let me offer my sympathy to the Brent and Brown families of the tragedy of the NFL players in Dallas. Let me ask the commissioner to work with those of us who are concerned about athletes in pro ball, that we can find a way to intervene. There should be intervention on a lot of these incidences of violence.

Let me close and speak well about the issue of millions of workers in the United States Postal Service, yes, government workers, public servants, who, over the decades, have made Americans' lives easier. Just yesterday we were speaking about another day of—or Monday I think it was, on online shopping.

I have small businesses who always say the post office is the most efficient and the, if you will, cheapest source of getting their business products where they need to be. It is a shame that we have not addressed the question of hardworking postal workers, rural post offices that are prolific in the State of Texas, rural postmasters who've come and said it'll be the death knell of their community.

Let us stand the post office up. Let us view it as a vital system. Oh, we are online, but there are individuals who depend upon this massive postal system. It can be made efficient. It can be made better. We can protect the workers.

Do we want to give a Christmas gift to hardworking postal workers, who as they are known to go through rain or snow or sleet, that is, give them a pink slip for no fault of their own?

This is not the American way. We create jobs; we don't destroy jobs. And it's time now for us to stand up and be heard before the deadline, that our postal workers who are always there, who are the ones that find the elderly and the sick in their home because they know their route and they find those persons if they're in need, they are the good-news people that come by the seniors and come by the disabled and come by the poor families.

I want to say that we can work together, bring our postal workers here to make a difference and to reform the postal system to keep it alive. It is a vital source of work, but it is a vital service to the American people.

#### CONGRATULATING JOHNNY MANZIEL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. FLORES) for 5 minutes.

Mr. FLORES. Mr. Speaker, this is the second consecutive year that I have had the privilege to congratulate a

Heisman Trophy winner from one of the two universities in the 17th Congressional District of Texas.

Today, I want to congratulate Johnny Manziel of Texas A&M University in College Station, Texas, as the 2012 recipient of the 78th annual Heisman Memorial Trophy.

On Saturdays, "Johnny Football," as he is now known, wowed audiences across the Nation with his steady poise and his remarkable playmaking ability. As a freshman, he personifies the fighting Texas Aggie spirit, and he proves that the impossible is never out of reach.

Leading the Aggies in their inaugural season in the Southeastern Athletic Conference, Johnny threw for 3,419 yards and ran for 1,181 yards, and he garnered 43 touchdowns. He broke a multitude of A&M, SEC, and NCAA records along the way.

Johnny is the first freshman, and only the fifth player, in FBS history to have at least 3,000 yards passing and 1,000 yards rushing in a season. He holds FBS freshman records for both rushing yards by a quarterback and all-purpose yards by an individual.

He is the SEC record-holder for total yards in a season, at 4,600, breaking the previous record in two fewer games than the prior record-holder. He also achieved an SEC record for total yards in a single game, at 557 yards, only to break that record 2 weeks later with a 576-yard game.

Johnny has logged nine straight games with 300 or more yards and generated five or more touchdowns in six different games. He tied an 85-year-old A&M record with 19 rushing touchdowns in a season. And, oh, by the way, he still has one more game to play this season.

Johnny has many firsts among the awards and accolades he has garnered in 2012. He was the first player in the history of the SEC to win the Freshman of the Year and the Player of the Year in the same season. He is also the first freshman in FBS history to win the Davey O'Brien National Quarterback Award. Most notably, he is the first freshman in college football history to win the Heisman Memorial Trophy, awarded to the most outstanding player in college football each year.

Johnny not only shined on the field, but off it as well. Academically, he has successfully completed enough credit hours to be classified as a junior, even though he's just a redshirt freshman.

When he first addressed the media at the end of the regular season, Johnny remained humble and gave credit to his teammates, to his coaches, and to the Aggie 12th man, which is the greatest tradition in all sports. When he addressed the Nation after receiving the Heisman Trophy, he named his offensive line individually, and honored the 1-year anniversary of the passing of a beloved teammate.

Johnny knows where his talents and blessings come from; and he gave glory to God, most importantly.

What makes this year so special is how Johnny and the Aggie football team excelled in their first year playing in the SEC. Not too many people from outside their locker room gave them a fighting chance in their inaugural SEC season, but they believed in themselves.

I want to congratulate Texas A&M University and football coach Kevin Sumlin on a terrific 10-2 regular season. He and his coaching staff are doing extraordinary work down in Aggieland during their first year. Keep up the great work.

As Johnny said, leadership, respect and putting others first are what being an Aggie is all about. Aggies all across the world stand together, not only as fans, but as members of a team. I proudly echo Johnny's words when I say to the 12th man, to Texas A&M University and to Aggies everywhere, this honor is for you.

As an Aggie former student, I want to thank Johnny for an incredible season, and I look for more exciting seasons in the coming years.

Before I close, I ask all Americans to pray for our country during these difficult times and for our brave military men and women and first responders who are protecting us at home and abroad.

Thank you, Mr. Speaker, for allowing me to address the House today.

Gig 'em Aggies, God bless America, and Merry Christmas to all.

□ 1050

#### A LEGACY OF WORKING FOR PEACE AND A MORE PERFECT WORLD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, throughout my career in public life, and even before, nothing has motivated me more than a desire to end wars and violent conflicts. When I was a small girl saying bedtime prayers or making a birthday wish when blowing out the candles, I always asked for world peace. So it's no surprise that over a decade ago, I opposed the Iraq war before it even started. It was appalling that we would invade a nation that hadn't provoked us, had nothing to do with 9/11, and did not have weapons of mass destruction. It was a lonely fight at that time. But I didn't do it to be loved. It was a matter of principle.

BARBARA LEE, MAXINE WATERS, and I formed The Triad—WOOLSEY, WATERS, and LEE—to organize our opposition. We held forums, we developed an Out of Iraq Caucus, we traveled around the country, and in January 2005, I offered

the first amendment here on the House floor calling for our troops to be brought home. Some in my own party thought that it was a mistake, that we wouldn't get any votes—or enough votes—and that we would be embarrassed. Well, I told them that even if I were the only one voting to bring our troops home, I would not be embarrassed.

Well, as it happened, we got 128 bipartisan votes that very first time. So you see, Mr. Speaker, when you lead, people follow. Because of a handful of progressive leaders and progressives in our country that were vocal and fearless, eventually public opinion turned. It turned against the Iraq war and turned towards peace. If we and other outspoken advocates hadn't ignored conventional wisdom and hadn't pressed for peace, the war in Iraq could still be going on today.

In April, Mr. Speaker, of 2004, I started speaking from this very spot on the House floor about my strong anti-Iraq war convictions. Eventually, these speeches focused on Afghanistan, where we've now been waging war for more than 11 years, despite more than 2,000 Americans dead and nearly \$600 billion wasted and even though we are undermining our own interests in failing to bring security and stability to Afghanistan.

Over the last 8-plus years, I've spoken here nearly every day that I could to drive home what a moral disaster and strategic failure these wars have been. When constituents and others call or come up to me or write and thank me, I say, But we're still there. I don't deserve thanks until all of our troops are home.

You know, Mr. Speaker, because you've been here for many of them, that my speeches haven't just been about bringing our troops home. They've offered a new vision for global engagement. From here I've outlined my SMART Security platform, which calls for development and diplomacy instead of invasions and occupations; civilian surges instead of military surges. SMART Security means helping other nations educate their children, care for their sick, and strengthen their democratic institutions. SMART Security says we can make America safe by building international good will and by empowering people with humanitarian assistance instead of sending troops or launching drone attacks. It's the right thing to do. It's the smart thing to do. And it costs pennies on the dollar compared to military force.

So, Mr. Speaker, today I'm delivering that message for the 444th and final time on the House floor to speak on a 5-minute Special Order. This is the last of my Special Order speeches on war and peace and SMART Security. I'm retiring from Congress at the end of this year, and I believe part of my leg-

acy will be that I worked diligently for peace and a safer world.

In closing, Mr. Speaker, I'd like to acknowledge that sometimes I've been accused of wanting a "perfect world." But I consider that a compliment. Our Founders strove to form a "more perfect Union." Why shouldn't we aim for a perfect world? You see, I'm absolutely certain that if we don't work toward a perfect world, we won't ever come close to providing a safe, healthy, and secure world for our grandchildren and their grandchildren.

I thank my wonderful staff who have helped me over the last 20 years to work for a perfect world, which means peace, health, and security for all.

#### SO-CALLED RIGHT TO WORK

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as a Representative from Ohio, a State that borders Michigan, I rise to stand in solidarity with the workers of Michigan. Many Ohioans I represent actually drive to work in Michigan. And due to the high-handed actions of Michigan's Governor and its legislature, they actually railroaded legislation through Michigan, with no hearings, to take away the rights of Michigan workers to fund the collective bargaining process that results in living-wage worker contracts.

The workers of Michigan are fighting to maintain their rights to a fair day's wage for a fair day's work. I support their rights and the rights of every American to organize and negotiate by contract for proper pay and benefits, regardless of which State they live in. The rights of labor by contract are critical to growing our middle class, as opposed to rights by happenstance that are always up for grabs, where workers have no rights and live in fear of the future.

Michigan's Republican ideologues passed so-called "right-to-work" legislation. Well, let's be clear: the bill being pushed there by the far right should really be called the Right to Work for Less. And that is exactly what President Obama called it. To quote Bob King, the visionary president of the United Auto Workers of this country:

Every right-to-work State has lower wages, lower benefits, less security for workers and more income inequality.

And they have a shrinking middle class. The UAW is right: if you happen to live and work in a State that has a so-called right-to-work law on the books, you earn an average of \$5,000 less a year than if you lived in a worker rights State. The bill signed last night in Michigan strips labor organizations of their right to collect dues to cover the cost of negotiating a collective bargaining agreement.

The Michigan law is pure politics. No, it is more than that. It is an old-school union-busting technique, pure and simple. And in Michigan and Ohio, we know a lot about union busting. As a daughter of auto workers, I know the history of the hired goons who bludgeoned auto workers back in the 1930s at River Rouge as workers began to stand up for their human rights as they labored in the dungeons of the automotive production facilities at the time.

I actually would like to challenge the Governor of Michigan to come with me and let's work on the line for a month in one of those repetitive-motion jobs that make and characterize modern automotive production. They're not easy jobs. I would like him to install the windows on the right side of a vehicle as it moves down the line over and over and over and over and over and over again. Let's see how much fun he'll have.

A year ago, we in Ohio witnessed a similar effort to eliminate unions. Right-wing legislators moved through legislation that would have ended collective bargaining as we know it in Ohio for public sector workers. We're talking about firefighters, police, and teachers. Well, the people of Ohio broadly rejected that union busting earlier this year.

□ 1100

Citizens organized a ballot initiative to restore worker rights in Ohio, and they won. It was called Issue 2. The people of Ohio voted to overwhelmingly protect the rights of those who protect us and who teach our children.

While worker rights were protected in Ohio, up north, what was done in Lansing, intends to extend far beyond the borders of just Michigan. It will impact workers who commute from my State of Ohio and Indiana.

This is about more than just one State. In fact, this is a national issue, not a states' rights issue at all. The Michigan union-busting bill is a direct result of weak Federal legislation, and I'm talking about section 14(b) of the Taft-Hartley Act, which weakens the rights of labor. Congress should overturn that part of the law and reaffirm its role in protecting the internationally recognized labor rights of every American citizen.

That is why I have joined a number of my colleagues in introducing legislation, H.R. 2775, that would do just that. We should not have individual States competing against each other in a race to the bottom. Haven't we seen enough of that?

We need to support and build back the American middle class by creating good jobs, good-paying jobs, and secure benefits through secure contracts. I stand attired in red today in solidarity with the workers of Michigan, and I am proud to do so.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 1 minute a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

Reverend Jerome Milton, Greater New Pleasant Hill Missionary Baptist Church, Tyler, Texas, offered the following prayer:

Father God, how loving, how gracious, how wonderful, how good, how vast are Your methods for bringing us ever so close to You so that we might experience Your awesome power of love and care for us as a Nation.

Lord God, we pray today that You will let common ground and middle ground be the order of the day for the common good of our Nation.

Loving God, bless the Members of the people's House. Give them wisdom and understanding to be a blessing to our house.

Merciful God, in times like these, oh, precious Lord, take their hands, touch their hearts, speak to their souls, that the Members of this body may be bold servants of this Nation.

Our eternal God, may all that is done this day be for Your greater honor and glory, forever and ever.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. SARBANES) come forward and lead the House in the Pledge of Allegiance.

Mr. SARBANES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING REVEREND JEROME R. MILTON

The SPEAKER. Without objection, the gentleman from Texas (Mr. GOHMERT) is recognized for 1 minute.

There was no objection.

Mr. GOHMERT. Mr. Speaker, our visiting chaplain today is Reverend Jerome R. Milton, pastor of the Greater New Pleasant Hill Missionary Baptist Church in Tyler, Texas.

As a small child, he was left with his brother and sister in a rundown motel in San Diego to die. They were placed in a horrific orphanage, where despicable abuses were inflicted, ultimately resulting in the suicide of his siblings.

Jerome was eventually placed in the home of Dadie Florence Brown, the 14th foster home. This uneducated but strong-willed lady told young Jerome that, despite all he'd been through, "Don't allow your abuse to be your excuse." She knew God would make him something special, and she prayed for him every day.

Jerome could run fast and play football well and got a scholarship to do both at UCLA. As he says, God moved him from foster care to people care. He and his wife, Charlene, have nine children, six of them adopted.

In addition to being a pastor, he's the head track coach at Gorman Catholic High School, leading his teams to 10 State championships, and has been Tyler's Citizen of the Year with the T.B. Butler Award. His work has spanned race, religion, all types of barriers, and he has blessed so many lives, including mine.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. BASS of New Hampshire) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 12, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 12, 2012 at 11:08 a.m.:

That the Senate passed without amendment H.R. 4014.

That the Senate passed without amendment H.R. 4367.

That the Senate passed without amendment H.R. 2467.

That the Senate passed without amendment H.R. 3319.

That the Senate passed with an amendment H.R. 6328.

That the Senate passed S. 3564.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 further requests

for 1-minute speeches on each side of the aisle.

## PRESIDENT OBAMA'S FISCAL CLIFF PLAN CALLS FOR \$1.2 TRILLION IN NEW SPENDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during his campaign for reelection, the President called for a balanced approach to solve the fiscal cliff crisis. Unfortunately, the plan his administration submitted to Congress does not include the spending cuts necessary to address our Nation's \$16 trillion national debt.

According to Senate Budget Committee Ranking Member JEFF SESSIONS' staff's calculation of data from the Congressional Budget Office and the Office of Management and Budget, the President's plan suggests that roughly 75 percent, or \$1.2 trillion, in new revenue be directed to new spending instead of deficit reduction.

The fiscal cliff must be averted to protect our economy for future generations. Yesterday, House Speaker JOHN BOEHNER asked the President to identify specific cuts he is willing to make for a balanced approach. I hope the President will take immediate action so progress can be made for a bipartisan solution.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## LESSONS LEARNED IN THE WAKE OF HURRICANE SANDY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, there are many lessons to be learned in the wake of the hurricane that devastated parts of New York and New Jersey, one of which is the importance of electronic medical records and health information technology.

While many hospitals and medical centers were damaged by the storm, hospitals that employed electronic medical records were able to ensure that vital health information was maintained and not lost. Not only that, electronic medical records enabled continuity of care as patients were transferred between hospitals.

Mr. Speaker, this is just one example of how electronic health records can improve quality of patient care, integrate health systems, and ultimately, reduce unnecessary costs.

My western New York community was an early adopter of electronic medical records and has since been recognized nationally as a leader in health information technology. I urge the House to continue the widespread adoption of health information technology

and to assist in its expansion across the country.

□ 1210

#### TOMBSTONE, ARIZONA, WATER SUPPLY FIASCO

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Last week, the ninth circuit court heard a case regarding Tombstone, Arizona's right to access its water supply. Last year, a devastating combination of wildfires and monsoons struck Tombstone, leaving only 3 of its 25 springs in operation. Tombstone has been engaged in a year-long standoff with the Federal Government over the repairs that will restore the town's water supply because those springs are in wilderness areas and they are prohibited from using mechanized equipment to make the necessary repairs.

This situation is not unique. A similar disaster occurred in northern Arizona after the 2010 Schultz Pass fire. The Inner Basin pipeline, infrastructure that delivers water to Flagstaff, was severed during catastrophic floods that followed the fire. In our case, a lawsuit wasn't necessary, but it took my team and the city over a year to persuade multiple agencies to allow for repairs. Last month, I took the first sip of water out of the repaired infrastructure with Mayor Jerry Nabours.

Our communities shouldn't need their Congressman or a lawsuit to make basic repairs to infrastructure. The Federal Government should work with us, not against us, to preserve western water supplies.

#### FISCAL CLIFF

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, our country faces a critical financial deadline in just 19 days. While Democrats are offering solutions to raise revenue and cut government spending, the House Republican leadership still refuses to take action on something we all agree on—extending middle class tax cuts.

We need to give middle class families in my home State of Rhode Island and across our Nation the certainty that they will not see a tax increase at a time when they can least afford it. I've heard from hundreds of Rhode Islanders who want to know why we don't have a deal already. I've heard from seniors who want us to protect Social Security, working parents who want us to extend tax cuts for the middle class, and those still struggling to find work who rely on unemployment insurance to make ends meet.

It's time for the Republican leadership to work across the aisle to reach a

deal that strengthens the middle class and responsibly addresses our debt.

#### ENDANGERED SPECIES ACT AND THE LESSER PRAIRIE CHICKEN

(Mr. POMPEO asked and was given permission to address the House for 1 minute.)

Mr. POMPEO. Today, I rise to talk about a bird, the Lesser Prairie Chicken. Actually, it's not about the bird; it's about jobs. I happen to represent Cassoday, Kansas, the American capital of the Lesser Prairie Chicken.

The Environmental Protection Agency and this administration are about to do great harm to the bird but, more importantly, present great risk to energy exploration all across America. They want to put the Lesser Prairie Chicken under the Endangered Species Act. The impact of this decision will be enormous on our burgeoning domestic energy industry. Millions of public acres could be closed to exploration, and a labyrinth of bureaucratic nightmares awaits any investor foolish enough to explore land that might be home to even one Lesser Prairie Chicken. The uncertainty that listing this bird would create will discourage investments where they are most needed in our country.

It's time to find a practical, realistic solution to protect our environment and spur economic growth, but manipulating the Endangered Species Act and exploiting the Lesser Prairie Chicken is simply wrong.

#### INQUIRY INTO THE MURDER OF PATRICK FINUCANE

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Mr. Speaker, hours ago, British Prime Minister David Cameron told the House of Commons that a report he commissioned acknowledged there was a "shocking level of state collusion" into the murder of Attorney Patrick Finucane in Belfast in 1989.

I appreciate Prime Minister Cameron's recognition that the agents of the British state were involved in the murder of Pat Finucane and his apology to the family, but I will continue to be a strong and outspoken advocate for a full, open, and transparent public inquiry into the case of British collusion in the murder of Pat Finucane. It is the only way to get to the truth and the only way we can convince the public that one of the most controversial murders during the Troubles has been thoroughly investigated.

I have known Geraldine Finucane and her family for more than two decades. Their campaign for justice and truth has been honorable and remarkable. The killing of Patrick Finucane was a dark stain in the north of Ire-

land, which has not gone away by today's report. The British Government agreed to conduct a full inquiry into the murder at Weston Park, and they should honor that commitment, as Prime Minister Enda Kenny of Ireland has suggested today as well.

As we've seen many times before during the Irish peace process, whether it was the Birmingham Six, the Guildford Four, or Bloody Sunday, the truth eventually emerges. Pat Finucane's family deserves to know the whole truth. That is why we will continue to demand that the British Government hold a full public inquiry into the murder of Patrick Finucane.

#### STOP FOREIGN AID TO TUNISIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, yesterday was the 3-month anniversary of the terrorist attack in Benghazi, Libya, where four Americans' lives were tragically lost, including U.S. Ambassador Chris Stevens. To date, none of the terrorists have been brought to justice. In fact, in the months following the attack, the Tunisian Government blocked the FBI from interviewing the only known detained suspect in the attack, a Tunisian man named Ali Harzi. The FBI team has been there for 5 weeks, and they will not make him available.

Since January 2011, the U.S. has given more than \$320 million in taxpayer dollars to Tunisia. I rise to ask that all U.S. aid to Tunisia be immediately cut off, in light of the country's blocking the FBI's attempt to investigate the attack and interview Harzi.

Why are we giving any sort of aid to a country that has proven at this time it is no friend or ally of the United States? Why are we not doing everything in our power to investigate the events in Benghazi that killed four Americans?

Should Secretary Clinton fail to cut off aid to Tunisia, I will take legislative action to cut off the aid.

#### RECOGNIZING JEH JOHNSON, GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. I rise today to recognize the outstanding service of Jeh Johnson, general counsel of the Department of Defense.

In navigating a wide range of important legal issues, Jeh has been an invaluable partner to the House Armed Services Committee over the last 4 years, and he is respected by Members on both sides of the aisle. Over the last

4 years, Jeh has advised the committee on numerous national security challenges, including cyberwarfare, counterterrorism operations, the legal boundaries of the conflict against al Qaeda and its affiliates, sensitive intelligence matters, and detainee operations worldwide. Jeh was integral to our efforts to reform military commissions—where those accused of planning and executing 9/11 attacks will be prosecuted. He has regularly testified before Congress and provided briefings on the Don't Ask, Don't Tell law and policy, efforts to combat sexual assault in the military, changes to the combat exclusion policy, the membership of the Joint Chiefs, and the withdrawal of U.S. troops from Iraq.

There has been no shortage of very difficult and very controversial issues. Jeh has always approached them intelligently and professionally and served this country, the President and Congress well.

The one thing I always noticed about Jeh is he liked coming over and talking to Congress, which is not always the case in the executive branch. He recognized the importance of the relationship between the legislative branch and the executive branch. He has served our country very well.

I wish him well in private practice and thank him for his service.

#### TEXAS SENATOR KAY BAILEY HUTCHISON

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, KAY BAILEY HUTCHISON has been a fighter for the State of Texas long before she came to the U.S. Senate. As a graduate of the University of Texas and the University of Texas Law School, she first served in Austin, Texas, in the House of Representatives. She then served as State treasurer, and then she made up her mind to become the first woman to ever represent the great State of Texas in the United States Senate.

Texans have been fortunate to have KAY as a feisty advocate for them. She's been a leader here in the Senate for almost 20 years. My grandmother used to always say that there's nothing more powerful than a woman who has made up her mind. Senator KAY BAILEY HUTCHISON is one of those women. She is a leader and a role model for all of us. She will be missed.

Thank you, KAY, for your service to the great State of Texas and the United States.

And that's just the way it is.

□ 1220

#### PROTECTING CRITICAL PROGRAMS

(Mr. SARBANES asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, critical initiatives that help the Chesapeake Bay will be among the hardest hit by sequestration. These programs, including the Small Watersheds Program, the Clean Water State Revolving Fund, and the Section 319 Program, provide much needed resources for on-the-ground restoration and conservation efforts in the Chesapeake Bay watershed.

These programs are some of the most important tools we have for addressing pollution and storm water runoff in the bay. An 8 percent cut would cost thousands of jobs and exacerbate the already crumbling public water infrastructure that is so prevalent in Maryland and across the country, adding pressure to State and local governments to pay for Federal programs that have been slashed. As we all know, the budget process is entirely about choices. We must make clean water and clean air a priority. I urge my colleagues to protect these critical programs from reckless cuts that will destroy jobs and destroy the environment.

#### SEQUESTRATION IMPACT ON ENVIRONMENT

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Sequestration wasn't written to be good fiscal policy. It was never intended to be policy, period. These automatic cuts would deeply hurt our environment. This Congress has already tried to roll back our strongest environmental laws. Now we're on the verge of setting a new low.

Sequestration could force the national parks and forests to turn away visitors. Our Forest Service, which fights wildfires, might not have enough money to put out all the flames. Agencies protecting us from harmful toxic waste may have difficulty going after our worst polluters. This is no solution to our deficit problems.

Now is the time for both sides to work toward a responsible compromise. As I said before, sequestration was never intended to happen, so let's not let it.

#### NATURAL DISASTER HELP

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, you can't walk two steps in this Capitol without getting into a discussion these days about the fiscal cliff. The fiscal cliff is comprised of a lot of very serious issues, but it is a metaphor. Meanwhile, tens of thousands of my constituents and hundreds of thousands of

people in the States of Connecticut, New Jersey and New York are suffering as a result of a natural disaster which was anything but a metaphor. Hurricane Sandy devastated communities across those three States.

Traditionally, when our constituents were homeless, when they were hungry, when they were standing amidst the wreckage of their homes, they looked to this body for help and this body always said, yes, we will help. As we speak, there is a bill in the Senate that would provide that assistance to so many distressed constituents, Republican and Democrat, rural and urban. When that bill gets to this House, I urge my colleagues to remember that whether it was Hurricane Katrina or Andrew or the earthquakes of the west coast, we have always set aside considerations of the budget, or offsets, or whatnot, to do the decent and moral thing and help our constituents.

Let's do it again.

#### PAY AS YOU EARN PROGRAM

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, while the whole world is waiting to see whether the House Republicans say "yes" to extending middle class tax cuts, President Obama, on Friday, moved ahead with following through on a campaign promise to help people with student loan payments which are at record-high levels.

The Pay as You Earn program, starting next Friday, will accept applications to cap repayment at 10 percent of discretionary income. So, for example, an individual with \$30,000 in income and \$26,000 in debt will see their monthly payments drop from \$166 a month to \$110 a month.

Individuals can contact the U.S. Department of Education's Web site to apply for this assistance or call your Member of Congress. And while you're at it, tell them to extend middle class tax cuts, sign on to the Walz bill, and let's get away from this fiscal cliff.

Congratulations to the President for following through for young Americans to make sure that they're going to get needed help to pay for college.

#### PRODUCTION TAX CREDIT EXTENSION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. I rise today to highlight the critical importance of extending the Production Tax Credit for wind energy, which expires this month. The Production Tax Credit is essential for energy independence, the environment, and public health; and it is critical for job creation and our economy.



The Production Tax Credit has helped to create good-paying jobs across the country, including 7,000 in my home State of Illinois. Because of uncertainty, the wind industry is hurting and job losses have already begun. The failure to extend the Production Tax Credit will result in the loss of 37,000 of the 78,000 American wind jobs. Those are not just numbers on a sheet of paper; they represent people and families and communities.

This is not a partisan issue. Eighty-nine percent of Americans, including 84 percent of Republicans, want more wind power. We must act to extend the Production Tax Credit for wind without delay. The American people can't wait any longer.

#### SEQUESTRATION

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, impending budget cuts under sequestration pose a serious risk to America's leadership in a variety of areas. The one in particular that I want to focus on today is the serious risk to America's leadership on a clean-energy economy and to developing grid-scale energy infrastructure, made possible in part by the Production Tax Credit. These investments help to ensure our Nation's energy security and independence while spurring growth in a wind industry that supports over 70,000 jobs nationwide, including hundreds in Rhode Island.

Mr. Speaker, Rhode Island receives 7 percent of its State revenue from Federal grants that are subject to sequestration. Unless averted by Congress, it could threaten the health of Rhode Island's local economies and risk another national recession.

I know we have difficult choices ahead; but if there's one mandate both parties can claim from the November election, it is to solve our Nation's economic and fiscal challenges together. Although we may not agree on all aspects of a solution, we can all agree on the need to address the impending problem. The clock is ticking.

#### SUPPORTING RENEWABLE ENERGY RESEARCH PROGRAMS

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, let me thank all of the members, first of all, of the Sustainable Energy and Environment Coalition for working so hard to protect vital funding for environmental programs, including renewable energy initiatives from the so-called fiscal cliff.

Renewable energy research is the first step for job creation and building

up American manufacturing. I'm proud to say that in my own district we're leading the way with a vibrant renewable energy research industry led by the University of California at Berkeley, the East Bay Municipal Utility District, the PolyPlus Battery Company, and the Lawrence Berkeley National Lab. They and others work day and night on innovations that will power our future and fuel our economy.

Mr. Speaker, we must end the billions we give in special tax breaks and subsidies to Big Oil and instead invest in manufacturing and green renewable energy projects here at home. And ending the Bush-era tax cuts for millionaires and billionaires will create more revenue for ending our dependence on foreign oil.

#### DON'T RAISE ELIGIBILITY AGE FOR MEDICARE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, we're in these fiscal cliff talks, and the President and the Speaker are trying to work out a solution. They're talking about tax rates for the top 2 percent and taxing their wealth. That's something they should do because it's fair and it gives the other 98 percent tax relief. But at the same time they're talking about increasing the Medicare age from 65 to 67. That's taxing the wealth of the less fortunate people who are 65 and 67. For them and for everybody, your health is your wealth. Jimmy Copeland, a friend and semi-philosopher, said that "your health is your wealth." If you raise the Medicare age from 65 to 67, you're going to sacrifice the health of people who are not the most fortunate. So while we tax the income of the most wealthy, we'll be taxing what wealth the less wealthy have—their health. That's wrong. Mr. President and Mr. Speaker should not increase that age and tax the poor.

#### LET'S WORK TOGETHER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Speaking in the instance of deliberations, redundancy is sometimes good. So I join my colleagues in again placing the defining word "nonstarter" on any idea to raise the eligibility age for Medicare for hardworking seniors, but hardworking Americans.

Let me clarify that Medicare is earned; it is not a handout. The word that we use as "entitlement" sometimes now has become on the order of what ObamaCare used to be. An entitlement is entitled because of earning it, and that goes to Social Security—which is solvent until 2037—and even Medicaid for seniors who are in nursing homes who have worked.

So if we move that aside to look long term at how we begin to look at entitlements, we're open-minded. But the bottom line is let's pass the middle class tax cuts that are for 100 percent of Americans. Let's join Senator TOM COBURN: I'm for raising revenue because we have to; or Senator CORKER: There's a growing body of folks who are willing to look at the rate on the top 2 percent; or KAY GRANGER: Extending middle class tax cuts is just the right thing to do.

Mr. Speaker, let's get busy in a bipartisan way.

□ 1230

#### MANTI TE'O

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, much of Hawaii was waiting this past Saturday for word of whether one of our own, Manti Te'o, would win the Heisman trophy. It would have been a first for Hawaii. Manti shares Punahou, the same high school alma mater as President Obama, and his story is compelling.

Manti is someone who has trained so hard with his parents solidly by his side to play football well. You should hear the stories by his father. He plays the game for the sense of camaraderie and the building of friendships. He is not only gifted, but a very humble young man. But many may not know that he may not have played his senior year because he lost his girlfriend and grandmother within 4 days of each other. He did play because he promised his girlfriend that he would.

Manti, you have made many of us all proud, especially those of us from Hawaii. And to you and your teammates from Hawaii, Robby Toma and Kona Schwenke, we say, go fighting Irish! Mahalo and aloha.

#### TAX CREDITS AND TAX CUTS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, the permission I request is to make two simple requests to my friends in the Republican leadership and to the Rules Committee, and that is to bring to the floor two bills. One is to extend middle class tax cuts for 98 percent of the country. So that has been passed by the Senate. It provides relief to so many Americans. It should be done immediately, and it will be passed overwhelmingly here in the House of Representatives. So the request is the middle class tax cuts. Let's bring them to the floor. That deals with a big portion of the budget conversation that's going on today in Washington.

Second is for the production tax credit to be brought to the floor. Thousands

of jobs all across the country are dependent upon that tax credit. Again, it would be passed overwhelmingly if it were brought to the floor. There's no reason to hold these up any longer. We need to pass these. I ask the Republican leadership and the Rules Committee to bring them to the floor.

#### PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 827 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 827

*Resolved*, That it shall be in order at any time through the legislative day of December 28, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Fairport, New York, my dear friend, the ranking member on the committee, Ms. SLAUGHTER, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

##### GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I rise today in support of this rule, which will provide this body the ability to consider legislation under suspension of the rules for the remainder of this Congress. However, I would prefer not really to be here today talking about this resolution. I was speaking with the gentlewoman, Ms. SLAUGHTER, a few minutes ago, and we concluded that it sounds a lot like Christmas, and that's why we're all here. It must be Christmastime, and so we're going to work all the way through. But I'd like to be home with my constituents, I'd like to be home with the family, I'd like to be doing things. But the reality is that Congress will have to remain in session for the holiday season because we're the ones that said we would help solve the problems of this country, that we would step up to the plate on behalf of the American people and make sure we did what we said we'd do, and that is to

make life better for people. We set the dates, we set the timing, and that's why we're here.

So while families all across the country are with their loved ones, we will be here working. We said we would, and what we're going to wait for is our two sides, our leaders, the President of the United States, Barack Obama, Speaker JOHN BOEHNER, certainly Senate Majority Leader HARRY REID, to lead those efforts to find a legislative deal that is designed to avoid America and this country, including our government, from going off the fiscal cliff. We have heard a lot about that. We are speaking about it. We've had discussions on the floor today about it. That's why we're here. And we're trying to make sure that we, as Members of Congress from both parties, are here trying to help resolve that so we can still do work in between that period of time.

So, 2 weeks ago, House Republicans proposed this solution of trying to make sure that we would have an answer. The President has come back with a solution, and we now know where to point where. Our friends, the Democrats, are insisting upon a tax increase to move forward, and Republicans are saying, hold on, hold on; we need new revenue, but we don't need new taxes, especially taxes on small business owners that are the creators of jobs in our economy. And so Republicans are saying, we're not going to fall victim for being for the President's ideas and the Democrats' ideas that destroy 700,000 American jobs.

So, here we are. We're here. We're going to stay here in town. Republicans have resolved to stay here. We said we'd sit at the table, we said we would do the American workers' and the American people's bidding at the table to make sure that we have a bipartisan answer, and that's what we are going to do.

So we all remember that following the election in November that our Speaker, JOHN BOEHNER, committed that this body would continue working with the President to reach a compromise that averts the fiscal cliff. Avoiding the fiscal cliff is what we should continue to do, and we should work very diligently. So for my friends that wonder why we're here, perhaps, Mr. Speaker, our families, we're here. We're going to keep working. We're going to work day in and day out, and we're going to hope that our leadership, including the President, is able to make counteroffers until we reach that exact point where a deal can be done.

This is not just about negotiating. It is about finding an answer for the American people. By the way, for people that think this is all about politics and the things that are going on, perhaps it is, but it's going to take both sides—two sides, two willing partners—to want to come to an agreement. That's why we're still in town.

To date, I know we've not seen a lot of progress, and I know we are worried about it. But I would remind us, and I believe this is true, that the President said he is going to stay at the table, he is going to work with Republicans, he is going to get a deal that's good for the American people, and the President said this during the election, and so I think we're here to make sure that is what happens.

Mr. Speaker, in less than 20 days, in addition to the beginning of the New Year, we're going to find out that we also have a new set of taxes that have already been agreed to by the Congress. Ms. PELOSI, when she was Speaker, and the President ran through something that the President likes to call ObamaCare. But there are massive taxes already ahead in law for the American people, many of which we're just now becoming aware of. I guess that's what happens when you don't read the bill before you pass it. But every single American will see their personal taxes already go up, and that's before we get to whatever happens with the fiscal cliff.

□ 1240

This is an arbitrary across-the-board tax increase, the combination of which will mean that if we are unable to resolve the fiscal cliff without raising taxes, we'll already see a lot of new taxes as a result of the health care law on financial transactions, on insurance programs, on every single working American. That's why we have Speaker JOHN BOEHNER trying to present President Obama with an alternative that says rather than raising taxes, which is already going to happen on January 1 from this massive new tax increase that was in the health care bill, why don't we find a way to understand and have the economy take that in hand first.

I know the President stood here at the State of the Union address and said we're not going to spend one dime of taxpayer money. I know the President stood here and said every single American can keep their own insurance plan. I know the President has made these promises to the American people, and these are the things that we're going to have to understand about January 1 of next year. I believe that's why we need to have JOHN BOEHNER be successful, and the President, to make sure we avoid further tax increases because we already have a massive tax increase that's going to take place. This would, in essence, be a double whammy on not just a fragile economy, but an economy that is in far worse shape with a country that is far more in debt and much more at risk today.

So you and I understand, the CBO has estimated some 2 million American jobs would be at risk because of the ObamaCare implementation and its

massive impact on the free-enterprise system and taxation, combined with what would be this new—if the President gets his way—tax increase on working Americans and, in particular, small business.

While much has been made about the debates surrounding tax rates, there is, I think, a larger picture that we need to consider. We should focus on employment and jobs. Instead of trying to necessarily aim for fairness just by using this weapon against small business, we should focus, I think, on job creation.

We understand that if the President's bill passes, we will lose 700,000 jobs. That means 700,000 Americans and their families would then qualify, I presume, for unemployment, and it would mean that we begin the new year once again on a negative pathway. That's why we are here today talking and trying to have our leaders of this great Nation make sure that we avoid this.

This country is in desperate need of an economic kick-start. Lower taxes, we believe, through stimulating job creation and job investment and by stimulating the economy, will allow all Americans not only to keep their jobs but also to keep more of their own hard-earned pay. In fact, President John F. Kennedy, I think, agreed with us when he said:

It is a paradoxical truth that tax rates are too high and tax revenues are too low, and the soundest way to increase revenues in the long run is to cut rates now.

That's exactly where we are. Republicans are arguing not to increase taxes at a time when the American economy is struggling, when families are struggling. Let's not ask them to go into their pockets and pay more to a government that simply wants to spend more of this money.

Mr. Speaker, my Republican colleagues and I remain committed to staying in Washington, D.C., to try and get this done. Between now and then, what this rule is all about is saying that we're going to put us to work on solving some of the ideas and issues that remain in the workplace where there are answers with suspension votes. So that's why we're here today pending conference reports and decisions that need to be made.

I encourage my colleagues to support this rule with a "yes" vote, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I do want to thank my true and good friend, Mr. SESSIONS, for yielding this time; and I want to congratulate him on his ascension to the chair of the Rules Committee. I look forward to working with him.

I think, though, what we want to do this morning perhaps is debate the health care bill one more time. It's not enough that this House in the last term

debated it 32 times at least to try to repeal all or part of it, and we know that not a single person on the other side voted for that bill. But as it gets more and more popular in the United States, I think sooner or later they'll wish that they had.

There is one comment I need to make before I get to the business at hand, and that is the notion that it was rammed through in the middle of the night. The health care bill went through the entire committee process. There are pieces in there that Republican members of committees put in. Although they may not want to admit it, they're there. In addition, the Democratic Caucus, under the leadership of NANCY PELOSI, went over that bill line by line three times. I remember it well.

But let me get to the business at hand because, Mr. Speaker, I haven't seen an honest day's work from Congress here in quite a while.

Earlier this year, the Columbia Broadcasting System News reported that it costs \$24 million a week to run the House of Representatives. But for the last month, the majority has spent the money on shuttling us back and forth to Washington and then asking us to sit here and twiddle our thumbs. No more. It's time to get down to brass tacks and give the American people a return on their multimillion dollar investment. We need to start right here and right now by passing the tax cut for the middle class. We could do it tomorrow. All we have to do is take up the Senate bill. It's right there.

In addition to that, we ought to really take up the Violence Against Women Act from the Senate, not the House bill. The House bill did not include numbers of women in America under this act: Native American women, gay women, and immigrant women. We couldn't tolerate that. So let's take the Senate bill and pass it. That bill has reduced domestic violence 67 percent. We need to reduce it 100 percent, but we cannot do without that. It's terribly important.

The farm bill is important, but we'll get to more of that. I cannot say enough that we absolutely need—and I think so many people this morning on 1-minutes made the point clear. I know that numbers of Republicans want to do it in a bipartisan way. What we can do is what we've already agreed on, and that is that the middle class should not have a tax increase, but that the richer people in this country should be paying their fair share. There is simply no reason for this delay. Once those tax cuts are passed, then we can move on to the countless other issues that I've already mentioned that demand our attention. We can extend unemployment insurance. It's set to expire on January 1 and will affect millions and certainly affect our economy. We can give support to millions of Americans strug-

gling to recover from Hurricane Sandy. We can begin an open debate, as I said, on the Violence Against Women Act.

Historians have said that this term of Congress these last 2 years has been the least productive in American history. That is not anything to be proud of, but the majority seems to be intent on keeping that title. They spent 2 years taking vote after vote to repeal health care and even more time to make sure that the \$4 billion subsidy to the big oil companies stays intact. It's shameful, and we need to do more than that. The people who sent us here deserve more than that. We should not be crying out in the wilderness to work. We have been sent here to work, and we need to get down to it in the final hours of this Congress. We have always had the threat of a working Christmas. If we have to do it to get things done, I'm certainly willing to do that. But the majority should help solve the Nation's most pressing issues. That's why we're here. Do not actively choose—as that's what's going on—to leave the work unfinished.

As we sit and wait for the negotiations on the fiscal cliff, there is always other legislation that is ready, that could be done now, could help our markets, could relieve the minds of employer, could give security to the middle class and people below that; and we certainly ought to be doing it.

All we're doing now with today's rule is giving the majority the freedom to spend the rest of this month and the rest of this year on minor, non-controversial legislation. I refuse to give this blank check to a majority that has yet to show any interest in completing outstanding work.

I urge my colleagues to join me in opposing today's rule so that we can try to get back to work. This Wednesday should be the day we start doing our job to provide real solutions to those we represent who have real problems.

With that, I reserve the balance of my time.

□ 1250

Mr. SESSIONS. I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman makes a number of good points. We did pass in the House the Violence Against Women Act. It passed on May 16 of this year, 222-205. The House has passed, by the way—256 of our colleagues to 171—what's called the Job Protection and Recession Prevention Act. It was passed on August 1.

Ms. SLAUGHTER. Will the gentleman yield?

Mr. SESSIONS. I will yield in just a second.

Mr. Speaker, this bill would have extended all current rates and would have compelled Congress to enact meaningful tax reform in 2013. We passed this. We've said we ought to do

what we should do, and that was back in August.

I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I thank you, Mr. SESSIONS, because I know you, and I know that you understand that I've already talked about this. That bill that passed this House excluded a large number of women. Basically, what this House said with that vote was to go ahead and beat them up, that we don't want them covered.

After the election, after what everybody has been through, after what the American public thinks about what a large number of our cohorts believe here, surely to goodness, you would not recommend that that bill become the law of the land. The simple thing we're asking for is to take up the Senate bill, which covers everybody in domestic violence.

Mr. SESSIONS. In reclaiming my time, I do appreciate the gentlewoman in that we will be engaged in many of these debates. We have been in the past, and we will be in the future. I think the gentlewoman makes a good point.

We offered this bill. We debated it. We passed it. We are waiting for the Senate to get to a point at which they can get to conference. I mean, this is how this thing works. We're not going to take the Senate bill and pass it. We passed our bill. Now, if we could get to conference, where the Senate and the House get together and they resolve their differences, then we can bring it back, and we'll have a bill. That's supposed to be how this place works. It's not where we pass our bill and then, all of a sudden, we decide we're just going to take the Senate bill and re-pass it and negotiate with ourselves. I think what we need to do is to stick to what we understand, and that is that we are waiting for the Senate to come and do business with us.

Mr. Speaker, at this time, I yield 5 minutes to a young, new member of the Rules Committee, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman from Texas for yielding. He will be our chairman next year, and I'm looking forward to his leadership.

We are kind of setting the tone for what's going to happen next year. I said all through the fall, Mr. Speaker, that this was going to be that opportunity, that we were going to have to kind of define where this Congress was going to go for the next 2 years.

I'd say to my friend from New York, for whom I have great respect and with whom I've enjoyed working on the Rules Committee for 2 years, Mr. Speaker, that this rule today does exactly what my constituents back home have asked me to come back to Washington to do. The gentlelady cited bill after bill after bill that I have been proud to support to try to rip the

President's health care bill out by its roots. We absolutely worked hard at that. Of course, the Senate hasn't cooperated with us and the President hasn't cooperated with us, so we weren't able to get that done.

What this rule does is to say let's move beyond those controversial topics, and let's move beyond those topics that we know we could jam through. For Pete's sake, there's a Republican majority in this House. We could jam through absolutely any piece of legislation we wanted to jam through. But what this rule says is that that's not the way to finish out the year. The way to finish out this year is to make sure that we're grabbing each piece of legislation out there that has bipartisan support. Let's grab each piece of legislation out there that folks have been laboring on for 2 years, that folks have brought together a consensus around and brought together a majority behind, and let's pass those things.

I think that's fantastic. I think that's fantastic that every single bill that Members have been investing their energy in they'll now have a chance to move to the floor. My frustration is, what about the bills that we've already worked on here in a bipartisan way that have yet to be taken up on the Senate side?

I heard from my constituents in a town hall meeting last night, and somebody said, Rob, why do you always put everything off until the last minute? Why didn't you deal with this sequester earlier?

I said, Do you mean like back in May when the U.S. House passed the only sequester replacement bill to have been passed in this town? It was back in May.

He said, Okay. Maybe that takes care of the sequester problem, but why didn't you fix these tax rates?

I said, Well, we did. As my friend from Texas just pointed out, what about back in August? In a bipartisan way, we passed a bill in this House to extend current tax rates for everyone in order to prevent tax rates from going up.

Then I took another question from one of the folks who said, But what about that Senate bill people keep talking about? What about the Senate bill? Why won't that get a vote in the House?

I said, Well, actually, it's quite unusual in the Rules Committee. You don't see it very often when a tax bill is coming to the floor. The Rules Committee back in August, when we were voting on taxes in general, waived all the points of order, took all the roadblocks out of the way, in kind of an unprecedented way, to allow what we call the Levin amendment, which was, basically, exactly the plan the President has been pushing, which is to raise taxes on family-owned businesses, to punish those job creators.

We took that vote here on the House floor, and I'm proud to say that, again, in a bipartisan way, Republicans and Democrats came together, rejected class warfare, and said let's get behind a program that expands the economy for everyone. We passed that tax bill back in August, then again in September. Again, in being worried about this defense sequester that's coming up, we took up the bill from the gentleman from Florida to say, how could we deal with these defense sequestrations in a responsible way?

So I go back to May when this House did its work. I go back to August when this House did its work. I go back to September when this House did its work. There is proposal after proposal after proposal that, as the gentleman from Texas said, we could take to conference tomorrow.

If I could ask the gentleman from Texas, because you know better than I: I know this rule allows for suspensions to come to the floor, but what about that? What about when the Senate decides to get to work and takes up the companion legislation to some of these bills that we've passed in the House? Will we be able to move to go to conference?

Mr. SESSIONS. I appreciate the gentleman's engaging me. I would say to you there is nothing in this rule that will preclude our taking a conference report or any business on what we might call "regular order" that would require a rule to come forth.

Mr. WOODALL. So, as the gentlelady from New York was talking about some of these important pieces of legislation coming to the floor, you're saying, if the House appoints conferees and if the Senate appoints conferees, we can get together and bring legislation back to the House for every piece of legislation that she has on her agenda?

Mr. SESSIONS. The gentleman would be correct, and we do expect those.

Mr. WOODALL. Mr. Speaker, I thank the gentleman from Texas.

This is exactly the kind of deliberative House that I came to be a part of just 2 short years ago. We have the ability to get these things done in the next few days. I reject the idea that I read over and over and over again, Mr. Speaker, that this House has been delaying action. This House got it right. We got it right in our budget in April of 2011. We got it right in our budget in 2012. We got it right when we passed a sequester replacement. We got it right when we passed a tax replacement—and we're getting it right with this rule today, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to our leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Ranking Member.

Mr. Speaker, why did I sort of smell smoke when I heard this debate? It's

reminiscent of Nero fiddling while Rome burned. The American people are waiting for us to get the job done here, not to make a myriad of excuses about why stuff hasn't been done.

You're bringing up a rule that says we should have a suspension authority? Let's bring the middle-income tax cut up under suspension. I believe—and I am willing to take the chance—that this House would give over two-thirds of a vote to the middle-income tax cut.

Do I detect your smirk to mean that you don't think Republicans will vote for a middle-income tax cut, Mr. SESSIONS? Should I take it to mean that you will continue to hold middle-income tax cuts hostage, giving tax cuts to the wealthiest people in our country?

The unfairness of it is appalling. The fact that it increases the deficit is disgraceful, and that it does not create jobs is a big mistake for us to make.

What we are asking for in this rule is to say "no" to the previous question so that we can take up a rule that says that we cannot leave here until we and unless we pass the middle-income tax cut, whatever else happens on a whole myriad of other issues that relate to the cliff. This matters, what happens here. It matters that we get the job done. It is relevant to the lives of the American people.

□ 1300

As we gather here—we, a country of great family tradition, of family values, of commitment to faith, faith in ourselves, our families and our God, our country—we are away from home while people are lighting a Menorah candle, a Chanukah candle, while people are trimming trees and the rest of that. Okay, we're here to do our job. But we hear from the Republican side that they might not be ready to relieve the pain and curiosity that American families have about whether we are going to get this done. They are going to put this off until the very last minute, as to whether the markets will have confidence on how to grow the economy and create jobs and remove all doubt—remove all doubt in the full faith and credit in the United States of America.

Every time you come to this floor, it's an existential question: Why are we here? We are here to do the people's work. Let's sit down, get it done, and move forward, instead of filling the agenda, however worthy some of those initiatives may be; instead of, not along with, passing a middle-income tax cut.

This is also reminiscent of a year ago. The President proposed, the Senate Democrats and Republicans voted for the payroll tax holiday. The Republicans in the House resisted, painted themselves into a corner until they had no choice. The issue had been made too hot for them to handle, and they fi-

nally had to come around to supporting the payroll tax holiday.

And here we are again.

One hundred percent of the American people will receive a tax cut when we pass the middle-income tax cut. The wealthiest people in our country will receive a tax cut up to their income of \$250,000. We're asking them to pay a little bit more for what they make over \$250,000 a year to help reduce the deficit, to help grow the economy. Grow the economy. That growth is what is essential. If you want to reduce the deficit, create jobs.

So why aren't we doing that? Why are we just having all this subterfuge and this, that, and the other thing? Why are we being told to make a reservation on Christmas Eve and one on the day after Christmas to come back. Is there not an appreciation for the Jewish holidays, the Christmas holidays, Kwanzaa, all the other things that families come together around, bonding rituals important to the strength of our society? Do we not care about that? Well, the American people do. And they want to shop for it. They want to have family dinners and they want to exchange gifts, as is the tradition. But they really don't know if they're going to be able to pay the bill in January for their purchases in December.

The President has been very clear: Democrats have agreed to \$1.6 trillion in cuts, much of it voted on—all of it voted on already either in the Budget Control Act or in other actions taken by this Congress in the course of this Congress. We have already taken a savings of over a trillion dollars, redirected savings in Medicare to prolong its life and to increase benefits. That would be \$700 billion in the Affordable Care Act and now another \$400 billion or such in the President's budget. We're committed to that.

Where are the tax cuts? Where are the tax cuts for the middle class that would inject demand into the economy and would therefore create jobs and create growth? Where are the revenues that we would get if we did that and then had the additional participation of those who make over \$250,000? Where is the revenue that the Republicans are willing to bring to the table? All we've seen from them is a letter. All we've heard from them is that they don't want to tax the rich. All we know is that the public is very much on board with everyone in our country paying his or her fair share.

And so this rule today that says give us authority to have other bills brought to the floor, well, if one of those bills is the middle-income tax cut, we're happy with that. But if that isn't the plan, then I urge my colleagues to vote "no" on the previous question because that will then enable us to bring a rule to the floor which calls for bringing forth the middle-income tax cut before we leave here.

Again, we support the President and his proposal, which is fair, which reduces the deficit, which creates jobs, and which will work for the American people.

Mr. SESSIONS. Mr. Speaker, with great respect to my dear friend, the gentlewoman from San Francisco and minority leader, I'm delighted that she came down to engage us on this very important issue. The gentlewoman does recognize and know that the House on August 1, in fact, did exactly what she is suggesting today, and that is to take action on what the future tax rates would be in this country. And on a bipartisan basis, 256-171, this House of Representatives said let's understand that now is a bad time to raise taxes on the American people; and let's extend for a period of time all of what are known as the tax cuts which allow America to keep working. We passed it 256-171.

Mr. Speaker, I'll insert into the RECORD a chart that exists on the House Budget Committee that shows the choice of the futures. And one future that was presented, this slide that I've got that's on the House Budget Committee is essentially about the current pathway as the President would choose as outlined in his budget that the gentlewoman, Ms. PELOSI, spoke of that got no votes in the United States Senate. Not one vote. No votes here, the plan that the President has presented which would substantially not just raise taxes, but substantially raise spending.

If you isolate the President's ideas of simply raising taxes on whatever he calls the top 2 percent, those who have a household income of \$250,000 and above, what you essentially do, Mr. Speaker, is very quickly lose 700,000 American jobs. And that's the answer that this administration fails to include in their talking points, that there's a huge impact. And part of that impact, Mr. Speaker, comes from the problem where dividends, and dividends are that money that comes back as a result of an investment, would rise essentially from 15 percent to whatever a person's top tax rate is—meaning it could go, at least under the scenario that the President wants, to 39 percent. That means from 15 to 39 percent.

That window, that value in between is what people reinvest in their companies. They reinvest that many times in small business, and that's the job creation element. When you make this rate go up, you arbitrarily take away some 700,000 American jobs that need current capital every day, a small business owner, reputting that money, reinvesting that money for the life of their business.

And this is the part that we believe as Republicans, that we stand on the side of saying we shouldn't lose American jobs just for the sake of fairness,

of what the President, what the minority leader is down arguing for, of increasing taxes.

□ 1310

So it's obvious to Republicans that what we believe we stand for is creation of jobs and making sure that that capital that's invested in the economy continues.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), the assistant Democrat leader.

Mr. CLYBURN. Mr. Speaker, I thank the gentlelady for yielding me this time.

Mr. Speaker, when the so-called supercommittee failed last year to overcome the obstruction of the Tea Party Republicans and their leader, Grover Norquist, to achieve a fair and balanced plan for deficit reduction, economic growth, and job creation, I said it would take a decisive national election in order to settle the matter. I believe President Obama's victory on November 6 was very decisive and pretty definitive.

During the campaign, President Obama very clearly laid out his vision, and the American people strongly affirmed his position. The President won all but one of the swing States, 62 percent of the Electoral College, and carried the popular vote by more than 4½ million votes. Democrats added to our numbers in the House and Senate and captured a House popular vote by more than a million votes.

In February 2010, President Obama began the process to reduce our deficit by establishing the Simpson-Bowles Commission. Since that time, many bipartisan groups have made recommendations on how to reduce the deficit, and they have all been in agreement: We need a balanced deal that requires shared sacrifice from all Americans, including the wealthy.

In 2011, we began to reduce the deficit, but we did it entirely through spending cuts, over \$1.5 trillion, and have asked nothing of the most fortunate.

In 2012, the American people spoke. It is time for balance and shared sacrifice, and the first step is to allow the Bush tax cuts for income over \$250,000 to expire. But that is a debate for another day. Now we must do what we agreed on, extend the tax cuts for everyone on their first \$250,000 of income.

The proposals put forth by the Republicans since the election and their refusal to extend the middle class tax cuts, which we all agree should be extended, are just more of the same obstructionism.

The time for posturing is over. It's time for our House Republicans to accept the express will of the American people and get beyond their pledge to a special interest lobbyist here in Wash-

ington, D.C.; although, frankly, I fail to see how voting to cut taxes violates a pledge to never raise taxes.

We need to defeat the previous question.

Mr. SESSIONS. Mr. Speaker, I'd like to remind the gentleman that Republicans have already passed the bill for the middle class tax cut on August 1 of this year, and it passed 256-171. We're now waiting for the Senate to act on that.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'll gladly yield 2 minutes to the gentleman from California (Mr. BECERRA), the vice chairman of the Democratic Caucus.

Mr. BECERRA. I thank the gentlelady for yielding.

If you're in the middle class, shouldn't it feel like you're in the middle of America? Yet the politics of extremism is pushing the middle class to the very edge—the very edge.

Our House Republican colleagues continue to ignore the calls from the American people to extend middle class tax cuts now. That politics of extremism is threatening to raise taxes on the middle class by the amount of about \$2,200 starting January 1.

Republicans should, once and for all, join with Democrats and the American public to bring the bipartisan, Senate-passed middle class tax cut bill to a vote on the House floor. Passage of the bipartisan middle class tax cut bill ensures that 98 percent of Americans and 97 percent of small businesses don't see a single tax increase next year.

Democrats and two-thirds of the American people agree with a growing number of Republicans who are telling their Republican colleagues, Take the 98 percent deal; take the 98 percent deal.

My friends, this is not the time to put a foot on the brake of our economic recovery that we're beginning to experience. It's time to get our work done.

Remember, colleagues, where we were 4 years ago. Four years ago, November 2008, our country was hemorrhaging 800,000 American jobs. This November, we got the news, 146,000 new jobs. It's time to continue that progress.

Let's stop abiding by these pledges to special interests and start abiding by our pledge to the United States of America and to the people who elected us to serve the interest of all Americans, not those of special interests. Let's pass this middle class tax cut bill now.

Mr. SESSIONS. Mr. Speaker, I'd like to just make sure that the speaker that was up here, Mr. BECERRA, understands that on August 1 of this year we passed a bill to extend tax cuts for the middle class, 256-171. We've already done that, and it's now awaiting Senate approval.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I'd like to yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding. I want to thank the chairman of the Rules Committee for his efforts as well.

Ladies and gentlemen of this House, we talked a lot about, correctly, creating certainty, alleviating uncertainty, alleviating angst among our people and among our economy.

We have an opportunity to bring certainty to a large segment of the America that they will not receive a tax increase on January 1. We have that ability because the United States Senate has acted on a bill which will allow us to do that.

Even if we don't take their bill up, we could take a bill that TIM WALZ has introduced. Congressman WALZ has introduced a bill which will say to the 98 percent that we've talked about, You won't get a tax increase. I think that we have agreement on that. As the gentleman from Texas indicated, we have agreement on that.

I think there's not anybody here—or very, very few at least, on either side of the aisle—who doesn't say that those who are making \$250,000 or less as families or \$200,000 as individuals, or less, shouldn't get a tax increase.

Now, there are some who say that those above should not get a tax increase either. I understand that. But we have disagreement on that.

The American people are frustrated by the fact that even that on which we have agreement we can't move. That's their frustration. They understand that we have policy differences, but they are hopeful that when, at least, we have agreement on an issue that we can move it. And if we did so, think of the confidence.

Mr. COLE, former—had your job as the chairman of the Campaign Committee, said let's pass this. Let's give the middle class, the working people of America, a Christmas present, a sense of certainty, a sense of self-confidence, a sense of well-being. That will be good for our economy, but certainly good for them individually and as families as well.

So I would urge my colleagues on the Republican side and my colleagues on the Democratic side, vote against the previous question.

□ 1320

Now that's somewhat esoteric, Mr. Speaker. Those watching us say, What does that mean, voting against the previous question? What's the previous question? That's some sort of political jargon that they use in Washington.

What it means is, if we vote against the previous question, we will then be empowered to bring forward the middle class tax cut bill and we'll put it on the floor, and Mr. WALZ will be our leader

on this because he's put it in the hopper.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 1 minute.

Mr. HOYER. We'll put that on the floor, and every Member of this House, all 435 Members, will have the opportunity to say to the American people, Yes, on December 12, we're going to tell you that on January 1 your taxes will not go up.

Give us that opportunity. Give us that opportunity to say "yes" to the American middle class. Give us the opportunity to say "yes" to certainty in our economy. Give us the opportunity to say "yes," we agree on something, and aren't you proud of the fact that when we agree, your Congress can act? Let's say "yes."

Vote "no" on the previous question, and then vote "yes" for the middle class.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman, my dear friend from Maryland, whom I have not only regular conversations with but enjoy very much. I would once again remind the gentleman that on August 1 of this year we passed, 256-171, an idea that

would be about not losing 700,000 jobs by doing it the way that our friends the Democrats want to do it.

Mr. HOYER. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman.

Mr. HOYER. It's never wrong to do the right thing twice.

Mr. SESSIONS. Reclaiming my time, it is wrong to lose 700,000 more American jobs, and that's the practical effect.

The minority leader and our speakers here all day want to talk about sequestration. The sequestration came as a result of a promise, a deal, an agreement that we as Republicans and House and Senate and the President agreed upon that we would come to an agreement upon how to cut some spending. The President says it's absolutely essential. Now they want to back away from the deal.

Well, here's what their deal is:

Their deal is, among other things, about the new taxes that will take place. Here's one of them that we know will happen already under law: Medicare DSH payments paid to qualifying hospitals that serve low-income patients will be reduced by 75 percent

starting October 1, 2013, in addition to the \$700 billion that will be transferred away from senior care. And I know we had an election where we talked about this. One person tried to explain, Well, that's not really right. Those were to a certain group of people that may be rich. But it's right here, to low-income hospitals. That means that we're going to have hospitals that no longer will serve seniors because their payment rate got cut by 75 percent. Tax increases, tax increases on health care; tax increases, as we learned last week, when it was announced that all insurance plans will now be paying an extra \$63. Those are passed on to customers, consumers.

This is an outrageous government takeover of health care, and now what they want to do is diminish another 700,000 jobs. No, sir, we're not going to fall victim to that.

[From the House Committee on Small Business]

The Patient Protection and Affordable Care Act is currently being implemented. The following table lists some of the provisions affecting small businesses that take effect in 2013.

#### PATIENT PROTECTION AND AFFORDABLE CARE ACT—PROVISIONS EFFECTIVE IN 2013

| Provision<br>Law, Section<br>(Effective date)   | Description  | Consequences for small businesses  |
|---|--|--|
| Medicare Tax Increase .....<br>P.L. No. 111-148, Sec. 9015<br>(January 1, 2013)   | The Medicare Part A tax rate on wages increases from 1.45% to 2.35% for those single filers earning over \$200,000 (\$250,000 for married joint filers). A new and additional 3.8% tax will be assessed on unearned income such as taxable capital gains, dividends, rents, royalties, and interest for taxpayers with modified adjusted gross income (MAGI) over \$200,000 single and \$250,000 married joint filers.   | Small businesses structured as pass-through entities that earn over the threshold amount will pay a significantly higher Medicare Part A tax rate. Small businesses relying on unearned income will be taxed an additional 3.8%.   |
| New Medical Device Tax .....<br>P.L. No. 111-148, Sec. 9009<br>(January 1, 2013)  | A 2.3% excise tax will be levied on manufacturers, producers, or importers on the sale of most medical devices that are not directly marketed to consumers.  | Higher costs for the manufacturers of medical devices are likely to be passed on to health care entities (often small and solo practice physicians and hospitals) and patients who rely on them. Several device manufacturers have already announced job cuts in anticipation of this tax.   |
| Decrease in Deductions for Medical Expenses .....<br>P.L. No. 111-148, Sec. 9013<br>(January 1, 2013)   | The threshold for claiming an itemized deduction on medical expenses rises from 7.5% to 10% of adjusted gross income for those under age 65 effective in 2013; for those 65 or older, the 10% threshold will be effective after 2016.  | Given the increased qualifying threshold, fewer small business owners and workers may be permitted to claim itemized deductions for medical expenses.  |
| Limit on Flexible Spending Account (FSA) Contributions .....<br>P.L. No. 111-148, Sec. 9005<br>(January 1, 2013)  | Caps FSA contributions at \$2,500 per year   | The new limit increases the tax burden for small business owners and employees with FSAs.  |
| Elimination of Deduction for Employer Part D Subsidy .....<br>P.L. No. 111-148, Sec. 9012<br>(January 1, 2013)  | Prior to ACA, employers were able to deduct the cost of providing Medicare Part D to retirees and also were not taxed on the subsidy they received for providing this coverage. ACA eliminated the additional deduction employers receive for providing Part D coverage.   | The number of employers offering prescription drug plans for Medicare-eligible retirees is likely to decrease, as there will be a reduced incentive to sponsor such plans.   |
| Reduced Medicare Disproportionate Share Hospital (DSH) Payments .....<br>P.L. No. 111-148, Sec. 3133<br>(October 1, 2013)   | Medicare DSH payments, paid to qualifying hospitals that serve low-income patients, will be reduced by 75% starting October 1, 2013. A hospital will receive an additional payment based on three factors: 1) the remaining pool of DSH payments that would have been paid absent these changes; 2) current estimates of the uninsured compared to the estimate for 2013, the last year before the expansion of coverage; and 3) the hospital-specific share of uncompensated care. The estimate of the percentage of individuals who are uninsured will be decreased by 0.1 percentage points for FY2014 and by 0.2 percentage points for each year from FY2015-FY2019. | Small hospitals that currently receive Medicare DSH payments may find their DSH payments reduced.  |
| Reduced Medicaid Disproportionate Share Hospital Payments .....<br>P.L. No. 111-148, Sec. 2551 as modified by Sec. 10201(e);<br>P.L. 111-152: Sec. 1203 (October 1, 2013) | In FY2012, Medicaid DSH allotments to states (i.e., the maximum amount of federal matching funds that each state is permitted to claim for Medicaid DSH payments) totaled \$11.3 billion. Medicaid DSH allotments to states will be reduced by \$500 million in FY2014, \$600 million in FY2015, \$600 million in FY2016, \$1.8 billion in FY2017, \$5.0 billion in FY2018, \$5.6 billion in FY2019, and \$4.0 billion in FY2020. The Secretary of Health and Human Services is responsible for determining how to distribute the aggregate DSH reductions among the states using some broad statutory guidelines.   | Small hospitals that currently receive Medicaid DSH payments may find their DSH payments reduced.  |
| Increase in Medicaid Payments for Primary Care .....<br>P.L. No. 111-148, Sec. 1202<br>(January 1, 2013)  | Medicaid payments for primary care services furnished by physicians with a specialty designation of family medicine, general internal medicine, or pediatric medicine will increase to 100% of Medicare payment rates for CY2013 and CY2014 (i.e., January 1, 2013 and December 31, 2014).   | Small and solo practices with physicians specializing in family medicine, general internal medicine, or pediatric medicine will receive larger Medicaid reimbursements (equal to 100% of Medicare payments) for primary care services for a 2-year period beginning in January 2013.   |
| State Notification Regarding Exchanges .....<br>P.L. 111-148, Sec. 1321<br>December 14, 2012, February 15, 2013)  | States will have indicated to the Department of Health and Human Services by December 14, 2012 whether they will be creating a state-based American Health Benefit Exchanges and Small Business Health Options (SHOP) Exchanges. A state must declare its intention to create a partnership exchange by February 15, 2013.   | Small businesses with 100 or fewer employees (or 50 or fewer employees, at state option) may be able to purchase insurance through these exchanges. All non-grandfathered plans offered in the individual and small group markets (both inside and outside an exchange) must cover certain minimum benefits (the essential health benefits). |

Prepared by Small Business Committee Republican staff.

Sources:

The Henry J. Kaiser Family Foundation, Health Reform Source, Implementation Timeline, 2012.

The Commonwealth Fund, Health Reform Resource Center, Find Health Reform Provisions Tool, 2012.

U.S. House of Representatives Committee on Ways and Means, Timeline of Major Provisions in the Democrats' Health Care Package, 2010.



I reserve the balance of my time.

Ms. SLAUGHTER. I yield myself 2 seconds to say it is not a government takeover of health care. It will be performed by private insurance companies.

I am delighted to yield 2 minutes to my colleague, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my colleague from New York for yielding me this time.

Ladies and gentlemen of America, this is not a mirage. We are actually here in this building, the U.S. Capitol. America, your Congress is in session and we're here to work, yet my Republican colleagues refuse to bring up the middle class tax cut bill that is right behind me at this desk.

My colleague from Texas can continue to talk about what happened in August of this year—staging votes for the election that took place. And we know the results of that election. What our constituents are concerned about is what happens in January if and when we fail to do our work here, now, and also to expose that the vote that took place in August was a vote to continue the Bush-era tax cuts, the very same tax cuts that got us into the mess we're in right now. They're doing that because they're holding hostage the 98 percent of Americans who will receive a tax cut under Mr. WALZ's bill that's at the desk today. And they're holding them hostage to make sure that the wealthiest 2 percent continue to get that tax cut.

Our economy is 70 percent consumer-driven. That means when the middle class spends more, we all benefit. When the opposite takes place, when they spend less, we all are worse off for it. Holding the middle class hostage by threatening to raise their taxes not only hurts the American families, but it also hurts America's businesses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. CROWLEY. I think we owe it to our constituents to take this one single vote to ensure the middle class won't be held hostage any longer, one vote to give them the economic certainty that they so desperately need now, and one vote to keep our middle class spending and investing in creating jobs for American businesses. But we can't do that, ladies and gentlemen of America, unless our Republican colleagues allow Mr. WALZ's bill, which is at our desk right now behind me, up for a vote on this floor. That's why I will vote against the previous question, so that we can come back and have an opportunity to include Mr. WALZ's bill in that package.

We're here. We're ready. Let's vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. SESSIONS. The gentleman from New York, a very dear friend of mine, really, I think, got something wrong. What we're trying to extend is the law that President Obama signed into law as a result of bipartisan action 2 years ago, and the economy was better then than it is now. We were trying to extend the tax cuts that President Obama was asking us to do, and that's what we simply did in August again. So it is a President Obama last-signed bill that we're trying to offer an extension of.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the gentlelady.

Mr. Speaker, my discharge petition at the desk is really an approach that the American people spoke loudly in. Every single one of us just came through an election, and the message was abundantly clear to me: Why do you continue to bicker? Why do you continue to stand on the floor and make these ridiculous Kabuki-dance statements with one another when it shouldn't be that difficult? We came out of a Constitutional Convention, and when they asked James Madison what the secret to this new government was: compromise, compromise, compromise.

Mr. Speaker, to sit here and do what we're doing—not bringing this forward and releasing the tension on the middle class, making sure the economy knows there's stability amongst taxes—is holding our economy back. And to be very honest, it's insulting to the American people. This is a Nation that won two world wars. This is a Nation that split the atom. This is a Nation that put a man on the Moon. This is a Nation sending pictures back from Mars from Curiosity.

Sign the discharge petition, bring it to the floor, get 435 votes, put it online for 24 hours, send it to the President, and by 3 o'clock tomorrow, the big chunk of the fiscal cliff is done. Don't insult the people with things that aren't true. Don't tell them that it's not about compromise, and don't sit here and pretend like we're working when we're not. They know better. They're smarter. They deserve better.

□ 1330

Bring the discharge petition to the floor, allow Members to vote for it, give the American people what they want—stability and a Congress that works—and let's move on to other pressing issues.

Mr. SESSIONS. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, there's a lot of disagreement about the future

of our country. There's disagreement over how to handle spending—what should be cut, what should be reduced, what should be increased. There's disagreement over how much and when to raise the debt ceiling. These are very important questions.

There's a disagreement over whether taxes should or should not go up on income over \$250,000 a year. Our friends on the other side in good faith believe that's a bad idea. We know the economic history tells us that the last time the rates were at the level of 39.6 percent, 600,000 new businesses were formed and 23 million new jobs were created, so we think it works.

But there's something that everyone says they agree on, and that is that income up to \$250,000 a year should not have a tax increase. Everyone on both sides says that when January 1 shows up on the calendar there shouldn't be a tax increase on the middle class people of this country, that their first paycheck on the first Friday of the New Year should not have more taken out of it so as not to hurt our economy or hurt those families. Now, we all say we agree on this. It seems to me the right course is to put a bill on the floor that says exactly that, that says that for income of less than \$250,000 a year, the tax rates for every American should stay where they are now and there should not be a tax increase.

My friend from Texas says that the majority did that in July. That's not quite right. What the majority did in July was to keep the rates low for people making less than \$250,000, but also keep them low for people making more than \$250,000. We just don't agree with that. Why don't we take the 98 percent that we agree on and vote on it right now?

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I thank my friend.

If we don't do this, 19 days from today 98 percent of the American people—really 100 percent of the American people—get a tax increase. They have more taken out of their checks. It will hurt shoppers in the stores, diners in the restaurants, it will hurt jobs across the country. So why don't we take the 98 percent that we agree on right now and put it on the floor right now. By voting “no” on the previous question, that's what we can do and should do.

Mr. SESSIONS. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the ranking member on the Rules Committee, Ms. SLAUGHTER, for yielding me the time.

Mr. Speaker, I regret that my Republican friends are turning this House of

Representatives into a place where trivial issues get debated passionately and important ones not at all.

The bill that we are talking about right now on the House floor basically gives the majority who run this House the authority to bring up suspension bills from now until December 28. Suspension bills, for those who don't know, are bills really of not much consequence, by and large. They are bills that most of the time could pass by a voice vote.

Last night in the Rules Committee the distinguished ranking member, Ms. SLAUGHTER, suggested that instead of doing suspension bills we ought to be doing bills of some consequence, like reauthorizing the Violence Against Women Act, doing postal reform, doing a farm bill, or what we're talking about right now—passing a middle class tax cut extension. Those are real things that mean real things to real people in this country, and yet we're not talking about any of those things. We're talking today about basically doing not much of anything between now and December 28.

Last night in the Rules Committee we were told, well, we're trying to negotiate a deal on this fiscal cliff. Well, the reality is that there are a few Members of this House who are probably in discussions with the White House about trying to work out a deal, but the vast majority here, Democrats and Republicans, are being asked to do nothing. Last night we came back and we voted on one bill, to approve the Journal. That's all we had to do last night, to approve the Journal. We haven't reauthorized the Violence Against Women Act. We haven't extended the middle class tax cut. We haven't reauthorized the farm bill—I can go on and on and on—but we had to come back and have a Journal vote last night.

The time has come for us to get back to work. The election was clear: the views advocated by Governor Romney and the Republican majority were rejected. The President won comfortably. Democrats won more seats in the Senate, we won more seats here in the House. I think it's a pretty clear message that the American people think that we ought to do what's right in terms of balancing the budget, and that is ask the Donald Trumps of the world to pay a little bit more.

We have already cut, I should say to the gentleman, \$1.5 trillion in discretionary spending. A lot of those cuts are in programs that I think help people. So, \$1.5 trillion in discretionary spending we've already cut, and my friends on the Republican side are saying that Donald Trump can't pay one penny more. Give me a break. Give me a break.

This is about fairness. This is about justice. This is about doing the right thing. At the very minimum, we should

be debating now not suspension bills, but we should be debating the extension of the middle class tax cut. That is why we need to vote "no" on the previous question, to allow us to bring this bill to the floor.

If my Republican friends say they agree with us on a middle class tax cut, fine, let's vote it, vote overwhelmingly for it. You don't have to agree on everything to agree on something. Let's give the middle class certainty. Let's vote "no" on the previous question.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, my friend, who formerly was the vice chairman of the Rules Committee. I would like to remind him that when he was the vice chairman of the committee, almost half of the 3,075 bills considered under suspension in the 110th and 111th Congress were for post offices and Federal building namings, or resolutions, or things just like National Pollinators Week.

What we're trying to talk about is, at the end of the year, since we're going to be here waiting for the "big deal," that we're going to make sure that we can take ideas that still exist and reside on a bipartisan basis.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I just want to say when we were in charge, we were able to walk and chew gum at the same time. We passed some pretty important and substantive legislation that I'm proud of. We should be talking about real things that matter to real people right now instead of just extending the suspension authority.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I urge my colleagues to vote "no" on the previous question.

The message from my constituents and from the American people is loud and clear, and that's to extend the middle class tax cuts now. Republicans are simply holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans.

Now, Democrats have a commonsense solution, and we can't wait around any longer as real proposals languish while the House GOP gets its act together. Spearheaded by Congressman WALZ, Democrats last week filed the Walz discharge petition to automatically bring to the floor the Senate-passed middle class tax cuts—which the President has said that he will sign immediately—and overwhelmingly Members have signed this discharge petition.

My point is we don't have any time to waste. We can pass this extension of the middle class tax cuts now as we find a bold and balanced and fair agree-

ment to avoid the fiscal cliff. There is a consensus that we do this. So why are the Republicans holding this hostage?

Once again, let us vote "no" on the previous question. Let's bring this middle class tax cut up now. It is the solution.

Mr. SESSIONS. I reserve the balance of my time.

Ms. SLAUGHTER. I have no further requests for time, Mr. Speaker, and I wondered if my colleague is prepared to close.

Mr. SESSIONS. I thank the gentlewoman for asking. I have no further speakers and will allow her that opportunity, and then I will close.

□ 1340

Ms. SLAUGHTER. I thank the gentleman from Texas.

Mr. Speaker, we should be doing one thing today, and that's passing the continuation of tax cuts for the middle class. The American people couldn't be more united in their support for a tax cut, and there's no reason for delay. The Senate has already passed the bill that we could take up now. It's here at the desk. Members across our aisle agree, quite intelligently, that we must not let middle class taxes go up.

With such common ground, why would the majority waste another minute before ensuring that the taxes will not go up on the middle class? The answer isn't clear to me. I simply cannot fathom it. But if the majority won't take action, we will.

Mr. Speaker, if we defeat the previous question, I'm going to offer an amendment to the rule that says two things. One is first that we will pass a bill to extend the middle class tax cut, and second that we will pass legislation that will avoid the fiscal cliff and the chaos that would ensue.

I ask unanimous consent to insert the text of my amendment to the rule in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" to defeat the previous question so that we may put our rule on the floor. I urge a "no" vote on the rule if we are unsuccessful, and yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend, the gentlewoman from New York, for this vigorous debate that we had on the floor today.

Mr. Speaker, top to bottom, the leadership of the Democratic Party has been on record here again today saying they want to increase taxes on small business. They want to increase taxes on family-owned businesses and people who get up every day and want to employ people and work harder. Small

business is the engine of our economy, and our friends, the Democrats, want to punish them through taxes for fairness issues.

Well, I'd like to say, Mr. Speaker, we've got a bunch of problems in this country, and that's why we're at the fiscal cliff. This thing is not as a result of taxes, it's as a result of spending and too many people not having jobs to be able to pay in not just their taxes, but to be able to sustain our economy.

So we have millions of people that are unemployed and drawing unemployment compensation. We're seeing disabilities rise at a rate of 16 percent every year. One thing which we note is that just before President Obama took effect, the White House figure showed the Federal budget was \$2.9 trillion. Next year's estimate is going to be \$3.8 trillion. This is a 31 percent increase in spending in just 4 years.

We have someone as President, our great President, who is hung up on taxing and spending. What we need is a House of Representatives that's hung up on jobs and job creation, the American product, entrepreneurship, creativity, and competition with the world. The next new great ideas will not come from this body but from the creativity of the American people.

This is what Republicans are trying to keep alive in our country, the idea of self-reliance and working hard and taking care of people that are not just in your house but are in your neighborhood, your cities, our States, the vibrancy of our country. We are headed over the fiscal cliff after 4 years of leadership from this President who is running—running—directly to the fiscal cliff, and he has even said, and his Secretary of the Treasury said, We don't mind jumping off this cliff.

Mr. Speaker, we should not be having that kind of attitude. We should have the attitude that we're for everybody. We want to be for American entrepreneurship and especially small business, because it's small business such as family farms, small business such as electrical companies and people who put their name on the buildings, the creative people who get up to go to work every day. That is who we're going to hurt.

We're not just going to hurt them, we're going to hurt their business families, the people they have had employed, small communities, large communities, but small business which is the engine of our economy. That's really who we're going to punish.

Lastly, we should not do it at this time, just like we should not have 2 years ago, but I guess we were aiming for an election at that time, and now the President does not have one ahead of him.

Mr. Speaker, I encourage a "yes" vote on the rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 827 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new section:

SEC. 2. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed a bill to extend for one year certain expired or expiring tax provisions that apply to middle-income taxpayers with income below \$250,000 for married couples filing jointly, and below \$200,000 for single filers, and other provisions to address the so-called "fiscal cliff."

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5817) to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5817

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Eliminate Privacy Notice Confusion Act".

#### SEC. 2. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM- LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

"(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

“(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b), and

“(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia.

#### GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

The amended version of H.R. 5817 represents compromise language that addresses concerns raised by some Members about the last section of the bill, which provided certain regulatory relief to State-licensed financial institutions. The bill before the House today is substantially the same as the legislation that passed the House by voice vote in April 2010, and we actually debated this bill a week ago.

I would like to thank the sponsors of H.R. 5817, Mr. LUETKEMEYER, Mr. SHERMAN, Mrs. MALONEY, Mr. CAPUANO, and Mr. FRANK, for agreeing to this compromise language.

With that, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield myself such time as I may consume.

I will be brief. We passed substantially the same language unanimously by voice vote 2 years ago. This bill has been amended by unanimous consent so as to be virtually identical with what was passed 2 years ago. It now has the support of the ranking member.

I urge an “aye” vote and reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to yield as much time as he needs to consume to the gentleman from Missouri (Mr. LUETKEMEYER), who is the primary sponsor of this bill.

Mr. LUETKEMEYER. Thank you, Chairman CAPITO, for yielding.

I rise today in strong support of the amended version of H.R. 5817, the Eliminate Privacy Notice Confusion Act. Under current law, all financial institutions are required to provide an-

nual privacy notices explaining information-sharing practices to customers. Banks and credit unions are required to give these notices each year even if their privacy notice has not changed. This creates not only waste for financial institutions but confusion among and increased costs to consumers.

In his book entitled “The Financial Crisis and the Free Market Cure,” John Allison reports that one bank offered at the end of its privacy notice to pay \$100 to any customer that read its notice in full. Only one customer took the bank up on that offer.

Year after year, millions of dollars are spent on privacy notices that are either disregarded by or confuse the customers. Let’s think about this cost for a second. This outdated requirement doesn’t cost only in postage alone, but also costs in compliance costs, cost of supplies, printing fees, and man hours.

I talked to one community bank in my district that said they spent roughly 70 cents per disclosure. With a minimum of 250,000 accounts and customers, this one bank spends \$175,000 a year on this requirement. It may not seem like a lot of money to some of my colleagues, but I can tell you that \$175,000 is a lot of money for a small institution like this one in my district, especially when a lot of those costs are passed on to the customer.

There is some debate over what this legislation will do. Let me be completely clear: this legislation will only remove the Gramm-Leach-Bliley annual privacy notice requirement of an institution if an institution has not, in any way, changed its privacy notice or procedures.

□ 1350

This legislation does not exempt any institution from an initial privacy notice, nor does it allow a loophole for an institution to avoid issuing an updated notice.

We worked in a bipartisan fashion to amend this legislation to remove the stipulations for State-regulated financial institutions. The amended language is now identical to the legislation that passed the House by a voice vote in the 111th Congress. Additionally, I would like to remind my colleagues that similar language, language that was the basis for the first version of legislation, passed in both the 109th Congress and the 110th Congress.

This language is not controversial, it does not jeopardize consumer privacy, and it does not exempt an institution from having to produce an initial or amended privacy notice. This legislation does eliminate millions of costly, confusing, and often ignored mailings. And, with the passage of this bill, the information included in these mailings would likely become more significant to the consumer because it would come

only after a change in the privacy policy.

This legislation is supported by the Independent Community Bankers of America, the Credit Union National Association, the American Bankers Association, the National Association of Federal Credit Unions, and the Consumer Bankers Association, among others.

I’d like to thank the gentleman from California (Mr. SHERMAN) for his work on this bill. I would also like to thank Chairman BACHUS, Ranking Member FRANK, Chairman CAPITO, and Ranking Member MALONEY for their work with us toward swift passage of this legislation.

With that, Mr. Speaker, I ask my colleagues for their support.

Mr. SHERMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Missouri for his work and leadership on this bill. I also want to thank the ranking member, Mr. FRANK, for his support, and, of course, the gentlelady from West Virginia.

If this bill becomes law, a written copy of the privacy policy will still go by postal mail to every customer when he or she becomes a customer of the financial institution. Another copy will go every time that policy is changed, and the policy will be available day and night on the Internet on the Web site of the financial institution. The privacy policy will be known to everyone who has an interest in reading it, whether \$100 is paid as a bonus for reading it or not.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I also urge passage of this bill.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5817, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ASTHMA INHALERS RELIEF ACT OF 2012

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6190) to direct the Administrator of the Environmental Protection Agency to allow for the distribution, sale, and consumption in the United States of remaining inventories of over-the-counter CFC epinephrine inhalers.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Asthma Inhalers Relief Act of 2012”.

**SEC. 2. DISTRIBUTION, SALE, AND CONSUMPTION OF REMAINING INVENTORIES OF OVER-THE-COUNTER CFC EPINEPHRINE INHALERS.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency—

(1) shall allow for the distribution, sale, and consumption in the United States of remaining inventories of CFC epinephrine inhalers manufactured pursuant to the exception for medical devices under section 604(d)(2) of the Clean Air Act (42 U.S.C. 7671c(d)(2));

(2) shall not take any enforcement action or otherwise seek to restrict the distribution, sale, or consumption of such inhalers on the basis of any Federal law implementing the Montreal Protocol; and

(3) shall, in response to any request of any distributor or seller of such inhalers, including any such request pending on the date of the enactment of this Act, issue a No Action Assurance Letter to the requesting party stating that the Environmental Protection Agency will not initiate an enforcement action relating to the distribution or sale of any such inhaler occurring prior to August 1, 2013.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or otherwise affect the authority of the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) to ensure the safety and effectiveness of CFC epinephrine inhalers to be distributed, sold, or consumed pursuant to this Act.

(c) DEFINITIONS.—In this Act:

(1) The term “CFC epinephrine inhaler” means any epinephrine inhaler containing chlorofluorocarbons that was manufactured and classified as over-the-counter before January 1, 2012.

(2) The phrase “Federal law implementing the Montreal Protocol”—

(A) means any provision of title VI of the Clean Air Act (42 U.S.C. 7671 et seq.) or other Federal law implementing the Montreal Protocol; and

(B) includes the final rule published by the Food and Drug Administration entitled “Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Epinephrine)” published in the Federal Register at 73 Federal Register 69532 (November 19, 2008).

(3) The term “Montreal Protocol” has the meaning given such term in section 601 of the Clean Air Act (42 U.S.C. 7671).

(4) The term “over-the-counter” means not subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)) or otherwise required pursuant to Federal law to be dispensed only upon issuance of a prescription.

(d) SUNSET.—This section ceases to be effective August 1, 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6190, this is a bill that I honestly wish we did not have to consider today.

Over the past several years, I have repeatedly asked the Food and Drug Administration, the Environmental Protection Agency, and even the White House, the President himself, for answers to questions that I and other members of the committee have as to why the administration has refused to grant a waiver to sell the existing stock of over-the-counter epinephrine inhalers. Only last summer, and because the committee was moving legislation at the time, did the Food and Drug Administration finally provide at least some sort of response, albeit one that was entirely unsatisfactory.

Under the rules known as the Montreal Protocol, certain chemical propellants used in a number of medical and cosmetic devices were to be phased out over a number of years, the chlorofluorocarbons, CFC, used in the epinephrine inhalers. Here is one of the ones that was one of those propellants. One of the manufacturers of these over-the-counter inhalers has worked on a replacement inhaler only to meet with stonewalling through the Food and Drug Administration and requests for more studies into the device. Although the Food and Drug Administration claims they are awaiting an application from the company, the company counters that the Food and Drug Administration once again continues to move the goalpost. Regardless of the finger-pointing, Mr. Speaker—and there is much of it surrounding this issue—the fact remains that there is no viable alternative for the over-the-counter purchase by an asthmatic suffering from an acute emergency attack.

We’ve heard that a company is about to market a device, and indeed there is a device available without a prescription, but it’s behind the counter. In other words, if the pharmacy is open but the pharmacist is not there, you cannot purchase this device. I know this firsthand because it happened to me one evening while we were home on one of the district work periods. The new product uses a nebulizer rather than a propellant. It’s a little more complicated. In my experience, it’s a little more difficult to use and less effective. Nevertheless, it is available, but the cost differential is significant when compared with the old over-the-counter CFC propellant epinephrine inhaler.

The committee and the Congress should be on the side of putting more

available products into the hands of patients and allowing them to effectively manage their medical issues. Instead, opponents of this legislation hide behind false claims of the safety and efficacy of epinephrine.

Mr. Speaker, I would point out that I’ve been an asthmatic my entire life. I have utilized rescue inhalers for a long time. Racemic epinephrine, the active pharmaceutical ingredient in an over-the-counter asthma inhaler, has been around for 60 years. There has not been a question of its safety and efficacy. If so, we know the FDA has the power to remove a drug or device that they think is unsafe or not effective. They have given their stamp of approval to racemic epinephrine again and again over the last 60 years. There continue to be dozens of epinephrine-based treatments for asthma-related issues that are used by doctors and medical professionals. Although opponents of this legislation will claim that they’re opposed to the bill because epinephrine is not safe, this claim is simply not true.

There are currently over 1 million units of these inhalers sitting in a warehouse in California not helping patients currently suffering from an asthma attack, not available for a rescue treatment for someone who cannot get their breath. It’s unconscionable to allow them to sit and gather dust when they could be used to provide relief to America’s asthmatic patients. Moreover, the company is committed to donating any proceeds from the sale to charity to remove any possible profit motive from their request to sell these products.

This is not about allowing a company to continue to sell their product; it’s about not allowing a regulatory agency to unreasonably restrict the access of America’s asthmatics to a useful product. I wish more companies would come forward with a viable over-the-counter asthma inhaler so that asthmatics could have more and more choices instead of that costly emergency room visit at 2 a.m.

This bill is about allowing asthmatics to continue to get relief during an asthma attack, to continue to have an emergency rescue inhaler available when they deem that they need it, not when the Administrator of the EPA says they need it or not when the Administrator of the FDA says they need it.

Members of Congress spend a lot of time talking about how much they care about the plight of patients—and asthmatics in particular—and decrying the high cost of health care. Even if it is just for a limited time, this bill returns a safe, effective, and inexpensive treatment into the hands of patients suffering from asthma, one that has been in use for decades.

For me, at least, the issue is clear. Let’s side with patients on this issue. Let’s stop this senseless war on

asthmatics the administration has waged for the last 3 years.

With that, I'll reserve the balance of my time.

□ 1400

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the ranking member of the Health Subcommittee of Energy and Commerce, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank my colleague, the ranking member from California (Mr. WAXMAN).

Congress gave the FDA the responsibility of deciding whether specific types of inhalers containing ozone-depleting substances are essential uses and need to remain on the market, and the FDA has established an orderly and open process for making these determinations: 13 types of inhalers containing CFCs were phased out prior to the phase-out of Primatene Mist. The remaining two CFC-propelled inhalers are scheduled for phase-out at the end of 2013.

The FDA determined in 2008 that Primatene Mist was not an essential use. They concluded that there are no substantial technical barriers to developing epinephrine inhalers that do not release ozone-depleting substances. At the request of Armstrong, the manufacturer of Primatene Mist, the FDA set a phase-out date of December 31, 2011, which was 1 year longer than the FDA initially proposed. The FDA took steps to prepare the public for the phase-out. It approved a label for Primatene Mist which indicated to consumers that Primatene Mist would not be available after December 31, 2011, and Primatene Mist was phased out on that date. It has not been available for the past 11 months.

This bill would intervene to put Primatene Mist back on the market. It is a legislative earmark that directly benefits just one company—Armstrong. A long list of public health groups, physician organizations, and patient advocates oppose this bill. They do not believe that returning Primatene Mist to the market is in the best interest of patients with asthma or in the best interest of public health. The following organizations, Mr. Speaker, that oppose this bill wrote to Members of the House: the American Lung Association, the American Thoracic Society, the American Academy of Pediatrics, the Asthma and Allergy Foundation of America, Mothers of Asthmatics.

I could go on. There are eight other public health organizations on this one letter alone, and I am not aware of any public health organization that supports this bill. When FDA officials briefed Members, they expressed many of the same concerns about patient confusion and of Primatene Mist no longer being the standard of care for asthma patients.

Now, let's be clear, Mr. Speaker. Every public health group and patient

advocacy group that has looked at this bill has concluded it is a bad idea. Congress shouldn't be overriding FDA's established regulatory process if doing so would pose significant patient confusion and undermine public health. That's just common sense.

Even if we pass this bill, it would not lead to the widespread availability of Primatene Mist that is sought by the proponents of the legislation. According to Armstrong, between 2 million and 3 million people used Primatene Mist before the phase-out, but fewer than 1.5 million Primatene Mist inhalers remain in Armstrong's inventory. That means that as many as half of all previous users of Primatene Mist would not be able to obtain even one inhaler if Armstrong were allowed to sell off its remaining inventory, and it assumes that pharmacies or drug stores would even carry it. Retailers may decide not to sell inventoried units of Primatene Mist because the units will start to expire in January, and that's only a few weeks from now.

So the real effect of this bill would be to provide a regulatory earmark to Armstrong rather than a rescue inhaler that would be available in the middle of the night to someone suffering from an asthma attack.

Mr. Speaker, I don't know what else I can say. This is a bad bill, and I urge my colleagues to oppose it.

Mr. BURGESS. I yield myself 1 minute.

I would point out that the FDA has not retracted the use of racemic epinephrine for the short-term use of a rescue inhaler in the treatment of an acute asthmatic attack. That just simply has not happened. Then to say that Congress is now seeking to overrule the FDA is preposterous because those are not the facts on the table right now.

A regulatory earmark? Come on, give me a break. I would welcome other companies into the marketplace that wanted to create a low-cost, effective, convenient treatment for asthmatics who need acute respiratory relief when their standard meds, when their meds that they take on a chronic basis, either are not working or when, for whatever reason, a flare-up has occurred.

Look, I'm an asthma patient—I'm on asthma medicine—but in the product information provided to patients on the long-term medicine is a statement that this is not intended as a rescue device for an acute attack. For that, you need something that was previously available over the counter. I've got to tell you that I was astounded by the elitism by the EPA at the table in front of us when they told us that they know better than America's asthma patients. Come on. This is the land of liberty. Let's give patients the devices they need to manage their illnesses.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

My colleagues, this is a bill that is special for one company in order for it to sell off the batches of the Primatene Mist that it has on stock. This is a product that's not on the market now—it was taken off the market—and there are substitutes on the market that the public health and medical groups say are far better and are far safer.

There are a large number of organizations that have come to the floor on this bill to oppose it. The Energy and Commerce Committee heard expert medical testimony that Primatene Mist is not safe or recommended for treating asthma, and we have a chart here. These are the groups that oppose this bill and that would urge you to vote "no": the American Lung Association, the American Thoracic Society, the American Academy of Pediatrics, the Asthma and Allergy Foundation of America. All of the people involved in health are saying they don't want this drug on the market, that it will only confuse asthma patients, and that it is not the safest drug that they could have.

Now, the gentleman from Texas has said what we ought to do if it's not safe is to take it off the market. It is off the market. It hasn't been taken off because of safety, but it is not recommended by the medical community.

There is another group here called the Alliance for Responsible Atmospheric Policy, and I'd like to indicate some of the organizations that are part of that alliance, which are some of the major corporations in this country.

Lastly, I want to show a chart of those who are in favor of this bill: Armstrong Pharmaceuticals. It is the one company that will benefit from this bill because it will be able to sell off the reserves of its product.

Now, is that in the best interest of the patients? Is that what Congress ought to be doing, passing a special earmarked bill to favor one company in order for it to be able to take the rest of its stock and sell it to people?

We do have a Food and Drug Administration, and we do have an Environmental Protection Agency. We've delegated to them the responsibility to protect the public health, to make sure that drugs are safe and effective. This Primatene Mist was supposed to come off the market, and it was given an additional year. Other companies were also going to have to go off the market. They knew that, and they're not on the market now. So why should we take one company's drug and put it back on the market so that it could sell off the products that it still has in its backlog?

In fact, as you might imagine, those companies are against this bill. They say it would overturn an established regulatory framework to directly benefit just one company—Armstrong.



Over the years, more than a dozen types of inhalers containing CFCs have been phased out, but these companies say: Why should we do something special for only one company? We're talking about not just the health groups, but drug companies like AstraZeneca and GlaxoSmithKline. They oppose this bill because it provides one company with the special treatment that none of these other companies receive.

There is no reason for this bill. This is a drug that is already off the market. There are substitutes that are being developed, and there are substitutes that are already on the market. I don't think we ought to be using the Suspension Calendar, of all procedures, to give a special deal to just one company.

I urge Members to oppose the bill, and I reserve the balance of my time.

□ 1410

Mr. BURGESS. I yield myself 1 minute.

The ranking member spoke of a group called the Alliance for Sensible Atmospheric Policy. I wish this were sensible, Madam Speaker. This is the most nonsensical thing I have ever encountered. Look, America's asthma patients are not blowing a hole in the ozone above Antarctica. I get the fact that Mr. WAXMAN and I have to give up our hair spray. I get that. Too much CFCs. You've got it.

I get the fact that our underarm deodorant had too many CFCs and we had to have a different propellant. But we're talking about an effective treatment for a very vulnerable group of patients—2 o'clock in the morning, someone who has asthma who might have run out of their medicine, or maybe they encountered something that caused their airways to react, what choice do they now have? They go to the emergency room, spend \$1,500 for a breathing treatment.

This is not something that was held behind the counter by the pharmacist. This was out on the open shelf available to anyone at any hour of the day or night. Asthma patients need access to this type of medication. I would welcome the fact that other companies would want to create a low-cost, available product for asthmatics to use as a rescue inhaler.

I reserve the balance of my time.

Mr. WAXMAN. First of all, I want to address some of these issues myself, and then I will yield to others who want to speak.

There is an environmental problem along with this medical problem. The environmental problem is that there is a deterioration of the upper ozone layer. And the United States, under President George H.W. Bush, negotiated an international treaty called the Montreal Protocol to get those products off the market that add chlorofluorocarbons which cause this environmental damage.

And so my friend from Texas is right: we can't get hair spray or deodorant that has the propellant that has been taken off the market. But no one's arguing we should let them come back on the market to sell off their products. There are substitutes. My hair is in place because I don't need those products any longer. And my friend from Texas is handling his deodorant problem adequately. The fact of the matter is there are other products for asthma that the people in the medical professions say is superior; and they say that Primatene Mist can lead to damage and become a threat to health. So why are we going to take this one drug and put it back on the market?

With those comments, I now yield 3 minutes to my good friend from the State of Michigan (Mr. DINGELL), the dean of the House.

Mr. DINGELL. Madam Speaker, I thank my good friend for yielding me this time. Neither he nor I need hair spray, and so we can approach that matter with some serenity. But I want to say here, I yield to no one in this Chamber over what has been done or what I have done on food and drug safety for the American consuming public. I'm the author of the provisions that require Food and Drug to only market those things which are safe and effective. If Food and Drug doesn't like this, they can take it off the market on that ground. They have not chosen to do so. The only reason it is going off the market is because of the fact that it bothers the folks who want the Montreal Protocol to go into place.

Now, let's take a little bit of a look at it. There are 1.2 million issues of this particular pharmaceutical. A piddling amount of CFCs is going to be released in that these inhalers are very small. They have a few milliliters of propellant. It's not going to make any significant difference. Food and Drug can take it off the market. It is safe. It is efficacious.

Now I want to talk about a couple of other things. The gentleman from Texas has talked about what happens when you have these problems as an asthmatic. My old dad was a former tubercular. He lived through his life with about half a lung, and I listened to him every night, up walking around, gasping like a fish on a rock because he couldn't get air.

There are a lot of people who have used Primatene Mist because they thought it worked. And if that is so, in fact it does work because it gives relief to people who are sick. If it is bad, Food and Drug can take it off the market because it is unsafe. That is not the reason it is off the market; it is the Montreal Protocol.

Let us consider the fact that there are people out there who need this substance. Now, I hear that it is going to benefit one company, the current manufacturer. That manufacturer is not

going to make 10 cents on this deal, and the reason is very simple: the profits and the benefits that are going to be generated by these sales of Primatene Mist are going to go—guess where—to charity. That's where they're going.

Who we are helping is the people who have need of this; and if you haven't had a situation where you couldn't get your breath, you don't know the terrors that exist there. And you don't know the kind of terrors that my old dad had when I listened to him walking up and down at night, every night, gasping to get a breath of air. There was no Primatene Mist in those days, and so there was no relief for him.

Now, they say, well, you can go to the emergency room or somebody's going to develop relief, but there's nothing on the market that matches the price. Some of these things that they have that they are saying are going to be available are possibly going to be available in a little bit—possibly not. And they also are big, so big that they're not going to be readily available to somebody who has need. They might be helpful if they can put them on wheels so that the fellow can tow them around behind him. But the hard fact of the matter is that Primatene Mist is going to be there when it is needed, and it is going to provide the people who want their free choice to have that particular medication. It will be available to them.

I say make it available to the people. There's no rascality. This is a safe substance. If it weren't, Food and Drug wouldn't have taken it off the market because it was either unsafe or inefficient.

So having said those things, let us support the bill. It's a good bill. The opposition of other manufacturers is to be expected. They simply want to cut a fat hog by making profits by selling their competitive devices.

Mr. BURGESS. I yield myself 1 minute.

The dean of the House described the amount of CFC released into the atmosphere as a "piddling" amount. Actually, the Food and Drug Administration has quantitated "piddling" for us in the Federal Register of November 19, 2008. They describe that as less than 0.1 percent of the total 1986 global production of CFCs. For the purpose of edification of the body, I did want to provide that information as to a definition of piddling.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I'm pleased now to yield 5 minutes to the gentlewoman from Florida (Ms. CASTOR), an important member of the Energy and Commerce Committee.

Ms. CASTOR of Florida. I thank the ranking member for yielding me this time.

Madam Speaker, there are a number of reasons why H.R. 6190 is poor public



policy, but I'd like to focus on just one, and that is the unfair advantage that this bill will grant to a single business to the detriment of other businesses and manufacturers. And, in fact, the Congress has received a letter from the International Pharmaceutical Aerosol Consortium:

On behalf of the International Pharmaceutical Aerosol Consortium—an association of companies that manufacture medicines for the treatment of respiratory illnesses, such as asthma and chronic obstructive pulmonary disease—I am writing to you today in opposition to H.R. 6190.

IPAC's members include AstraZeneca, GlaxoSmithKline, and a number of other manufacturers. They say that they strongly oppose efforts within the House of Representatives to lift the December 31, 2011, ban on the sale of CFC-based epinephrine Primatene Mist because such drastic reversal in settled law will be, one, unnecessary to protect the public health of asthma patients; and, two, it's contrary to the United States' important and long-standing commitment to international treaties.

They point out that this has been ongoing for two decades. The companies involved in international manufacture, national manufacturers, have known about this for a long time. They say the only possible beneficiary of a reversal of the ban on Primatene Mist would be its manufacturer, which stands to garner a financial windfall if its limited stocks are sold. Granting extraordinary, unwarranted special treatment to a single company would send an extremely negative signal to manufacturers that responded to the U.S. Government's call many years ago to be a partner in meeting our commitment. Similar prior requests for deadline relief have been firmly denied by all of the relevant agencies.

□ 1420

Now, here's the problem: I was contacted by a Florida company some months ago. Part of the early rationale for this bill was there was no alternative. But this Florida manufacturer that played by the rules called me up. They said, We hear about this hearing on Capitol Hill. Do you know that we are manufacturing an alternative to Primatene Mist that will be over-the-counter and that will be affordable?

Nephron Pharmaceuticals has developed such a product, Asthmanefrin, a handheld, battery-operated device that will allow asthma patients to inhale a drug similar to epinephrine in Primatene Mist. It is readily available at Walmart, CVS, Walgreens, Drugstore.com, Walgreens.com, CVS.com. It's also accessible through McKesson Drug, a national wholesaler; Smith Drug, a wholesaler covering the Southeast; and OptiSource. They are doing a national TV campaign now. They have starter kits. This is available. So that rationale, that early rationale that there is no alternative does not exist anymore.

But here's the important point: We can't have the Congress granting an

advantage to a single company to the disadvantage of other companies that have played by the rules. This bill would seriously undermine the investment decisions of innovative companies like Nephron that have developed alternatives and solutions to short-term asthma relief. Congress should not pick winners and losers.

Colleagues, we repeatedly heard the rationale for this bill: there was no alternative. That rationale is incorrect. It's inaccurate. Congress should not pull the rug out from under companies that have followed the rules and expect regulatory certainty in order to benefit another single company.

I urge you to vote "no" on H.R. 6190.

Mr. BURGESS. Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, may I inquire how much time each side has and which side has the right to close?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from California has 4½ minutes remaining. The gentleman from Texas has 12 minutes remaining, and the gentleman from Texas has the right to close.

Mr. WAXMAN. Madam Speaker, I yield the balance of my time to myself.

I just want to point out what the allergy and asthma networks, mothers of asthmatics, the people who are dealing with this problem, they say this act gives unprecedented preferential and exclusive exceptions and financial benefits to Armstrong Pharmaceuticals.

Primatene Mist is specifically not recommended for the treatment of asthma in the National Institutes of Health NHLBI asthma guidelines. They don't see a reason this ought to come back on the market. And the same point of view is expressed by the others that are the professionals that treat asthma patients.

The effect of this bill will be to take the inventory that this company has and allow it to go back on the market, from January to August of 2013, so they can sell it off. It's not going back to the market; it's just going to allow the inventory to be sold off. A lot of that inventory is expiring in terms of its efficacy; so a lot of people, we hope, will not get some Primatene Mist back on the market that's not going to do them any good.

And there are better alternatives. All the medical groups are telling us there are better alternatives.

This is a special interest bill. It's a bad bill. It's bad for public health. It will confuse asthma patients. It provides special treatment to one company at the expense of its competitors. It's opposed by the people involved in health, the people who have asthma, the people who treat asthma, the manufacturers of drugs for asthma.

We don't have to go back to a drug that's been outdated already and put it back on the market so this company can sell off their inventory. They say

they're going to give all the money to charity. Well, I don't know what kind of tax breaks they get. I don't see why we should let them sell off their inventory, especially an inventory that's not going to be any good beyond August of next year.

This is a bill that we ought to oppose, and I urge all my colleagues to vote "no" on this legislation.

I yield back the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself the balance of the time.

If advocating for America's asthmatic patients is a special interest group, guilty as charged. But, Madam Speaker, we have heard so much stuff today that it's almost difficult to refute every point that's been brought up.

Look, we heard from the ranking member of the Energy and Commerce Committee that the FDA had deemed the active pharmaceutical ingredient in Primatene Mist to be dangerous. What is the active ingredient in Primatene Mist? It's racemic epinephrine.

We heard from the gentlelady from Florida that a product manufactured in her district was a good product and was available. What's the active pharmaceutical in Asthmanefrin? Racemic epinephrine. It's exactly the same product. The difference, of course, is the propellant, and that's the object of our discussion here today.

Now, I will tell you, as an asthmatic patient, there are things that I know work better for me than others. I'm willing to go along with a lot of stuff from the EPA, but I will just tell you, the replacement propellant that is available in albuterol inhalers does not work nearly as well as CFC. You don't have to believe me. Go to the Facebook page that has been developed by asthma sufferers who, one after the other, will delineate why CFC worked for them when HFA-containing products do not.

Now, what about Asthmanefrin? There is no propellant. It is delivered because of an ultrasonic nebulizer, a unique approach and one that, quite frankly, I welcome.

But let me stress, Madam Speaker, although this product, Asthmanefrin, is available without a physician's prescription, it's not generally available over the counter, and I know this because of my own experience. Number 1, I had to call several pharmacies back in Texas before I found a Walmart that carried it. After finishing some event late at night in Fort Worth, I stopped by the Walmart near my home that I had already talked to that I knew they had the product there. I went in, but the pharmacy was closed. The pharmacist was gone.

Now, you can buy a vast panoply of almost anything else over the counter in the pharmacy, off the pharmacy shelves at Walmart—in fact, you used

to be able to pick up two Primatene Mist inhalers for \$30 before January 1 of this year—but no Asthmanefrin was available. When I questioned why, they said that is something that has to be dispensed by the pharmacist. In other words, it's behind the counter, not over the counter.

What does that mean as a functional issue?

If an asthmatic patient woke up at 2 that morning and said, Oh, my golly, I should have never ridden that horse, I should have never petted that cat, I guess the mountain cedar bloomed down by Waco because now I've got a snoutful and I cannot breathe, and they go down to the Walmart, the Walmart's open, the store's lit up, the shelves are full of product, but Asthmanefrin is not available to that patient. They'll have to come back at 9 in the morning when the pharmacist is on duty that can dispense the product to them.

Now, I would also point out that there is a cost differential between Asthmanefrin and Primatene Mist. We've heard a lot about costs and profits and who we're helping and who we're not. The cost for the starter kit for Asthmanefrin is right at \$50. At Walmart in my district it was \$49.96. A boxful of the packets of the medicine that is necessary to place into the machine to dispense costs \$27 for a box of 30. And I'm not that good at math, but that's about 92, 93 cents per packet, one packet per treatment.

How many treatments are in this? I don't know. I've never used one completely. I always lose them before I get to the end. But it's advertised to be between 250 and 275 treatments.

The cost differential, a little bit less than 6 cents for this, 93 cents for this per treatment episode. Not a big deal in days you're talking about medicines that might cost \$250, \$280 a month for maintenance therapy for asthma. Yeah, the cost is negligible, but for some people it's not. For some people that represents a significant expenditure.

This, I can carry in my pocket. I can bring it to the House floor. If someone's smoking a cigar in one of the anterooms and I get a puff of that, I'll have this available when I get to the House floor.

This is harder to carry in your pocket, not impossible, but much harder to carry in your pocket.

There is a convenience factor. Dean of the House DINGEL mentioned that when he talked about his efforts to preserve products for patients with asthma. A little less user friendly to go through the multiple steps for Asthmanefrin as opposed to squeezing the Primatene Mist bottle and dispensing the medicine where it needs to go into a patient's chest.

The other over-the-counter products are absolutely not equivalent to Primatene. Primatene tablets are, in-

deed, still available. But what are Primatene tablets? They're ephedrine. That's the active ingredient in some of the diet pills that the FDA pulled off the market a few months ago. Yeah, ephedrine will help you if you're in a tight spot with your breathing, but it's not instantaneous. It's about 30 minutes away after you take the pill.

□ 1430

And you want to talk about something that makes your heart race, it's not Primatene Mist, but the Primatene tablets will do it every time it's tried.

Madam Speaker, here's the real issue: Should we let elites at the Federal agency dictate to our asthma patients in our districts what they can and can't have?

This is one of those instances where I say the Federal agency has gone too far. Ranking Member WAXMAN said that the FDA didn't need to ban Primatene Mist because the EPA had already done it. By what authority does the EPA regulate medicines that I prescribe for my patients? There is no such authority, unless I missed something and we gave them authority where none existed before.

This is about common sense. This is about doing the right thing for the American people. We took away their toilets. We took away their lightbulbs. For heaven's sake, let's not take away their asthma inhalers.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I support the Asthma Inhalers Relief Act, H.R. 6190. This bill is simple; it will allow remaining stocks of Primatene Mist to be made available to asthma patients. This is a drug that was on the shelves for decades, but was removed due to environmental concerns regarding CFCs. Primatene was not removed due to safety concerns.

Limiting releases of CFCs is important and we must make sure that consumer products do not contain these harmful chemicals. However, the small remaining amount of Primatene poses no real threat to the environment and could potentially save the lives of Asthma patients in the midst of an attack. Right now there are no over-the-counter rescue inhalers available.

Releasing the remaining doses of Primatene is a temporary solution until a non-CFC inhaler is approved by the FDA. I have heard from constituents of mine who would greatly benefit from access to this medicine. If these inhalers endangered their safety, of course, it would not be appropriate to put them back on the shelves, but that is not the case.

I urge my colleagues to support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 6190.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CASTOR of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### NO-HASSLE FLYING ACT OF 2012

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (S. 3542) to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "No-Hassle Flying Act of 2012".

#### SEC. 2. PRECLEARANCE AIRPORTS.

(a) IN GENERAL.—Section 44901(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(4) PRECLEARANCE AIRPORTS.—

“(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Assistant Secretary (Transportation Security Administration) may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

“(B) AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.—In this paragraph, the term ‘aviation security preclearance agreement’ means an agreement that delineates and implements security standards and protocols that are determined by the Assistant Secretary, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

“(C) REPORT.—The Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

“(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Assistant Secretary determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosive detection system before such baggage continued on an additional flight or flight segment.

“(ii) The amount of Federal savings generated from the exercise of such authority.”.

(b) CONFORMING AMENDMENTS.—Section 44901 of title 49, United States Code, is amended by striking “explosive” each place it appears and inserting “explosives”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 3542, the No-Hassle Flying Act of 2012.

At the outset, let me commend the gentleman from Illinois, Congressman WALSH, for introducing the House companion to this important measure. H.R. 6028 passed the House in September by voice vote.

Madam Speaker, this bill gives TSA the discretion to determine if checked luggage arriving from a foreign airport with an aviation security preclearance agreement must be rescreened before it continues on to a connecting flight inside the U.S. The bill explicitly defines such an agreement as one that delineates and implements security standards and protocols that are determined by TSA, in coordination with CBP, to be comparable to those of the U.S. and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

This bill does not diminish aviation security but, rather, streamlines the security process and allows TSA to expend resources on baggage that has not already been screened to U.S. security standards. It also supports TSA's ongoing efforts to implement risk-based, intelligence-driven security initiatives.

TSA Administrator Pistole requested the new authority provided in this bill in order to go beyond our borders in establishing robust security measures and improving efficiency. I commend Administrator Pistole for his leadership and efforts to improve aviation security.

In addition to streamlining security, this bill will incentivize our foreign partners to improve the technology that they use to screen checked baggage, which ultimately should increase the level of security of inbound flights to the United States. The legislation will reduce the number of missed connections and other hassles with redundant baggage screening that can become barriers to international travel

and tourism. It's a win-win for passengers, the airline industry, and TSA by shortening the time necessary for transit and transfer.

I urge the adoption of this bipartisan and commonsense bill, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 3542, the No-Hassle Flying Act of 2012. I support this legislation because it represents a commonsense proposal to make air travel more convenient and has the potential to enhance efficiencies.

Currently, all baggage arriving at U.S. airports must be rescreened prior to being loaded on a connecting flight. This is true even for travelers arriving from designated preclearance airports where the passengers themselves do not need to be screened again because DHS has verified that screening at those airports is at least as effective as our own. This dynamic places an unnecessary burden on TSA screeners, the airlines, and the flying public who, on occasion, arrive at their final destination only to find that their baggage has not.

As I stated when we considered the House companion to S. 3542 in September, where we can eliminate duplicative screening without compromising security, I will lend my support.

I commend Senator KLOBUCHAR for her work on this legislation and thank her for including important provisions I requested that require TSA to coordinate with U.S. Customs and Border Protection when determining what baggage must be rescreened in the United States.

Accordingly, I support this legislation that the Obama administration proposed, and I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WALSH). Let me take this opportunity to commend him for the outstanding job he's done during his time of service on the committee.

Mr. WALSH of Illinois. I thank Chairman KING.

Earlier this year, I introduced the No-Hassle Flying Act, legislation brought to our attention by the Transportation Security Administration. Senators KLOBUCHAR from Minnesota and BLUNT of Missouri introduced my original language in the Senate, and this is the bill we're considering today.

Over the past decade, TSA has classified 14 foreign airports as “precleared” for security purposes. These airports are routinely checked by TSA to ensure their screening procedures for both people and bags meet the high standards of the United States, and, as such, passengers originating from these airports and returning to the United

States are not required to go through physical security checks again. Unfortunately, their bags are not excluded and must be rescanned and rechecked. If you've ever had to do this during a layover at Chicago O'Hare; Newark, New Jersey; or even Miami International, you know it's not an easy task, especially in the middle of the night.

The bill before us allows TSA to waive the baggage screening requirements as well. Giving TSA this kind of flexibility will allow them to free up time and resources to focus on higher-risk baggage and passengers and will also make traveling easier for those coming in and out of the United States.

I want to thank my colleagues on the Homeland Security Committee—especially Chairman KING—and their staffs for the work they put into this bill, along with Senators KLOBUCHAR and BLUNT, and, of course, TSA for bringing this bill to our attention.

I urge all Members to vote in favor of this commonsense bipartisan bill.

□ 1440

Mr. THOMPSON of Mississippi. Madam Speaker, I yield such time as she may consume to the ranking member of the Subcommittee on Transportation Security of the Committee on Homeland Security, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the ranking member of the committee. It's always good to be able to thank him, Madam Speaker, for his leadership and service. I think we are safer because Members of Congress like Congressman THOMPSON, the ranking member, and our chairman, Congressman KING, have, on a number of occasions, come together around the idea of America's security. I want to express my appreciation for having been able to serve on the committee for a number of years.

It gives me also a moment to say to the Speaker, or to acknowledge Congresswoman EMERSON, for her service as well and to thank you so very much for being a person who loves America. I think that should be our litmus test when we rise on this floor for those of us who love this country.

As the ranking member, and having served as the chairwoman of this committee in previous terms, I know how important it is to provide safety in the transportation modes for the United States of America. This bill, the No-Hassle Flying Act of 2012—and I thank the sponsor both in the House and the Senate—provides a measure of recognition and acceptance of foreign countries that are making efforts to have consistent security procedures and technology to have an easier travel process for passengers who are deplaning in the United States but going on to another domestic destination. So I want to acknowledge the

Senator from Minnesota, Ms. KLOBUCHAR, who had this legislation passed in the Senate, and our House sponsor as well.

What the basis of this legislation is, by relieving the need to rescreen every piece of baggage arriving in the United States from countries where we have strong bonds and screening agreements in place, efficiencies will be realized and our screeners can focus more attention on those items we know least about. And the term "screeners," let me correct that and say the Transportation Security Administration personnel. That is probably the most maligned group of American public servants, those who work in the cause of the United States and the safety and security of the United States. But at their best, when they are trained, as I have worked so hard to insist on, to increase their professional development training—and we have made great strides with Administrator Pistole and previous administrators, so much so that as I travel through airports I can see the sense of pride and respect that this group of Americans have for their job. So when we speak of screening, we're talking about serious work that has to be done to ensure the safety and security of America.

We want to be able to work with our allies. This is not an immigration reform initiative, but it is similar to the visa waiver programs, where we have a list of countries that we feel confident that their procedures are not only equal to ours, but their policies, their alliance with us goes decades, and we believe that their citizens can come into the United States.

This particular legislation tries to get the personnel of the TSA to focus on race-based screening that many of my fellow members on the committee have been calling for, and of course that the administrator has listened to. This legislation represents the kind of commonsense security measure this Congress must focus on to make both the Department of Homeland Security and its components work more.

It is, of course, my hope that we can look forward to more work being done with transportation security, that we can look to providing, as I introduced legislation dealing with air marshals, both their funding and increased utilization on some of our flights coming into the United States; that we will have the opportunity to do a transportation authorization bill again like the one I joined with Chairman THOMPSON on and we reauthorized in the 111th Congress that drew bipartisan support. And of course Mr. KING has worked with us on this legislation.

So this particular No Fly for me has merit to it. But as I rise to support the thought behind the legislation passed by the Senate, I also remind our colleagues that air travel is still dangerous. Whether it is the shoe bomber,

whether it is the Christmas day bomber, whether it is thwarted incidences that we will never hear about, whether it is the constant reporting of intelligence and classified information that suggests how vulnerable our airlines and airports are, whether it is an accidental or incidental intrusion on the tarmac or the perimeters of the airport, whether it is the accidental entry of a public person, either visitor or traveling public, that goes into an unauthorized area that causes airports to be shut down—incidences that occurred in Newark and other places—we have to realize that we have to be particularly sensitive to this question of securing the traveling public, and particularly Americans. That is why, in the wisdom of the Congress and others, we created the Transportation Security Administration that had a mandated and Federalized workforce of security screeners to inspect airline passengers and their baggage. It gave them broad authority to assess the vulnerabilities in aviation security and take steps to mitigate these risks. I'm glad that they exist.

So I have an acute understanding of TSA's role in aviation security, and I also appreciate congressional oversight. But I further appreciate that, even with that broad discretion, we have to be keenly aware that in the best of all circumstances some loophole, some misstep can occur.

I represent one of the largest systems, George Bush Intercontinental Airport, the William Hobby system. As I would want for that airport system, I would want a system of security for everyone. So this idea of allowing unfettered transfer of your bags coming from a nation that has been an ally, but that has put into place procedures that we can document that are in fact adequate, accurate, and superior, I'm going to raise it to that level, because adequacy is not a basis for fighting the dangers of terrorism.

I only raise a flag of caution—and maybe a red flag—that it is important that the Department of Homeland Security study this carefully. Make sure that they look at the technology and look at the process that in essence will be put in place. Because, again, all good things are meant for good, but we know what can happen if in some way we are in error. I don't want this to be a basis for error, I want this to be a basis for good. I want this to be the intention of the bill, which is to ameliorate some of those delays associated with the rescreening of bags transported on commercial flights from international locations.

I want those traveling to the United States to be welcomed with a smile who are here to do good, and I want them not to miss their connecting flight—and it might be one of us. But our main focus is to secure the homeland.

So to my colleagues, to the chairman and ranking member, I join you in supporting this legislation, but I ask that the Department of Homeland Security, the Assistant Secretary of Homeland Security, who is to give this discretion to waiving rescreening pursuant to a preclearance agreement between the United States and a foreign nation, that seeks to ensure this process works, be very keen and careful of reviewing the process, having the resources to ensure that the technology is superior and that we are constantly reviewing how this is working.

I'm sure that we will see many smiles of our traveling public. They will welcome that convenience. In the course of the convenience, I also argue for security. I know that that will be the case.

I will ask my colleagues to support this legislation, and as well, we continue to secure the homeland.

Madam Speaker, I rise in strong support of S. 3542, the "No-Hassle Flying Act of 2012." This legislation, proposed by the Obama Administration and introduced by the Senator from Minnesota, Ms. KLOBUCHAR, was passed by the Senate with unanimous support and should receive the support of the House today.

By relieving the need to re-screen every piece of baggage arriving in the United States from countries where we have strong bonds and screening agreements in place, efficiencies will be realized and our screeners can focus more attention on those items we know least about.

That is the kind of risk based screening that I and my fellow members of the Committee on Homeland Security have been calling for. Thankfully, under Administrator Pistole's leadership, are calls are being heeded.

This legislation represents the kind of common sense security measure this Congress must focus on to make both the Department of Homeland Security and its components work more efficiently and effectively.

It is my hope that in the next Congress we will see more proposals on the House floor regarding the Transportation Security Administration that can garner bipartisan support.

During the 111th Congress, during my tenure as Chair of the Committee on Homeland Security's Subcommittee on Transportation Security, the House considered and passed the TSA Authorization bill that I authored with overwhelming bipartisan support.

Unfortunately, no such legislation was produced for consideration by the House this Congress.

I look forward to working with my colleagues on the Committee in the next Congress to ensure we get back to the work of authorizing the critical programs of the TSA.

Our airports are a critical point of entry to our nation, and our airplanes remain vulnerable to terrorist plots as a result of their inherent potential to cause massive destruction and human casualties.

In the aftermath of the September 11, 2001 attacks, which exposed significant vulnerabilities in our airport security, the 107th Congress moved quickly to pass the Aviation and Transportation Security Act.

The Transportation Security Act created the Transportation Security Administration (TSA) and mandated a federalized workforce of security screeners to inspect airline passengers and their baggage. The act gave TSA broad authority to assess vulnerabilities in aviation security and take steps to mitigate these risks.

As Ranking Member of the Subcommittee on Transportation on the Committee on Homeland Security, I have an acute understanding of TSA's role in aviation security, which has been the subject of considerable congressional oversight.

Moreover, this issue is one that impacts my constituents immensely, as my district is home to the Houston Airport System, which is one of North America's largest public airport systems and includes George Bush Intercontinental Airport, William P. Hobby Airport, and Ellington Airport.

In 2010, the Houston Airport System served more than 49.5 million passengers, including more than 8.5 million international travelers.

The American people expect Members of Congress to ensure that when they board a plane for business or pleasure, all passengers and their accompanying baggage have been thoroughly screened so as to prevent terrorists and their tools of destruction from posing a danger to passengers.

This issue is something that we understand as Members of Congress; many of us, including myself, fly on commercial airlines when we travel to and from our respective districts. Like the rest of the public, we expect that when we board a flight, it is secure and that we will safely arrive at our destinations within a reasonable amount of time.

While we should balance the need for thorough screening with the ideals of speed and convenience, we must continue to ensure that we are doing whatever is necessary to protect passengers on commercial flights from the dangers of terrorism. We know that many Americans and others traveling to our country are often frustrated by the time it may take to have themselves and their baggage processed through airports.

This bill intends to ameliorate some of these delays associated with the rescreening of baggage transported on commercial flights originating from international locations.

This would be achieved by giving the Assistant Secretary of Homeland Security the discretion to waive rescreening pursuant to a preclearance agreement between the United States and a foreign nation that seeks to ensure that adequate screening procedures were undertaken at the point of origin.

The idea is that baggage that has already been adequately screened by one airport does not need to be screened again once it arrives at one of our airports.

As Members of Congress, we should continue to look for areas in our airport security procedures that we can modify in order to make travel more convenient for passengers that do not compromise their safety.

Mr. KING of New York. Madam Speaker, I have no further speakers. If the gentleman from Mississippi also has none, I'm prepared to close once the gentleman does.

□ 1450

Mr. THOMPSON of Mississippi. Madam Speaker, I have no more speakers, and I am prepared to close.

There are areas where TSA needs to improve its performance. On that we can all agree. Just last week, GAO released a report detailing TSA's failure to properly oversee privatized screeners and revealing that some airports with their privatized screeners do not perform as well as their federalized counterparts.

I look forward to addressing those issues with my colleagues on the Committee on Homeland Security in the 113th Congress.

Today, we have an opportunity to support legislation supported by industry, the Obama administration, and TSA that has the potential to enhance the efficiency and cost effectiveness of screening baggage.

With that, Madam Speaker, I urge my colleagues to support S. 3542 so it can be sent to the President for his signature and yield back the balance of my time.

Mr. KING of New York. Madam Speaker, I urge the adoption of this bipartisan, commonsense bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, S. 3542.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DHS AUDIT REQUIREMENT TARGET ACT OF 2012

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (S. 1998) to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1998

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Audit Requirement Target Act of 2012" or the "DART Act".

#### SEC. 2. IMPROVING FINANCIAL ACCOUNTABILITY AND MANAGEMENT.

(a) DEFINITIONS.—In this section—

(1) the term "Department" means the Department of Homeland Security;

(2) the term "financial management systems" has the meaning given that term under section 806 of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(3) the term "Secretary" means the Secretary of Homeland Security; and

(4) the term "unqualified opinion" mean an unqualified opinion within the meaning given that term under generally accepted auditing standards.

(b) REACHING AN UNQUALIFIED AUDIT OPINION.—In order to ensure compliance with the Department of Homeland Security Financial Accountability Act (Public Law 108-330; 118 Stat. 1275) and the amendments made by that Act, the Secretary shall take the necessary steps to ensure that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2013, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit as part of preparing the performance and accountability reports required under section 3516(f) of title 31, United States Code, (including submitting the reports not later than November 15, 2013, and each year thereafter) in order to obtain an unqualified opinion on the full set of financial statements for the fiscal year.

(c) REPORT TO CONGRESS ON PROGRESS OF MEETING AUDIT REQUIREMENTS.—In order to ensure progress in implementing the Department of Homeland Security Financial Accountability Act (Public Law 108-330; 118 Stat. 1275), and the amendments made by that Act, during the period beginning on the date of enactment of this Act and ending on the date on which an unqualified opinion described in subsection (b) is submitted, each report submitted by the Chief Financial Officer of the Department under section 902(a)(6) of title 31, United States Code, shall include a plan—

(1) to obtain an unqualified opinion on the full set of financial statements, which shall discuss plans and resources needed to meet the deadlines under subsection (b);

(2) that addresses how the Department will eliminate material weaknesses and significant deficiencies in internal controls over financial reporting and provides deadlines for the elimination of such weaknesses and deficiencies; and

(3) to modernize the financial management systems of the Department, including timelines, goals, alternatives, and costs of the plan, which shall include consideration of alternative approaches, including modernizing the existing financial management systems and associated financial controls of the Department and establishing new financial management systems and associated financial controls.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of S. 1998, the DART Act, introduced by

Senator SCOTT BROWN of Massachusetts. This important legislation will improve financial accountability and management at the Department of Homeland Security.

Since the Department opened its doors on March 1, 2003, financial management of all 22 merged agencies has been one of the most significant challenges. Fiscal year 2012, over 9 years since DHS was created, was the first time the Department was able to complete a financial audit and receive a qualified opinion on all five financial statements covering the entire Department.

Unfortunately, DHS has been unable to get an unqualified, or clean, opinion stating that there are no material weaknesses in its financial systems. Until such time as there is confidence in the DHS financial structure, questions will remain on how DHS accounts for taxpayer money. This important legislation is needed because it will require the Department to create a plan to meet the audit requirements to reach an unqualified opinion.

Specifically, the bill requires the Secretary to take all necessary steps to ensure that all financial statements of the Department are consolidated and ready in a timely manner in preparation for an audit.

Second, the DHS CFO is to report to Congress on its efforts to reach an unqualified opinion. This legislation requires this reporting requirement until such time as the Department is able to reach an unqualified opinion.

Also, DHS is to report to Congress on its progress, including resources needed, plans to eliminate material weaknesses, deadlines for addressing deficiencies, and efforts to modernize DHS' financial management systems.

It is essential that DHS obtain control over its financial systems and address the identified weaknesses. This legislation sets the Department on the right path to obtain an unqualified opinion.

I would also like to thank Chairman Issa and the Committee on Oversight and Government Reform for working with the Committee on Homeland Security in getting this important legislation to the floor.

I urge my colleagues to support S. 1998 and reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, December 7, 2012.

Hon. PETER T. KING,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On November 28, 2012, the Senate passed S. 1998, the "Department of Homeland Security Improved Financial Accountability Act of 2011." Thank you for consulting with the Committee on Oversight and Government Reform with regard to S. 1998 on those matters within the committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of S. 1998.

In the interest of expediting the House's consideration of S. 1998, I will forego consideration of the bill. However, I do so only with the understanding that this procedural route will not be construed to prejudice the Committee on Oversight and Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, December 7, 2012.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Government Reform, House of Representatives,  
Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for your letter regarding S. 1998, the "DHS Audit Requirement Target Act of 2012." I appreciate your willingness to support expediting floor consideration of this legislation.

I agree that while you are waiving formal consideration of this bill, the Committee on Oversight and Government Reform is in no way diminishing its jurisdiction over the subject matter contained in this measure or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I will include our letter on S. 1998 in the Congressional Record during House floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,

PETER T. KING,  
Chairman.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of S. 1998, the DHS Audit Requirement Target Act of 2012 and yield myself such time as I may consume.

Madam Speaker, since it was established nearly a decade ago, the Department of Homeland Security has been unable to obtain a "clean" or unqualified audit of its financial statements. This is simply unacceptable.

When I was chairman last Congress, the Committee on Homeland Security conducted significant oversight of the deficiencies that have plagued the Department's financial management efforts since its creation.

While we understand that DHS has taken many of the steps necessary to obtain a clean audit, more remains to be done. S. 1998 would direct DHS to take the necessary steps to obtain a clean audit by the end of fiscal year 2013. It also requires DHS to report to Congress on its plans to strengthen its financial controls and modernize its financial management systems.

Madam Speaker, S. 1998 helps put DHS on a path toward sound financial management, and for that reason, I plan to support the bill today.

With that, Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. I continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman, and I rise to support S. 1998 and commend the basis of this legislation, which will look for a clean audit report and in particular as it relates to Congress submit a report on the plan to obtain an unqualified opinion annually until an unqualified opinion is submitted, and submit to Congress and the Comptroller General a report on DHS' plans and resources needed to modernize DHS' financial system.

Let me be clear that we know that it takes resources to secure the homeland, but this is a Department that has \$40 billion in the annual budget and 200,000 employees. DHS is the Nation's third-largest Federal Department. It demands a clean audit.

I would also indicate that one of the issues that we have continued to work on in the committee is to ensure the access of small, minority, and women-owned businesses to the vast contracting needs that DHS is engaged in. In particular, when there are natural disasters, we are often seeing where those who live in the area who would benefit from being able to be the contractors or to be able to work on the restoration and remove the debris cannot access DHS in a fair way to be able to secure a contract to put people to work.

So even as we are talking about audits, I'm talking about management processes, as well. And I would hope that this legislation, as it begins to look at audits and making sure that we have an unqualified audit, will also look at process as we go forward in the 113th Congress, because as we secure the homeland, we want to make sure that we have a Department of Homeland Security that has had very fine leadership in Secretary Napolitano to be able to assure that the infrastructure that runs this agency is parallel to the infrastructure that is securing America. I think that will be a perfect system.

So I do support this legislation, and I hope the comments about small, minority, and women-owned businesses are taken to heart and that we will find a way to ensure that our resources, tax dollars, are utilized by the American people in the right and appropriate way.

Madam Speaker, I rise today in support of S. 1998, the "DART Act," the purpose of which is to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

The DART Act will permit Congress to effectively perform its oversight duties with respect to the Department of Homeland Security.



As a Member of the Committee on Homeland Security and Ranking Member of its Subcommittee on Transportation, tasked with oversight of the Department, I am a strong supporter of the work that the Department does on behalf of the American people.

It is important that the public understand the vital work that the Department has done and continues to do to assess and counter threats and to maintain the security of our homeland.

S. 1998 directs the Secretary of Homeland Security, in order to comply with the Department of Homeland Security Financial Accountability Act, to ensure that the balance sheet of the Department of Homeland Security (DHS) and associated statement of custodial activity for FY2012 and FY2013, and the full set of consolidated financial statements of DHS for FY2014 through FY2016, are ready in a timely manner and in preparation for an audit as part of preparing required performance and accountability reports.

Furthermore, S. 1998 directs the Chief Financial Officer of DHS to:

(1) Submit a report on the plans to obtain an unqualified opinion annually until an unqualified opinion is submitted, and

(2) Submit to Congress and the Comptroller General a report on DHS's plans and resources needed to modernize DHS's financial systems.

The Department of Homeland Security (DHS) was created in 2003, with the vital mission of ensuring that, in the wake of the September 11th, 2001 attacks, the American homeland is safe, secure, and protected against terrorists who would do us harm.

Our domestic security is our nation's top priority; a mission that includes terrorism prevention and security enhancements, border management and security, immigration administration and enforcement, cyberspace security, and disaster response.

With a \$40 billion annual budget and more than 200,000 employees, DHS is the nation's 3rd largest federal department.

Consequently, this Congress must pay close attention and give careful consideration to the activities of the Department of Homeland Security as we assist it in becoming a more sound, lower-risk, more efficient, and more effective department.

Given the relatively new nature of the Department, along with the fact that it originated as an amalgamation of 22 federal agencies, it is no surprise that the Government Accountability Office (GAO) has consistently designated—as recently as December 2011—the implementation and transformation of the Department as high-risk with respect to waste, fraud, abuse mismanagement, or needing reform.

Unfortunately, since its inception, the Department has been unable to obtain what is known as a “clean” or “unqualified” audit of its financial statements (i.e. a finding by an objective reviewer that the Department's finances are in conformity with generally accepted accounting standards). The DART Act seeks to address this issue by directing the Department to take the steps necessary to obtain a clean audit by the end of fiscal year 2013.

In order for Congress to be able to effectively monitor and oversee DHS's efforts in this area, S. 1998 also requires DHS to pro-

vide Congress with specific details on its plans to achieve a clean audit, through eliminating material weaknesses in its internal financial controls and by modernizing its financial management systems.

While DHS has previously stated that it can obtain an unqualified opinion on all of its financial statements by the end of fiscal year 2013, the Government Accountability Office (GAO) has noted that “there is no clear plan for how auditability will be achieved” by the end of 2013.

As we evaluate the progress of the Department, I want to ensure that the Department has sufficient funding and its finances are managed and structured properly such that our nation is safe and secure from all threats.

Mr. KING of New York. Madam Speaker, I have no further speakers. If the gentleman from Mississippi has no further speakers, I am prepared to close.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no more speakers, and I am prepared to close.

In summary, S. 1998 is another step in Congress' effort to put DHS on a sound financial path.

Speaking of a path, Madam Speaker, this is probably the chair's last official act on the floor, and I want to just say to him today that I have enjoyed his chairmanship on the committee, and I'm certain whatever the future holds in Congress, he will be a worthy participant in the process.

I would like to personally say that I have enjoyed working with him.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Mr. Ranking Member, I knew that Mr. KING would have other opportunities to be on the floor. We are going to be here through Christmas, but if that is not the case, then he has kind of a smile of Santa Claus, but I just want to say to Chairman KING, as well, just to thank you for your service. There is no doubt of your commitment to America's security, and I have enjoyed having the opportunity to work with you on the committee.

□ 1500

Mr. THOMPSON of Mississippi. Madam Speaker, reclaiming my time, I urge my colleagues to support the bill and yield back the balance of my time.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

I would like to thank Senator BROWN for introducing this legislation to address the ongoing DHS financial management challenges. Also, let me thank the ranking member, Mr. THOMPSON, and the ranking member of the subcommittee, Ms. JACKSON LEE, for their kind words. This probably will be my last appearance on the floor as chairman of the committee.

I want to thank the ranking member. It has now been over 7 years we have worked together as chairman and ranking member. I enjoyed working with you. I enjoyed it a lot more when I was chairman, and I'm sure you enjoyed it a lot more when you were chairman. But no matter what our capacities were, I always found it a privilege to be able to work with you. When we could cooperate, we did. When we had honest differences, I think we expressed them in a very gentlemanly way. I certainly know that you did, and I want to thank you for that.

I want to also thank the committee staff, especially Mike Russell, Mandy Bowers, and Kerry Ann Watkins, for the tremendous job they did, and all the members of the staff of both the majority and the minority. And, Madam Speaker, I would like to thank you for your years of service in the House here as well.

Again, it's been a great privilege being chairman. I believe we achieved a lot. I think most importantly what the ranking member has tried to do and what I've tried to do is establish the significance of this committee and to prove that on major issues affecting the country, that both parties can work together in a bipartisan way. And I thank the gentleman for his cooperation on that.

Going back to business, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, S. 1998.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FRANK BUCKLES WORLD WAR I MEMORIAL ACT

Mr. CHAFFETZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to designate memorials to the service of members of the United States Armed Forces in World War I, including a National World War I Memorial on the National Mall in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6364

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Frank Buckles World War I Memorial Act”.



(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Establishment of World War I Centennial Commission.
- Sec. 5. Duties of Centennial Commission.
- Sec. 6. Powers of Centennial Commission.
- Sec. 7. Centennial Commission personnel matters.
- Sec. 8. Termination of Centennial Commission.
- Sec. 9. Designation of National World War I Museum and Memorial in Kansas City, Missouri.
- Sec. 10. Establishment of National World War I Memorial in the District of Columbia.
- Sec. 11. Prohibition on obligation of Federal funds.

## SEC. 2. FINDINGS.

Congress makes the following findings:

(1) From 2014 through 2018, the United States and nations around the world will mark the centennial of World War I, including the entry of the United States into the war in April 1917.

(2) America's support of Great Britain, France, Belgium, and its other allies in World War I marked the first time in United States history that American soldiers went abroad in defense of liberty against foreign aggression, and it marked the true beginning of the "American century".

(3) Although World War I was at the time called "the war to end all wars", in fact the United States would commit its troops to the defense of foreign lands 3 more times in the 20th century.

(4) More than 4,000,000 men and women from the United States served in uniform during World War I, among them 2 future presidents, Harry S. Truman and Dwight D. Eisenhower. Two million individuals from the United States served overseas during World War I, including 200,000 naval personnel who served on the seas. The United States suffered 375,000 casualties during World War I, including 116,516 deaths.

(5) The events of 1914 through 1918 shaped the world, the United States, and the lives of millions of people.

(6) The centennial of World War I offers an opportunity for people in the United States to learn about and commemorate the sacrifices of their predecessors.

(7) Commemorative programs, activities, and sites allow people in the United States to learn about the history of World War I, the United States involvement in that war, and the war's effects on the remainder of the 20th century, and to commemorate and honor the participation of the United States and its citizens in the war effort.

(8) While the other great conflicts of the 20th century, World War II, the Korean War, and the Vietnam War, have national memorials on the Mall in Washington, DC, there currently exists no national memorial honoring the service of the United States and its citizens in World War I.

(9) In 1921, the people of Kansas City, Missouri, dedicated a site in that city for a memorial to the service of Americans in World War I, a ceremony attended by General John J. Pershing and military leaders of Great Britain, France, Belgium, and Italy. In 1924, the cornerstone of the 217-foot Liberty Memorial Tower was laid. On Armistice Day 1926, President Calvin Coolidge delivered the key note address at the Memorial's dedication ceremony. The Memorial and surrounding grounds were completed in 1938,

with an inscription that reads "In Honor of Those Who Served in the World War in Defense of Liberty and Our Country."

(10) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(11) The 108th Congress designated the museum at the base of the Liberty Memorial as "America's National World War I Museum". The museum preserves the story of World War I, and educates and enlightens people about this significant event.

## SEC. 3. DEFINITIONS.

In this Act—

(1) AMERICA'S NATIONAL WORLD WAR I MUSEUM.—The term "America's National World War I Museum" means the Liberty Memorial Museum in Kansas City, Missouri, as recognized by Congress in section 1031(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2045).

(2) CENTENNIAL COMMISSION.—The term "Centennial Commission" means the World War I Centennial Commission established by section 4(a).

(3) MEMORIAL FOUNDATION.—The term "Memorial Foundation" means the World War I Memorial Foundation authorized to establish the National World War I Memorial in the District of Columbia under section 10.

(4) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

## SEC. 4. ESTABLISHMENT OF WORLD WAR I CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "World War I Centennial Commission".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Centennial Commission shall be composed of 12 members as follows:

(A) Two members who shall be appointed by the Speaker of the House of Representatives.

(B) One member who shall be appointed by the minority leader of the House of Representatives.

(C) Two members who shall be appointed by the majority leader of the Senate.

(D) One member who shall be appointed by the minority leader of the Senate.

(E) Three members who shall be appointed by the President from among persons who are broadly representative of the people of the United States (including members of the Armed Forces, veterans, and representatives of veterans service organizations).

(F) One member who shall be appointed by the executive director of the Veterans of Foreign Wars of the United States.

(G) One member who shall be appointed by the executive director of the American Legion.

(H) One member who shall be appointed by the president of the Liberty Memorial Association.

(2) TIME FOR APPOINTMENT.—The members of the Centennial Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Centennial Commission.

(4) VACANCIES.—A vacancy in the Centennial Commission shall be filled in the manner in which the original appointment was made.

(c) MEETINGS.—

(1) INITIAL MEETING.—

(A) IN GENERAL.—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(B) LOCATION.—The location for the meeting held under subparagraph (A) shall be the America's National World War I Museum.

(2) SUBSEQUENT MEETINGS.—

(A) IN GENERAL.—The Centennial Commission shall meet at the call of the Chair.

(B) FREQUENCY.—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once each year.

(C) LOCATION.—Not less frequently than once each year, the Centennial Commission shall meet at the America's National World War I Museum.

(3) QUORUM.—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) CHAIR AND VICE CHAIR.—The Centennial Commission shall select a Chair and Vice Chair from among its members.

## SEC. 5. DUTIES OF CENTENNIAL COMMISSION.

(a) IN GENERAL.—The duties of the Centennial Commission are as follows:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I.

(3) To facilitate and coordinate activities throughout the United States relating to the centennial of World War I.

(4) To serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I.

(5) To develop recommendations for Congress and the President for commemorating the centennial of World War I.

(b) REPORTS.—

(1) PERIODIC REPORT.—Not later than the last day of the 6-month period beginning on the date of the enactment of this Act, and not later than the last day of each 3-month period thereafter, the Centennial Commission shall submit to Congress and the President a report on the activities and plans of the Centennial Commission.

(2) RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Centennial Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

## SEC. 6. POWERS OF CENTENNIAL COMMISSION.

(a) HEARINGS.—The Centennial Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Centennial Commission considers appropriate to carry out its duties under this Act.

(b) POWERS OF MEMBER AND AGENTS.—If authorized by the Centennial Commission, any member or agent of the Centennial Commission may take any action which the Centennial Commission is authorized to take under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Centennial Commission shall secure directly from any Federal department or agency such information as the Centennial Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chair of the Centennial Commission, the head of such department or agency shall furnish such information to the Centennial Commission.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Centennial Commission, the Administrator of the General Services Administration shall provide to the Centennial Commission, on a reimbursable basis, the administrative support services necessary for the Centennial Commission to carry out its responsibilities under this Act.

(e) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Centennial Commission is authorized—

(A) to procure supplies, services, and property; and

(B) to make or enter into contracts, leases, or other legal agreements.

(2) **LIMITATION.**—The Centennial Commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the Centennial Commission under section 8(a).

(f) **POSTAL SERVICES.**—The Centennial Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) **GIFTS, BEQUESTS, AND DEVISES.**—The Centennial Commission shall accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of covering the costs incurred by the Centennial Commission to carry out its duties under this Act.

#### **SEC. 7. CENTENNIAL COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Members of the Centennial Commission shall serve without compensation for such service.

(b) **TRAVEL EXPENSES.**—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) **COMPENSATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1).

(B) **LIMITATION.**—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate of payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) **WORK LOCATION.**—If the city government for Kansas City, Missouri, and the Liberty Memorial Association make space available in the building in which the America's National World War I Museum is located, the executive director of the Centennial Commission and other personnel appointed under paragraph (1) shall work in such building to the extent practical.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) **SOURCE OF FUNDS.**—Gifts, bequests, and devises of services or property, both real and personal, received by the Centennial Commission under section 6(g) shall be the only source of funds to cover the costs incurred by the Centennial Commission under this section.

#### **SEC. 8. TERMINATION OF CENTENNIAL COMMISSION.**

(a) **IN GENERAL.**—The Centennial Commission shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I; or

(2) July 28, 2019.

(b) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) **EXCEPTION.**—Section 14(a)(2) of such Act shall not apply to the Centennial Commission.

#### **SEC. 9. DESIGNATION OF NATIONAL WORLD WAR I MUSEUM AND MEMORIAL IN KANSAS CITY, MISSOURI.**

(a) **IN GENERAL.**—The Liberty Memorial of Kansas City at America's National World War I Museum in Kansas City, Missouri, is hereby designated as the "National World War I Museum and Memorial".

(b) **CEREMONIES.**—The Centennial Commission may plan, develop, and execute ceremonies to recognize the designation of the Liberty Memorial of Kansas City as the National World War I Museum and Memorial.

#### **SEC. 10. ESTABLISHMENT OF NATIONAL WORLD WAR I MEMORIAL IN THE DISTRICT OF COLUMBIA.**

(a) **AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.**—The World War I Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to consist of an appropriate sculptural or other commemorative elements to serve as the National World War I Memorial.

(b) **LIMITATION ON SIZE OF MEMORIAL.**—The National World War I Memorial may not exceed 0.5 acres in size.

(c) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—

(1) **IN GENERAL.**—Chapter 89 of title 40, United States Code, shall apply to the establishment of the National World War I Memorial in the District of Columbia and its environs.

(2) **EXCEPTION FROM PROHIBITION ON ADDITIONAL COMMEMORATIVE WORKS IN RESERVE.**—Section 8908(c) of title 40, United States Code, does not apply with respect to the selection of the site for the National World War I Memorial.

(3) **NO INFRINGEMENT UPON EXISTING MEMORIAL.**—The site selected for the National World War I Memorial may not infringe upon or adversely impact the District of Columbia War Memorial.

(d) **LIMITATION ON TOTAL COST.**—The total cost to design and construct the National World War I Memorial may not exceed \$10,000,000.

(e) **DEPOSIT OF EXCESS FUNDS.**—

(1) **UPON ESTABLISHMENT OF MEMORIAL.**—If, upon payment of all expenses for the establishment of the National World War I Memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the memorial, the Memorial

Foundation shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) **UPON EXPIRATION OF AUTHORITY TO ESTABLISH MEMORIAL.**—If, upon expiration of the authority for the National World War I Memorial under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the memorial, the Memorial Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

(f) **CEREMONIES.**—The Centennial Commission may plan, develop, and execute ceremonies to recognize the establishment of the National World War I Memorial.

(g) **MEMORIAL AREA DEFINED.**—In this section, the term "District of Columbia and its environs" has the meaning given that term in section 8902(a)(2) of title 40, United States Code.

#### **SEC. 11. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.**

No Federal funds may be obligated to carry out this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### **GENERAL LEAVE**

Mr. CHAFFETZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Madam Speaker, we're about to come up on a very important date regarding World War I, and this bill, sponsored by the gentleman from Texas (Mr. POE), H.R. 6364, is a very worthy undertaking that the Congress, I believe, should enact.

So in the spirit of that, I would like to actually recognize and yield such time as he may consume to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I appreciate the gentleman from Utah yielding time.

Madam Speaker, Frank Buckles was the epitome of an American hero and a man who would do anything for this great United States of America.

This is a photograph of him recently taken after he joined the United States Army. Frank Buckles wanted to be in the United States Army. He volunteered. No one would take him because, you see, he wasn't 18. He finally continued to lie about his age, convinced a recruiter he was 21, and at the age of 16 joined the United States Army in the great World War I.

He wanted to get to France as soon as he could, so he volunteered to be in

the ambulance service. What he did when he got to Europe was rescue and pick up other doughboys in Europe out of those trenches and take them back behind American lines so their wounds could be taken care of. He also picked up many of our Americans—114,000 to be exact—that died in the great World War I.

He was able to come back to America alive. He made it through the war, although many, as I mentioned, did not. Many Americans when they came home from the great war over there, as Mr. COHEN said, died of the flu they picked up in Europe. In fact, a great number of them died from the Spanish flu, almost as many as died in Europe itself.

Frank Buckles then went to work. During his work, it took him to the Philippines; but when he was in the Philippines, the Japanese invaded in World War II and Frank Buckles again was captured by the Japanese in the Philippines and put in a prisoner-of-war camp for 3½ years. He was about to be executed, and the Americans came and liberated the camp; and he, along with the other prisoners of war, came back to America. Frank Buckles then went back to West Virginia where he worked his farm and drove the tractor until he was 107.

Madam Speaker, it was his decision and his life goal that he would be instrumental in helping build a memorial on the Mall for all of the veterans who served in the great World War I. I met him in 2007, and this project has been going on now for 5 years to try to get approval to build this memorial for all veterans of World War I on the Mall, almost as long as the war took.

He came to Washington, D.C., a few years ago. This is a picture of him that was taken recently before he died at the age of 110 at the D.C. memorial on the Mall. That is a monument and a memorial to all of the veterans from the District of Columbia that served in World War I. I went with him to this memorial where we talked about expanding our honor of all veterans and having a memorial for everybody in the great World War I.

That was his goal, and he worked with many Members of Congress on this issue. Although he lived to 110, he didn't live long enough to see the memorial created. Madam Speaker, he was the very last American doughboy that lived in the great World War I. They're all gone, every one of them. So it is up to us, Members of Congress and the public, to speak for them and honor them on the Mall right across the street as would be appropriate. In the Mall, we have three of the four great wars of the last century that we honor. We honor those in World War II, the Korean war, and Vietnam. Now it's time to honor all of those who served in the great World War I.

I must compliment a little school down in Texas, Creekwood Middle

School, and Jan York, who works there. It was the project of eighth graders years ago to find all of the World War I survivors and do a history project on them throughout the world from all countries; and they did a project, of course, on Frank Buckles, as well. In fact, we were able to get him on the phone, and the eighth grade class at Creekwood Middle School on one of his birthdays sang happy birthday to him.

Those kids who are seniors in high school now will be able to hopefully see this memorial built and the approval of it to be built on the Mall. But I want to thank her and her eighth graders for the history project concept and delving into American history in depth and finding out what had happened in our great American Nation.

I also want to thank my friend, EMANUEL CLEAVER from Missouri, for his help on this legislation; the gentlelady from D.C., Ms. NORTON; also the subcommittee chairman, Mr. BISHOP; and the committee chairman, DOC HASTINGS, as well.

It is important that we pass this legislation. If we get this legislation passed, it will do three things: it will build a memorial on the Mall, it will set up a commission to honor World War I; as this Nation is approaching the 100th year; and it will also recognize—which my friend, Mr. CLEAVER, will talk about—the work of the museum and the national work of the World War I memorial in Kansas City. It's time we passed this to honor those great World War I veterans.

□ 1510

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I appreciate my friend from Utah for yielding.

I'm glad we could keep this photograph up. Here is how I got involved and engaged in this. It's very personal. Actually, the man who took this photograph, David de Young, is a constituent and a friend of mine back from west Michigan. He was actually part of a project that went out to try to then photograph all of the remaining World War I survivors. He traveled to Europe, to Australia, and then had met Frank Buckles along the way and had gotten to know him very well.

Unfortunately, I was not able to meet him in person, but I attended his funeral in Arlington, where we said good-bye as a Nation. I can tell you that it was his desire—Frank's desire—and David's desire, his family's desire, my desire, and I think now, finally, this body's desire to properly say thank you.

The other reason this is very personal and very important to me is that I get to talk about a man named Bill Huizenga—not I, BILL HUIZENGA, but

my grandfather, Bill Huizenga—who happened to fight in World War I. He was part of a group called the Polar Bears. They were men who were chosen from Wisconsin, Minnesota, and Michigan because they figured they'd be used to the cold, so they sent them all the way up around Norway to Archangel, Russia, to fight in an undeclared portion of World War I. In fact, Grandpa Bill was there after Armistice Day and where British, Canadian, and American troops remained well into the spring of that following year after Armistice. It wasn't until much, much later that we were actually even officially recognized as being part of that. I can tell you that one of my prized possessions is in having my grandfather's old doughboy helmet, which hangs in our family's home.

It's just a fitting, timely thing that we finally say thank you and that we finally recognize this group of men who fought a terrible war, who fought a war that so many had hoped would be the war to end all wars. Unfortunately, we know that isn't the case.

I would like to commend our friends across the aisle—the gentlelady from the District and the gentleman from Missouri—for working on this and led by my friend from Texas (Mr. POE) to get this done. This is an important statement for us and is a fitting tribute to that generation.

Frank, we thank you for your service, and we thank all of those families.

Ms. NORTON. I yield myself such time as I may consume.

Madam Speaker, may I say that we will miss seeing you occasionally in that chair, and I know I speak for my colleagues on both sides of the aisle when I say we will especially miss you sitting in the chair as chair of Financial Services of the Appropriations Committee and as a Member of this body, which you have so graciously served.

I rise in support of this important legislation. H.R. 6364 establishes a commission to ensure the suitable observation of the centennial of World War I. It further provides for the designation of a memorial to the service of the members of the United States Armed Forces throughout the United States who participated in World War I, and it finally protects the District of Columbia World War I Memorial on The Mall.

This bill had to do three things, and I want to express my appreciation to all of the Members who were party to the agreement that finally resulted in this bill—my colleagues Mr. POE of Texas, Mr. CLEAVER of Missouri, Mr. BISHOP of Utah and Mr. GRIJALVA of Arizona—for working with me to preserve the District of Columbia World War I Memorial. In particular, the bill that is before us, Madam Speaker, is an example of what can be done when Members work together to achieve a resolution of their individual concerns.

Earlier in this Congress, the gentleman from Texas (Mr. POE) introduced H.R. 938. It would have, among other things, nationalized the DC war memorial by designating it as the District of Columbia and National World War I Memorial. We were all in agreement that there should be a suitable memorial on Federal land as we now approach this extraordinary anniversary in 2014; but of course, I had to oppose altering the integrity of the DC war memorial. That memorial was built with not one Federal dollar but, rather, with the blood and treasure of DC residents, including funds from school children. Of the more than 26,000 DC residents who served in World War I, the 499 who died—more than the number from three States—have their names individually carved on that memorial. Our memorial is deeply symbolic of the historic and continuing concerns of District residents, particularly of our veterans, who continue to serve without equal representation in the Congress, equal rights as citizens, and equal local government control.

I am very happy this afternoon to report that H.R. 6364 protects the integrity of the DC war memorial and goes further. It meets the concern for a World War I memorial here for all veterans, which is the concern that Mr. POE spoke of; and it meets Mr. CLEAVER's concern and the concern of Members from Missouri—like you, Madam Speaker—for a designation of that extraordinarily beautiful memorial there as a national World War I memorial.

The bill establishes a commission to ensure a suitable observance of the centennial of World War I, and it designates memorials to the service of members of the United States Armed Forces in World War I, including a national World War I Memorial.

H.R. 6364 protects the DC memorial because it complies with the provision of the Commemorative Works Act, which prohibits a new memorial from “interfer[ing] with or encroach[ing] on, an existing commemorative work.” The bill goes further by saying that the site of the national World War I Memorial on Federal land may not “infringe upon or otherwise adversely impact the District of Columbia World War I Memorial.” This preservation is, of course, critical to DC residents, who deserve to have a memorial dedicated to their veterans as, I might mention, every single State has as to its World War I veterans because, at that time, most Americans thought it preferable to have memorials in their own States, so each and every State has a World War I Memorial. Today, in contrast, people insist on memorials to their veterans on Federal land here.

It has always been our position that a national memorial dedicated to all Americans who served in World War I should be located in the Nation's Cap-

ital, and I have been committed and remain committed to working with my colleagues to find suitable locations in the District of Columbia for a national World War I Memorial. I am happy that H.R. 6364 allows for such a memorial, that it does not interfere with the DC war memorial, and that it appropriately commemorates the beautiful memorial in Missouri.

Madam Speaker, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Madam Speaker, I rise today in support of H.R. 6364, the Frank Buckles World War I Memorial Act, as amended. I would like to thank my colleagues, Representatives TED POE, EMANUEL CLEAVER, RAÚL M. GRIJALVA, and Chairman ROB BISHOP for working with me to preserve the District of Columbia War Memorial.

Earlier this Congress, Representative TED POE introduced H.R. 938, which would have nationalized the D.C. memorial by redesignating it as the “District of Columbia and National World War I Memorial.” While I very much support commemorating all of the service men and women who fought in World War I, I had to oppose altering the integrity of the D.C. memorial. The D.C. memorial was built with the blood and treasure of D.C. residents, including funds from school children. Of the more than 26,000 D.C. residents who served in World War I, the 499 who died, more than the number from three states, have their names engraved on the memorial. Our memorial is deeply symbolic of the historic and continuing concerns of District residents, particularly our veterans, who continue to serve without equal congressional representation, equal rights as citizens, and equal local government control.

I am happy to report that H.R. 6364 protects the integrity of the D.C. memorial, and I believe it identifies the desires of the other members involved. The bill establishes a commission to ensure a suitable observance of the centennial of World War I and designates memorials to the service of members of the United States Armed Forces in World War I, including a National World War I Memorial. H.R. 6364 protects the D.C. memorial because it complies with the provision of the Commemorative Works Act (40 U.S.C. §9505 (b)(2)) that prohibits a new memorial from “interfere[ing] with, or encroach[ing] on, an existing commemorative work,” and the bill goes further by saying that the site of the national World War I memorial on federal land may not “infringe upon or adversely impact the District of Columbia War Memorial.” This preservation is critical to D.C. residents, who deserve to have a memorial dedicated to their veterans.

It has always been my position that a national memorial dedicated to all Americans who served in World War I should be located in the Nation's capital, and I have been committed to working with my colleagues to suggest suitable locations in D.C. for a national World War I memorial. I am happy that H.R. 6364 allows for such a memorial while not interfering with the integrity of the D.C. memorial.

Madam Speaker, I urge my colleagues to join me in supporting this bill.

Mr. CHAFFETZ. I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLEAVER), who has worked so hard on this bill and has been so creative and diligent and committed.

Mr. CLEAVER. We are here today in an unprecedented show of bipartisanship with this piece of legislation. H.R. 6364 is the product of both sides of the aisle working together to do what is right to honor the memory of our veterans.

I especially want to thank Representative TED POE for his efforts in bringing this bill to the floor today as well as to thank Representative ELEANOR HOLMES NORTON for her work on the legislation. Of course, I'd also like to thank Majority Leader CANTOR for his support along the way.

□ 1520

Frank Buckles, who was on the stage of the Liberty Memorial in Kansas City just 4 years ago during the Veterans Day program, was the last surviving veteran from World War I, and he was from the State of Missouri. Unfortunately, he passed away during the drafting of this very bill. However, even with Mr. Buckles' passing, our commitment remains strong as it is never too late to demonstrate our appreciation to the veterans of the Great War for their service and sacrifices.

This bill will honor that service by establishing a centennial commission that would see to it that the 100th anniversary of the Great War did not slip away, as many things slip away in this place where there is sometimes more partisan bickering than is necessary. Not only does this bill serve to honor the memory of our great veterans; but it stands, I think, as a symbol that bipartisanship and cooperation are, indeed, possible.

The United States formally joined the war in April of 1917; and during that time, more than 4.7 million Americans served. Now it's our job to serve their memory.

The Fifth District of Missouri, which I proudly serve, includes Kansas City, the home of the Liberty Memorial. This is the Liberty Memorial. I think it is always important for people to see it because I think when people hear Liberty Memorial, if they are not from the area, if they are not visiting Kansas City, they may think it's just some little something. You can see it in terms of the Kansas City skyline, and I would also take this opportunity to remind people that this is the largest city in the State of Missouri.

This Liberty Memorial is one of the great treasures of our community and our State. It sits atop the World War I Museum. In 1919, the people of Kansas City raised \$2.5 million, mainly through children, in 10 days to create

the Liberty Memorial. The dedication ceremony was the only time in history that the Supreme Allied Commanders were together in one place. The dedication of this memorial was held on November 1, 1921.

In 1994, during my first term as mayor of Kansas City, the museum added greater majesty to the site with the construction of a municipally funded restoration project. The Liberty Memorial operates the only American museum solely dedicated to preserving the objects, history, and personal experiences of a war whose impact still echoes today. This bill would also redesignate this facility as the National World War I Memorial and Museum and give it the distinction it richly deserves.

Mr. CHAFFETZ. Madam Speaker, I would like to yield such time as he may consume to the distinguished gentleman from Kansas (Mr. YODER), one of the cosponsors of the bill.

Mr. YODER. I thank the gentleman from Utah, and I want to echo the comments of my friend and colleague from Missouri, across the Kansas City border, who so eloquently described the majesty and beauty of the World War I Museum and Memorial that we have in Kansas City. It is truly a national tribute. And to spend time today on the House floor, to take a moment to pay tribute to the men and women who sacrificed in World War I and to designate this World War I museum the National World War I Memorial is a wonderful moment that I have a chance to take part in, and I want to thank my colleague from Missouri, Mr. CLEAVER, and my colleague from Texas, Mr. POE, and others who have put so much time and work into this legislation.

As has been said, 2014 will mark the 100th anniversary, the centennial anniversary of the Great War. The Frank Buckles World War I Memorial Act establishes this centennial commission to ensure that those who served and sacrificed to promote the ideals of liberty and freedom are properly honored for their bravery, and to honor the World War I hero Frank Buckles that TED POE and others have so appropriately described today.

It's sometimes difficult for Kansas City and Missouri, as Madam Speaker knows, and my colleague from Missouri, Mr. CLEAVER, knows to agree on many things. But it's a nice opportunity for a Kansan to come down and join with my colleague from Missouri, Mr. CLEAVER, and others, to take this moment to honor the World War I Museum and Memorial in Kansas City which does such a great job of paying tribute to the service and sacrifice of the men and women in World War II.

I actually had a chance recently to join Mr. CLEAVER on Veterans Day when we addressed veterans from multiple wars to talk about the service and sacrifice and, really, the legacy that

has continued on for generations in this country of serving our country and many people paying the ultimate sacrifice.

So to have a chance to take part in that on Veterans Day with Mr. CLEAVER was great, and to be here today to recognize the Kansas City memorial and museum as the National World War I Memorial is a great opportunity. And I want to encourage all of my colleagues to take the time to go out to Kansas City and see this museum. It is top-notch quality; I think you all will be very impressed. I'm pleased to support this legislation today and to recognize that museum and memorial and to ultimately recognize the service and sacrifice of the men and women who served in World War I.

Ms. NORTON. Madam Speaker, I am not only pleased with the outcome of this bill; I am proud of the way it was achieved. This bill about war dead, about war heroes, had emotional content. But the Members reasoned together and in a collegial fashion agreed upon an outcome that is satisfactory to all of us.

There are going to be three ways in which World War I heroes are remembered: for sure here in the District of Columbia with the existing memorial, and now in Kansas City with the majestic memorial that is there, and of course this bill authorizes a second memorial here in the District of Columbia, the Nation's Capital.

The Members cooperated and achieved the kind of resolution that we hope will, during this lame duck session, become a model for how to reach the ultimate agreement this year and start off next year.

Without any more speakers, Madam Speaker, I yield back the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I appreciate Ms. NORTON and Mr. CLEAVER for this very bipartisan approach to something that should live in the memories of all Americans, the sacrifices that were given in this country to provide so much for us. As you know, the United States entered World War I in April of 1917 to support Great Britain, France, Belgium, and other allies. It was the first time that American soldiers went abroad in defense of liberty against foreign aggression. More than 4 million men and women served in uniform during the Great War. There were 375,000 American casualties during World War I, including 116,516 fatalities.

The upcoming centennial is an opportunity for the United States to honor the sacrifices of these great Americans. H.R. 6364 creates a World War I commission to commemorate the upcoming centennial. The bill would establish a memorial in the District of Columbia

to honor those who fought during the Great War. I would also note that there are no Federal funds that are attached to the building of this. H.R. 6364 was favorably reported by unanimous consent in the Committee on Natural Resources last week, and I again want to thank Congressman POE from the State of Texas for introducing this piece of legislation and the numerous individuals on both sides of the aisle. It is a very bipartisan approach, and I urge all of my colleagues to support this piece of legislation.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, H.R. 6364 would authorize the World War I Memorial Foundation to create a commemorative work on federal land in the District of Columbia. From 1914 to 1918, World War I took 116,516 American lives. However, despite the existence of memorials to the fallen of World War II, the Korean War and the Vietnam War on the National Mall, a national WWI memorial has never been authorized.

The author of this legislation, Mr. POE, has worked for many years to construct a proposal that adequately recognizes Americans who served in the Great War and addresses the concerns of a multitude of stakeholders.

This proposal is modest, will have a minimal footprint, and expressly prohibits federal funds. The memorial needs a specific exemption from current law to be permitted on the National Mall. This is not something this Congress should take lightly. The Natural Resources Committee held two hearings on this specific memorial and another hearing on the overall future of the National Mall to better understand the short-term and long-term implications of granting this authorization.

As with other commemorative works, the World War I Memorial will pass through a rigorous, public approval process which may place it on the National Mall. However, it is not the intention to undermine the current prohibition under the Commemorative Works Act, but instead close the book on the collection of war memorials and proceed with a careful examination of what the future holds for the mall.

To reiterate, approval of this legislation is not a signal that the Mall should be opened up for construction. The existing prohibition has served us well for the last decade and will serve us in the future. With this authorization we will raise the bar higher, even beyond the standard of the Great War.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of the House Amendment to H.R. 6364, the "Frank Buckles World War I Memorial Act," which establishes the World War I Centennial Commission to oversee projects and programs which commemorate the centennial of World War I and to establish a commemorative work in the District of Columbia to serve as the National World War I Memorial.

As an experienced legislator representing the people of Houston I have fought hard to protect the honor and the rights of our veterans. I hold our men and women of the armed services in the highest regard. As one of the bloodiest wars of the 20th century, World War I represented the entrance of the United States onto the international stage as

the champion of the West, western ideals such as security, liberty, and democracy.

We still mourn the loss of the 115,000 American soldiers who died during the war and extend our deepest gratitude to 205,000 who returned home with serious injuries. Frank Buckles was one of the fine men and women who survived the war.

Born on February 1st, 1901, Frank Woodruff Buckles was the last surviving American veteran of the First World War. In 1917, he enlisted in the Army and served with a detachment from Fort Riley. He drove ambulances and motorcycles near the front lines.

He served in both World War I and II. In World War II he became a prisoner of war (POW) and for 39 months was held captive in the Philippines.

Mr. Buckles was a quiet hero, he moved to West Virginia, married, and tended to his farm until the age of 105. In the twilight of his life, Mr. Buckles never forgot the men and women who served in World War I.

He became the honorary Chairman of the World War I Memorial Foundation. He strongly advocated for establishment of a World War I memorial in our Nation's Capital.

Mr. Buckles was World News Tonight's 'Person of the Week' in 2009, in recognition for his efforts to establish the World War I memorial. This quiet hero became the oldest person to speak before Congress. On December 3, 2009, he implored Congress to honor the sacrifice of the brave men and women of World War I. He stated:

We still do not have a national memorial in Washington, D.C. to honor the Americans who sacrificed with their lives during World War I . . . I call upon the American people and the world to help me in asking our elected officials to pass the law for a memorial to World War I in our Nation's capital. These are difficult times, and we are not asking for anything elaborate. What is fitting and right is a memorial that can take its place among those commemorating the other great conflicts of the past century . . . it is time to move forward with honor, gratitude, and resolve.

Frank Buckles asked this country to honor those who fought to protect our way of life. This bill, named in his honor, will serve to ensure that these men and women will never be forgotten and will continue to receive the respect and honor they deserve from future generations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 6364, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes."

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, December 12, 2012.

Hon. JOHN BOEHNER,  
Speaker of the House,  
U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to section 3(b) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202), I am pleased to appoint Joanne Hayes-White of San Francisco, CA, to the Medal of Valor Review Board.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,  
House Democratic Leader.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 29 minutes p.m.), the House stood in recess.

□ 1634

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 4 o'clock and 34 minutes p.m.

#### RETURNING SEVERAL MEASURES TO THE SENATE

Mr. CAMP. Mr. Speaker, I offer a resolution constituting a question of the privileges of the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 829

*Resolved,*  
SECTION 1. (a) Each bill and amendment of the Senate specified in subsection (b)—

(1) in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House; and

(2) shall be respectfully returned to the Senate with a message communicating this resolution.

(b) The bill and amendment of the Senate referred to in subsection (a) are as follows:

(1) S. 3254.

(2) The Senate amendment to H.R. 4310.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### HOOR OF MEETING ON TOMORROW

Mr. CAMP. Mr. Speaker, I ask unanimous consent that when the House ad-

journs today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### DESIGNATING THE RANKING OF A CERTAIN NAMED MEMBER OF A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTA- TIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

*Resolved,* That Mr. Michaud shall rank above Ms. Brown of Florida on the Committee on Veterans' Affairs

The resolution was agreed to.

A motion to reconsider was laid upon the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order: ordering the previous question on House Resolution 827; adopting House Resolution 827, if ordered; and suspending the rules and passing H.R. 6190.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 827) providing for consideration of motions to suspend the rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 183, not voting 24, as follows:

[Roll No. 621]

YEAS—224

|             |             |            |
|-------------|-------------|------------|
| Adams       | Bass (NH)   | Bonner     |
| Aderholt    | Benishek    | Boustany   |
| Alexander   | Berg        | Brady (TX) |
| Amash       | Biggert     | Brooks     |
| Amodei      | Bilbray     | Broun (GA) |
| Bachmann    | Bilirakis   | Buchanan   |
| Bachus      | Bishop (UT) | Buchon     |
| Barletta    | Black       | Buerkle    |
| Barton (TX) | Blackburn   | Burgess    |



Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling

## NAYS—183

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Bass (CA)  
Beccerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)

Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeLauro  
DelBene  
Deutch  
Dingell

Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Hochul  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
Hurt  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Loftgren, Zoe  
Lowe  
Lujan  
Lynch  
Maloney  
Markley  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre

Akin  
Austria  
Bartlett  
Bono Mack  
Burton (IN)  
Conyers  
Costello  
DeGette

## NOT VOTING—24

□ 1659

Messrs. LUJÁN, RANGEL, FRANK of Massachusetts, PETERSON, BERMAN, WELCH and SHULER changed their vote from “yea” to “nay.”

Mrs. HARTZLER changed her vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BLUMENAUER was allowed to speak out of order.)

MOMENT OF SILENCE FOR VICTIMS OF  
CLACKAMAS MALL SHOOTING

Mr. BLUMENAUER. Mr. Speaker, yesterday afternoon, in my district at the Clackamas Town Center, a masked gunman with a stolen semi-automatic rifle discharged some 60 shots. He killed two people, wounded a 15-year-old girl, and then took his own life. This terrible tragedy could have been far worse, as the gunman had several fully loaded magazines and there were over 10,000 people shopping and working in the shopping center.

The police were on the scene in 1 minute. Countless lives were saved due to careful preparation, emergency procedures, and the courage and foresight of law enforcement and the General Growth Properties mall management.

My colleagues from Oregon and I would ask that the House observe a moment of silence in the memory of the victims, Steve Forsyth and Cindy Ann Yuille, and their families.

McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.

Dicks  
Gallegly  
Griffin (AR)  
Holden  
Johnson (IL)  
King (IA)  
Mack  
McCarthy (CA)

Nunnelee  
Pence  
Pitts  
Reyes  
Ross (AR)  
Schmidt  
Stutzman  
Waters

The SPEAKER pro tempore (Mr. WALDEN). Members will rise, and members in the gallery, please rise, and the House will observe a moment of silence.

The SPEAKER pro tempore (Mr. DOLD). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 178, not voting 27, as follows:

[Roll No. 622]

## YEAS—226

|               |                 |                 |
|---------------|-----------------|-----------------|
| Adams         | Foxx            | Lungren, Daniel |
| Aderholt      | Franks (AZ)     | E.              |
| Alexander     | Frelinghuysen   | Manzullo        |
| Amash         | Gardner         | Marchant        |
| Amodei        | Garrett         | Marino          |
| Bachmann      | Gerlach         | Massie          |
| Bachus        | Gibbs           | McCaul          |
| Barletta      | Gibson          | McClintock      |
| Barton (TX)   | Gingrey (GA)    | McHenry         |
| Bass (NH)     | Gohmert         | McKeon          |
| Benishek      | Goodlatte       | McKinley        |
| Berg          | Gosar           | McMorris        |
| Biggart       | Gowdy           | Rodgers         |
| Bilbray       | Granger         | Meehan          |
| Bilirakis     | Graves (GA)     | Mica            |
| Bishop (UT)   | Graves (MO)     | Miller (FL)     |
| Black         | Griffith (VA)   | Miller (MI)     |
| Blackburn     | Grimm           | Miller, Gary    |
| Bonner        | Guinta          | Mulvaney        |
| Boustany      | Guthrie         | Murphy (PA)     |
| Brady (TX)    | Hall            | Myrick          |
| Brooks        | Hanna           | Neugebauer      |
| Broun (GA)    | Harper          | Noem            |
| Buchanan      | Harris          | Nugent          |
| Bucshon       | Hartzler        | Nunes           |
| Buerkle       | Hastings (WA)   | Olson           |
| Burgess       | Hayworth        | Palazzo         |
| Camp          | Heck            | Paul            |
| Campbell      | Hensarling      | Paulsen         |
| Canseco       | Herger          | Petri           |
| Cantor        | Herrera Beutler | Platts          |
| Capito        | Hochul          | Poe (TX)        |
| Carter        | Huelskamp       | Pompeo          |
| Cassidy       | Huizenga (MI)   | Posey           |
| Chabot        | Hultgren        | Price (GA)      |
| Chaffetz      | Hunter          | Quayle          |
| Coble         | Hurt            | Reed            |
| Coffman (CO)  | Issa            | Rehberg         |
| Cole          | Jackson Lee     | Reichert        |
| Conaway       | (TX)            | Renacci         |
| Cravaack      | Jenkins         | Ribble          |
| Crawford      | Johnson (OH)    | Rigell          |
| Crenshaw      | Johnson, Sam    | Rivera          |
| Culberson     | Jones           | Roby            |
| Denham        | Jordan          | Roe (TN)        |
| Dent          | Kelly           | Rogers (AL)     |
| DesJarlais    | King (IA)       | Rogers (KY)     |
| Diaz-Balart   | King (NY)       | Rogers (MI)     |
| Dold          | Kingston        | Rohrabacher     |
| Donnelly (IN) | Kinzinger (IL)  | Rokita          |
| Dreier        | Kline           | Rooney          |
| Duncan (SC)   | Labrador        | Ros-Lehtinen    |
| Duncan (TN)   | Lamborn         | Roskam          |
| Ellmers       | Lance           | Ross (FL)       |
| Emerson       | Lankford        | Royce           |
| Farenthold    | Latham          | Runyan          |
| Fincher       | LaTourette      | Ryan (WI)       |
| Fitzpatrick   | Latta           | Scalise         |
| Flake         | Lewis (CA)      | Schilling       |
| Fleischmann   | LoBiondo        | Schmidt         |
| Fleming       | Long            | Schock          |
| Flores        | Lucas           | Schweikert      |
| Forbes        | Luetkemeyer     | Scott (SC)      |
| Fortenberry   | Lummis          | Scott, Austin   |



Sensenbrenner  
Sessions  
Sherman  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman

Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Webster  
West

Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

### ASTHMA INHALERS RELIEF ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6190) to direct the Administrator of the Environmental Protection Agency to allow for the distribution, sale, and consumption in the United States of remaining inventories of over-the-counter CFC epinephrine inhalers, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 182, not voting 20, as follows:

[Roll No. 623]

YEAS—229

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)

NAYS—178

Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kastor (FL)  
Kissell  
Kucinich  
Landry  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal

Oliver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Townes  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Aderholt  
Alexander  
Altmire  
Bachmann  
Bachus  
Barletta  
Barrow  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggett  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capuano  
Carter  
Chabot  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Critz  
Crowley  
Cuellar  
Culberson  
Curson (MI)  
DeFazio  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dingell  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)

Ellmers  
Emerson  
Engel  
Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Landry  
Lankford  
Larson (CT)  
Latham

LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
Massie  
Matheson  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Mica  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nunes  
Olson  
Palazzo  
Pascarell  
Paul  
Pearce  
Peters  
Peterson  
Petri  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Richmond  
Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Roskam  
Royce  
Runyan  
Ryan (OH)

Ryan (WI)  
Sanchez, Loretta  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson

Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Towns  
Turner (NY)

Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (AK)  
Young (IN)

NAYS—182

Ackerman  
Adams  
Amash  
Amodei  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capito  
Capps  
Carnahan  
Kaptur  
Carney  
Carson (IN)  
Cassidy  
Castor (FL)  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crenshaw  
Cummings  
Curson (MA)  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
DelBene  
Deutch  
Doggett  
Dold  
Edwards  
Ellison  
Farr  
Fattah  
Fitzpatrick  
Frank (MA)  
Fudge  
Garamendi  
Gerlach  
Gibson  
Gonzalez  
Green, Al  
Grijalva

Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Hayworth  
Heck  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Hurt  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jordan  
Kaptur  
Keating  
Kind  
Kucinich  
Labrador  
Langevin  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Lujan  
Lummis  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (FL)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Nugent

Oliver  
Owens  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pelosi  
Perlmutter  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Ribble  
Richardson  
Roby  
Rooney  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Sanchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Westmoreland  
Wilson (FL)  
Woodall  
Woolsey  
Yarmuth  
Young (FL)

NOT VOTING—20

Akin  
Austria  
Bartlett  
Bono Mack  
Burton (IN)  
Calvert  
Carson (IN)  
Conyers  
Costello  
Dicks

Eshoo  
Gallegly  
Griffin (AR)  
Holden  
Johnson (IL)  
Mack  
McCarthy (CA)

Nunnelee  
Pence  
Pitts  
Reyes  
Ross (AR)  
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

NOT VOTING—27

Akin  
Austria  
Bartlett  
Bono Mack  
Burton (IN)  
Calvert  
Carson (IN)  
Conyers  
Costello

DeGette  
Dicks  
Duffy  
Gallegly  
Griffin (AR)  
Holden  
Johnson (IL)  
Lujan  
Mack

McCarthy (CA)  
Nunnelee  
Pence  
Peterson  
Pitts  
Rangel  
Reyes  
Ross (AR)  
Waters

□ 1709

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1716

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

#### APOLOGY TO MR. HENSARLING

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this year I was very critical of some actions that were taken by the Republican leadership involving sponsorship of a bill. It is not my intention to rehash that. But in the course of a discussion, which was fairly spirited, I accused the gentleman from Texas (Mr. HENSARLING) of having said something that wasn't accurate. I have had a conversation with Mr. HENSARLING, and I believe I said that unfairly to him.

I continue to be critical of what happened, and again I don't want to get into it, but I now believe that I inaccurately imputed the complaints that I had and the actions to the gentleman from Texas (Mr. HENSARLING). So I wish to apologize to him for having inaccurately accused him of doing something that he informs me that he did not do, and I believe him.

#### AMERICA'S SUPPORT SHOULD LIE WITH THE SAHRAWI PEOPLE

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, like all of us in Congress, I believe in the greatness of the American people and the preeminence of our principles and rights that have made America a beacon of hope and freedom, but there are still many around the world who yearn for basic human liberties.

The Sahrawi people of Western Sahara have been trapped in oppressive conditions for over 30 years, with the support of the corrupt Algerian Government and its puppet regime, the Polisario Front.

The Polisario Front has instituted mass kidnappings of Sahrawis from their homes into the Tindouf region in western Algeria. The majority of these refugees have remained warehoused and imprisoned in Tindouf's sprawling camps for 35 years.

The Polisario collaborates with the likes of Cuba, whose military rations food in the camps in exchange for loyalty to the regime and indoctrinates children who have been stolen from their parents, all while partnering with al Qaeda and the Maghreb.

The Government of Morocco has advanced an autonomy plan, which I will submit at a later time, that addresses these issues with a clear and demo-

cratic solution to the long, drawn-out Sahara crisis. This is where America's support should lie.

Mr. Speaker, the United States can and must continue to advance fundamental human rights, freedom, and democracy as we, in this Chamber, continue to work together for peace, justice, and human dignity in the Western Sahara.

#### RECOGNIZING DEPARTING MEMBERS OF THE CALIFORNIA DELEGATION

The SPEAKER pro tempore (Mr. PALAZZO). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GEORGE MILLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with my colleagues to pay special tribute to several members of the California Democratic delegation whose service in Congress is shortly coming to an end.

These six members served this House and their constituents with distinction and dedication, and they deserve our admiration and gratitude for the hard work that they have done on behalf of California and our country: Representative JOE BACA, who was elected in 2002, served for 10 years from the 43rd Congressional District; Representative HOWARD BERMAN, who was elected in 1982, served for 30 years, most recently from the 28th District; Representative Bob Filner, sworn in this month as mayor of San Diego, was elected in 1992 and served for 20 years from the 51st District; Representative LAURA RICHARDSON was elected in 2007 and served for 5 years from the 37th District; Representative PETE STARK, the outgoing dean of our delegation, was elected in 1972, and served for more than 40 years from the 13th District; and Representative LYNN WOOLSEY, who was elected in 1992 and served for 20 years for the Sixth Congressional District.

□ 1730

There is much that can be said about the distinguished careers of our departing colleagues, but I'd like to offer a few remarks about the work that I have personally joined them in during their time here in the Congress.

Representative HOWARD BERMAN has served in the House for 30 years, and I am honored to name him among my closest friends in this body. During his service, he has worked on a wide variety of issues, but he was especially known as the champion of human rights and for standing up for the middle class, for the working class, and for the poor in our country.

As the chair of the Foreign Affairs Committee from 2007 to 2010, Mr. BERMAN made great progress on behalf of the less fortunate. He was a leader in

securing the reauthorization of our global HIV/AIDS program to help provide access and preventative services and treatment for millions around the globe. He also authored legislation removing Nelson Mandela and other members of the African National Congress from the U.S. terrorism list, on which they had been unjustly placed for many years. Finally, he was a leader in raising concerns about human rights abuses by autocratic governments around the world. Particularly, he was a key leader in bringing additional disclosure to the trade in conflict minerals that has financed the ongoing violence in the Congo.

Mr. BERMAN will be remembered as a strong friend of Israel. He was passionate about the need to achieve a lasting peace in the Middle East, and through his work, he forged a broader coalition on behalf of Israel in the House of Representatives.

Also, I want to recognize Mr. BERMAN's work on behalf of immigration and the treatment of those who have immigrated to this country and his work on behalf of migrant workers and farm workers all across the United States. For that effort, he received the first annual Farmworker Justice Award by the Farmworker Justice Fund in 2000.

Like Mr. BERMAN, our dean, Congressman PETE STARK, has spent his entire distinguished career in Congress advocating on behalf of those whose voices were often drowned out in Washington by the influence of the moneyed interests.

Over the last 40 years, Congressman STARK has been one of the foremost advocates in the effort to ensure that all Americans are able to access quality, affordable health insurance. I am honored to have been one of the three principal coauthors in the House of the historic Affordable Care Act, which will provide access to quality insurance for nearly every single American. I can personally attest to the critical and key role that Mr. STARK played in drafting that law and making sure that the law provides needed relief for working families.

This was a crucial accomplishment, yet it was far from Mr. STARK's only accomplishment in the field of health care. As the former chair and ranking Democrat on the Ways and Means Health Subcommittee for many years, he was a leader on health care reform.

He was the lead author of the original COBRA insurance bill, which ensured that workers faced with losing their jobs would not also immediately lose access to needed health insurance. Those of us who have gone through this recent downturn and recession in this country know from the testimony of our constituents how vital the access to COBRA health insurance is to the health security of their families and to the financial security of their families.

He also pioneered the efforts to make modern IT systems available and acquired within the health care systems of this country that will help us improve the outcomes of health care and that will, hopefully, drive down the cost of health care, allowing for the provision of better care for patients.

He, I think along with Sam Gibbons from Florida, pioneered the idea that there should be Medicare for all. He beat on that drum for a very long time, and it was the right drum to beat on. It wasn't achieved, but it did lead to the improvement of health care and to the passage of the Affordable Care Act.

He has also been, obviously, a fearless campaigner on behalf of fairness in our Tax Code. It's unfortunate that he is retiring from the Congress. Since 1986, we've addressed this issue, and maybe there will finally be a chance to get something done in the next Congress, but he paved the way on so many of these issues.

Finally, in my remarks at this moment, I would like to highlight the work of an outstanding Democrat on the Subcommittee on Workforce Protections of the Education and the Workforce Committee, Congresswoman LYNN WOOLSEY.

Congresswoman WOOLSEY is a friend of working families everywhere. She knows her struggles. Four decades ago, she was a single working mother who was supporting three children. She knows what it is like to worry about the economic security of families. Later, as a human resources manager, she saw how important employee benefits were to workers in good times and in bad—things that working families are still fighting for, like paid leave, paid sick leave, a secure retirement, and health care.

Serving as chair and ranking member of the Workforce Protections Subcommittee, LYNN WOOLSEY was instrumental in helping to get the Lilly Ledbetter Fair Pay Act signed into law, and she successfully fought for new family leave protections for military families dealing with a military deployment or injury. LYNN WOOLSEY was a partner to ensure that coal miners are kept safe and healthy on the job. She even went underground in the coal mine with our late colleague Donald Payne in order to acquire firsthand knowledge of how the workplace works and the environment in which those miners go to work every day.

In the classroom, LYNN WOOLSEY continued to fight for women and working families. She was a tough advocate, making sure that women were represented in the STEM field careers and that young women had access to the sciences and to technology and to math and to engineering. LYNN WOOLSEY worked to ensure that kids had access to an early education, to a well-rounded curriculum, and to services that met their social and emotional needs.

American families have benefited from LYNN WOOLSEY's fierce advocacy. That's our advocate, LYNN. I will miss her contributions on the Education Committee in the years to come.

She has also fought tirelessly to protect the environment, most especially the Marin and Sonoma Coast and the San Francisco Bay. Hopefully, the President will follow her lead and will designate further protections of our ocean and marine habitat in that area of our very precious coast.

I, for one, am very grateful to these Members for the work that they have done for America's middle class and for those who struggle to join our middle class, for the work that they have done on behalf of their constituents and on behalf of the citizens of this country. They all came here to achieve success on behalf of their constituents and on behalf of this country, and they have succeeded. I want to thank them so very much for their service, for their sacrifice, for their ingenuity, for their innovation, and I would say, with regard to these three, for their spirited, tough, harsh, relentless pursuit of what they believed in terms of public policy.

On my own behalf, on behalf of our delegation, and on behalf of the tens of millions of constituents that we represent in California, I want to thank Representatives BACA, BERMAN, Filner, RICHARDSON, STARK, and WOOLSEY for their service and their dedication.

Mr. Speaker, I rise today with my colleagues to pay a special tribute to several members of the California Democratic Congressional Delegation whose service in Congress is shortly coming to an end.

These six Members served this House and their constituents with distinction and dedication and they deserve our admiration and gratitude for the hard work that they have done on behalf of California and our country.

Rep. JOE BACA, who was elected in 2002 and served for 10 years from the 43rd Congressional District; Rep. HOWARD BERMAN, who was elected in 1982 and served for 30 years, most recently from the 28th District; Rep. Bob Filner, sworn in this month as mayor of San Diego and who was elected in 1992, served for 20 years from the 51st District; Rep. LAURA RICHARDSON, who was elected in 2007 and served for five years from the 37th District; Rep. PETE STARK, the outgoing dean of our delegation, who was elected in 1972 and served for 40 years from the 13th District; and Rep. LYNN WOOLSEY, who was elected in 1992 and served for 20 years from the 6th Congressional District.

There is much that could be said about the distinguished careers of these departing colleagues, but I would like to offer a few remarks about the work that I have personally joined them in doing.

Mr. BERMAN has served in the House for 30 years and I am honored to name him among my closest friends in this body.

During his service, he has worked on a wide variety of issues, but he is especially known as a champion for human rights and for standing up for the middle class, for the working class and for the poor in our country.

As the Chair of the Foreign Affairs Committee in 2007 through 2010, Mr. BERMAN made great progress on behalf of the less fortunate. He was a leader in securing reauthorization of our global HIV/AIDS program to help provide access to preventative services and treatment for millions around the globe.

He also authored legislation removing Nelson Mandela and other members of the African National Congress from the U.S. terrorism list, on which they were unjustly placed on for many years.

Finally, he has been a leader in raising concerns about human rights abuses by autocratic governments around the world. In particular, he was a key leader in bringing additional disclosure to the trade in conflict minerals that have financed ongoing violence in the Congo.

Mr. BERMAN will be remembered as a strong friend of Israel who was passionate about the need to achieve a lasting peace in the Middle East. His vast knowledge of and experience with world affairs has been an asset to Congress and the Administration and the American people and I expect that we will continue to benefit from his experience in the years to come.

Meanwhile, Mr. BERMAN has also been a leader on a number of issues through his long tenure on the Judiciary Committee. I would particularly like to call attention to his efforts to establish a more humane immigration system. He has fought to ensure that people who come to our country in search of a better life and to achieve the American Dream are treated with respect and are given the opportunity to use their talents to better themselves and their communities.

For these efforts, he was appropriately awarded the First Annual Farmworker Justice Award by the Farmworker Justice Fund in 2000.

Like Mr. BERMAN, our Dean, Mr. STARK has spent his entire distinguished career in Congress advocating on behalf of those whose voices are too often drowned out in Washington by the influence of the moneyed interests.

Over the last 40 years, Mr. STARK has been one of the foremost advocates in the effort to ensure that all Americans are able to access quality, affordable health insurance. I am honored to have been one of the three principal co-authors in the House of the historic Affordable Care Act, which will provide access to quality insurance for nearly every single Americans. I can personally attest to the critical and key role that Mr. STARK played in drafting that law and making sure that the law provides needed relief for working families.

That was a crucial accomplishment, yet it was far from Mr. STARK's only accomplishment in the health care field. As the former chair and ranking Democrat on the Ways and Means Health Subcommittee for many years, he has been a leader on health care reform.

He was the lead author of the original COBRA insurance bill, which ensured that workers faced with losing their jobs would not also immediately lose access to needed health insurance. Additionally, his legislation to improve our health IT system was incorporated into the 2009 Recovery Act, which is already helping improve the cost and quality of health care in communities across the country.

And he founded the idea of using Medicare as a model for national health insurance for all Americans, not just for seniors. He was ahead of his time when he first proposed this idea but he was right on track.

Mr. STARK has also been a champion on the Ways and Means Committee for tax fairness. He was one of the leaders in shaping the bipartisan, landmark 1986 tax reform bill. Ever since, he has been a leader in keeping up the fight to see that our tax code does not benefit Wall Street CEOs at the expense of working families. He will be the first to admit that he has not always won those fights, and any examination of the tax code that needs to be reformed is proof of that. But he always fought for average Americans and he deserves our appreciation for doing so.

Finally, I want to highlight the work of the outstanding Senior Democrat on the Subcommittee on Workforce Protections, Ms. WOOLSEY.

Congresswoman WOOLSEY is a friend of working families everywhere. She knows their struggles. Four decades ago, she was a single-working mother, supporting three children. She knows what it's like to worry about the economic security of families. Later as a human resource manager, she saw how important employee benefits were for workers in good times and bad. Things that working families are still fighting for, like paid leave, paid sick days, a secure retirement and health care.

Serving as the chair and ranking member of the Workforce Protections Subcommittee, Rep. WOOLSEY was instrumental in helping to get the Lilly Ledbetter Fair Pay Act signed into law and successfully fought for new family leave protections for military families dealing with a military deployment or injury.

Rep. WOOLSEY was a partner to ensure miners are kept safe and healthy on the job. She even went underground in a coal mine with our late-colleague Rep. Donald Payne to acquire first-hand knowledge of how that workplace works.

In the classroom, Rep. WOOLSEY continued to fight for women and working families. She advocated for women to be represented in STEM careers. And, Rep. WOOLSEY worked to ensure kids had access to an early education, a well-rounded curriculum, and services that met their social and emotional needs.

American families have benefited from Rep. LYNN WOOLSEY's fierce advocacy but I will miss her contributions on the Education and Workforce Committee in the years to come.

She has also fought tirelessly to protect the environment, most especially the Marin and Sonoma coast and the San Francisco Bay. She worked to protect our oceans and marine habitat—and to support all of the jobs that are associated with a healthy ocean and thriving fisheries. And she has been a great partner in our efforts to ensure that California's rivers and the Bay-Delta are managed sustainably.

I, for one, am grateful to these Members for the work they have done for America's middle class and for those who struggle to join it.

The wealthy and powerful have always had a lot of friends in Washington. Apparently it is not hard to be on their side. But the middle class and the working class and the poor have not always been so lucky, not always ending

up on the winning side of the ledger in Washington Policy fights. But they should know that these departing Members have always fought for what is right for our economy and for our country.

On my own behalf, and on behalf of our delegation and the tens of millions of constituents we represent in California, I thank Reps. BACA, BERMAN, Filner, RICHARDSON, STARK and WOOLSEY for their service and their dedication.

Now I would like to recognize other members of our delegation for the purposes of receiving their remarks.

Mr. HONDA.

Mr. HONDA. Thank you, Mr. Chairman.

Mr. Speaker, it is with a heavy heart but with great admiration that I rise today to remember and to thank my departing California Democratic colleagues whose service will be concluded at the end of the 112th Congress.

PETE STARK, the outgoing dean of our delegation, is well-known for speaking his mind and for standing up for what he believes in while giving a voice to the concerns of many who often feel as though they have none.

He has helped millions of Americans keep their health insurance coverage after leaving their jobs. He ensured that people who visit emergency rooms receive help regardless of their ability to pay, and he promoted innovations in health information technology and the Affordable Care Act. He enacted legislation to increase the number of computers in our schools. He has been a champion on broad environmental issues, such as battling ozone depletion and carbon emissions, and he has been a committed proponent of peace. I am honored to be inheriting portions of PETE's district in Newark and Fremont, and hope to continue his legacy of service to those communities.

A brief word on his son, "Fish," who wrote and had published an op-ed piece which indicated to the constituents the true side, the real side, of PETE STARK, his father.

HOWARD BERMAN is widely known as a leader on Foreign Affairs. What will stand out in my mind, however, is his help, while chairman of the Committee on Foreign Affairs, in moving through the committee and the House H. Res. 121. It was a resolution calling upon Japan to apologize and to acknowledge the tragedy endured at the hands of its Imperial Army during World War II by over 200,000 women in Asia who were forced into sexual slavery. HOWARD shares my commitment to achieving justice for those who have suffered atrocities in the past. His leadership will be missed. I also want to thank him for his leadership on the issue of Pat Tillman, a soldier who, it was said, lost his life in a firefight when, in fact, he was killed through fratricide. I appreciate that.

□ 1740

LYNN WOOLSEY came to Congress with a compelling story about how,

with a helping hand from her government, she was able to raise three children by herself and have a successful career serving the people of Marin and Sonoma counties. She has been a tireless voice for family-friendly policies, for protecting the coastline of northern California, and for bringing our troops home and ending the misguided wars in Iraq and Afghanistan. LYNN was a leader of the Congressional Progressive Caucus, and I call her the mom of the Progressive Caucus. With her passionate voice on progressive issues, she will be missed. Her leadership will be missed, and there will be a great vacuum for us to fill in the future.

Bob Filner played a central role in the years-long odyssey to secure a measure of justice for Filipino veterans who fought alongside U.S. troops in World War II but were denied benefits they earned through their service. After the war, the United States Congress broke the promise it had made to these veterans. For decades to follow, they struggled to secure fair treatment similar to that afforded to the men who fought alongside them. As chairman of the Veterans' Affairs Committee, Bob Filner was in the middle of this fight. I wish him well as he moves on to a new phase of his service to the people of San Diego.

JOSE BACA, or JOE BACA, has been a friend of mine for a long time, since school boards and other elected offices, but especially since we served together in the California State Assembly to the Halls of Congress. JOE was chairman of the Congressional Hispanic Caucus while I was chairman of CAPAC, Congressional Asian Pacific American Caucus, and we stood together to fight against harmful English-only and anti-immigrant legislation and amendments. We also share a commitment to protecting the rights of Native Americans, particularly tribal sovereignty. JOE has been a good friend, and I'll miss seeing him regularly on the House floor, but perhaps in a couple of years, we may see him again.

I will also miss LAURA RICHARDSON, whom I have had the pleasure of working with as a member of CAPAC on anti-bullying issues and in the fight to ensure that LGBT families are recognized in our immigration laws.

Dennis Cardoza, our friend who had the dubious honor of taking over my office in 503 Cannon when he first got here as I moved to slightly larger accommodations. He was a strong voice on behalf of his Central Valley constituents.

We also are bidding farewell to a large number of our California Republican colleagues who have served for many years—BRIAN BILBRAY, MARY BONO MACK, DAVID DREIER, ELTON GALLEGLY, WALLY HERGER, JERRY LEWIS, and DAN LUNGREN. While we all certainly haven't agreed on many policy issues over the years, I know that

they were as committed to their constituents as I am. And I thank all of them, my California colleagues who will be leaving at the end of the 112th Congress, for their service and I wish them well.

Mr. GEORGE MILLER of California. If I might inquire of the Chair as to the time remaining.

The SPEAKER pro tempore. The gentleman has 46 minutes remaining.

Mr. GEORGE MILLER of California. Thank you, and I now recognize Congresswoman LOIS CAPPS.

Mrs. CAPPS. I would like to thank my colleague, GEORGE MILLER, for setting aside this hour. He just asked about the amount of time, and I will take that to heart as I make my comments because we could all go on for great lengths about all of these dear people who won't be with us in the next Congress. And I add my congratulations for their service, Republicans and Democrats, all of us alike, but I will speak now for the six of our Democratic colleagues who will not come back.

I want to start with our dear friend, LYNN WOOLSEY, to whom I get compared. My progressive constituents often say to me, Now, LOIS, why don't you vote more like LYNN WOOLSEY?

She was one of the first people I met. Her story is compelling as a woman Member of Congress. I don't know how it would be to raise kids by yourself. She is a good voice and advocate for all mothers, all working families, and particularly those who carry extra burdens themselves. She's put her heart and soul into her work in Congress, and it shows.

As I met you early on when I came here, you were kind and befriended me. I know that you have served your constituents in the same passionate way, and I thank you for the role model you've provided me.

HOWARD BERMAN has provided another kind of role model for me. My husband, before me, came to Congress, in part, to work on Middle Eastern issues; and there's a go-to person in this Congress that I have always relied upon for advice and support in that area, and that's HOWARD BERMAN. He's a Congressperson's Congressman, in my opinion. My Human Rights Watch folks have held him in such high esteem.

It has been a very great honor to serve almost as a neighbor to him. With his district in the Central Valley, San Fernando Valley, and mine on the coast, it has been a real joy to have him as a colleague here. I will treasure always his role in getting me elected and also keeping me here.

I also came to Congress from the health care field, and so the name I heard often was Congressman PETE STARK. He's been here since the seventies, knows all about health care and through all of the intricacies.

I'm pleased, Mr. STARK, that you have been here through the passage of

the Affordable Care Act. That's a crowning jewel for you and for all of us. But you've been through many health care ups and downs through the years. You've been a role model for me being on the Ways and Means Committee and in my role on the House Energy and Commerce Committee. Thank you for your service and your friendship.

It's hard to go through this list, Mr. MILLER. This is a wonderful privilege to say thank you. The countless hours that you could add up for the service to constituents and the tremendous leadership within this body and these Members who have given their all and now will not be back in the 113th, it's important to say their names and to honor them and give them credit for what they've done.

JOE BACA has been a fixture for the Central Valley and agriculture, as someone who has agriculture number one in my district as well, but we can't say his name without thinking of the baseball team. There's much to remember JOE BACA for, such as his contributions in agriculture and on the Financial Services Committee as well.

My former colleague now, Bob Filner, who has already assumed another position within our government as mayor of San Diego. When I think of Bob Filner, I think of veterans' issues, and also the fact that he was a college professor before he came to Congress, as my husband was, and they reached out to each other in that capacity. He has worked hard on veterans' issue. I have about 50,000 veterans in my district. So the GI bill is often something I can give him credit for but also work with my veterans with.

Finally, LAURA RICHARDSON. When I think of LAURA, it's my daughter's name, but I also think of her beautiful singing voice. I know that I shouldn't say that first to my colleague who has shown tremendous leadership within Congress as well, but she'll take her beautiful voice with her. I have been able to work with LAURA on transportation issues as they relate particularly to our ports because she is known for her work with the Port of Long Beach, and I have ports in my district as well. She also will be missed on the women's softball team.

We are friends here. We are colleagues here. We bring our human qualities, and we bring our leadership skills. The California delegation makes me proud every day, and in the next Congress, it will be the memories and the service that has been given to us from these colleagues of ours. That's why I thank you, Mr. MILLER, for setting aside this hour for us to share our thoughts. Thank you.

Mr. GEORGE MILLER of California. Thank you.

Before I yield, I turned around and saw that Andrew and Fish and Hannah are here, so welcome the Stark kids.

I yield now to Congresswoman BARBARA LEE.

Ms. LEE of California. Thank you very much. I, too, want to thank you, Congressman MILLER, for yielding me time and for organizing this Special Order tonight.

First to Congressman PETE STARK, who's our departing dean of the California delegation, Congressman STARK represents a district right next door to my district in the East Bay of California, northern California. I have to say that I have known Congressman STARK since I was the president of the Black Student Union at Mills College in the early seventies. I'll never forget this. I wrote my then-Congressman STARK a letter on behalf of the students at Mills College with a request, and he responded so quickly and adhered and replied to that request in a positive way. So on behalf of all of those students then, Congressman STARK, and on behalf of myself today, I just want to say thank you. Thank you for demonstrating what exemplary constituent service was all about.

□ 1750

I think I've known Congressman STARK probably longer than most Members here because I had the privilege to work with the great statesman, Congressman Ron Dellums, and got to know Congressman STARK during that period.

Our districts, we're so proud to represent. We always say we have some of the most outspoken and well-informed and engaged people in this Nation. And Congressman STARK certainly has been at the forefront of making sure that his district became closer to our Federal Government and brought the government to the people of his district.

So the East Bay thanks you, Congressman STARK, northern California thanks you, and our entire delegation thanks you for so many years of great public service.

I was fortunate to be on the House Foreign Affairs Committee with Chairman HOWARD BERMAN, and I tell you, HOWARD BERMAN's understanding of global affairs is unmatched.

Also, I just have to say, he was such a tremendous asset in our global fight against HIV and AIDS, and really got it so early and helped us negotiate and put together the bills that have been so successful in moving us towards an AIDS-free generation.

I just also have to say with regard to Chairman BERMAN, I appreciate his fairness and his objectivity and his commitment to global peace and security. It's really an honor to have served with him, and I'm going to miss him because I truly honor him as my friend. And I know all of us are going to miss him, but I know that we will work with him in the future on so many issues that he cares about.

Congressman Filner is leaving a strong legacy of support for our Nation's veterans, who have benefited tremendously from his intricate knowledge and impassioned advocacy. Also, I just have to remind us that Congressman Filner was a Freedom Rider during the civil rights movement, and he brought the spirit of justice to his work here in Congress.

Congressman Filner has done an exemplary job as ranking member and chair of the Veteran's Affairs Committee, as we have heard earlier. And our entire caucus can be proud of his outstanding leadership on that committee. As the daughter of a veteran, you know, I understand very deeply those obligations that our Nation has to those men and women who have served.

I had the privilege and the honor to help Bob in his campaign, so I've been in San Diego with Bob. And I tell you, the love and the affection that his constituents have for Congressman Filner is just really unparalleled.

I want to congratulate him for his magnificent win. It was a tough campaign, but he did an unbelievable job, and that's because people in his district really knew him, and he had provided the level of services that allowed him to be elected now, as we will call him very soon, Mayor Filner.

JOE BACA, Congressman BACA really has been a voice for the poor and the underserved during his entire career, not only here in Congress, but in the California legislature. I was privileged to work with JOE on many, many issues, and he has been a consistent voice, both in the California legislature and now here in Congress, for protecting low-income families from unfair, predatory credit practices.

He's used his seat on the House Agriculture Committee and the House Financial Services Committee to advance the needs of the most vulnerable Americans. He also consistently has played a role in raising funding levels for food stamps and nutrition programs to feed over 44 million hungry Americans.

As a member and former chair of the Congressional Hispanic Caucus, he was a powerful voice against anti-immigrant laws and always worked to build bridges on the reality of our history as a Nation of immigrants and not based on ideology and rhetoric.

We'll all miss his principled leadership and his passion for serving as a voice for the voiceless in Congress.

And my fellow Congressional Black Caucus member, Congresswoman LAURA RICHARDSON. She has many accomplishments in her brief time here in Congress. She's worked so hard to improve our Nation's transportation infrastructure, has been an advocate for the inclusion of minority and women-owned businesses, and has opened up economic opportunities and strengthened our schools.

I know that she's going to move forward to make more contributions in public service because she's focused and a dedicated elected official.

Finally, I just have to pay tribute to my sister-in-arms, Congresswoman LYNN WOOLSEY. And I can't say what a bittersweet season this is in seeing you leave after so many years of working hand-in-hand on behalf of peace.

I just have to say that LYNN WOOLSEY has finally made sure that this body recognizes that peace is patriotic, and she's spoken 444 times on the floor as it relates to the need to bring our young men and women home, and I look forward to our continuing work.

She's been a role model for me, and I just have to say, finally, in conclusion, that she understands personally the importance of safety nets. And she brought the House the perspective that comes from relying on public assistance during lean times in her life.

She gave me the courage to talk publicly about my time on public assistance, which was so difficult for me before LYNN's encouragement.

So, to all of our departing California Members, I'm going to miss all of you so much, but I know we'll see you at home, and you're going to continue to fight the good fight.

Mr. GEORGE MILLER of California. I'd like now to recognize Congresswoman DORIS MATSUI.

Ms. MATSUI. I'd like to thank the gentleman from California (Mr. MILLER) for yielding time to me and for bringing us together.

Mr. Speaker, when the 113th Congress starts next year we'll be greeting many new colleagues, and that means we'll have to say goodbye to some of our current colleagues, both Republican and Democrat.

The California Democratic Congressional Delegation is saying goodbye to six members: Representatives STARK, BERMAN, WOOLSEY, Filner, BACA, and RICHARDSON. While in Congress, these Members served as strong advocates for their constituents, for California, and for our country.

For their many years of service, these six Members have amassed a depth of institutional knowledge that will be missed come next Congress.

First of all, I want to pay tribute to my good friend, Congressman HOWARD BERMAN. HOWARD BERMAN has served for 30 years. I first met HOWARD when he was living in my hometown of Sacramento. He was serving in the State legislature at the time. His daughter, Brinley, and my son, Brian, were in prekindergarten together, so we would see each other as we dropped off our kids. Little did we know then that we would end up being friends, both serving here in Congress.

You know, we've all learned a lot from HOWARD. We've learned to depend on him, his counsel, and his advice. His knowledge and leadership, particularly

on foreign affairs, have been invaluable to Congress. His absence from this Chamber will be strongly felt, and he will be sorely missed, but will forever be a friend.

Congresswoman LYNN WOOLSEY has been a strong advocate—I wouldn't say harsh—strong, for families during her time in Congress. She was also one of the founding members of the Out of Iraq Caucus, where she acted as a leading proponent of bringing our brave servicemen and -women home from war. Congressman WOOLSEY fought for those whose voices were often not heard, and her advocacy and spirit will be very much missed.

As the dean of the California Democratic Congressional Delegation, Congressman PETE STARK has been a leader and a mentor to many Members from California over the years. He has been a champion on health care issues for a very long time, and his work on the Affordable Care Act improved the law and helped ensure all Americans access to quality, affordable health care. We'll always remember his very important contribution.

Congressman Bob Filner was the ranking member of the Committee on Veterans Affairs and dedicated his career to helping ensure our returning veterans have the services they need and were promised before serving our country. We'll miss him here in Congress, but I know he'll make a mark as mayor in the city of San Diego.

JOE BACA has been a strong advocate for California's expansive agriculture industry while in Congress. He has worked tirelessly on behalf of the workers themselves, making sure they receive the civil and legal rights they deserve.

Congresswoman LAURA RICHARDSON has worked hard to keep America safe as a member of the Homeland Security Committee. Her commitment to the safety and security of our country and her constituents was unwavering, and she will be missed next year.

California is a large State with many needs and priorities, but our delegation is strong. During their time in office, these Members have been esteemed colleagues, and it has been an honor to work alongside of them. Their knowledge, passion, and commitment to public service will be greatly missed in these Halls. And I wish to thank each of them for their service and wish them the best in their next adventure.

□ 1800

Mr. GEORGE MILLER of California. I now yield to Congresswoman ANNA ESHOO.

Ms. ESHOO. I want to thank the gentleman from California, my dear friend Mr. MILLER, for organizing this Special Order tonight so that we can take some time, which is the most precious thing, really, that God gives us, is time, and pay tribute to our colleagues who have

spent their time being giants in terms of representation and fighting on behalf of their constituents, bringing honor to the House of Representatives and to our country—some of the best exports of the Bay Area and our State of California.

I want to start with the dean of our delegation, Congressman PETE STARK. We salute you, PETE, for all that you have given and done. It's an extraordinary record of 40 years in the House of Representatives. Your name has been synonymous with health care consistently for all of that period of time; for fighting for a place in that health care system for people that are unknown to so many in our society and rejected. You have made room for them in the emergency room and wrote a law that no one would be mistreated. In fact, they had to be treated before they were asked whether they had health insurance or not.

Your record is replete with great and good things. On behalf of your constituents, on behalf of those that so much of society has overlooked, I know that those blessings will come back to you in a very rich and meaningful way as you depart this place. We will miss you. I thank you for your personal kindnesses and for all the wonderful things that you have done. The Bay Area delegation will miss you enormously.

Next, I want to pay tribute to Congressman HOWARD BERMAN. This is really hard to do. Congressman BERMAN's name is synonymous with the following: with farm workers and their rights and with human rights around the world. Anyone that has met and worked with him respects him. It matters not what side of the aisle they have ever come from or what country they come from or what agency they have worked in. HOWARD BERMAN has been an indispensable Member of this Chamber. When he took over the leadership of the Foreign Relations Committee, we saw a new and inspired leadership there demanding a recognition of the Armenian genocide. He served as the original cosponsor of that legislation. His record is replete with distinction.

HOWARD, we will all miss you in a very, very deep and special way. This House will miss you because you brought honor to it in everything that you have done. So it is bittersweet. No, it's just bitter. There isn't any sweetness to it. When I speak of you, I really can't bring enough words to one of the most distinguished records over 30 years that any Member of Congress could ever put together, and that the American people thank you and freedom-lovers and human rights advocates around the world appreciate and bless your name. And I know that, together with Janis, Brinley, and Lindsey, you haven't seen the last of us. We're going to keep coming after you.

To LYNN WOOLSEY, my classmate, we came here and we couldn't even find our way to the credit union, we were so terrified. But together we came. LYNN has brought an exceptional voice to families and to women, so often women heading up those families. And she spoke through the prism of her own experience, which is the most powerful story that anyone can ever tell. No one could ever say to LYNN WOOLSEY, You don't know what you're talking about. Because they knew that she lived it, that she had experienced it. And she came here to change so many women's lives and the lives of families in terms of education for women and girls and for stronger family benefits.

I could go on and on. She brought great voice and vision to the unfortunate policy—the march to folly—when we invaded Iraq. She came to this floor over 100 times to speak against that invasion. We are all in her debt for her conscience, for her integrity, for her wonderful voice, for her friendship, and for her love of the environment of the coast of California, which if there is ever the magical touch of Almighty God, you see it there. She has called on the President and the Congress to make sure the protections will be there in perpetuity. We will remember you in perpetuity. I ask that every blessing you have brought to your constituents in this House will come back to you.

To Bob Filner, to JOE BACA, LAURA RICHARDSON, Dennis Cardoza, and to our Republican colleagues JERRY LEWIS, ELTON GALLEGLY, WALLY HERGER, MARY BONO MACK, BRIAN BILBRAY, DAN LUNGREN, and DAVID DREIER, we thank you. I thank you for your service to the people of this country in this, the House of the people, the magnificent House of Representatives.

Mr. GEORGE MILLER of California. I would like to now to yield to the Democratic leader, Congresswoman NANCY PELOSI.

Ms. PELOSI. I thank you for yielding, Mr. MILLER. I know that we have a time limitation so I will begin by associating myself with the remarks of Congresswoman ANNA ESHOO, who spoke so beautifully and knowledgeably about our colleagues from California who are leaving.

I rise today to thank all my colleagues who are our friends and our partners from the great State of California. The Members we honor in this Special Order demonstrate the extraordinary diversity of our great Golden State. They hail from northern and southern California, from the Bay Area to the greater Los Angeles area to San Diego. They bring California's wide range of interests and aspirations to the floor of the House every day. Working side by side with the entire California delegation, their service has strengthened the Golden State. The commitment of our departing Members has strengthened the Congress. Their

achievements have advanced the character of our country. Each of these Members has brought a unique voice to the table. Yet each shares the same core values: a devotion to public service, a dedication to opportunity, a belief and a promise of America.

Congresswoman LYNN WOOLSEY spent her career fighting to improve the education of our children, the economic security of their families, and the protection of our workers, as well as our coastline, as Congresswoman ESHOO mentioned. With her departure—I won't say retirement, because she is not a retiring person—the Bay Area loses a powerful advocate in Congress and the Nation loses a tireless progressive leader. It was, I think, Mr. MILLER said 400 times that LYNN WOOLSEY came to the floor to speak against our involvement in the war in Iraq.

Thank you, Congresswoman WOOLSEY.

So it's about the patriotism of this Congress and of the participation as patriots of our colleagues from California, whether it's the education of our children, whether it's the health of our people, as demonstrated by Congressman PETE STARK. We all owe you, PETE STARK, a great debt of gratitude. He has been a fixture in the fight to build and strengthen the pillars of health and economic security for the American people. From his seat on the Ways and Means Committee, to the House floor, he always remained a fierce fighter for Medicare and a passionate advocate for the Affordable Care Act because he believes that health care is a right for all Americans, not a privilege just for the few.

□ 1810

His legacy will live on in stronger support for the well-being of our seniors, our families, and our middle class. I hope it is a source of pride—I know it is to your family—that so many of your colleagues respect you so much and honor your leadership and service here.

As has been mentioned, Congressman Filner left us. He is already the mayor of San Diego. He was a Freedom Rider, who fought for civil rights and equality. He was a Representative of San Diego, who never wavered in support of our veterans, and he served as the chair of that committee. We wish him well as mayor of San Diego.

Congresswoman RICHARDSON has dedicated her time in Congress to rebuilding our infrastructure, advancing the dream of high-speed rail, securing our borders, and protecting our environment. We wish her well as she goes forward.

Congressman BERMAN—we go from B to W, BERMAN to WOOLSEY, and every wonderful thing in between. Congressman BERMAN's imprint can be found on legislation across the broad spectrum of issues before the House. Many of us



knew him long before he came to Congress, knew of his work, working with the farmworkers, working in labor law to protect the rights of workers.

In two particular areas, his expertise is simply unsurpassed. He is a true expert on international relations, a past chairman of the Foreign Affairs Committee, ranking member now; a champion of aid to Israel; the fight against HIV/AIDS; and the toughest Iran sanctions in the history of our country. He is a senior member of the Judiciary Committee who, it is safe to say, understands intellectual property, understands its importance. It is even mentioned in our Constitution. He understands the challenges and the opportunities it presents. In every venue and every arena, he has been a proud advocate for Los Angeles and California, a cherished leader for the entire House.

JOE BACA is a lifelong public servant. He was a paratrooper in the U.S. Army's 101st and 82nd Airborne Divisions. He served in the California State Legislature. In Congress, he made his mark in standing firm against harmful anti-immigrant measures and in leading the effort to expand food stamps and nutrition assistance for those who need it most. That is such a simple sentence, but it's fraught with meaning. He put a lot of work and leadership into the farm bill. JOE BACA came from humble beginnings, yet his accomplishments are truly significant.

The list goes on and on of our colleagues that Congresswoman ESHOO mentioned. For all of these Members, public service has been a calling, a cause, and a core facet of their character. California has been proud to have them as our Representatives in Congress. For those of us who served with them, it is an honor for each of us to call you "colleague"; for some of us a very, very special honor to be considered your friend.

We all wish each of you much success in the years ahead. We look forward to continuing our work together on behalf of our great Golden State of California. Your service in Congress added to the luster of our Golden State.

Thank you, and congratulations.

Mr. GEORGE MILLER of California. I thank the Leader.

If I might inquire of the Chair of the time remaining.

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. GEORGE MILLER of California. Next I would like to recognize Congressman SAM FARR.

Mr. FARR. Thank you very much, Mr. Speaker, and thank you, GEORGE MILLER, for setting aside this time.

You've heard from a lot of my colleagues. I think what is interesting about this moment in history is this is probably the largest retirement ever of any delegation at any one time. California is losing 25 percent of its incumbent delegation, seven Republicans and

seven Democrats. That's 14 people that have been here. Of the seven Democrats, they were here for historical moments—of electing NANCY PELOSI from California, the first woman Speaker of the House of Representatives; and here to pass the first-in-history comprehensive health care bill, led by Californians, I might add, and led by the dean of our delegation, PETE STARK.

PETE STARK is one of the oldest, longest serving Members of Congress. He has been here 40 years. I think there are only two, three people that have served here longer. He's watched this delegation come and go since 1973. He is here tonight with his beautiful family.

PETE, of all the people coming into Congress, is the only one that just came right from the private sector. Most of us got elected to the local and State governments, but PETE came here with a background in MIT, in engineering, and then a degree from Berkeley in business administration. In 1963, he founded the Security National Bank of Walnut Creek, which became, during the war years, known as the progressive bank and the bank that was going to loan to people that weren't otherwise getting loans. He became a very popular leader in his community and built the bank into a \$1 billion financial institution. Having a background in the Air Force and other civic activities, he ran for Congress and got elected and has been here, as I said, for 40 years.

He is here tonight with his children. He has four daughters, three sons, and eight grandchildren. He is married to Deborah Roderick, also of California. We're going to miss PETE. He's been a fixture for this Congress through all the big issues.

He is followed by HOWARD BERMAN from southern California, with a background in UCLA, a law degree from UCLA. I was a staff member when he was a California State legislator. He came there for the background in VISTA. After the assembly, he got elected to the House and has been the leading ranking Democrat, probably the most trusted person in all of Congress for foreign affairs; and with his background in labor, in issues for farmworkers in California and the advancement they've made under Federal law. But also, as the Leader pointed out, he's one of the few persons that really understands the intricacies of patent law, copyright, trademark, all those things very vitally important to the entertainment industry, the electronics industry, and the information technology industry. He's been a senior member on all of that. We're going to miss him deeply, deeply. I feel like a son of HOWARD BERMAN. I supported his speakership way back when he ran for the State assembly. I'm going to miss him.

LYNN WOOLSEY has served 10 terms. She is senior to me. I got elected 6

months after LYNN got sworn into office. I remember how proud I was of her background in local government, in roles that she's played in Sonoma County, in Marin County. She's been, I think, on the floor speaking more than anybody else—as pointed out, 440 times speaking for peace. She's going to leave this body known as the "lady of peace" and will be here in history forever and ever. I remember the night that Bill Clinton gave his State of the Union address and recognized the backgrounds, the humble and unusual backgrounds of people that get here, that LYNN WOOLSEY was the first woman elected to Congress who, as a single mom, had to be on welfare and how she had worked her way out of that, and was a leading role model to show that there are opportunities for you, for all people in this great country. But the lady of peace is the most important of all.

Bob Filner, he had a background in local government. He went back to local government. After being involved in school districts, he is now the mayor of San Diego. He came here with his background of being a Freedom Rider and in the civil rights movement and led the Veterans' Committee here.

As we pointed out, JOE BACA will always be known as the captain of our baseball team. He did so well in that, but he also had a proud background, as the Leader said, in the Army as a paratrooper. The list goes on and on.

LAURA RICHARDSON is leaving us. I would also mention before this, the early resignation of Dennis Cardoza.

That's seven Democrats. We're going to miss them greatly. Thank you for allowing me to speak in favor of their great service to the United States Congress.

CONGRESSMAN PETE STARK

Congressman PETE STARK has served in Congress since 1973. A senior member of the powerful Ways and Means Committee, he is currently the Ranking Minority Member of its Health Subcommittee. STARK previously served as the subcommittee's Chairman from 2007 to 2010 and 1985 to 1994, and previously as Ranking Minority Member from 1995 to 2006.

Before being elected to Congress in 1972, STARK was a successful businessman and banker. Upon entering Congress, he served on the House Banking and Currency Committee. After completing his first term, STARK was named to the Ways and Means Committee, whose scope includes taxes, Medicare, Social Security, trade and public assistance.

From 1981 to 1984, STARK served as Chairman of the Ways and Means Subcommittee on Select Revenue Measures. As Chairman, STARK became known as one of the Nation's foremost advocates of tax reform. He later served a critical role in shaping the historic tax reform act of 1986. In the years since, he has been a vocal voice for tax fairness and opposed the addition of corporate loopholes to our Nation's income tax laws.

In January of 1985, STARK became the Chairman of the Ways and Means Health

Subcommittee. As Chairman, he presided over major reforms to the Medicare system. While cutting billions of dollars in waste, fraud, and abuse, STARK expanded benefits for tens of millions of Medicare beneficiaries, provided COBRA health continuation benefits to workers, and made numerous improvements in the quality of our Nation's care.

As Chairman of the Ways and Means Health Subcommittee from 2007 to 2010, STARK helped write the health reform law that is bringing quality, affordable health care to millions of Americans.

STARK champions universal health care, and speaks out for peace, freedom of choice, and protecting our environment. He is a tireless advocate for children, families, senior citizens, and people with disabilities, as well as the residents of the 13th Congressional District.

A diverse area stretching along the east side of the San Francisco Bay, the 13th Congressional District runs from Alameda to Fremont.

STARK is a graduate of the Massachusetts Institute of Technology, MIT, with a degree in engineering and the University of California, Berkeley with a Master's degree in Business Administration, MBA.

In 1963, he founded Security National Bank in Walnut Creek. The bank grew from a small storefront operation to a \$1 billion financial institution with branches in Alameda and Contra Costa Counties. STARK sold his interest in the bank after his election to Congress.

Before his business career, STARK served in the U.S. Air Force. His other civic activities have included: Director, Common Cause; Chairman, Board of Trustees, Starr King School of Ministry; Board Member, Housing Development Corporation; Board Member, Council for Civic Unity, and many others.

STARK has four daughters, three sons, and eight grandchildren. He is married to Deborah Roderick Stark of San Lorenzo.

#### CONGRESSMAN HOWARD L. BERMAN

Born in Los Angeles, California, HOWARD BERMAN attended U.C.L.A., where he received his B.A. in 1962 and his LL.B in 1965.

Upon his graduation from law school, HOWARD BERMAN began his career in public service with a year's work as a VISTA volunteer. From 1967 until 1973, he practiced law in Los Angeles, specializing in labor relations. In 1973, he was elected to the California State Assembly.

In his first term in the state legislature, then-Assemblyman BERMAN was named Assembly Majority leader, the youngest person ever to serve in that leadership capacity. He also served as Chair of the Assembly Democratic Caucus and the Policy Research Management Committee of the Assembly. In 1982, BERMAN was elected to Congress, where he was named to the Foreign Affairs and Judiciary Committees.

Congressman BERMAN is the Ranking Democrat on the House Committee on Foreign Affairs, meaning he is the most senior Democrat serving on the committee. During his tenure on the Foreign Affairs Committee, BERMAN negotiated a five-year, \$50 billion reauthorization of our global HIV/AIDS programs, authored legislation that removed Nelson Mandela and other members of the African National Congress from the U.S. terrorism list, and passed a bill to strengthen U.S. assistance to Israel.

His top priorities include improving America's diplomatic strength through a reauthorization of the State Department, assistance to fight terrorism in Pakistan, and improving the efficiency of U.S. foreign aid.

As the second highest ranking Democrat on the Judiciary Committee, BERMAN plays a key role in shaping the copyright, trademark, and patent laws that are of vital importance to the entertainment, biotechnology, broadcasting, pharmaceutical, telecommunication, consumer electronics, and information technology industries. BERMAN is a member of the Subcommittee on Intellectual Property, Competition, and the Internet.

BERMAN is particularly well-known for his ability to form bipartisan coalitions. Together with Republican Henry Hyde, BERMAN wrote a law authorizing embargoes on nations that support terrorism. With Republican Senator CHUCK GRASSLEY, he wrote amendments to the False Claims Act that have saved over \$20 billion in taxpayer money since 1986.

"There are a few House members who have made such an imprint on legislation in so many areas as Howard Berman," says the Almanac of American Politics. The Almanac goes on to call BERMAN "one of the most aggressive and creative members of the House and one of the most clear-sighted operators in American politics."

Congressman BERMAN and his wife, Janis Gail Berman, have two daughters, Brinley and Lindsey.

#### CONGRESSWOMAN LYNN WOOLSEY

Congresswoman LYNN WOOLSEY is in her 10th term as the representative from California's 6th District, just north of San Francisco. Her district includes all of Marin, and most of Sonoma County.

As president of Americans for Democratic Action, Congresswoman WOOLSEY is a vocal and visible leader on progressive issues, particularly those dealing with education, children and families. A passionate and outspoken opponent of the Iraq war, she helped move public opinion against President's Bush's failed Iraq policy. She introduced the first resolution calling for our troops to be brought home and has been called the "the unofficial matriarch of the [antiwar] movement in Congress," by the San Jose Mercury News.

Congresswoman WOOLSEY is also active on labor and education issues. She is a senior member of the Committee on Education and the Workforce and the ranking member on the Subcommittee on Workforce Protections. She also serves on Subcommittee on Early Childhood, Elementary, and Secondary Education.

Congresswoman WOOLSEY was the author of a recent law authorizing workers six months of job protected leave in order to care for injured family members serving in the armed forces, as well as legislation to protect workers from exposure to dangerous chemicals.

One of Congresswoman WOOLSEY's top priorities is a legislative package called "The Balancing Act," which aims to help parents balance their work and family responsibilities. Her proposal calls for: paid family leave; public universal pre-school; major investments in child care; universal school breakfast; benefits for part-time workers; and telecommuting incentives.

Congresswoman WOOLSEY is also a senior member of the Committee on Science, Space

and Technology, and serves on the Subcommittee on Energy and the Environment, where she works to reduce our dependence on foreign oil and promote the use of clean, efficient energy sources. In the current Congress, she has reintroduced her legislation to add the Sonoma coastline to the National Marine Sanctuary Program, thus protecting it from oil and gas drilling.

Having lived and raised her family in California's North Bay for over 40 years, Congresswoman WOOLSEY understands the concerns of Sonoma and Marin County residents. She frequently says they are the most important voice she listens to; and she not only listens, she responds. Her Washington office alone receives and answers over three thousand letters, phone calls, and emails from constituents each week.

Congresswoman WOOLSEY's dedication to family issues and her belief in a strong social safety net are rooted in her personal history. As a young mother struggling to raise three children by herself, she needed public assistance just to make ends meet, even though she was employed.

The experience of needing a helping hand from her government has shaped her commitment to family-friendly policies.

WOOLSEY was born on November 3, 1937 in Seattle, Washington. Now living in Petaluma, California, she is the mother of four grown children and a grandmother of five.

#### CONGRESSMAN BOB FILNER

Bob Filner's adult political career began when he was 18 years old during the Civil Right Movement. He spent several weeks in the Mississippi State Penitentiary as a Freedom Rider. "My political optimism stems from those times. I believe by our individual involvement, we can change history! And, my commitment to a world free of racism and discrimination continues today."

Just after receiving a Ph.D. in the history of science from Cornell University, he moved to San Diego and began a 20 year long teaching career at San Diego State University. Always the activist, he challenged his college students that their "grand" thoughts were futile unless they put them into action in order to help people and make the world a better place. And it's a lesson he continues to impress on others while in the United States Congress.

In the late 1970s Filner was frustrated with the local school board after announcing that his children's school was going to close (daughter, Erin and son, Adam). He felt his children weren't getting the education and attention they deserved. This led to his first run for San Diego School Board Member in 1979.

Filner's "back to basics" approach toward education—including mandatory homework—won wide support among parents all across San Diego. During his time the board hired a more responsive Superintendent, test scores went up, and million of dollars in bureaucratic waste was eliminated.

Therefore it was no surprise that under his leadership on these issues he was selected as School Board President in 1982.

This increasing civic involvement led to his election to the San Diego City Council in 1987 where he began taking on issues such as bringing good jobs to San Diego and broadening its economic base. He created the city's

first Economic Conversion Committee and wrote the city's Economic Conversion Plan. He found creative ways to fight neighborhood crime, including the introduction of Police Walking Patrols and a Citizen Graffiti Patrol with the area's first 24-hour graffiti hotline.

Recognizing his ability to work with his colleagues, the council members selected him as Deputy Mayor in 1991.

In 1992, Filner was elected to the United States House of Representatives. In his first term in Congress, he was one of only a handful of freshman legislators to get legislation passed—for example a critical law amending the Clean Water Act, allowing San Diego to save billions of dollars.

Almost immediately upon his arrival in Washington, his request for an appointment to the Veterans' Affairs Committee was granted. And in 2006 was elected by his Democratic colleagues as Chairman of the House Veterans' Affairs Committee.

Since January 2007, Congress has increased the Veterans Healthcare budget by 60%—the largest increase since the VA was created 79 years ago. Other victories include VA Home loans increased by 50%; the G.I. Bill was reinstated to meet the same level of education benefits, adjusted for cost-of-living increases, as that offered by the original World War II-era bill; benefits for Filipino-American veterans granted and legislation is pending for Merchant Marine veterans of World War II benefits. Filner says, "This is the least we can do for our men and women in uniform who have sacrificed so much for us—we owe it to them!"

The 51st District—stretching the whole California/Mexico border, from San Diego to Yuma, Arizona—is one of the most diverse regions in the nation! It encompasses the southern portion of the City of San Diego, the South Bay cities of Chula Vista and National City, and all of Imperial Valley. The district's population is approximately 55% Latinos, 15% African-Americans, 15% Anglos and 15% Filipinos.

For 9 terms now, he has worked hard to both enhance his district's advantages while meeting its challenges. For example since many families in his district, and across the nation, suffer from sub-standard medical treatment, he has worked to provide affordable healthcare for border communities and all Americans.

While always looking for ways to embrace the opportunities the region provides, he does not back down from challenges specific to border communities.

His work on U.S.-Mexico relations led President Clinton to ask Filner to join him on an international mission to meet with former Mexican President Ernesto Zedillo. Again in 2004, with President Vicente Fox, he stepped forward to encourage increased cooperation and collaboration between the two nations. He took the lead in securing critical funding and support for the International Waste Water Treatment Plant in the Tijuana River Valley, as well as the New River in the Imperial Valley with the Water Resources Development Act of 2007.

He serves on the House Transportation and Infrastructure Committee as the Senior Democratic Member of the Subcommittee on Coast

Guard and Maritime Transportation, a member of the Highway and Transit, Water Resources and Environment, and Aviation subcommittees. As Congressmen, he has brought home billions of dollars to improve roads, bridges and other critical infrastructure. At the same time he is constantly looking to the future in support of high-speed rail projects that would link San Diego with other areas of the state and Arizona and he secured funding to study suitable locations in Imperial Valley for the site of a new regional airport. Although these forward looking projects have been in the works for a long time, how appropriate they're labeled the "Jobs Train." Not only would San Diego become a major national distribution hub, thousands of jobs in San Diego and Imperial Valley would be created!

Congressman Filner has built his career by "walking his own talk"—"Grand thoughts are futile unless they are put into action in order to help people and make the world a better place." Help him to continue this work for a better California—and a better America! He cannot go it alone!

#### CONGRESSMAN JOE BACA

Rep. JOE BACA has represented California's Inland Empire in the House of Representatives since winning a special election in 1999. He serves on the House Agriculture Committee, and is Ranking Member of the Subcommittee on Nutrition and Horticulture. He also serves on the House Financial Services Committee.

Rep. BACA served as Chair of the Congressional Hispanic Caucus, CHC, during the 110th Congress (2007–2008). During this time, he successfully blocked harmful English-only and anti-immigrant amendments offered in the House. He also guided the CHC in its efforts to ensure the contributions of Latino and Native America veterans were recognized in the PBS documentary "The War." In addition, Rep. BACA used his leadership position to pass record breaking funding levels for food stamps and nutrition programs to feed over 44 million hungry Americans; and helped secure new funding for minority serving institutions, including over \$200 million in new grant funding. He currently chairs the CHC Corporate America Task Force.

Rep. BACA continues to advocate in Congress on issues that impact the poor and underserved, including nutrition, housing, health, veterans' affairs, and issues affecting the Hispanic and Native American communities. He has used his experience in Congress to help secure over \$154 million in federal appropriations assistance for education, public safety, transportation, and water projects. Congressman BACA is also the primary sponsor of the PROUD Act, legislation that puts responsible immigrant high school graduates on an expedited path to U.S. Citizenship.

**Personal History**—JOE was born in Belen, New Mexico, the youngest of 15 children in a house where little English was spoken. JOE worked shining shoes at age 10 and later worked as a laborer for the Santa Fe Railroad. He served in the U.S. Army as a paratrooper with both the 101st and the 82nd Airborne Divisions from 1966–68. Following military service, JOE earned his associates degree from Barstow Community College and his bachelor's degree in sociology from California State University, Los Angeles. In 1979, he became

the first Latino elected to the board of Trustees for the San Bernardino Valley College District. He was elected to the State Assembly in 1992, where he became the first Latino Speaker pro Tempore, and was elected to the State Senate in 1998.

JOE and his wife, Barbara, began their own business, Interstate World Travel, in 1989. They have four children—Rialto City Councilman Joe Baca Jr., Jeremy, Natalie and Jennifer.

**Awards**—Rep. BACA has received many honors for his public service. Recent awards include the U.S. Hispanic Leadership Institute Edward R. Roybal/Henry B. Gonzalez award for Public Service, the U.S. Hispanic Chamber of Commerce President's Achievement Award, the National Farmers Union Presidential Award for Leadership, the Walter Kaitz Foundation Diversity Advocate Award, and the U.S. Department of Agriculture Coalition of Minority Employees Award of Excellence. He has been listed as one of the top 100 most influential Hispanic leaders in America by Latino Leaders Magazine. He also has two local parks named after him: the Joe Baca Senior Field at the Empire Center in Fontana and the Joe Baca Field at the Rialto Boys and Girls Club. In addition, the "Joe Baca Middle School" at 1640 S. Lilac Avenue in Rialto, California, is expected to open its doors in 2013.

#### CONGRESSWOMAN LAURA RICHARDSON

Congresswoman LAURA RICHARDSON represents California's 37th District, which includes the communities of Long Beach, Compton, Carson, Watts, Willowbrook and Signal Hill, as well as parts of the City of Los Angeles and Los Angeles County. She was sworn in to Congress in 2007 and is currently serving her 3rd term.

Congresswoman RICHARDSON served the Long Beach community as a city councilwoman for six years before being elected to the California State Assembly in 2006. Following a special election in 2007, she immediately began serving in the House of Representatives, and as such, Congresswoman RICHARDSON has the rare distinction of having served in government at the local, state, and federal level in the span of less than one year.

The Congresswoman currently sits on the House Committee on Transportation & Infrastructure, where she works to improve the Nation's highways, railways, airports, and seaports while overseeing the Coast Guard, Army Corps of Engineers, and Federal Emergency Management Agency, FEMA. She is a member of the Water Resources and Environment Subcommittee, the Highways & Transit Subcommittee and the Railroads, Pipelines & Hazardous Materials Subcommittee.

Congresswoman RICHARDSON is also on the House Committee on Homeland Security. In this role, she works to protect America's borders and ensure the Nation is prepared for and able to effectively respond to any disasters that may arise. She is the Ranking Member for the Emergency Preparedness, Response, and Communications Subcommittee and also sits on the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee.

In addition to her House Committee assignments, the Congresswoman is a founding member of the California High-Speed Rail

Commission, where she has worked to secure funding for a project that has the potential to create 450,000 permanent jobs statewide over the next 25 years.

In January of 2011, President Barack Obama signed into law the Diesel Emissions Reduction Act of 2010, DERA, which Congresswoman RICHARDSON authored. The legislation extends a voluntary national and state-level grant and loan program that creates jobs, saves lives and significantly improves the Nation's air quality. DERA is widely considered one of the most cost-effective federal programs in the Nation. The EPA has estimated that in California alone, the program averages more than \$13 in health and economic benefits for every \$1 in funding. Without the signing of RICHARDSON's bill, the authorization for DERA would have expired at the end of the fiscal year.

Congresswoman RICHARDSON graduated from UCLA with a Bachelor of Arts in Political Science and received an MBA from the USC Marshall School of Business. She spent 14 years working in the corporate sector at Xerox.

Mr. GEORGE MILLER of California. I thank the gentleman from California (Mr. FARR).

I want to, also, as Congresswoman ESHOO and Congressman FARR acknowledged, that there's others in our delegation from the other side of the aisle who will also be leaving after this session of Congress: BRIAN BILBRAY, MARY BONO MACK, DAVID DREIER, ELTON GALLEGLEY, WALLY HERGER, JERRY LEWIS, and DAN LUNGREN. I've been here long enough that I've fought with all of them, I've legislated with all of them, and we've had accomplishments together.

I think JERRY LEWIS and I had the longest floor debate in the modern Congress over the creation of the desert national parks, the Mojave Desert national parks. When we were all done, we immediately turned around. He was opposed to it, I was for it, but he immediately turned around and made sure that the public had access to it, that there would be improvements, visitor centers. And that's the way legislation goes.

□ 1820

I think very often the public doesn't understand, but Members of Congress do, that this isn't just a working relationship. Over time you get to know one another's families, you know their children's successes, their children's desires, their illnesses and the troubles that befall families, because we're like all other American families. It happens here. People don't think of that when they think of the Congress. And you build relationships, friendships and dependencies on one another's expertise to help guide us through all of the issues that we will confront in a congressional year.

Congressman STARK and I entered public life together by running against one another back in 1969, man against

machine. You figure it out: I don't know who was the man and who was the machine, but I knew then who it was, this very popular banker and this law school dropout, but other than that I was doing well. But it's a long span and a lot of friendships, and it's about family and our ability to talk with one another.

I would like, at this moment, to yield to Congressman STARK for any remarks that he might have.

Mr. STARK. I want to thank the gentleman for yielding. One of the previous Speakers, Mr. O'Neill, mentioned that, and you forgot to mention this, but Tip O'Neill said that I probably had one of the best 5-minute speeches of any new Member of Congress, and if I could only learn to deliver it in less than 20 minutes, I'd have a great career here.

GEORGE is right: we ran against each other. And when you grow up in the Bay Area and you have people like BARBARA LEE who leads in courage in being the lone vote against one of the unpopular wars, you learn what courage is and you learn with people who fight for children, for minorities, for all of the people in our area who need help. I'm just proud to have worked with them.

They've said that I'm the fifth oldest Member of Congress. That's absolutely wrong. I am the 430th youngest Member of Congress, and I just want to make sure that you get that straight in the RECORD.

Thank you, GEORGE. I'm honored, and I am particularly honored to be part of this great Bay Area delegation. In our 10 districts surrounding the Bay Area, we have, I think, the finest legislative group in the United States. Thank you very much.

Mr. GEORGE MILLER of California. Thank you very much. I know, as we all know in this life, Members leave the Congress, they don't leave public policy, they don't leave public life, and I expect we will be hearing from them as they leave the Congress in their future endeavors. I know that Mr. BILBRAY still wants to clean up the salt in the Salton Sea, and I know that DAN LUNGREN probably still wants to take down Hetch Hetchy. I'll be glad to join him on both efforts on that one, and I know WALLY HERGER still brings the concerns about the watersheds of the great northern parts of our State. So this relationship goes on, their advocacy goes on, and that's true on both sides of the aisle.

Ms. WOOLSEY, if you would like to say anything.

Ms. WOOLSEY. Thank you, GEORGE, for doing this. Thank you for honoring those of us that have been here and now are leaving.

I arrived feeling very green and feeling very good 20 years ago. I had no idea how little I knew about how to get something done in the Congress. I

knew where I had burned in my belly, I knew what issues were important to me, and those issues have stayed important to me for the last 20 years. But I had the advantage of working with some very wonderful senior Members who generously helped me along, and I had the privilege of having very talented staff who built the stage that I could dance on. You can't do that unless it's teamwork, and I thank everybody that has been a part of these last 20 years. It's been quite a ride, and I'm glad I did it. Thank you very much, GEORGE.

Mr. GEORGE MILLER of California. Thank you so much. Thank you for your service.

Mr. Speaker, that brings to a conclusion our delegation's honoring those Members who are leaving. I would just say, and this is not news to Members of the House, but on a bipartisan basis, this is a very, very spirited and ram-bunctious delegation on both sides of the aisle, and a lot of seniority is leaving the Congress with this delegation, a lot of expertise. But I'm very proud to have served with all of them and for their contributions and the sacrifices they made in public office on behalf of public policy that they strongly believe in and became advocates for.

With that, I yield back the balance of my time. I want to recognize Mr. BERMAN who is here and thank him again for his service.

#### PUTTING OUR NATION'S FISCAL HOUSE IN ORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the designation of the time and appreciate the opportunity to come to the floor tonight and discuss the issues, the very serious issues, that are in front of us. Now, this is something that we Republicans have talked about for quite a period of time, that we had to get the Nation's fiscal house in order.

The reason we had to do this was because we had a spending issue that was in front of us. Many of us felt that running deficits of several hundred billion dollars a year was not acceptable, and we've watched what has transpired through the years as this has continued to grow. And we all know that the last few years of the Obama administration has run deficits, annual deficits, of well over \$1 trillion.

Now, I am constantly hearing from people, How did this seem to happen so quickly? Well, it's been decades in the making. And as I said, indeed, many of us have come to the floor regularly, we've talked about it, and we've offered bills that would address this. A great

example of this, every year I've offered bills that call for 1, 2 and 5 percent across-the-board spending reductions. Little bits add up over a period of time.

We have the appropriations process where Members have come to the floor and they've offered amendment after amendment that would reduce what we are spending.

We on this side of the aisle also believe that you have to have a budget. Now, the President had a proposed budget, and nobody wanted to vote for that. We put it on the floor, and I think it got one or two votes from the Democrats. The country has not had a budget in over 1,300 days, and there's a reason for this. It is because the budget that we have passed out of this House has gone to the Senate each and every year, and it sits on HARRY REID's desk, and he does not take it up.

We have passed this budget, and I commend Congressman RYAN who leads our Budget Committee. We passed it because we think you've got to tackle the drivers of the debt. You've got to bring out-of-control spending under control. You have to restore economic freedom and ensure a level playing field for everybody by putting an end to special interest favoritism and corporate welfare.

We feel as if it is imperative to reverse this administration's policies that are driving up the cost of gas at the pump, that we need to be promoting an all-of-the-above energy strategy unlocking American energy production to help lower costs, to create jobs, to reduce dependence on foreign oil, and to strengthen our health care and our retirement security by taking power away—away—from government bureaucrats and empowering patients and letting patients and doctors make the decisions that are important to them.

Now, as I said a moment earlier, so many times people will say, How in the world did we get here? Well, as I said decades—decades—in the making.

Then we went through the Budget Control Act exercise a year before last in August. We had a select committee that was put in place. That didn't work out. So we ended up with the sequesters. And many of my constituents—and I'm sure other Members are seeing this too—they are saying, Tell me what the sequester is all about.

□ 1830

This is what it is. It's going to take place on January 2, 2013, and the defense budget is going to see the brunt of these spending reductions. Most everything gets 2 percent across the board. With defense, you're going to see additional cuts of \$55 billion per year. That is going to give them a total of \$492 billion additional cuts. This is going to leave our military with the smallest ground force since 1940, the smallest naval fleet since 1915, and the

smallest tactical fighter force in the history of the Air Force. Medicare could see \$16.4 billion in annual cuts, leading to the elimination of 496,000 jobs in 2013. There will be 62,000 physicians that will be adversely impacted. We know that the sequester cuts are not fair to everybody.

As I said, we've been taking steps. Every year for several years, we've talked about getting the fiscal house in order and cutting spending and fighting the growth in the debt. We've also passed some bills this year. And I would like to remind the Members of the body, Mr. Speaker, of these pieces of legislation that this House of Representatives has already passed, and that are sitting on the desk over in the Senate.

On August 2 of this year, by a vote of 232-189, we passed the Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012. That was H.R. 6169. It would provide an expedited pathway to pro-growth tax reform in 2013. To deal with the spending issues, to deal with the deficit, to deal with the debt, yes, you have to cut spending, you have to reform your Tax Code, and you have to have a pro-growth agenda. That legislation, as I said, was passed on August 2.

On September 19 of this year, we passed the National Security and Jobs Protection Act that would deal with the sequester that I spoke about a few minutes ago. That passed with 223 votes. We also had on May 10 the Sequester Reconciliation Act of 2012, H.R. 5652, which passed with 218 votes. We then had the Job Protection and Recession Prevention Act passed on August 1, and that was H.R. 8. It passed with 256 votes. H.R. 8 is the 1-year extension of all the tax rates.

We keep hearing that the President wants to extend the tax cuts for those making \$250,000 a year and less. What that would do is catch a lot of our small businesses. About 20 percent of our small businesses have already said that this would adversely impact them to the point that they would be cutting jobs, not growing, but actually cutting jobs. So I would point out that 256 Members of this Chamber, on a bipartisan basis, voted to extend the tax cuts for everybody.

When people say, Why can't the House and the Senate get together, Mr. Speaker, our bills—as I've just mentioned, these bills are sitting on the Senate leader's desk dealing with the sequester, dealing with taxes, dealing with the reform issues that we have in front of us. These four bills are sitting there waiting for action. The House has done its job. We've agreed to not raise taxes on anybody. That's only one part of this issue.

Certainly, with the way the President is wanting to approach tax reform, his proposals would raise enough revenue to run the Federal Govern-

ment for about 8 more days. He's going to raise taxes on the top 2 percent basically to pay for 2 percent of next year's spending. This is not sustainable. We do not have a revenue problem in this town, we have a spending problem. We have a crushing burden of debt. And now I've got some posters that I would like to show regarding that.

This first poster that I want to call your attention to points out exactly what we have in this crushing burden of debt. You will see that in World War II, it lays out our country's long history with this debt and shows where this burden has been passed. As I said, it's been decades in the making. Take a look at this. In 1940, the percentage of our gross Federal debt was 52.4 percent. That's where we were. By the end of World War II, the debt had skyrocketed. It was up to 117.5 percent of our GDP in 1945, and then it peaked in 1946 at 121.7 percent of our GDP. That was through the war. But you know what? We did what Americans generally do. When you have got a problem, you get behind it and you get it solved. So we doubled down on getting the spending under control, and you can see what happened. Then our Federal debt pretty much stabilized in the mid-30 percent range. And during the Reagan administration in 1981, the gross Federal debt was 32.5 percent of GDP.

Well, those old spending habits kind of die hard around this place. The Federal Government and the bureaucracy never gets enough of the taxpayers' money. When the President took office, our gross Federal debt was 84.2 percent of the GDP. This takes us back to swearing-in day in 2009. That's the figure that neither party could celebrate, and both parties share responsibility.

This Federal Government spends too much money and has for decades. Today, according to OMB, our projected gross Federal debt is 105.3 percent of our GDP. These are just simple facts. You can see what is going to happen if you look at where we are headed. Now we are over 100 percent. Look at how quickly we're going to get to 200 percent, then 300 percent, and 400 percent.

This points out how unfair this debt is to our children and grandchildren. Indeed, Mr. Speaker, I think the debt that we have in this country is the ultimate cap-and-trade. What is happening? We are capping our children's futures, and we're trading it to the countries that own this debt.

Let me point out who owns this debt. I've got another chart that I want to show you on this specific issue. A lot of people will ask about this. And of course last year during the debates on the debt, we had so many discussions about this. A couple of my colleagues and I went down, and we asked who owned our publicly traded debt. We wanted to know who was buying this

American debt. Of course, we've been frustrated with the Fed monetizing some of this debt and running the printing presses. We know that devalues it. We're frustrated that we are running about \$4 billion worth of debt a day, and that is adding to the annual deficit, which accrues to the Nation's debt. That frustrates us. So what we've done periodically in my office, Mr. Speaker, is to go back in and check with Treasury and see who owns our debt.

As of right now, China owns \$1.15 trillion of our debt. Then number two on the list is Japan with \$1.13 trillion of our debt. This is interesting. Out of this debt, number three on the list is OPEC. OPEC is an entity. That's the countries of Ecuador, Venezuela, India, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, the UAE, Algeria, Gabon, Libya, and Nigeria. Guess what? They now are number three on the list, and they own \$267 billion of our debt. Brazil comes in at number four, \$250.5 billion. And then number five on the list—new to the top five list—the Caribbean Banking Centers, who now own \$240.4 billion of U.S. debt. By the way, the Caribbean Banking Centers are the Bahamas, Bermuda, Cayman Islands, Netherlands Antilles, and Panama. This is who owns us. This is who owns our debt. This is why on this side of the aisle what we continue to say is the spending has to be dealt with.

We've heard from everybody. We are hearing from economists all around the globe, and they repeatedly say what we are saying, what we've been saying for years as we've come to this floor, that we have a spending problem. The spending has to be dealt with. We are drowning under a mountain of debt. You cannot continue to borrow nearly 50 percent of what you are spending. We think that it is problematic, if you will, Mr. Speaker.

It is disconcerting that the President doesn't want to talk about the spending, but is instead offering to raise enough taxes to fund additional spending for 2 percent of the year by raising taxes on the top 2 percent. I guess he's not worried about the other 98 percent of the year. This is how we have to get this under control, by reducing this spending.

I'm so pleased to be joined by my colleagues who share a passion for freedom and for economic freedom, and understand that economic freedom and political freedom are linked, and that this is a task that we are passionate about, we are given to solving this problem so that we remain a free Nation.

□ 1840

At this time, I want to recognize the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Thank you, Congresswoman.

I rise today in a belief that America can handle the truth. Abraham Lincoln said, "I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts." To that end, Speaker BOEHNER has been candid about the fiscal challenges facing our Nation and has put forth a balanced plan. However, as the President continues to promote his own plan, he seems to be deliberately not sharing key details with the public.

First, the plan will hurt nearly a million small businesses by treating them the same as the wealthy Americans. Secondly, the plan ignores the central driver of our deficit—government spending. It ignores that.

On the first matter, why should we lump the owner of a hardware store together with Wall Street executives and tax them at the same rate? When the President talks about the rich paying their fair share, he fails to mention that he also raises the same rate of taxes on small businesses. Earlier this week, the President told factory workers that his plan is to "ask the wealthiest Americans to pay a slightly higher tax rate." Previously, he said, "Millionaires and billionaires can afford to pay a little bit more." But not once did the President publicly acknowledge his plan will raise taxes on owners of small family businesses.

I'd like to give you an example of a small business owner who would fill out the tax form here, a 1040. This form is for a single woman, Mary Workman, who is in software development. She makes \$50,000 in wages, and the company makes \$150,000. She picks up some dividends and capital gains, so she has a total family income of \$210,000. Under the President's proposal, Mary would be hit with the same tax rate equal to those of millionaires—at \$50,000 in wages.

Where is the fairness in that, Mr. President?

It's one thing to ask Bill Gates, Warren Buffett, or Donald Trump to pay more in taxes, but it's something else to penalize the small businesses of Main Street, like the software developer, for example.

This is not an isolated case. According to the Joint Committee on Taxation, 940,000 small businesses will face higher taxes under this President's plan. These are not the wealthiest Americans, but they're proprietors of small, family-owned businesses that are located in every town across America. According to the report by Ernst & Young this summer, 710,000 jobs will be lost by these companies if they're taxed at the same rate as corporate America.

The President's proposal, curiously, would raise taxes on small businesses to as high as 39 percent, but for larger, mature corporations, the President is

seeking to lower their tax rate to 25 percent. Although reforming and lowering the corporate tax rate is a worthy goal, neither Congress nor the President should give tax advantages to large corporations at the expense of the owners of small, family businesses.

Generally, Mr. Speaker, I am opposed to raising taxes. However, if in the spirit of compromise Congress is forced to adopt new revenue in order to achieve reductions, then Congress should insist that personal wages be separated from small business income and taxed differently. This could be done by using the information already filed on the 1040, which is just like they do on capital gains, dividends, and interest payments.

Now on to the second matter, the spending side of the equation. Surely, the President understands that raising taxes on small businesses and Wall Street executives won't sufficiently cover the deficit. Despite this reality, he consistently confuses the public by ignoring the role that reducing government spending would and should play in deficit reduction.

According to the Office of Management and Budget, this administration's plan to raise the top rates generates an average of \$43 billion a year, yet we are faced with a deficit of \$1.1 trillion. This new revenue, as you pointed out, Madam Congresswoman, is only enough to fund the government for 8 days. During the campaign, the President proposed that there should be \$2.50 in new spending reductions for every dollar in new revenue, but now that the campaign is over, his latest plan calls for just the opposite—an unacceptable ratio of \$4 in new revenue and only \$1 in spending cuts.

Speaker BOEHNER is right: America has a spending problem, not a taxing problem. While the President has consistently told the American public that he is merely asking the wealthy to pay just a bit more in taxes, when was the last time the President also reminded the American public that we borrow 46 cents out of every dollar we spend? Congress is chasing the wrong rabbit. Raising taxes on small businesses is no more a solution to fixing the deficit than is cutting worthy social programs. The problem lies much deeper than that.

Federal Reserve Chairman Ben Bernanke admitted that the spending levels of this administration are unsustainable. Just as President Clinton declared years ago that the era of Big Government is over, this Congress needs to man up and declare the era of taxing, spending, and borrowing into perpetuity is over as well. Now is the time for the President to provide leadership, to level with the American people, and to set aside the campaign rhetoric of class warfare, division, and envy.

Small, family-owned businesses cannot and should not be painted with the



same broad brush as millionaires, billionaires, and Wall Street executives. We must protect our small businesses and stop promoting the treatment of their income to be the same as that of the wealthy.

□ 1850

At the same time, this administration needs to admit that raising taxes on businesses will not pay the excesses of spending that has occurred over the last 4 years. We must prioritize our fiscal negotiations by putting spending reductions before addressing new revenues.

Mr. Speaker, I came to Washington 2 years ago to get something done. Speaker BOEHNER has shown that he understands the gravity of the situation and wants to find a solution that is balanced and realistic. I stand solidly behind him. Protecting small businesses and addressing our spending problems are too important to the economy to ignore. The situation demands that we deal in reality. Once again, Mr. Speaker, America can handle the truth if given all the facts.

Mrs. BLACKBURN. I thank the gentleman, Mr. McKINLEY, for his well-thought-out presentation and for putting this 1040 form up here from the IRS. And it reminds me, we're coming up on the 100th anniversary of the income tax, the Federal income tax, which was to be a 1 percent tax on the top 1 percent for 1 year. Now the 100th anniversary of that is going to be February 25, 2013.

Mr. Speaker, I think this is a grand time to say let's totally overhaul this Tax Code here in the United States. Let's make certain that, indeed, it is fair. The gentleman talked about the small businesses that he interfaces with. My goodness, a convenience store operator, a female that runs a seven-person service shop, a medical application device creator—I've met with all of them in the last couple of days. They can't afford to stay in business because, guess what, they will not be able to make a profit by the time they pay escalated tax rates and are treated, as the gentleman said, like they're some Wall Street business.

Also the \$63 per health insurance fee that goes on this next year, driving their health care cost up, the \$3 medical device fee that is going to be applied to our mobile medical applications. You know, they're taxing every single thing they can find to tax. There are 21 new taxes in ObamaCare, plus all of this we have. This is why we are so passionate about solving this spending issue.

I want to welcome to the floor the gentlelady from Wyoming (Mrs. LUMMIS) who has been a stalwart in making certain that we cut what we are spending. Cut, make some cuts, so that we're wise stewards of the taxpayers' money. I yield to the gentlelady.

Mrs. LUMMIS. Mr. Speaker, I want to compliment the gentlelady from Tennessee for organizing this group to talk about this essential issue that is coming before the people of this country as described to be a fiscal cliff. Quite frankly, we need to look back at Alice in Wonderland to see from whence we have come.

In the case of Alice in Wonderland, there's a line that says if you don't know where you're going, any road will get you there. Certainly in the case of Congress, the Republicans have laid out a road. It's a road map for America's future. It was designed by our House Budget Committee chaired by Congressman PAUL RYAN from Wisconsin, and it lays out a plan for spending. It lays out a plan to sustain the viability and vitality of Social Security and Medicare and Medicaid into the future, to make sure that seniors now can enjoy the benefits that they've earned through Social Security, Medicare and Medicaid. And the young people who are paying for it now will have those benefits available to them when they retire or when they need them.

That is our road map to America's future. That is our budget. It passed this House unanimously through Members of Congress who are of the Republican persuasion.

By contrast, the Democrats have not tendered or put forward a budget for over 1,300 days. Now, Tim Tebow was a quarterback at the University of Florida 1,300 days ago before his career at the Denver Broncos, before his career now in New York. So many things have happened in those 1,300 days in America. How could one important political party in this country not put forward a budget, a road map, to where we want to go with our spending and to retire our debt?

Something that our budget, the Paul Ryan/Republican budget, put forward is a pathway to eliminate our debt and our deficit without raising taxes and while preserving America's social safety net. And yet the other side of the aisle put forth nothing in response. And the answer is because, I believe, they don't know where we're going so any road will get them there.

The President's budget was presented by Timothy Geithner to the House Budget Committee. We asked him: When does it balance? At what point out in the future does it eliminate our debt and our deficit? And the answer was, Never. Never.

Our country needs direction right now; and the people who are here tonight want to make sure that the people of America know where we're going and yet our President put forward a budget that never balances. And his answer now on this road to however and wherever we're going is, I want to tax people who can provide enough income for our Nation to fund it for 8 days. That's not a budget. That's not an an-

swer. That's not an American value. That is not where we should be going.

Our own Government Accountability Office has put together three volumes of reports that contain in them ways that we can consolidate spending, create efficiencies in government, save money, and make our government smaller, more robust, serve the people, and yet save \$900 billion a year. Now, that is three-fourths of the way to solving our entire deficit, and yet why aren't we grabbing that and running with it? Why are we talking about raising taxes on the American people, on our small businesses?

I come from a State where there are no big cities, Madam Chairman. I come from a State where the largest town has less than 60,000 people. I come from a State where there are no Big Four, too-big-to-fail banks. A place where you go to your local Main Street banker if you want to borrow money and present a plan to pay it back, a secured loan that comes to you and that you do pay back, from people who know you, that know your reputation and your ability to repay. And yet laws like Dodd-Frank and this mysterious creation called Basel III will put global banks and my little banks on Main Streets in Wyoming on the same capital plan. That was never intended. That's so irrational.

Let's work together, Republicans and Democrats, to help our country rationalize and put things back on the right track and focus on our spending problems.

□ 1900

Use the nonpartisan Congressional Budget Office reports to eliminate even half of the items that we're overspending. It would be a stunning victory for the American people, and we know how to get there.

Mr. Speaker and Madam Chairman, you are leaders in this caucus, this conference, this country. We, in this House, know how to solve these problems. What we lack is gumption. What we lack is the relationship with the President of the United States to sit down and talk to him about these issues.

One more thing, Madam Chairman. I realize we have very important remarks to be made from others here tonight, but I want to tell you a story. There is a group here in the House that gets together once a week. And one day we had Bob Schieffer come in and speak to us, Bob Schieffer of CBS News, a long time, highly respected journalist.

And I had the chance to ask him, When you look at the crises in negotiations that are occurring now, between Members of Congress and the President, why are we having so much trouble communicating? Who have you witnessed in your lengthy, illustrious career that did it better? Who would you hold up as an example?



Well, Bob Schieffer first started covering Lyndon Baines Johnson in Texas many years ago, and he told a story about how LBJ would have handled this. He mentioned that LBJ would religiously watch the Sunday morning talk shows. He would watch "Meet the Press," and he would watch the shows that were on the networks because that's all we had back then was networks.

He would watch the Speaker of the House on those programs. And if the Speaker would give an avenue for compromise, he had him on the telephone before the Speaker of the House left the studio. And he'd say, Mr. Speaker, why don't you come over to the White House tonight?

Lady Bird and I'll put on some fried chicken and we'll just sit around in the kitchen and talk this over. I see an avenue for us to agree on 10 percent or 20 percent of where we need to go to solve this Nation's problems.

He would connect, on a personal level, and on a level that found that crack in the armor of failure to communicate. And that's how he solved the problems.

What we find now is that if the Speaker goes on television and leaves a crack in the armor, say an offer to come up with \$700 billion or \$800 billion in new revenue, something that this President campaigned on, instead of having the President call the Speaker and say, Mr. Speaker, I think we're getting somewhere. Why don't you come over. We'll get together around the kitchen table and just talk about this. I think we're getting somewhere. Instead, the Speaker is blasted by the press shop at the White House within hours of his making a presentation on the Sunday morning talk shows. And people wonder why we can't solve these problems?

There is a way to solve these problems. We know what to do to solve these problems.

I compliment the gentlelady from Tennessee for her hard work to solve these problems, to illustrate for the American people that there's room for compromise in Washington. And I salute your efforts to reach out to everyone, to the American people, and across the aisle to make that happen.

Madam Chairman, I yield back with my compliments.

Mrs. BLACKBURN. I thank the lady for yielding back, and I have to tell you, I loved her Alice in Wonderland example. Sometimes I feel like we should read the "Emperor Has No Clothes" because we're spending money we don't have, or maybe "Goldilocks and the Three Bears" because it's never quite right what seems to be presented.

By the way, Mr. Speaker, I know our colleagues appreciate Mrs. LUMMIS and what she does; but when she talks about the Nation's Treasurer coming

forward and having something that never comes into balance, she knows what she was talking about. She was a State treasurer in Wyoming before she came to Congress. She knows these issues. She knows how you balance a governmental budget. She's an expert in these issues.

And to have a budget where you say you never plan for it to balance? Well, when my children were growing up and they were struggling and something was going to be too much of a heavy lift or too hard, I would say, if you fail to plan, then you plan to fail.

For this great Nation, for the endurance of freedom, failure is not an option; and it is imperative that the fiscal house of this great Nation be put in order.

Someone who knows how to do that so very well, who has done it as a wife, a mother, a State legislator and a small business owner is Mrs. HARTZLER from Missouri, and I yield to you.

Mrs. HARTZLER. Thank you. I sure appreciate your leadership on this issue and drawing attention to the very real crisis that we have in this country and the very real opportunity we have.

You know, the real issue that is before us today is that it's time for Washington to stop spending money it doesn't have and the fact that Washington has a spending problem, not a taxing problem.

The President's proposal is a non-starter, and it's a red herring. It might sound good to some, but it doesn't solve the problem, and we are problem solvers and that's what we're here to do.

Even if we gave the President what he wants and raised taxes on family business owners in America, it would only generate enough revenue to fund the government for 8 days. It would not make a dent in our yearly deficit or reduce our national debt.

Only by creating jobs and reducing spending will we balance our budget, and the American people understand that.

I would love to share with you a few comments that I received. I don't know about you and your office, but I've received hundreds of emails and phone calls from people at home who want to weigh in on this very important issue, and I love their commonsense advice. You know, the best knowledge and expertise on these issues is from the people. It's not from the bureaucrats here in Washington, D.C.

Here's just a few of the comments that I've received this week from people back home. Mike in Sedalia says: The issue is not the raising of taxes, but good solid budget cuts.

Curtis from Lebanon said: There are still a bunch of us out here that do not want a spend and tax government. New taxes mean new spending.

And I thought that was a great comment, especially with the President's

proposal that he brought forth the other day when he wanted more stimulus spending. So the cuts that he was proposing, just like Curtis said, were just going to be immediately funneled over to new wasteful stimulus spending. They would have nothing to do with reducing the debt or the deficit. I thought Curtis was right on.

We have Lawrence from Pleasant Hill. He said: Good morning Representative HARTZLER. I know we are being told we are at the edge of a fiscal cliff. We did not arrive there by not paying enough taxes. The Federal Government spends insane amounts of money, and even by reducing us all to serfs, the taxes will not cover the spending.

Well said.

Here's Jerri from Lamar. She said: Please stop spending our money. Walk away from the table if they are not willing to stop wasting our hard-earned money. Reform the entitlements and lower the taxes. Nothing else, in my opinion, is acceptable. Do not go back to the Clinton era. That administration led us into a recession. And do not raise the inheritance tax.

And then listen to this. She said: I am from a family of farmers. That will kill our family and many others and make it impossible to keep farms that have been in our family for generations. That is the most unfair tax there is. This country will not survive more blows to small business and the middle class. Stop the insanity and stop it soon.

And finally, from Patricia in Jefferson City, she said: I want to voice my opinion on what has happened in Washington right now. Politicians have put us in this mess with excessive spending. I want to see huge spending cuts out of the Federal spending before I see any taxes.

Now, that's common sense. That's the voice of the American people.

You know, Missouri is the Show Me State, and I believe it's time for Washington to show the hardworking taxpayers of my State and every State that they understand it's time for Washington to do what we do at home, and that's live within our means by cutting spending, tightening our belts, and not raising taxes on any American.

□ 1910

Washington would be better off focusing on job creation to raise revenue rather than taking more money from its citizens.

So that's the common sense from Missouri I wanted to share tonight, gentlelady, and I sure appreciate your leadership on this issue.

Mrs. BLACKBURN. I thank the gentlelady. And I know that you're doing a telephone town hall with your constituents tonight. I know you'll probably hear some of the same things that you've said. I've heard from my constituents, too.

I heard from one lady who is a small business owner, and she said, I wouldn't mind if my taxes went up and it helped pay down the debt; but she was astounded when she found out that the President wanted to spend this much, and more, and that her taxes would not go down. The money raised from the tax hike would be spent, plus another trillion dollars, and she was not going to see the debt paid down. She was very concerned about that.

Well, coast-to-coast we're hearing the same thing. The gentleman from Colorado (Mr. TIPTON) is also on the phone with his constituents, and we appreciate that you're on the floor with us.

I yield to the gentleman.

Mr. TIPTON. I thank the gentlelady from Tennessee for this time and for her leadership on this important issue for every American.

I'm glad to hear my colleagues continue to talk about the real issue that we face in this country. We did not tax our way to a \$16.3 trillion debt in this Nation. The Federal Government spent its way into that debt. The responsibility that we need to have that comes from the Show-Me State of Missouri in terms of commonsense proposals is something that needs to be heard in Washington, D.C.

This President has been focused on raising taxes. He is implying that Washington, D.C., needs the money more than our people at home. Well, if you come into my district, the Third Congressional District of Colorado, we go to Pueblo, and the real unemployment rate is now at better than 20 percent. My second largest community, Grand Junction, Colorado, the real unemployment level is at 19.5 percent.

My folks aren't looking for an unemployment check. They're looking for a paycheck. They're looking for responsibility out of Washington. And when we are looking at this fiscal challenge that we face, this fiscal abyss, a fiscal black hole which is engulfing the economy of the United States, we need that responsibility out of Washington.

But how are our dollars being spent? Are they being spent wisely or does Washington continue to waste the efforts and the hard-earned capital of the American people? Let me give you a few examples.

We had \$700,000 that came out of the pockets of hardworking Americans to be able to conduct a study on methane gas from dairy cows. Now, the gentlelady from Tennessee, you've got a few dairy operations in your State. I think we could have saved \$700,000. It comes naturally. We need common sense when it comes to handling the American taxpayers' dollars.

We had another \$137,530 of American taxpayer dollars that was used to be able to create a video game called "Layoff." That's what the policies of this administration have literally

yielded. We are not growing the economy, putting people back to work.

As we approach this Christmas season, we have families across the country right now that are hoping to be able to provide for their children. We can create that certainty by addressing an unwieldy regulatory process that's inhibiting our ability to be able to create jobs. And if Washington needs revenues—and we know that government needs revenue to carry out specific functions—let's get the American people back to work, those folks in Pueblo and Grand Junction, Colorado, who actually want to be able to have a job.

But we need to be very concerned, once again, about where's that waste of the Federal dollars going. The gentlelady from Tennessee noted that \$1.5 trillion of the debt of this country is owed to China. So what did the United States do? We sent 17.8 million American dollars for China to be able to study environmental programs and social programs in China. So effectively, what we did, we borrowed money from China to be able to send it back to China to be able to study problems there. Let's get Americans back to work.

We took another \$2.6 million to be able to train Chinese prostitutes not to drink too heavily. I think we have a better use for American dollars.

Right now, America is facing a fiscal challenge, a fiscal abyss. The problem resides not with Americans being taxed too little but government spending too much. We have a caucus that's dedicated to getting Americans back to work, to bring fiscal sanity into the process, and to never, ever forget it is not Washington, D.C.'s money. It's the American people's money. Let's stand up for them first rather than for more and bigger government.

Mrs. BLACKBURN. I thank the gentleman. So well said—jobs, the economy, economic growth. We have to have economic growth. And continuing to raise tax rates, continuing to escalate spending doesn't do that. What we want to see is a healthy economy for our future because we know a healthy economy is going to give us jobs growth. Jobs are going to give us the economic growth and prosperity that is necessary for today, for tomorrow, for a healthy economy in this Nation.

We know that a healthy economy is going to lead to continued economic freedom and, thereby, political freedom. We know that freedom leads to brighter futures for our children and our grandchildren, and that's what we want. We want these children to dream big dreams and to live in an America where they can come true.

Someone who shares the passion on this issue is STEVE SCALISE, a Congressman from Louisiana, who has recently been elected as chairman of the Republican Study Committee for the next Congress.

I yield to the gentleman from Louisiana.

Mr. SCALISE. I want to thank the gentlelady from Tennessee for her leadership and for hosting not only this hour, but for being so passionate about the need to control spending and to get our economy back on track. I know she was on one of the Sunday talk shows just this weekend talking about this issue and talking about conservative solutions to avert this so-called fiscal cliff. And if you look at how we got here and what American families are facing starting January 1, if nothing gets resolved out of Washington, it's an abyss that doesn't need to happen.

If you just go back and look at some of the promises made by President Obama when he was running for office, when he was running for reelection, he talked about working across the aisle. He talked about bipartisan solutions. He talked about it a lot, and the American people expected that the President would keep that promise. But before the ink was even dry, before some of the States had even confirmed and finalized their vote totals for this last election, the President comes out with a hyperpartisan solution. That's his approach.

First of all, when the President comes out with his plan to raise taxes on some and to not renew others and to threaten, literally, middle class families with a tax increase if some people don't get their taxes raised—there already was a bipartisan solution to avert this cliff.

Just a few months ago, here in this House, we passed a bill with 19 Democrat votes—a strong bipartisan vote—to make sure nobody sees their taxes go up, completely avoiding this coming crisis. We passed that bill and sent it over to Senate. Of course, the Senate has refused to take any action on it because President Obama, and his Treasury Secretary I think has confirmed this, they're eager to go off the cliff. They think they'll get political points by doing this. This is a political calculation by them to try to blame the other party, and let's have this crisis and then go and push more taxes on the American people.

I think if you look at what the message of this campaign was—there were a lot of messages. One was people wanted us to work together on bipartisan solutions. And we've got those bipartisan solutions to avert this crisis but also to avert so many of the other crises facing our Nation.

But another thing they said—and probably the loudest thing people said—is they wanted us to focus on the economy and creating jobs. That's the biggest concern for most families across this country. People I talk to in southeast Louisiana, they're concerned about a sluggish economy, and, in many cases, it's some of the policies coming out of Washington that are creating all of these problems.

□ 1920

If you want to say, will tax increases solve any of these problems, first of all, let's go back and look at history. We've gone and combed through and there has never been a time in modern history where raising taxes got you to a balanced budget. Never. It's never happened. The last time that a Republican House has balanced a Federal budget was back in the year 2000. Not that long ago. It seems like a long time ago. Washington has balanced its budget. We were living within our means back then, and we weren't doing it through tax increases. It was done through controlled spending.

The last time a Democrat House has balanced a Federal budget was 1969. So maybe there aren't many people around here on the Democrat side that know how to balance a budget. But you don't do it by raising taxes. In fact, John F. Kennedy when he pushed through his economic plan that got growth going in the mid-1960s, it was through tax cuts. Go back and look at the quotes. Some of the best quotes against growth in government, against tax increases were made by John F. Kennedy when he pushed for a tax cut that ultimately was passed by President Johnson.

So where do you get economic growth? Go back and look at those years. In the 1960s when they cut taxes, there was tremendous economic growth. A lot of jobs were created. In the 1980s when Ronald Reagan cut taxes, there was tremendous economic growth, one of the greatest times in history. Ultimately, if you look at the deficits in those periods, it came because you had a Congress that didn't control spending even with more money.

And then you look at the Bush tax cuts, because that's what we're talking about here today: the expiration of the 2001 and 2003 tax rates. When those tax cuts were put in place in 2003, after that happened, within 3 years of tax cuts, the Federal Government took in 40 percent more money. Now, you wouldn't believe that if you listen to some of the mainstream media. You would think that cutting taxes takes money away from government and you need to raise taxes to bring in revenue. The opposite is true when you look at history. Forget about what politicians in Washington tell you who want to take more of your money to go and spend it on Big Government. When they cut taxes in 2003, within 3 years the Federal Government took in 40 percent more money.

Mrs. BLACKBURN. If the gentleman would yield, I think that is such an important point to make, that when you raise the rates, which is a regressive action as you look at tax policy, what you do is to drive down the revenues. If what the President says, Mr. Speaker, is that he wants more revenue, the way

to get to more revenue is to clean up the Code, to actually lower your tax rates and to generate more economic activity and growth so that we can begin to grow and reshape our way out of this. You're never going to tax your way out of it. You can't spend your way out of it.

I want to invite the gentlelady from New York into this because she is a physician. She knows, with all the ObamaCare taxes, that you're not going to be able to deliver health care with escalating the taxes that are on the books pertaining to ObamaCare.

I yield to the gentlelady.

Ms. HAYWORTH. I thank the gentlelady from Tennessee for leading this session and our chairman of the RSC. Indeed, it's true: as of January 1, 2013, in fact, Congresswoman, there will be five new burdens, new tax burdens, on the American people related to the enormous cost of the Federal takeover of our health insurance and in certain respects of our health care.

For one thing—and this is really, really a sad thing—right now, families with special needs children can use pretax dollars. They can protect those dollars to spend them on care and even education for their special needs children in flexible savings accounts. As of January 1, 2013, one of the new tax burdens on those families and on every family that relies on a flexible savings account will be that they will be limited to \$2,500 per year. That's it.

Now, tuition at some of the schools for our special needs children run to many thousands of dollars a year, \$10,000 or more. It used to be that families could use those dollars for their special needs children. Now they won't be able to. Does that seem fair? It certainly doesn't to me.

Mrs. BLACKBURN. You said there are five taxes that go up on January 1. If our colleagues want to look at this list of taxes, are they listed on your Web site?

Ms. HAYWORTH. We will post a link, because I'm not sure they are right, but we will post a link. Dividend taxes are going to go up on our seniors, on our fixed income families, on our savers. That's another burden, the new taxes that are going to be related to health care, and there are three others other than the flexible savings.

Mrs. BLACKBURN. As the gentlelady yields back, to the gentleman from Louisiana, I would think that the Republican Study Committee has this linked on their Web site so people can see the taxes that are already going to go up on them because of ObamaCare. We reiterate that what we want to do is lower the spending and get the fiscal house in order.

I yield to the gentleman from Louisiana.

Mr. SCALISE. I thank the gentlelady from Tennessee again for yielding and the gentlelady from New York for

pointing those important facts out, because if you look at an important point that was just brought up, under ObamaCare, there were more than 20 different tax increases in ObamaCare, many of which, by the way, hit the middle class. Sure, in ObamaCare the President went after those rich people that he despises so much. He's happy to take their campaign cash during elections, but he went after them in ObamaCare with tax increases. But he also went after middle class families. This medical device tax that hits January 1 hits every single American that has medical procedures.

Mrs. BLACKBURN. To the gentleman from Louisiana, I hate to interrupt, but the Speaker is telling me that our time has expired. We have so much to cover. We were joined by the gentleman from Tennessee (Mr. DESJARLAIS) who's been on the phone. I regret that we are out of time. He has been doing a telephone town hall.

We have solutions. The fiscal house has to be brought into order. I thank my colleagues for joining me on the floor tonight to help make the point to the American people. We are going to stay with this fight and solve the problem. Our children and grandchildren deserve it.

I yield back the balance of my time.

#### INVESTING IN THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from New York (Mr. HIGGINS) for 30 minutes.

Mr. HIGGINS. Thank you, Mr. Speaker.

We hear a lot of the rhetoric on debt and deficit, and I think it requires a recent review of history.

Less than 12 years ago, the United States had a \$258 billion budgetary surplus, meaning that we were taking in \$258 billion more each year than we were spending. That budget surplus 12 years ago was a direct result of having created 22 million private sector jobs in the previous 8 years, underscoring the fact that the best tax policy is bringing back lost taxpayers to productivity, more people contributing to the Federal Treasury and less people dependent on governmental programs.

That \$258 billion budgetary surplus was used as justification to enact tax cuts in 2001 and in 2003. Those tax cuts disproportionately benefited the wealthy. The supply side theory, if you ascribe to it, says that if you give large tax cuts to the very wealthy, that money will find its way back into the economy in new business investment and job growth. Eight years later, we had the worst recession in the history of this Nation, and we had the worst job loss in 60 years.

This economy is not growing to the extent that it needs to in order to

produce employment. It's growing at about 1½ to 2 percent, which is not enough to sustain the current level of employment today, meaning that without additional growth in this economy, we will have increases in unemployment in this Nation.

So what do we need to do? We need to invest in the American economy. We need to nation-build, not in Iraq, not in Afghanistan but right here at home, in America. After the tragedy of September 11, 2001, we were chasing the losers of globalization, al Qaeda, bin Laden, two bad elements that had to be dealt with.

□ 1930

But we should have been also chasing the winners of globalization, those economies like China and India that were investing in their own economies and their own people to produce job growth. That's what's needed here.

Those who do all the complaining about spending around here are those who are responsible for all the spending. In fact, in fiscal year 2013, we will have a \$900 billion budget deficit attributable to the Bush tax cuts, \$137 billion for the cost of war, and \$354 billion in the lingering impact from the recession.

What we need to do is invest in America, in infrastructure, in scientific research and in education. It's a different world. We need to compete more effectively and do what other countries are doing. Why is it that Germany, a country that has one-fourth of the population of the United States, exports more than what the United States does? Because if you look at our Tax Code, it's broken and it needs reform. Industries in the United States that are employing Americans are given 2-year tax credits, and we expect those American companies to make generational commitments on a 2-year tax credit. Look at places like Germany. They're providing 10-year tax credits. That sends a signal, a signal of certainty and a signal of clarity to businesses in Germany that there is a commitment to embrace innovation and technology to remain competitive in the manufacturing economy.

Manufacturing today is not labor intensive. It's capital intensive. You always have to be in a continuous improvement mode. But that requires one thing. It requires a confidence in the American people, a confidence in the American worker in making the kind of commitments that are necessary to compete with China. I often hear people on this floor every day whining about China. Yeah, China cheats on their currency. They treat their workers poorly, and they destroy their environment. But the best response to China's growth is to stand up and compete with China and not whine about China.

Most American jobs are not outsourced to China. They're

outsourced to the past because we failed to make the kinds of investments that are necessary to keep the economy growing.

So what's the answer to all of this? Every economist that you talk to, regardless of their political persuasion, will tell you that we have a growth problem. So how do you grow your economy? You invest in it. The New America Foundation, a centrist, prestigious think tank here in Washington, says that we should spend—that's right, we should spend—and invest \$1.2 trillion in a 5-year nation-building program right here in America. That nation-building program will create 27 million jobs over the next 5 years, adding 5.2 million in the first year alone—5.2 million jobs in the first year alone, or 433,000 jobs each month.

Can you imagine if in the spring of 2013 that we had jobs reports that were showing that we were adding 400,000 to 500,000 jobs each month? This economy would soar. Unemployment would be reduced in the first year alone to 6.2 percent and in the second year to 5.6 percent. This added growth in the economy would return \$592 billion to the Treasury in increased tax receipts.

So the \$1.2 trillion that you invest in rebuilding this Nation, that you invest in putting unemployed people back to work, returning veterans from Iraq and Afghanistan, will produce almost \$600 billion in economic growth while we're rebuilding the infrastructure of this Nation. And I will tell you, we need to rebuild the infrastructure of this Nation.

The American Society of Civil Engineers gives us a D rating for the quality of our infrastructure. The World Economic Forum says that we are 24th—24th—in structurally deficient infrastructure. In 2001, when we made all those investments in the American economy, we were number two in the quality of our infrastructure.

Transportation for America says that there are 63,000 structurally deficient bridges in this Nation. In New York State alone, there are over 2,000 bridges that are structurally deficient. In my hometown in western New York, there are over 99 bridges that are structurally deficient. Every second of every day, seven cars drive on a bridge carrying our families that is structurally deficient. This is pathetic.

The electricity grid in this Nation ranks 32nd in the world in reliability—an embarrassment. The United States Chamber of Commerce, which should be leading this effort, which should be leading this effort to invest in American infrastructure by investing in American businesses and investing in American workers, says that we lose because of the poor quality of our infrastructure—\$336 billion in lost growth over the next 5 years alone.

The United States Department of Transportation says that freight train

bottlenecks cost our economy \$200 billion a year, or 1 percent of our economy. The Federal Aviation Administration says air traffic delays cost \$33 billion last year. We need to double spending on ports by the year 2020 or lose another \$270 billion in exports.

China—keep complaining about China. But do you know what? They spend about 9 percent of their economy on infrastructure, on roads and bridges, on doing nation-building right in their home. Europe spends 5 percent. The United States spends less than 3 percent of its economy on infrastructure improvements.

So the need is very clear. So is this Congress, is Washington responding to the need? Well, not really. Not really. Think about this for a moment: This Congress will spend \$105 billion next year on rebuilding the roads and bridges of this Nation, a nation of 300 million people, where every objective observer understands the need for infrastructure investment. So less than \$53 billion in each of the next 2 years. You can't spend any more, right? Well, wait a minute. You just spent \$89 billion rebuilding the roads and bridge of Afghanistan. You just spent \$67 billion rebuilding the roads and bridges of Iraq. Those nations are 30 million and 26 million respectively. Yet, for a nation of 300 million people, you could only come up with less than \$53 billion in each of the next few years?

When the American Society of Civil Engineers says just to bring your infrastructure to a state of good repair it will cost you \$2.2 trillion, it's weak. In fact, it's pathetically weak.

So, the lessons about economic growth are found in our recent history. And the lessons of austerity, unfortunately, are right in front of us. In 1937, when the American economy was coming out of the Great Depression, we showed signs of anemic growth, and as opposed to spending more to invest in that growth, the President and Congress pulled back in 1937, and what happened? The economy went back into recession again. In the 1990s in Japan, they tried extensive austerity measures only to put that economy into a recession for an entire decade. In Europe today and over the past 2 years, austerity measures have prolonged, not taken that area out of recession. In Greece—we often hear Members of this House who say the United States economy is going to be like Greece.

□ 1940

Oh, really? Greece is not growing. Greece has lost 25 percent of its economy in the past 5 years. Greece's economy shrunk by 7 percent this year alone. There is a 20 percent unemployment rate in Greece, and it's even higher for younger people. Greece doesn't make anything that the rest of the world wants. The American economy is dynamic, but the American economy

always needs to be improving with education, scientific research, and infrastructure investment.

A rational political system would respond much differently than what is going on here in this Congress. We're talking about spending cuts and tax cuts to be extended that haven't produced economic growth. All the people that are talking about spending did all the spending. They're the debt and deficit creators. If we want to experience economic growth, we have to invest in this economy. It is critically important to the future of this Nation.

Medical research. We need to enhance, not cut, funding to the National Institutes of Health and the National Cancer Institute. Thirty years ago if you were diagnosed with cancer, fewer than 50 percent of those who were diagnosed lived beyond 5 years of their diagnosis. Because of a robust commitment to cancer research in the 1990s, under a Democratic administration, the survival rate now beyond 5 years for adults is 60 percent and for kids it is 80 percent. You're investing into medical research, into scientific research to create the jobs of the 21st century. I know that for my community in Buffalo in western New York, that gave the Nation and the world cancer research, that gave the Nation and the world chemotherapy in 1904. Making those investments has created a dynamic new economy in downtown Buffalo, which used to be a manufacturing economy. It's called the Buffalo-Niagara Medical Campus. The Roswell Park Cancer Institute, the first comprehensive cancer institute in the entire Nation, is leading the job growth there with 12,000 new jobs and is projected to grow another 4,000 over the next 5 years because you had a Nation that had the confidence in our scientific community to make the kinds of investments that create a diversified and strong economy so that we're not outsourcing jobs to the past but investing to create jobs for the future.

Manufacturing in this Nation is not dead. It will die if you continue to simply whine about China. You need to make the investments in worker training, in new technology, in innovation to ensure that the workers that will require 20 years, that go four or five on one piece of machinery—now you've got one worker on four pieces of machinery. This is what you have to do in order to remain competitive in this world economy.

All the books have been written. In Fareed Zakaria's "The Post-American world," he doesn't argue that the American economy is slipping quickly or deeply. He calls it "the rise of the rest," that other economies are investing in their people and in their future. Tom Friedman and Mike Mandelbaum, who wrote the book "That Used to Be Us: How America Fell Behind the World It Invented," say that because of

information technology, regardless of size, distance, and increasingly language, every country now can participate in a global platform to realize the great economic benefits of globalization. You can't compete in the new world, in the new economy without making investments in your people, your infrastructure, and the scientific research that's important.

China over the next couple of years will catch up to us in terms of the number of patents it produces. Patent production is an indication of future economic growth. For the past 75 years, we've lead the world in the number of patents that we produced. China will overtake us. That is a direct result of not investing in your own people and in scientific research.

As I have said throughout this discussion tonight, there are many other areas that we can go into. The bottom line is this: all this talk about debt and deficit—12 years ago we had a budgetary surplus in this Nation of \$258 billion. Now we have record deficits. That surplus was created because we had the confidence to invest in the American people, to do nation-building right here at home.

A strong prosperous America is the best America in terms of our foreign policy, as well. We become the aspiration for the rest of the world when America is doing what it ought to be doing, when it doesn't fear its own people, when it seeks not to divide the Nation, but bring it together. Hubert Humphrey once said that the greatest foreign policy initiative of the Johnson administration was the Civil Rights Act. Although it was a domestic policy, what he was saying was that when America acknowledges its mistakes, when America lives up to its ideals, it becomes an inspiration for the rest of the world.

All of those areas of the economy that Tom Friedman writes about in "That Used to Be Us" and "The World is Flat," America used to lead. We don't any more. We cultivated great artists, but we also cultivated the greatest economy in the history of the world. People that couldn't demonstrate—Rostropovich couldn't conduct an orchestra in his motherland. He came to America because we are a free Nation that celebrates and embraces the arts, and at the same time produces economic growth and opportunity for generations of people.

Tonight, I challenge my colleagues in the United States Congress to stand up for America, to do nation-building right here at home by investing in our own people, not \$89 billion in rebuilding the roads and bridges of Afghanistan, but a trillion dollars to rebuild the roads and bridges of America; not \$67 billion to rebuild the roads and bridges of Iraq, but a trillion dollars to rebuild the roads and bridges of America.

Everybody here talks a great game about thanking our veterans for their service, but you know what the problem is? We have returning veterans from Iraq and Afghanistan who are experiencing an unemployment rate of 30 percent. If you want to say thank you on behalf of a grateful Nation, you create an economy that gives them an opportunity to realize their full potential as individuals.

□ 1950

Sixty-seven percent of the deaths of American soldiers in Afghanistan are attributed to improvised explosive devices. Sixty-four percent of the deaths in Iraq are attributed to improvised explosive devices. Do you know how you defeat an IED? Don't be there. So we need to do nation-building right here at home. We need to grow this economy by investing in it in order to reduce debt and deficit and create employment and opportunity for future generations.

With that, I yield back the balance of my time.

#### IN THE CLOSING OF THE 112TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Illinois (Mr. DOLD) for 30 minutes.

Mr. DOLD. Thank you, Mr. Speaker.

Mr. Speaker, this institution, the United States House of Representatives, enjoys a rich heritage that continues to inspire. Through these magnificent Halls and this great Chamber, celebrated American leaders have walked. Presidents have rallied a Nation, and monumental policy debates have echoed throughout the night to forge America's great history. This building right here is the fulfillment of what our Founding Fathers sought when skirmishes first broke out on the fields of Lexington and Concord nearly two-and-a-half centuries ago. It's what each succeeding generation of Americans has stepped forward to safeguard in its own way, and it is what we have been entrusted to build on and ultimately gift to our children. Here we are, working each and every day, to prove ourselves worthy of the country we inherited, the people we are here to represent, and the limitless future we hope to build.

Mr. Speaker, I decided to run for Congress just over 3½ years ago, the basement of my home serving as our team's first office. We didn't have much space or even a sign on the street, but we were all driven by the idea and firm belief that our country's best days are in front of us, that we can get our economy roaring again, that we can continue confidently as the best hope for leading the world. It has been quite a journey from that humble start

to working here in the United States Capitol each and every day. But the great thing about America is that this story isn't so unique. Since our Nation's very inception, we have always been a place where what starts out as small gatherings of concerned citizens, of individuals getting together to discuss and plan how to make our country even better, can grow with hard work and dedication to actually achieve some of those very things.

I first ran for Congress, not because I wanted to be somebody, but because I wanted to do something. In fact, I wanted to do a great many "big" things. With so many millions of Americans struggling to find a job and economic security, I wanted to get this economy growing and get our country back to work. With so many small businesses finding it harder and harder to keep their doors open each and every day, I wanted to fight for small business owners, like myself, and make sure that the Federal Government did a better job of helping to create an environment where small businesses and entrepreneurs can succeed.

With our country buried in debt and the problem only scheduled to get worse, I wanted to rein in the reckless overspending in Washington, D.C., and advance big solutions so that my children, so that our children, could be free to reach their potential without previous generations' debt obligations holding them back.

With threats to our national security growing by the day and with an Iranian regime defiantly pursuing its nuclear ambitions, I wanted to be not just a vote in the United States Congress but a leading voice. I wanted to be a true champion, advancing vital measures to keep our Nation and our allies strong and secure.

With the 10th District serving as home to so many great communities, great businesses, great schools, passionate leaders throughout our communities, bright people, and treasured natural resources, I wanted to provide the thoughtful, independent leadership in Congress that our district has had and so richly deserves. Then with our Nation seemingly torn apart by hyperpartisan politics and gridlock, I wanted to prove that we could still get things done if we were serious about working together in good faith and finding common ground solutions to move our country forward.

We've certainly gone through tough times recently, but I've always believed in the resiliency of the American people to make things better. We have been able to achieve great things because our natural instinct is to aspire to achieve great things. This is why I am here, and this is what I have worked to accomplish each and every day while I've been in office.

Now, these past years, we've made sure to hit the ground running because

that's what the 10th District expects. Stretching north along Lake Michigan from the New Trier Township, Wilmette, Kenilworth, Winnetka, and Glencoe to North Chicago and Waukegan, from Libertyville south to Glenview and Wheeling, Arlington Heights and Palatine east to Lake Forest and Lake Bluff, and Highland Park west through Deerfield, Buffalo Grove, and Long Grove, I've been fortunate to represent a diverse congressional district that asks its leaders in Washington to tackle a wide-ranging and ambitious agenda. With the help of so many good people and coalitions both at home in the 10th District and here in the United States Congress, we've been able to achieve a number of things that I will forever be proud of.

In the House of Representatives, we've kept a sustained focus on job creation and on creating a climate that better helps the private sector grow. I believe that this represents the best path to ensuring sustained economic opportunity and upward mobility for millions of Americans. The House has passed over 30 bills that have focused on job creation, and I am pleased that the House unanimously passed a jobs-focused initiative that I introduced, the Global Investment in American Jobs Act. This bill earned strong bipartisan support, and I look forward to its, hopefully, getting signed into law before year's end. But our efforts to help get people back to work most obviously don't start and end with legislation in Washington, D.C. Washington doesn't create jobs. The private sector, entrepreneurs, and small businesses do.

That's why, over the course of the last 2 years, we've put together a 10th District task force that is focused on jobs and have also hosted several highly successful jobs fairs back at home. These jobs fairs brought together local hiring employers with hundreds of job seekers and made a real impact on people's lives. We also organized and hosted educational events with local exporters and manufacturers, exposing them to how they can leverage the Export-Import Bank and new markets opened up by the passage of new trade agreements so as to grow their businesses and create new jobs right here at home.

I supported these things because I want to do everything I can to help businesses and workers in the 10th District and around the country succeed. I've been proud that my time in Congress has allowed me to continue to champion the cause of small business growth, to make sure that small businesses know that they always have a strong advocate for their issues with me in the United States Congress. Over the past few years, I've had the pleasure of touring and visiting literally thousands of small businesses in the 10th District of Illinois. I do this so that I can hear directly from our local

business community, and more importantly from the thousands of constituents who work in these businesses, about what Washington can do better to help them.

We did employee town halls in places like the DoALL Company in Wheeling, at the Colbert Packaging in Lake Forest, and at Hollister in Libertyville. We talked ideas with business leaders like Steve Capp of Laserage Technology, Richard Zic of Dynomax, Inc., Jerry Larsen of Larsen Marine, and Matt Eggemeyer of Keats Manufacturing; and I always enjoyed visiting with our community's many storefront business owners, whether on Milwaukee Avenue in Libertyville, in downtown Arlington Heights, or on one of the many beautiful main streets throughout the district.

To some, the big issue was making sure that we had smarter, better crafted regulations that take into account the unique nature of a particular industry. On this front, we've passed regulatory reform bills to improve the quality of this process and have written letters directly to Federal agencies to ensure that the rules are responsible and not excessively burdensome. We need regulation. We just want that regulation to be smart regulation and tailored regulation, not simply more of it.

Many employers talked to me about the importance of increasing manufacturing and trade opportunities. I've been very happy to advance these issues in Congress as part of a trade working group. I know that the trade agreements we passed with South Korea, Panama, and Colombia are already having and will continue to have a positive impact on manufacturers in the 10th District and around the country. I am also pleased that we recently made progress on improving opportunities with Russia, but we have much more work to do in order to level the playing field regarding trade.

Other small businesses talked to me about the need to have a highly skilled workforce that is better trained and prepared to take jobs in the 21st century. Out of this grew my legislation, the Back to Work Blueprint Act, which would inject a new idea into improving the Federal workforce training program and would ensure that skills developed by workers match with the needs of the employer.

These conversations with small business owners also strengthened my belief that we need to continue the promotion of STEM education in America's schools—science, technology, engineering, and mathematics—skills necessary to make sure students are prepared to take jobs in the 21st century.

Nearly every business owner shared the importance, Mr. Speaker, of access to capital and credit for their businesses. Capital is the lifeblood of our economy, and I am pleased that we focused in on this in this Congress with



the passage of the JOBS Act and other legislation that came out of the Financial Services Committee. Of course, many employers and small business owners and individual workers talked with us about the importance of keeping the tax burden low and about making sure that our Tax Code was fairer and simpler. Over the past 2 years, I've been proud to champion this through my active support for comprehensive reform that is focused on low rates, eliminating the lobbyist loopholes, broadening the base, and focusing on economic growth.

□ 2000

I am confident that this will better help small businesses compete and create additional jobs.

We also heard from many small business owners—like Rick Woldenberg of Learning Resources in Vernon Hills—on the need to repeal the expensive and burdensome 1099 provision, which would have placed another unwelcome hardship on small businesses. I was proud to get behind this issue very early on and was a cosponsor of the legislation and saw its passage through into law.

And finally, something that we've frequently heard from both workers and employers is the need for payroll tax relief. This is something which I proposed in legislation of my own, and which I was pleased to support in a different piece of legislation, to put more money into the pockets of hardworking Americans.

In essence, what we heard from our local businesses over the past few years developed into what was my Main Street Jobs Agenda, which I've talked at length about in this Chamber. With its focus on pro-growth tax reform, increasing exports in manufacturing, access to capital for small businesses, making investments in infrastructure, utilizing domestic energy resources, STEM education, and implementing smarter regulations, I believe, Mr. Speaker, that this remains the best recipe for getting our country back to work.

Beyond our job creation efforts, I'm also proud of our leadership on confronting the Nation's debt crisis. Though not always popular, I refuse to accept the status quo of no budgeting, skyrocketing debt, and a sustained indifference to the reality that ignoring the problem only makes it worse.

With over 40 cents now borrowed on every dollar spent by the Federal Government, this is both a current crisis and a future one as well. Last year alone, we spent more paying the interest on the debt than we spent on the domestic priorities of education, transportation, and natural resource protection combined. This is unequivocally unsustainable, which is why I have dedicated much of my time and effort into reining in spending in Washington

and championing a big, bipartisan debt reduction agreement.

I'm very proud of our efforts to introduce the first bipartisan budget in a generation. I want to thank STEVE LATOURETTE and JIM COOPER for their efforts and leadership on this. I also want to thank Congressman QUIGLEY for working with me to cosponsor and advance this legislation, which is based on the bipartisan Simpson-Bowles framework. Mr. Speaker, this budget ultimately failed to pass the House, but I remain proud of our bipartisan effort—for which the USA Today called us the "Brave 38"—and I believe this type of thoughtful, independent leadership, this is the type of leadership that the 10th District deserves.

I also believe that the courage and leadership shown by the House to take on the difficult but necessary position of reining in entitlement spending deserves recognition. We know that Medicare stands out as a primary driver of our debt in the future. And, unfortunately, this future is not so far off. With one of Medicare's key programs scheduled to go bankrupt in the next 10–12 years, sustaining the status quo unavoidably means dramatic cuts down the road on those vulnerable Americans who need the program the most, crippling increases to the debt, and most likely both.

Instead, I believe we have a generational obligation to ensure that our children's potential is not crushed by a debt burden born out of the inability to govern responsibly. Ultimately, something as big as Medicare reform requires broad bipartisan support, so we're not there yet. We're not, but I do want to express my appreciation to Democratic Senator RON WYDEN and the House Budget Committee Chairman PAUL RYAN for recognizing that a solution must be found if we ever want to get this country on stable financial ground.

While many can find fault and issues with any proposal, we as Americans must applaud and encourage bipartisan solutions. We must strengthen our social safety net and ensure its long-term viability.

Of course, getting our debt under control impacts more than just what we do domestically. It impacts our ability to keep our homeland safe and free, and it impacts our power to provide leadership on the international stage.

The 10th District has a history and tradition of thoughtful global outlook and a special appreciation for the positive role American leadership can and must play in the world. This is a responsibility that I fully embrace and advanced.

I have been honored to work with the Armenian-American community to advance the Armenian Genocide Recognition Resolution here in this Congress. I want to especially thank Ken

Kachigian, Ari Killian, and Greg Bedian, and all the people at All Saints Church and the Armenian Cultural Center in Glenview, Illinois, for their support in educating me about their key issues and concerns.

I also want to recognize the Bahai community in the 10th District, which helped me build support for the resolution I introduced bringing attention to the horrible mistreatment and atrocities of the Bahai people persecuted in Iran.

We put together a Human Rights Advisory Board which allowed us to better speak out about the mistreatment of religious minorities in Pakistan and Bangladesh, especially in the Hindu community. And we supported numerous initiatives aimed at addressing human rights abuses taking place in Africa. I especially want to thank Dr. Richard Benkin for his commitment and help with regard to this area.

And of course we also focused on human rights and democracy promotion inside of Iran. But our work on Iran obviously did not stop there.

Mr. Speaker, in my very first speech on this House floor, I said that Iran posed the number one security threat to the United States. And thanks to the advice and counsel of so many good people in the 10th District of Illinois—community leaders like Sandy Perl, Keith Shapiro, the late Richard Schoenstadt, Janet and Gadi Cohen, Caryn Garber, Morrie Silverman and Lori Komisar, Richard Stein, Andy Hochberg, Steve Lavin, Rick Bachrach, Rabbi Aaron Melman, Peggy Shapiro, Rabbi Victor Weissberg, Marc Sacks, Steve Hefter, Andy Lappin, and so many more. Thanks to their passion, we continue to work on preventing this Iranian regime from acquiring a nuclear weapons capability. We advanced many vital measures in this Congress on this issue, and I've been pleased to have the opportunity to act as a leading voice and a champion in Congress for strengthening the sanctions on Iran. So much energy has gone into these efforts, not just from me, but from many Members, and I will continue to urge that the United States ratchet up the pressure on Iran's nuclear ambitions until the threat is affirmatively and effectively dismantled.

Another focus of mine has been finding ways to strength the United States-Israel relationship. Whether it has been delivering speeches from the floor of the House Chamber, drafting and introducing resolutions affirming Israel's right to a secure border, traveling to Israel and meeting with Israeli officials, authoring letters and recruiting other Members to sign on in support, such as an early effort we led to show the commitment of House freshmen to fully fund our foreign aid commitment to Israel, including Iron Dome, in a tough budget climate, or cosponsoring and voting for critical



legislation, I have looked to provide true leadership in support of our ally Israel's long-term security.

Finally, I've looked to provide the 10th District with thoughtful, independent leadership in Congress which it has had and I believe deserves. Our district is bound by deep-rooted characteristics—namely, a desire for pragmatic, effective leadership, vigorous independence, and the ability to work with the other side of the aisle in a civilized and bipartisan manner.

On this, I'd like to especially recognize my two most recent predecessors for this seat, Senator MARK KIRK and John Porter. These men have served as valued mentors and friends. I've worked to carry on the proud legacy that they burnished for the 10th District. John Porter and now-Senator KIRK have helped me in ways greater than they even know, and I'm deeply honored to consider them my friends. To this day, they continue to care deeply about the people of the 10th District of Illinois. The quality of who they are and what they achieved is reflected in the appreciation that our area still has for these two incredible men. They set the standard by which the 10th District leadership is measured, and I cannot thank them enough.

The thoughtful, independent leadership that John Porter and MARK KIRK embodied are the same virtues that I pledged to advance as I began my service to the people of the 10th District. I'm proud to stand here today and say that I believe that I've made good on this commitment.

On a number of issues, ranging from the environment, education, stem cell research, title X funding and women's health, gun control, and transportation infrastructure, I've never been afraid to break from any party and do what I believe is best for my constituents and district.

□ 2010

This is why I've consistently been ranked and considered as one of the most independent and bipartisan Members of this body.

Mr. Speaker, as an Eagle Scout, my Scoutmasters, Lee Getschow, Charlie Barnes and Artie Bergman, taught me to respect and love the outdoors, which is why I especially want to highlight our work to protect Lake Michigan.

Beginning with the first bill I introduced in the House, the Great Lakes Water Protection Act, along with my good friend, DAN LIPINSKI, Senators MARK KIRK and DICK DURBIN, I'm proud of our efforts to keep Lake Michigan clean. This legislation would prohibit wastewater pollution from running into the Great Lakes, but our work to protect the 10th District's most cherished natural resource did not stop there.

We focused on supporting the Great Lakes Restoration Initiative through

authoring and supporting funding amendments and advocating for the GLRI's importance in testimony before the House Budget Committee, all to make sure that this important program to protect the Great Lakes is adequately funded.

On a more local level, I'm proud that we've finally been able to facilitate the clean-up of Waukegan Harbor. The Superfund site which our community has been trying to restore and clean up for more than 20 years has finally started under our watch. So much work that went in to getting this accomplished has happened, and I particularly want to highlight and thank Susie Schreiber, Gerry Larsen and Cam Davis for their dedicated service to cleaning up Waukegan Harbor, getting, finally Lake County's gateway to the Great Lakes delisted as an area of concern by the EPA.

I also want to quickly highlight another cause which I've been proud to champion, and that's STEM education. Science, Technology, Engineering and Mathematics, these are critical educational fields that we need to make sure our young students are not only exposed to but have the tools to excel and compete in the global marketplace. This means giving these core areas extra attention.

And on that, I'd like to highlight the great work and dedication that Dr. Laz Lopez has given. As the principal of Wheeling High School, Dr. Lopez is ahead of the curve in advancing STEM education among his student, and I believe he's a model for students around the country. He's helped me greatly and has taken on the task of heading up my Educational Advisory Board, and for that I will forever be grateful.

In closing, it has been one of the greatest honors of my life to represent the people of the 10th Congressional District in the 112th Congress. I've never forgotten where I came from and what I came here to accomplish and the importance of governing for the people.

And while I'll miss many things, Mr. Speaker, I will miss most of all the many friends that I've made on both sides of the aisle, and my dedicated and talented staff, some of whom are here this evening: Eric Burgeson, my chief; Kelley Folino; Kim Brisky; Philippe Melin; David Stern; Kris Denzel; Eric DiSilvestro; Heb Siam; Eric Miller; Daniel Serota; Mona Dooley; Stefani Zimmerman; Mike Trajkovich; Jack Heyden; and Bryan Reed. They all worked tirelessly for the constituents of the 10th District, and I'm proud to call them my friends.

Mr. Speaker, I look forward to seeing this next Congress address some big things, some big issues because there's simply too much at stake. As I think about our Nation's future, I'm reminded of a Winston Churchill quote: Success is not final; failure is not fatal.

But it is the courage to continue that counts.

Each Congress brings a new opportunity to write the next chapter in America's exceptional story, but we must always remember that nothing is given. America's greatness must continue to be earned.

Our Nation has been built, generation by generation, through hard work and resiliency of the American people; and our generation must do our part to live up to this awesome responsibility. We must always be a country that stands for freedom and liberty, economic growth and opportunity for every American. And I remain optimistic that we can continue to make this country even better if we stay committed to these principles.

Mr. Speaker, I want to thank the people of the 10th District for the opportunity and honor to represent them in the United States Congress.

I yield back the balance of my time.

#### THE GIANT VS. THE MIDGETS

The SPEAKER pro tempore (Mr. DOLD). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 30 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I was thinking to myself earlier today, what happens when you put in a cage fight a giant with a midget?

Well, the midget will not win the fight. I'm going to tell you that. Why?

He just doesn't carry enough weight to do so. But if you put 30 midgets in with that giant, then the midgets have a chance.

Now, they have weight classes in cage fighting, so you're not going to find a situation where you have two or three against one. You'll just have equal weights. You'll have equally weighted combatants, and then they will go at each other, and the best man will win, or woman.

But we don't have that kind of set up when it comes to relations between employers and employees. There are no weight classes. And so what generally happens is whoever's paying the workers is usually the giant.

And so giants are in business to make a profit. That's how they became big and muscular. But they need those midgets, they need the midgets out there, they need the workers to actually produce the goods or service that is traded in return for the money, which strengthens the giant.

So in an employment relationship, employer/employee, you've got the giant, you've got the midget. Because there are no weight classes in that situation, you have an inherent imbalance. Whoever has the most money has the most clout. They can give you a job, or they can decide that they don't want to hire you. That's not your call. You don't have a right to work. You

can offer yourself out for employment, but you don't have a right to work.

So with no weight classes in this employment relationship, where the employer is the giant and the worker is the midget, how do you go about making it a fair fight?

Well, that's where you put the midgets together. You put 30 midgets in with the giant, and the midgets then have a chance, collectively. And so that is how the situation has unfolded here in America.

Seventy-five years ago, almost 75 years ago, Congress passed the National Labor Relations Act, which helps to protect American workers' rights to organize and negotiate the terms of employment with corporations. The midgets get a chance to speak with one voice to the giant. The midgets collectively have the ability to stand somewhat equal to the giant. They have a possibility of winning.

It's never going to be an employee win everything and employer goes down in defeat.

□ 2020

No. The thing is the workers get together. The midgets get together to try to get as strong as they can so that they can then deal with that giant in a more productive way. And the giant, wanting to avoid the fight, decides to speak eye-to-eye with the midgets—with the workers—and work it out to where everybody can win. That's what it's all about.

So the National Labor Relations Act, which protected American workers' rights to organize and negotiate the terms of employment, this actually leveled the playing field between the giant and the midget. It leveled the playing field.

Now, how was it set up that the collective body of workers could stand together and negotiate fair wages and fair employment conditions; things like paid holidays, things like health care benefits, things like retirement, things like number of days off, things like how much do you make, pay? So workers stood together. They had the ability to stand together, and they were protected by Federal law in standing together to be able to bargain with the mighty giant, the employer, to bring about some equity and a balance to that inherently unfair relationship. I won't say "unfair," but inherently unbalanced, out-of-balance relationship.

So we passed that law. It's been working well almost 75 years. But, ladies and gentlemen, in the course of just 7 days, what has happened in Michigan is a blow to crush unions, to crush collective bargaining, and to crush the power of individual workers to stand together, pool their resources so that they can support public policy workers—in other words, politicians—so that they could support those politi-

cians who support their interests. It's been working that way for almost 75 years.

During that time, we went from a Nation where so many people were in poverty, lived in poverty, had no benefits, made slave wages, worked 20 hours a day, and went from that kind of situation into where most workers had obtained middle class status, where workers could afford to go out and buy the house, buy the two cars, send the kids to college and take a vacation and have nice clothes and all of the things that middle class people want. That's what the union movement produced for America by being in a strong position to be able to demand fairness and equity from the employer.

So the employers, let's say General Motors, Ford, Chrysler, the automobile manufacturers, since we're talking about Michigan, they all made lots of money and the workers who work for those companies were middle class and their children went to college and became lawyers and doctors and accountants, and some of them even went back to work in the factories. But now, 7 days it took to crush the ability of workers to stand together financially. They'll never crush the spirit of the workers. But they have used the law with no public hearings, no committee action, no regular course of action during the legislative session—which is a lame duck legislative session, by the way—no regular order, just a sneak attack.

Thursday morning, the 6th of November, 1 month after the landslide election in Michigan and throughout this country that turned back the corporate money that was a raid against the Democrats and a raid against President Obama, it turned that back. A resounding victory on November 6. On December 6, a sneak attack during a lame duck session, with no public hearings, no committee action. A sneak attack. They announced it that Thursday morning, the 6th, and by 8 p.m., action to crush the union laws had passed both houses, house and senate, in Michigan. Less than 10 hours it took to bring down 75 years of prosperity for all.

Now, why would anyone want to crush the union? And I'm not calling them right-to-work laws because, as I told you earlier, there is no right to work. So let's get rid of that misnomer and let's call the legislation what it is. It's not right-to-work legislation. It is crush-the-union legislation. Who would want to crush the unions? It certainly wouldn't be the union members themselves. It must be, by process of elimination, the folks that they work for.

Now, in Michigan, who did they work for? They used to work for GM and Ford and Chrysler, but due to all of those hefty bonuses and corporate greed that consumed the corporate leaders, they were so busy getting

those bonuses and million-dollar bonuses, multimillion-dollar bonuses and salaries and whatnot, that they took their hand off of the wheel and they allowed competition from foreign automakers to overtake their competitive position. And so, as a result, they ended up needing a bailout.

Ford didn't need a bailout. They went and borrowed some money. They did it the right way. They also did some things to make their business more competitive in terms of the products, and so they were able to weather the storm without a government bailout. But Chrysler and General Motors took money from the people to be able to sustain themselves.

□ 2030

Both corporations were close to being crushed themselves, and the workers would have gone down with them. So we did the right thing here and we provided funds to bail out GM and Chrysler.

As a result of that, and as a result of the workers' union getting together with the fallen giant to help pick that giant back up, what they did was they reached a deal, they cut back on some of the vacation days and some of the benefits, they lowered the wages. They did a lot to pick the giant up. The giant was awakened and ended up getting back on his feet, and now General Motors has become, once again, the number one automobile manufacturer in the world. That shows you the American spirit, and it was those workers who were instrumental in making it happen.

Where were the auto manufacturers on December 6? Where were they? I've seen reports that say that, well, you know, they are just kind of staying in the background, but they really don't support this legislative effort to crush the unions. They say that we don't really need that right now. But there's nobody from the company getting up in front of the microphone and saying, "Don't pass this law. This is wrong. Governor, don't sign this law."

So in the absence of any manifestations of support for the workers, I've got to suspect that General Motors, Chrysler, Ford, are feeling pretty good about how things have worked out so far. In the absence of somebody telling me different, I've got to believe that they see where that level playing field has now been tilted in their favor, and despite the fact that the midgets helped them get up when they had fallen, now they're going to crush the midgets. That's what it looks like to me.

Especially when I think back on this organization which is known as ALEC. ALEC is the American Legislative Exchange Council. That's ALEC. When I look back and think back on the history of that organization, and when I ponder who their corporate members

have been, I'm brought to the realization that those auto manufacturers are longtime members of ALEC.

Now, what is ALEC? ALEC is an organization that brings public officials, mainly State legislators, together for quarterly meetings at luxurious locations throughout the country. About 80 percent of the State legislators in America belong to ALEC. They pay dues. It used to be \$50 a year. Now I understand it's \$100. You pay dues, \$100. The citizens actually pay the dues for the politicians. That comes out of the State treasury. They join ALEC and they go to the quarterly meetings and they participate in the legislative efforts of that organization, which also includes, in addition to legislators, corporations, big business, some small businesses, but it's basically an organization of big business. They wished that they could pay only a hundred dollars. They might pay \$25,000 or more for a year as a member of ALEC.

You've got corporate members, you've got legislators who are members, you've got individuals and you've got corporations. You've got midgets against giants, who are not against giants but with giants in ALEC. And the giants take real good care of the midgets, as long as the midgets do what the giants want them to do.

So, what am I talking about? At these quarterly events, the legislators are invited, as well as the representatives of the corporate interests. They come together. They talk about the concerns of the business community. The business community has the legislators there who make the laws. So they talk to those legislators. They're being winned and dined the whole time. And you're able as a legislator to join a committee of ALEC. That committee could be the public safety committee. It could be the committee that deals with voting issues. It could be the criminal justice committee.

Now, why would ALEC be involved in criminal justice? Well, you have private prisons. The private prison industry is booming. They are members of ALEC. They get those captive legislators to introduce bills or legislation, such as, let's say, let's target the undocumented immigrants. Let's target them. Let's create some State laws, and Federal laws, also, to make it convenient, make it attractive for law enforcement to go in there and bring those folks to the private detention center and house them down there and pay them government money, \$70, \$80 a bed.

Why would ALEC have a committee dealing with voting rights? Well, to produce legislation that makes it more difficult for people who support the opposition, makes it easy to deny those folks their right to vote. And so you have those voter suppression laws. They came out of ALEC.

□ 2040

Then you have the commercial committee, let's call it, of ALEC. They produce legislation such as crush-the-union legislation, also misnamed right-to-work legislation. It is not right-to-work, it is crush-the-union.

So the bill, or the bills, that have been passed out of the Michigan assembly in both their house and senate are products of ALEC, the American Legislative Exchange Council, almost word for word. I challenge anyone to go look on the Internet, look at, if you will, go look up prwatch, PR, Paul Robert, prwatch, W-A-T-C-H.org, prwatch.org.

Go there and put in the letters A-L-E-C in their search button. Go there and find out about ALEC. Find out. Go look at the draft legislation that was produced by the corporations who are members of ALEC which then, after wining and dining the legislators, the legislators then went back home and introduced that legislation which benefits the very corporations that winned and dined them and gave them the legislation.

And guess what? Those corporations, pursuant to Citizens United, can participate in the campaign process. They can do electioneering. They can influence elections. They can give money to organizations that support candidates. And so it's an ugly lobbying situation when you put corporations with legislators in a wining-and-dining setting with added benefit of campaign contributions. They can't lose. That's what ALEC is all about is putting legislators with businesses. And then those legislators, who tend to be Republican, then carry out the wishes of the big business.

Who suffers? The middle class. So just 30 days after, the middle class, the people, rue the day we still have ALEC and the corporations that fund it out there trying to destroy the middle class by crushing the union.

How do they crush the union? Because they know that the union doesn't have a situation like ALEC where you are putting the legislator with the corporation or the corporate interests. You're putting them together, you're wining and dining the legislators, and then you are also pushing your legislation on them; and as an added bonus, you're giving them campaign contributions so that they can get reelected. You got it going on.

Unions don't have that kind of set up. There is no ALEC of unions. But unions do participate in the political process. They get behind candidates who support working people.

I see my time has come to an end, and I would love to discuss this more. In fact, I believe that I will because this time last year I was on the floor for an hour talking about the Koch brothers. I want so much to be able to bring the Koch brothers into this discussion to see how Sheldon Adelson

and Karl Rove come into this equation going all the way back to the Lewis Powell memo. So we will be back. We will talk about those things as soon as possible. Thank you very much.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for the week of December 11 on account of illness.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes; to the Committee on Oversight and Government Reform.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3187. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

H.R. 6582. An act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

#### ADJOURNMENT

Mr. JOHNSON of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 13, 2012, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8707. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clodinafop-propargyl; Pesticide Tolerance [EPA-HQ-OPP-2012-0202; FRL-9371-6] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8708. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Picoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2010-0458; FRL-9370-8] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8709. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dodine; Pesticide Tolerances [EPA-HQ-OPP-2011-0743; FRL-9364-7] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8710. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2012-OPE-0010] (RIN: 1840-AD05) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8711. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No.: FDA-2000-N-0011] received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8712. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval, Disapproval and Promulgation of State Implementation Plans; State of Utah; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309 [EPA-R08-OAR-2011-0114; FRL-9751-6] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8713. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: State of Washington; Regional Haze State Implementation Plan [EPA-R10-OAR-2012-0078; FRL-9722-9] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8714. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [EPA-R09-OAR-2004-0091; FRL-9750-6] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8715. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; South Coast Air Quality Management District; Prevention of Significant Deterioration; Greenhouse Gases [EPA-R09-OAR-2012-0513; FRL-9749-6] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; Eastern Kern, Imperial, Placer, and Yolo-Slano; Prevention of Significant Deterioration [EPA-R09-OAR-2012-0732; FRL-9739-5] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8717. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2011-0876; FRL-9736-6] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [EPA-R09-OAR-2012-0808; FRL-9750-4] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8719. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band [WT Docket No.: 07-293; IB Docket No. 95-91] received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8720. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. [Docket No.: FAA-2012-0342; Directorate Identifier 2011-SW-028-AD; Amendment 39-17216; AD 2012-21-01] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8721. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0491; Directorate Identifier 2011-NM-265-AD; Amendment 39-17207; AD 2012-20-01] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0588; Directorate Identifier 2012-NM-017-AD; Amendment 39-17210; AD 2012-20-04] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (P&W) Division Turbofan Engines [Docket No.: FAA-2012-0060; Directorate Identifier 2012-NE-02-AD; Amendment 39-17123; AD 2012-14-09] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Airplanes [Docket No.: FAA-2012-0589; Directorate Identifier 2011-NM-189-AD; Amendment 39-17199; AD 2012-19-04] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8725. A letter from the Senior Program Analyst, Department of Transportation, trans-

mitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30858; Amdt. No. 3493] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8726. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2011-0639; Directorate Identifier 2011-CE-016-AD; Amendment 39-17169; AD 2012-17-06] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BRP-Powertrain GmbH & Co KG Rotax Reciprocating Engines [Docket No.: FAA-2012-0603; Directorate Identifier 2012-NE-17-AD; Amendment 39-17160; AD 2012-16-13] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8728. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes [Docket No.: FAA-2012-0633; Directorate Identifier 2012-CE-018-AD; Amendment 39-17170; AD 2012-17-07] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8729. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Restricted Category Helicopters [Docket No.: FAA-2010-0488; Directorate Identifier 2008-SW-20-AD; Amendment 39-17126; AD 2012-14-12] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8730. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines Reciprocating Engines [Docket No.: FAA-2006-24785 Directorate Identifier 2006-NE-20-AD; Amendment 39-17196; AD 2012-19-01] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8731. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives [Docket No.: FAA-2010-0217; Directorate Identifier 2009-NE-23-AD; Amendment 39-17194; AD 2012-18-17] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8732. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodyear Aviation Tires [Docket No.: FAA-2012-0881; Directorate Identifier 2012-CE-029-AD; Amendment 39-17164; AD 2012-17-01] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8733. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LLC Airplanes [Docket No.: FAA-2012-0917; Directorate Identifier 2012-CE-030-AD; Amendment 39-

17177; AD 2012-18-01] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8734. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turboprop Engines [Docket No.: FAA-2012-1017; Directorate Identifier 2012-NE-30-AD; Amendment 39-17203; AD 2012-19-08] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8735. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Turboshaft Engines [Docket No.: FAA-2011-0115; Directorate Identifier 2010-NE-40-AD; Amendment 39-17195; AD 2012-18-18] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8736. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0996; Directorate Identifier 2011-NM-040-AD; Amendment 39-17202; AD 2012-19-07] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8737. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0724; Directorate Identifier 2012-NM-043-AD; Amendment 39-17215; AD 2012-20-09] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8738. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0338; Directorate Identifier 2009-SW-51-AD; Amendment 39-17172; AD 2012-17-09] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-1018; Directorate Identifier 2011-SW-052-AD; Amendment 39-17204; AD 2012-19-09] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2012-0638; Directorate Identifier 2011-NM-266-AD; Amendment 39-17201; AD 2012-19-06] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Turboprop Engines [Docket No.: FAA-2010-1095; Directorate Identifier 2009-NE-40-AD; Amendment 39-17104; AD 2012-13-02] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1167; Directorate Identifier 2011-NM-058-AD; Amendment 39-17189; AD 2012-18-12] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Univairst Aircraft Corporation Airplanes [Docket No.: FAA-2011-0360; Directorate Identifier 2010-CE-061-AD; Amendment 39-17023; AD 2012-08-06] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters [Docket No.: FAA-2012-0659; Directorate Identifier 2011-SW-061-AD; Amendment 39-17101; AD 2012-12-21] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Restricted Category Helicopters [Docket No.: FAA-2012-0896; Directorate Identifier 2010-SW-070-AD; Amendment 39-17173; AD 2012-17-10] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Stormwater Regulations to Clarify that an NPDES Permit is not Required for Stormwater Discharges from Logging Roads [EPA-HQ-OW-2012-0195; FRL-9758-9] (RIN: 2040-AF42) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of rule XII the following action was taken by the Speaker:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 6364. A bill to establish a commission to ensure a suitable observance of the centennial of World War I, to designate memorials to the service of members of the United States Armed Forces in World War I, including a National World War I Memorial on the National Mall in the District of Columbia, and for other purposes, with amendments (Rept. 112-701, Pt. 1). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURTON of Indiana:

H.R. 6650. A bill to amend title 39, United States Code, to allow the United States Postal Service to provide nonpostal services, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ENGEL:

H.R. 6651. A bill to impose requirements with regard to border searches of digital electronic devices and digital storage media, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 6652. A bill to authorize assistance to United States independent music label companies to facilitate exports of recorded music by such companies; to the Committee on Foreign Affairs.

By Mr. PAULSEN:

H.R. 6653. A bill to amend the Internal Revenue Code of 1986 to provide standards for determining employment status, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP:

H. Res. 829. A resolution returning several measures to the Senate; considered and agreed to.

By Mr. LARSON of Connecticut:

H. Res. 830. A resolution designating the ranking of a certain named Member of a certain standing committee of the House of Representatives; considered and agreed to.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BURTON of Indiana:

H.R. 6650.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7, which empowers Congress "To establish Post Offices and post Roads

By Mr. ENGEL:

H.R. 6651.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution.

By Mr. NADLER:

H.R. 6652.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 3 and 18 of the United States Constitution.

By Mr. PAULSEN:

H.R. 6653.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. AL GREEN of Texas.

H.R. 111: Ms. WILSON of Florida.

H.R. 493: Mr. MICHAUD.

H.R. 1546: Mr. NUNES.

H.R. 2069: Mr. PASCRELL and Mr. STIVERS.

H.R. 2775: Mr. NADLER and Mr. DINGELL.

H.R. 2931: Ms. SCHAKOWSKY, Mr. WELCH, and Mr. HONDA.

H.R. 3102: Ms. TSONGAS and Mr. SHERMAN.

H.R. 3269: Ms. NORTON.  
H.R. 3510: Ms. ZOE LOFGREN of California.  
H.R. 3600: Mr. GOHMERT.  
H.R. 3769: Ms. SLAUGHTER.  
H.R. 3790: Mr. DAVID SCOTT of Georgia.  
H.R. 4209: Mr. DEFazio.  
H.R. 6256: Mr. LEWIS of Georgia.  
H.R. 6291: Mr. HANNA, Mr. BISHOP of New York, Mr. THOMPSON of Pennsylvania, and Mr. HOLT.  
H.R. 6446: Mr. PAULSEN.  
H.R. 6572: Mr. BARLETTA, Ms. TSONGAS, Mr. ENGEL, Mr. NEAL, Mr. LATHAM, and Mrs. LOWEY.  
H.R. 6590: Mr. MORAN.  
H.R. 6615: Mr. CROWLEY.  
H.R. 6616: Mr. STIVERS.

H.R. 6628: Mr. KEATING.  
H.R. 6632: Ms. RICHARDSON and Mr. CLAY.  
H.R. 6633: Mr. PAUL, Mr. GOHMERT, Ms. GRANGER, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. HENSARLING, and Mr. MARCHANT.  
H.R. 6646: Mr. PEARCE, Mr. WEST, Mr. GOHMERT, Mr. BERG, Mr. NUGENT, Mr. FINCHER, Mr. ROKITA, Mr. SENSENBRENNER, Mr. RIVERA, and Mr. MARINO.  
H. Con. Res. 141: Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Ms. TSONGAS, Mr. MURPHY of Connecticut, and Mr. MORAN.  
H. Con. Res. 143: Mr. LARSEN of Washington, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mr. RYAN of

Ohio, Mr. TURNER of Ohio, Ms. BORDALLO, and Mr. HARPER.  
H. Res. 732: Mr. DUNCAN of South Carolina and Mr. CUMMINGS.  
H. Res. 736: Ms. LORETTA SANCHEZ of California and Ms. ZOE LOFGREN of California.  
H. Res. 760: Mr. COHEN, Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, Mrs. MALONEY, Ms. BROWN of Florida, and Ms. VELÁZQUEZ.  
H. Res. 824: Mr. OLSON and Mr. SCHWEIKERT.  
H. Res. 826: Mr. ROE of Tennessee, Mr. WILSON of South Carolina, Mrs. HARTZLER, Mr. MCKINLEY, Mr. CHABOT, Mr. JORDAN, Mr. BILBRAY, Mr. HUELSKAMP, Mr. BROOKS, and Mr. STUTZMAN.

## EXTENSIONS OF REMARKS

IN RECOGNITION OF CAPE COD  
COMMUNITY COLLEGE AND  
TURNING MILL ENERGY

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize Cape Cod Community College and Turning Mill Energy, Inc., as they enter into a unique partnership furthering green energy initiatives on Cape Cod.

Turning Mill Energy is a locally-owned small business that focuses on research and development in the renewable energy field. Having expanded from its roots as a telecommunications company, Turning Mill Energy has become an exemplar of a successful Cape Cod small business, employing only local Massachusetts citizens. After taking notice of Turning Mill Energy's success, Dr. John Cox, president of Cape Cod Community College, proposed a unique collaboration into which, he believed, the College and the company should enter. Under this proposal, Turning Mill Energy would be given space to continue their research and development with students, as well as the opportunity to design, install, and test new solar carports on the Cape Cod campus. In return, the College would see approximately a 20% reduction in its electricity expenses following the completion of these solar carports. The College and Turning Mill Energy will be officially unveiling these new solar carports together this December.

It is truly inspiring to see an educational institution collaborate with a private enterprise in order to advance the cause of renewable energy. Finding cleaner sources of energy should be a national priority, and I am proud that such important strides are being made on Cape Cod.

Mr. Speaker, please join me in recognizing Cape Cod Community College and Turning Mill Energy, Inc., as they work together to support research and development of alternative sources of energy. I ask that my colleagues join me in thanking the College and the company for supporting such an important research initiative, and in congratulating them upon the official unveiling of their hard work this December.

IN HONOR OF LOIS NOLAN  
"PAULINE" LARSON

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. LARSON of Connecticut. Mr. Speaker, Thoreau famously said most men lead lives of quiet desperation. My mother led a life of quiet

inspiration. Thousands gave witness to that and stood in line for more than three hours to pay their final respects to Lois Nolan Larson, affectionately known as Pauline. My family was deeply touched by the outpouring of the community. It was a great tribute to my mother's lifetime commitment to her community. Several kind statements of appreciation were made by elected officials—from the President of the United States to the Governor of our state; from Senators to House Leaders in Congress and members of the Connecticut General Assembly. It was, however, two articles—one by Tom Condon of The Hartford Courant, the other by Bill Doak of our hometown paper, The East Hartford Gazette, that captured the sentiment, feeling and appreciation of an everyday mom who gave to her community and set an example to emulate. The following are those two articles:

[The Hartford Courant, Oct. 12, 2012]

EAST HARTFORD MOTHER LEFT LEGACY OF  
INVOLVEMENT AND ACTION  
(By Tom Condon)

Democracy works because good people give their time and get involved. At the municipal level, few epitomized the ethic of participation quite like Lois Pauline Nolan Larson of East Hartford, who died this week at 87.

For decades starting in the 1960s, Mrs. Larson, known to all as Pauline, served the town in most of the ways it is possible to serve. She was a member of the town council and the Democratic town committee, on which she served as vice chairwoman and treasurer. She served on the town's parks and visiting nurse association boards and the cemetery commission. The community center in the Mayberry Village neighborhood where she lived is named in her honor.

She volunteered her time while she and her husband were raising eight children, and while she was battling multiple sclerosis. She inspired two of her children to go into public life. Her son Timothy Larson was mayor of East Hartford for eight years and is now a state representative. Her son John Larson is the seven-term U.S. representative from the 1st District.

John Larson spoke of his mother's battle with declining health in a televised speech at the recent Democratic National Convention, and how she wanted not to be a burden to her family. "Mom, you're not a burden," Larson told the convention crowd. "You're an inspiration."

Many in East Hartford nodded.

[From The Gazette, Oct. 18, 2012]

LOIS "PAULINE" NOLAN LARSON: FAMILY,  
POLITICS AND MAYBERRY WERE HER LIFE  
(By Bill Doak)

Lois Nolan "Pauline" Larson, one of the stalwart mothers of Mayberry Village and an influential leader in East Hartford political circles, passed away Wednesday, October 10 with her family by her side.

She is the mother of United States Congressman John Larson, and former mayor and State Representative Timothy D. Larson of the 11th Assembly District.

Sunday night a line of mourners waited for up to three hours outside D'Esopo's East Hartford Chapel on Carter Street. Monday for Pauline Larson's funeral in St. Isaac Jogues Church Connecticut Governor Dannel Malloy, US Senators Joseph Lieberman and Richard Blumenthal and Congresswoman Rosa DeLauro were among the hundreds attending a Mass presided over by four priests from the local and state diocese.

Her daughters read a touching poem that, they said, reminded them of their mother.

Congressman Larson reflected on the influence his mother and father had and their love for one another, reunited at last. Raymond Larson died 24 years earlier.

"The first thing my father would say would be 'you're late,' said the Congressman. He thanked the many people for their patience at the funeral home and those who made a difference, caring for his mother during the later years of her life as she battled Multiple Sclerosis and dementia. In particular he thanked his brother, David, who served as his mother's companion and caregiver at the family home on Chandler Street until the decision was made to care for her at Riverside Healthcare Center.

"Why," my sisters would ask, does she have to go through all this? Why does she have to suffer so?" The answer always came back from her caregivers, "Why? She's here to be with us."

Lois Pauline Nolan Larson died peacefully on October 10, 2012 at Riverside Health and Rehabilitation Center in East Hartford, surrounded by her loving family.

Born on April 9, 1925 to the late L. Edward and Carrie Mae (Douglas) Nolan, she was raised in East Hartford where she was a member of the East Hartford High School Class of 1942 and the National Honor Society. In 1945, she married her high school sweetheart, Raymond E. "Archie" Larson, who predeceased her in 1988.

She worked during WWII at Pratt & Whitney then worked part time at the Travelers and various other jobs while her children were young, then full time at several companies including Thomas E. Toomey and the State Capitol. In addition to her family, she loved her community and the Democratic Party.

She was very active in many civic and community organizations, including the Board of the East Hartford Visiting Nurses and the Mayberry Village Revitalization Association.

She served for many years on the Federation of Democratic Women and the Democratic Town Committee, including as Vice Chair. Pauline was among the first women elected to the East Hartford Town Council.

While she always felt others were more deserving, Pauline received countless awards and honors for her community service, including the naming of the Lois Nolan Larson Community Center in her beloved Mayberry Village. Pauline's greatest attribute was the love she gave not just to her family, but to everyone she came in contact with. She made everyone feel as though they were the most important person to her and nothing mattered more to her than what mattered to them. Her caring spirit was a gift to her children and their friends, who were always welcome at the "brick mansion" at 10 Chandler.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Pauline was predeceased by her sister, Eleanor Nolan Elton.

She leaves behind her eight children and their spouses: Sharon and Kenneth Fitzgerald, John and Leslie Larson, Daniel and Dorothy Larson, Christopher and Eileen Larson, Linnea and Edward Bennell, David Larson, Marylou and Raymond Onidi and Timothy and Nancy Larson; 18 grandchildren: Maura Downes and Tim, Sean Fitzgerald, Megan Hurlburt and Tyler, Carolyn, Laura and Raymond Larson, Eric Larson and Sue, Glenn, Jeffrey and Deborah Larson, Samantha Jeter, and Jon, Cori Larson, Joe Bennell and Natasha, Chaim Bennell, Gina and Nickolas Onidi, and Matthew and Arianna Larson; and 11 adored great-grandchildren; she also leaves an niece, Candace Bryan, and nephew Brian Elton; and several cousins and extended family members. Pauline's family extends a very special thanks to Dr. Roy Zagieboylo, Karen Chadderton and the entire staff at Riverside who took such loving care of her, especially Delanney, Kathy, Charmaine, Janet, and Maria and many other who treated her with compassion and dignity.

RECOGNIZING DAVE ROBERTSON  
ON HIS RETIREMENT FROM THE  
METROPOLITAN WASHINGTON  
COUNCIL OF GOVERNMENTS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize and commend David J. Robertson on the occasion of his retirement from the Metropolitan Washington Council of Governments, where he has served with distinction for the past 26 years, culminating in his appointment as executive director a decade ago.

The Council of Governments functions as the Metropolitan Planning Organization for the National Capital Region, and it is comprised of 21 regional governments representing Virginia, Maryland and the District of Columbia. COG and its leadership play a key role in coordinating the regional response on issues ranging from Chesapeake Bay preservation to affordable housing and from homeland security to transportation planning. Those activities are financed by the member jurisdictions, federal and state grants, and private sector funds.

Dave has been a mainstay at COG, where he began as a regional planner in 1986. Throughout his tenure, Dave has held a series of roles, both technical and managerial, and prior to being named executive director, he was head of COG's Department of Human Services, Planning and Public Safety. In a region with overlapping local, state, and federal interests and competition, Dave has proven adept at keeping the organization's staff and membership focused on the mission of addressing our shared challenges to improve the lives of our collective constituents.

It was my great pleasure to serve on the GOC board of directors while I was a member of the Fairfax County Board of Supervisors. I also chaired the COG board in 2000 and collaborated with Dave on a number of projects, including my initiative to increase telework

among the regional governments. In addition, I chaired COG's Emergency Preparedness Council, where Dave was instrumental in coordinating response and preparedness efforts not only among the local governments, but also with the states and the federal government, which is no small task as each major weather incident or natural disaster reminds us.

In addition to his role at COG, Dave also served on a number of regional organizations, including the American Red Cross of the National Capital Region, the Greater Washington Board of Trade, the American Planning Association, the International City/County Management Association, and the Washington Region for Justice and Inclusion.

Prior to his tenure with COG, Dave worked for the National Association of Home Builders and former member of Congress David Bonior of Michigan. He received a Master of Urban Planning degree from George Washington University, and also holds a Bachelor's degree from Wayne State University in Detroit, Michigan.

Mr. Speaker, I ask my colleagues to join me in congratulating Dave Robertson on his many accomplishments and thanking him for his tremendous service to the Council of Governments and the National Capital Region. Thanks to Dave's leadership, we spent more time focusing on those challenges that unite, rather than divide us, and that continues to serve as a lesson for us all to follow. We wish Dave the best of luck in his future endeavors.

IN HONOR OF MIKE TYNER

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the memory of Mike Tyner, a remarkable young man who died tragically last year. Mike was a field crew leader for the Ventana Wildlife Society's California Condor Reintroduction Program. During a powerful wind storm on November 30th, 2011, a falling tree branch struck and killed Mike when he was in the field in Big Sur, California, to ensure the safety of a newly released endangered condor. He was just 35 years old.

Mike graduated from California Polytechnic University San Luis Obispo with a Bachelor of Science degree in Ecology and Systematic Biology. He lived a life of accomplishment, serving as a research assistant at Cal Poly San Luis Obispo and a volunteer for the USDA Forest Service. He joined the Ventana Wildlife Society in 2002, studying songbirds along the Carmel River and conducting surveys for Spotted Owls in the Big Sur backcountry. He also achieved success in his work as an ornithologist, botanist, and a desert biological monitor.

In 2006, Mike began working full-time on Ventana Wildlife Society's California Condor Recovery program. He quickly rose to the position of field crew leader. Mike was dedicated to protecting condors, even in the most challenging conditions. During the 2008 Big Sur wildfire, Mike and his team safely rescued

seven captive condors that were held in a field pen in the fire's path. Thanks in large part to Mike's efforts, all biologists and condors were brought to safety. Releasing a young condor into the wild was not only Mike's last act of service to our earth community, but it was an act that captured the essence of Mike's legacy.

Mike is survived by his loving mother, Nancy Ann Tyner; three sisters, Theresa Ann Guire, Mary Cynthia Clayton, and Kathleen Julie Morgan; two brothers, Timothy Gordon Skeens and John Eric Skeens; and his many nieces and nephews. He was preceded in death by his father, Jack Lue Tyner.

Mr. Speaker, it is a privilege to rise today to honor the memory of Mike Tyner. Mike gave his life to help endangered species flourish, and his life is a reminder that we can all play a part in devoting ourselves to making the world a healthier and more beautiful place.

HONORING SENIOR MASTER  
SERGEANT BRIAN FORSYTHE FOR  
HIS SERVICE TO OUR GREAT  
NATION

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. STEARNS. Mr. Speaker, I rise today to recognize United States Air Force Senior Master Sergeant Brian Forsythe for his service to our great nation. A resident of Florida, SMSgt Forsythe has honorably served for 21 years and will be retiring in January of 2013. His contributions ensure the greatest Air Force in the world completes their mission statement to fly, fight, and win . . . in air, space, and cyber space through the mastery of various positions including: Wing Functional Manager, Command Group Superintendent, and Infrastructure Section Chief. SMSgt Forsythe graduated from the Air Force Airmen Leadership School, Air Force Senior Noncommissioned Officer Academy, and Southwestern College, among others.

In his 21 years of dedicated service, SMSgt Forsythe has displayed both patriotism and bravery through his successful deployments in Operations Southern Watch, Northern Watch, Iraqi Freedom, and Enduring Freedom. As a selfless mentor, he has inspired numerous U.S. and Allied Airmen earning recognition for individual accomplishments.

His life is a living testament to the courage and duty our men and women in the armed forces possess, so that freedom and liberty may endure. On behalf of Florida's Sixth Congressional District, I extend my congratulations to SMSgt Brian Forsythe on his retirement from the United States Air Force.

CELEBRATING THE LIFE OF ALBERT B. RATNER ON THE OCCASION OF HIS 85TH BIRTHDAY

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Ms. KAPTUR. Mr. Speaker, I rise to recognize Mr. Albert Ratner of Cleveland, Ohio. Mr. Ratner celebrates his 85th birthday on December 27 of this year. In celebration of this milestone, his family and friends are honoring him on December 26, 2012.

Albert Ratner was born in 1927 in Cleveland, Ohio. He graduated from Cleveland Heights High School in 1946 and from Michigan State University in 1951. Due to his extensive civic, philanthropic and business history, Albert Ratner also holds an Honorary Doctor of Laws Degree from Long Island University and an Honorary Doctor of Engineering Degree from Polytechnic University, both in Brooklyn, New York. He served in the United States Army. Together, he and his wife Faye raised two children, Deborah and Brian. Though Faye passed, he and his wife Audrey have been married since 1980.

Al developed Forest City Enterprises, Inc. into a cornerstone company and currently serves as Co-Chairman of the Board Emeritus. He has guided his company throughout the decades to become a respected and well-known corporation. At the same time, Al has served on more than two dozen boards and commissions, where his leadership is legendary.

His philanthropy, civic-mindedness and business acumen have earned Al Ratner numerous accolades. Some of these include Downtown Cleveland Recognition Award, Builders' Magazine 20th Gold Nugget Award, the Charles Eisenman Award, the U.S. Department of HUD's Agora Award, Harvard Business Club of Cleveland's Business Statesman of the Year, Financial World Magazine's CEO of the Year and Bronze Medal, Cleveland Business Hall of Fame, Urban Land Institute's J.C. Nichols Prize for Visionaries in Urban Development, and Michigan State University's Distinguished Alumni Award.

I have been privileged to work with Al Ratner on several initiatives and have appreciated his wise counsel. He epitomizes "a life well-lived." He is a corporate and community leader with boundless energy who has made an indelible contribution to the greater Cleveland community. Not known to mince words, his insights, advice and counsel are sought broadly. He is always willing to assist, to lead and to care. I join his family and friends, his employees and the residents of Cleveland in wishing Al Ratner the happiest of birthdays, with a wish for many more. Onward!

RECOGNIZING THE HONORABLE MARY KERWIN'S LEADERSHIP IN THE COMMUNITY OF TROY, MICHIGAN

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. PETERS. Mr. Speaker, I rise today to honor Mary Kerwin, my friend and a leader in the community of Troy, Michigan. This year, Mary has been recognized as Leadership Troy's Distinguished Citizen of 2012.

Each year, Leadership Troy recognizes a single community member as its Distinguished Citizen for their volunteer contributions to Troy that have gone above and beyond the requirements of their employment, improving the quality-of-life in Troy. Mary, with her twenty-four years of service in both the non-profit and public sectors of Troy, has on countless occasions demonstrated courage and leadership that has moved her community forward.

Mary's passion for building a stronger, more vibrant and better connected community has been a guiding force that has permeated every facet of her life. It is seen in her volunteer work for countless community organizations like the Troy Community Coalition, The Friends of the Troy Library, the League of Women Voters and the Troy Historical Society. Mary's passion has also reached into the community of her Parish at St. Elizabeth Ann Seton Church where she serves as a Lector, Eucharistic Minister and part of its Women's Fellowship program.

The one area where Mary's enthusiasm for the Troy community has been so poignantly felt is in her work with young people. Mary has served in a variety of positions both volunteer and elected within the Troy Public Schools. She dedicated personal time to being a mentor to youth, served as President of the PTA at Hamilton Elementary and served on the PTA President's Council as its Parliamentarian. As a twice-elected Troy School Board member, she brought the knowledge of her experiences and pragmatic problem-solving approach to improving the educational experience of the District's students.

Mary later brought this same approach to Troy citizens while serving on the Troy City Council. During her four-year term, she served as Mayor Pro-Tern and as President of the Michigan Municipal League's Elected Officials Academy, a program which helped local elected officials improve and perfect their leadership skills to better serve the communities they represent.

Today, Mary continues to be an active participant in the Troy community and the broader Southeast Michigan region. In her professional capacity, she serves as the Development and Special Events Director for the Boys and Girls Club of Troy, which is actively engaging youth to identify and develop the skills of future leaders. This is a pursuit that Mary also supports through her work at the University of Michigan-Dearborn Institute for Local Government, which is helping the future elected leaders of our region to hone their abilities.

Mr. Speaker, our local leaders are an integral part of the fabric of our Nation, and this

is witnessed by the passion Mary has injected not only into building a stronger community in Troy, but also ensuring that we are working to build a brighter future with more opportunity for future generations. It is again a great honor to congratulate her on her award as Leadership Troy's Distinguished Citizen of 2012. I know that Mary's passion will continue to be a driving force in her work within the Troy and the Southeast Michigan communities to build a stronger and more secure future for the region.

TRIBUTE TO PHILLIP JAMES CLINE

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. NUNES. Mr. Speaker, alongside my colleague, Congressman KEVIN MCCARTHY, we rise today to honor Phillip James Cline, District Attorney of Tulare County, on the occasion of his retirement.

Mr. Cline is a Tulare County native, having graduated from Exeter Union High School, College of the Sequoias, California State University Fresno, and San Joaquin College of Law. He also served in the United States Air Force as a Staff Sergeant.

After joining the bar and working briefly in private practice, Mr. Cline joined the District Attorney's Office in 1978. He served as a prosecutor for more than 30 years, specializing in homicide cases and winning numerous high-profile death penalty cases.

In 1992, Mr. Cline began serving as District Attorney. Re-elected three times, he initiated programs to address workers' compensation and automobile insurance fraud, domestic violence, major narcotics, sexual assault and child abuse, welfare fraud, auto theft, gang violence and child abduction, among others. He created the state's first Rural Crime Program, designed to protect the agricultural industry, and developed other programs addressing consumer fraud, career criminal prosecution, victim's services, elder abuse prosecution and the safe neighborhoods program. Mr. Cline and his staff also implemented programs designed to strike at the root causes of crime. These included a program to reduce teen pregnancy, which received statewide recognition, as well as a Veterans' Court to address the needs of combat veterans.

Mr. Cline is a member of many professional and philanthropic organizations. He is past president of the Tulare County Bar Association and is an active member of the California and National District Attorney's Associations. He is the only District Attorney ever elected president of the Tulare County Police Chiefs' Association. Mr. Cline has also served on the boards of the HEART after-school program and the Tulare County Library Foundation, among others. He has been active in Pro Youth Walk Run, the Justice Run and the annual Victims of Homicide Memorial Quilt Ceremony.

Please join Congressman MCCARTHY and me in congratulating Mr. Phillip James Cline on his retirement from his position as District Attorney of Tulare County.

HONORING MR. CHUCK BANKSTON

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. WESTMORELAND. Mr. Speaker, I come to you today to honor Mr. Chuck Bankston. Chuck has been elected to chair the National Lumber and Building Material Dealers Association.

Chuck has proven himself to be the man for the job over the years. A native of Barnesville, GA, Chuck attended Georgia Southern and graduated with a degree in marketing. He then became the fourth generation owner and president of his family business, Bankston Lumber. Under Chuck's leadership, Bankston Lumber is debt-free and has remained profitable every year in spite of these tough economic times. Chuck believes in enjoying life and his work, so much so that he has a sign in his warehouse that reads: "If you're not having fun, you're fired."

Prior to his recent nomination, Chuck served as the chair of the Construction Suppliers Association, as well as the Georgia Senate Lien Law Advisory Committee. Having owned my own construction business, the work Chuck has done to protect and represent the interests of independent building dealers throughout Georgia and Alabama is not only appreciated, but well respected. In 2008, he was honored with the National Lumber and Building Material Dealers Association's Grassroots Dealer of the Year Award for his participation in legislative matters.

Having visited Bankston Lumber and seen its operations, I know that Chuck will put the same amount of dedication, passion, and hard work into this position as he has his family's business. I am honored to help celebrate my friend Chuck's appointment as chair, and Joan and I wish him the very best as he leads the National Lumber and Building Material Dealer Association to great things.

TRIBUTE TO PHILLIP JAMES  
CLINE

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. MCCARTHY of California. Mr. Speaker, alongside my colleague, Congressman DEVIN NUNES, we rise today to honor Phillip James Cline, District Attorney of Tulare County, on the occasion of his retirement.

Mr. Cline is a Tulare County native, having graduated from Exeter Union High School, College of the Sequoias, California State University Fresno, and San Joaquin College of Law. He also served in the United States Air Force as a Staff Sergeant.

After joining the bar and working briefly in private practice, Mr. Cline joined the District Attorney's Office in 1978. He served as a prosecutor for more than 30 years, specializing in homicide cases and winning numerous high-profile death penalty cases.

In 1992, Mr. Cline began serving as District Attorney. Re-elected three times, he initiated

programs to address workers' compensation and automobile insurance fraud, domestic violence, major narcotics, sexual assault and child abuse, welfare fraud, auto theft, gang violence and child abduction, among others. He created the state's first Rural Crime Program, designed to protect the agricultural industry, and developed other programs addressing consumer fraud, career criminal prosecution, victim's services, elder abuse prosecution and the safe neighborhoods program. Mr. Cline and his staff also implemented programs designed to strike at the root causes of crime. These included a program to reduce teen pregnancy, which received statewide recognition, as well as a Veterans' Court to address the needs of combat veterans.

Mr. Cline is a member of many professional and philanthropic organizations. He is past president of the Tulare County Bar Association and is an active member of the California and National District Attorney's Associations. He is the only District Attorney ever elected president of the Tulare County Police Chiefs' Association. Mr. Cline has also served on the boards of the HEART after-school program and the Tulare County Library Foundation, among others. He has been active in Pro Youth Walk Run, the Justice Run and the annual Victims of Homicide Memorial Quilt Ceremony.

Please join Congressman NUNES and me in congratulating Mr. Phillip James Cline on his retirement from his position as District Attorney of Tulare County.

CELEBRATING THE LIFE OF HAR-  
LEM'S COMMUNITY LEADER  
DOROTHY MAE SKINNER

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the life of Harlem's community leader Dorothy Mae Skinner, who passed away on Monday, November 26, 2012. I first met Dorothy in my early years in the U.S. House of Representatives in her role as a community activist, concerned resident, and devoted parent.

Dorothy was very engaged in the war on drugs in the 1970's and 1980's and became active with the New York City Police Department 30th and 32nd Precincts and community councils. Dorothy was both friend and foe of the neighborhood drug dealers, for they all loved her but knew she was leading the fight against them, a fight she handily won. As President of the Block Association, she organized block parties, jazz mobiles, Halloween parties in Hamilton Park, and coordinated activities with the Police Athletic League (PAL).

Dorothy Mae Skinner joined the Board of Directors of the West Harlem Group Assistance, Inc., one of Harlem's oldest and largest community based development organizations, which was established more than 30 years ago to revitalize the under-invested West and Central Harlem communities—riddled with dilapidated and abandoned buildings.

Dorothy served as Chairperson of West Harlem Group Assistance Board of Directors

for over 20 years and served as the Secretary until her passing. She helped guide the vision of WHGA to recreate a community in which all responsible residents, community-based organizations, and other stakeholders are mobilized and firmly committed to working together willingly and cooperatively. This ensured that Harlem was positioned to enter the 21st century as a safe, socially stable, healthy, economically sound, well-educated and informed, and politically strong community.

Dorothy Mae Skinner was born on June 22, 1926, to the late Herman and Gladys Harris. She was the eldest of 12 children born to that union. With that size family, Dorothy grew up with a great sense of family values, which continued with her own family. Dorothy met and married Robert Skinner on December 24, 1946. They were married for 34 years and were blessed with 6 children: (Butch) Robert, (D.G.) Dorian, Roberta, Rene, Diane, and Cheryl, whom she nurtured and cherished. She is pre-deceased by her eleven siblings and her husband, Robert.

Dorothy loved to travel and it did not matter if it was local or long distance. She continued to preach and teach family values, as she believed in family outings. Every weekend during the summer she would either take her children away, or send her children to the movies or penny arcade. Most people reserve a hotel room when going on vacation, but Dorothy would rent an apartment for a week to accommodate her children and their friends. She also organized yearly dude ranch trips during the summer and ski trips during the winter.

Educated in the NYC public schools, Dorothy was a determined young woman who received her GED at age 35 and continued her education and attended City College of New York. She truly believed in education and was employed by the NYC Department of Education for a number of years, nurturing and caring for many young lives, until her retirement at age 65. Many years later, as she would often sit on her stoop, former students, now grown, would stop by and chat with her.

Dorothy was very involved in the Mt Pisgah Baptist Church where she served for several years as Deaconess. She was known to many as Mrs. Skinner, Dorothy, Grandma, or Grandma Dee. Dorothy enjoyed scratchoff and sometimes made a pretty penny too, which kept her scratching.

Mr. Speaker, great women like our beloved Dorothy are precious gifts we temporarily have in this world, but their assistance, contributions and accomplishments are far remembered and everlasting. I ask you, my colleagues, to join me in celebrating the life of Dorothy Mae Skinner.

HONORING THE LIFE OF RICHARD  
D. RUPPERT, MD

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a remarkable human being, Dr. Richard Ruppert. Dr. Ruppert unexpectedly passed from this life on October 22, 2012. Dr.

Ruppert was a friend and advisor to many, including me, and we were indeed privileged to have known him.

Born in Rural Ohio 81 years ago, Richard Ruppert worked in the family farm for five years after he graduated from high school. He then went on to Ohio State University, where he received his undergraduate and medical degrees. While at Ohio State University, he met and married his wife, Elizabeth Ruppert, MD.

Following his residency, Dr. Ruppert returned to OSU, where he was professor of gastroenterology in the Department of Medicine for nine years. He was named assistant dean of the College of Medicine in 1970, adding medical director for patient services two years later. He was named vice chancellor for health affairs at the Ohio Board of Regents in 1974, and in 1977 Dr. Ruppert became the third president of the Medical College of Ohio. During his 16 year term, the Medical College of Ohio saw unprecedented growth, was established as a leader in medicine, and came into its own as a premier institution. Dr. Ruppert's able guidance directed the Medical College of Ohio through an illustrious time and his leadership is unparalleled. As one colleague described it, "Much of MCO's success can be credited to Richard D. Ruppert. From a new college on a divided campus—one part farmland and the other a deteriorating county hospital complex—he provided guidance and the political skills to develop the new campus to its present ten structures . . . The school has emerged from its early growing pains to achieve an identity as a quality medical institution during Dr. Ruppert's tenure, with a large credit due to his leadership and vision."

Even as he presided at the helm of the medical college, Dr. Ruppert gave himself to civic affairs. He served a decade on the Toledo Lucas County Port Authority Board, four as chair. He was a Rotarian, serving one term as president. He chaired the United Way of Greater Toledo campaign, was a member and president of the Ohio Historical Society Board and member of the Hayes Presidential Center. He served a decade as trustee, campaign chair, and president of the Fort Meigs Historical Society and was president of the Torch Club.

In all things: family, work, and community, Dr. Richard Ruppert gave all. He leaves a legacy few could match. His brilliance, humor, grace, kindness and insatiable curiosity and love of life were true gifts. He and his wife Libby have been a team unmatched, a gift that keeps giving to us all—our community, advanced medicines, academic excellence, friends and colleagues, loyalty to community, persevering leadership. Dr. Richard Ruppert made a difference for humanity and we are eternally grateful for his life and service to America.

## HONORING THE EU FOR RECEIVING THE 2012 NOBEL PEACE PRIZE

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. STEARNS. Mr. Speaker, on Monday, December 10, 2012, Nobel Committee Chairman Thorbjørn Jagland presented European Leaders with the Nobel Peace Prize. The European Union (EU) received the distinguished award for its promotion of peace and human rights. Since the end of World War II, Europe has seen six decades without wars, turning a continent historically known for conflicts into a continent of peace.

Since the formation of the European Union's initial organizations, there has not been a single hostile incident between the member states now known as the European Union. While there has been violence and war on the edges of the EU, such as the Balkan Wars, these did not happen between EU members, and now with the goal of full EU membership the nations of the Balkans are beginning to look forward to the future.

Membership in the EU requires a nation to have a fully operating democratic government, protection of civil liberties for a broad variety of minorities, recognition of private property and a fully functioning free enterprise economy. EU membership is a demand for democracy and free enterprise which brings peace and security to every country that has joined. The growth from six western European countries to an organization of 27 member states that represent over 500 million people with a Gross Domestic Product (GDP) of \$17.6 trillion is a transatlantic accomplishment worth noting for generations to come. The U.S. can take pride in the support and cooperation it has provided the EU over the years, with both our economies representing 54% of world GDP and is responsible for 14 million "on shored" jobs on both sides of the Atlantic.

Mr. Speaker, peace is not simply an era without war, but a common goal we share and are committed to maintaining. Both our constituencies are faced with terrorism, climate change, and recovering economies. These problems know not of party lines or of national borders. We are encouraged by the EU's achievements as a community of nations that have overcome so much in the pursuit of peace. Where there was war, now is peace. As we continue to work closer with our allies in the EU, I am confident that where there is now peace, peace shall remain.

Both the EU and the U.S. face a recovering economy. Towards that end, we are encouraged to hear of preliminary discussions regarding a comprehensive trade agreement with the EU and the impact it will have on jobs and economic growth for our economies. While the reduction of spending by nations is required, our efforts should also support a special emphasis on job creation. With the EU and the U.S. as the largest trade partners for each other, reduction in tariff and non-tariff barriers will help facilitate a job creating environment providing hope for the citizens we represent.

## HONORING ASSISTANT SECRETARY RUSSLYNN ALI

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. FATTAH. Mr. Speaker, I rise today to recognize and thank a tireless advocate for all of America's children, Russlynn Ali, Assistant Secretary for Civil Rights, United States Department of Education. Ms. Ali has recently transitioned from the Department into a new role and I would like to take the opportunity to share with this body the impressive accomplishments of the Office for Civil Rights under her leadership.

First and foremost, I would like to thank Ms. Ali for all that she has done to see the Equity and Excellence Commission draft a final report. I am confident that this document will provide a useful framework for policymakers, advocates and families at every level to create a more equitable and excellent system of public education that draws on the skills and talents of every American child. The Commission's success is because of the hard work of Russlynn Ali.

While revitalizing an underutilized federal office, Ms. Ali has led the Office for Civil Rights in an impressive direction, supporting states, school districts and schools in providing the equal access to education every child deserves. During her tenure, the Office launched over 100 compliance reviews many of which addressed first-of-their-kind issues and all of which were innovative in their comprehensiveness, scope, and approach. They entered into hundreds of robust resolution agreements that, with aggressive monitoring, will truly eradicate discrimination at its roots. They revamped technical assistance—conducting an average of 315 activities a year over the last four years, up from about 185 in 2008. They released 10 comprehensive Dear Colleagues and guidance documents, all dealing with urgent issues, and revamped them to include detailed application sections—guidances that advocates, superintendents and college presidents have referred to as "landmark" and "historic." The Office for Civil Rights made the opportunity gap data come alive with the transformed Civil Rights Data Collection. Now the CRDC site gets about 9,900 visits every month.

I ask this body to join me in thanking Russlynn Ali for all that she has done for America's young people and wishing her well on her next endeavor.

## A TRIBUTE TO MICHIGAN STATE REPRESENTATIVE PAUL OPSOMMER

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. CAMP. Mr. Speaker, today I rise to pay tribute to State Representative Paul E. Opsommer in recognition of his faithful service as a member of the Michigan House of Representatives. His fulfillment of three terms as

State Representative concludes the most recent phase of what has been a remarkable career in public service, and he leaves behind a dedicated legacy in Lansing.

Before being elected to the 93rd district of Michigan in 2006, Paul had a career in business and local government. He served as Director and later Vice President of Action Management Corporation in Flint, and prior to that as a City Councilman and Mayor of DeWitt. His extensive experience serving on local government agencies and boards, including the DeWitt Schools Strategic Planning Board and the DeWitt Downtown Development Association, among others, also gave him a wide-ranging knowledge of issues important to the region.

In the Michigan House, Paul served on the Energy and Technology, Regulatory Reform, Insurance, and Health Policy Committees, and most recently as Chairman of the Transportation Committee and Associate Speaker Pro Tempore. As a legislator, Paul was dedicated to the passage of sound public policy, and his insights and experience brought a fresh perspective to the House.

Paul is an esteemed Michigan citizen and it is with great pride that I dedicate these remarks to his life and career. I wish him and his family the best as he closes this chapter of his life and begins his next endeavor.

ON THE OCCASION OF THE MICHIGAN LOTTERY'S 40TH ANNIVERSARY

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. PETERS. Mr. Speaker, I rise today to mark an important milestone in the history of the Michigan Lottery as it celebrates its 40th Anniversary. Over the last four decades the Michigan Lottery has been focused on fulfilling its mission to supplement state education programs through lottery revenues and provide Michigan residents and visitors with fun and entertaining games of chance, while doing so with a commitment to total integrity.

Since November 1972, when the Lottery offered its first game, a 50-cent green game ticket with weekly drawings, the Lottery has generated over \$50 billion in sales. In 1981, Governor Milliken took an important step to help Michigan residents further realize the economic benefit of the Lottery to our State by signing Public Act 40 into law, which dedicated Lottery revenues to the Michigan School Aid Fund. Since that time, the Michigan Lottery has implemented many new innovative programs and games to offer Michigan residents a great gaming experience, for which it was just recognized with an award for Best New Instant Game by the North American Association of State and Provincial Lotteries.

Today the results of the Michigan Lottery's success are evident in the many ways its programs have benefitted the State. Specifically, over the duration of its existence, the Lottery has awarded over \$26.8 billion in prizes to Lottery participants. In addition, it has donated \$17.3 billion to the School Aid Fund over its

lifespan. Local merchants have also benefitted with \$3.2 billion in retail commissions. When the merchant commissions are combined with the awards given to participants and schools, it is clear the Lottery has been a significant contributor to stimulating the State economy.

As a former Commissioner of the Michigan Lottery, this milestone is one that I view with a personal point of pride. While serving as Lottery Commissioner, I was pleased to implement a new innovative game, Club Keno, which spurred growth by offering participants the chance to play a fun, fast and action-oriented game that could yield up to a \$100,000 prize off just a single \$1 bet. Thanks to the success of Club Keno and many other Lottery programs, I was honored to oversee record contributions to the School Aid Fund during my time as Lottery Commissioner.

Mr. Speaker, I ask my colleagues to join me today in recognizing the tremendous contributions that the Michigan Lottery has made to the State of Michigan over the last 40 years. I congratulate the current Commissioner, Mr. M. Scott Bowen, on overseeing the Lottery's continued success and support of public education in Michigan.

### TRIBUTE TO ALICE VARNADO HARDEN

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has served the citizens of the great State of Mississippi for nearly half a century. Mrs. Alice Varnado Harden was an outstanding teacher, a profound leader and a truly inspiring individual. Senator Harden's unwavering passion for enriching the lives of others and remarkable character and integrity is worthy of recognition by this honorable body, inasmuch as her governing presence will be sorely missed throughout this nation.

Mississippi Senator Alice Varnado Harden was born on April 17, 1948 in Pike County, Mississippi to John Oatis Varnado and Lula Robinson Varnado. She was the third of nine children who grew up in the Washington Addition community of Jackson, Mississippi. A woman of humble beginnings, Senator Harden exhibited extraordinarily strong leadership skills, academic talents and teaching abilities that would later lend to her phenomenal performance as the first African American female to be elected to the Mississippi Senate.

Senator Harden's zeal for education blossomed during her years at Jim Hill High School and Jackson State University. At Jackson State University she earned her Bachelor of Science and Master of Science degrees in Health and Wellness. Upon graduating from Jackson State University, Senator Harden began a noteworthy career as a teacher at Calloway High School in the Jackson Public School District where she quickly gained the respect and admiration of her students, colleagues and administrative supervisors.

Recognizing that public schools in Mississippi were failing to deliver on its promise to

adequately prepare its students for the challenges and demands of an ever changing world, Senator Harden gradually redefined her passion for educating from being purely a lecturer to being an advocate for quality public education. As president of the Mississippi Association of Educators, Senator Harden, despite the threat of incarceration by the courts, called for a strike in 1985 to fight for salary increases for the state's teachers. The voice for hundreds of teachers and thousands of children, Senator Harden's steadfast commitment to effectuate change from the front to the back of the classroom, was victorious. Her steadfast commitment to the pursuit of change in how Mississippi honored its educators led to a statewide pay increase for teachers.

Mrs. Harden's roles as an activist propelled her into the realm of politics. In 1988, She was elected to represent Mississippi's 28th Senate District, filling a seat vacated by civil rights activist State Senator Henry Kersey. During her 24 years of service as a Senator, Mrs. Harden served as chair of both the Education and the Universities and Colleges Committees. She also served on the Appropriations Committee, Corrections Committee, the Fees, Salaries and Administration Committee, the Housing Committee, and the Interstate and Federal Cooperation Committee.

Across Mississippi Senator Harden was known as a champion not only for public education, but also as a giant for human and civil rights. She was a staunch supporter and defender of legislation protecting workers' and immigrant rights and was successful in enacting laws that required the presence of certified translators in all Mississippi courts. Her efforts in the Senate also resulted in pay raises and free healthcare for state employees. One of her most notable victories during her leadership of the Senate's Elections Committee was the passage of Mississippi's Motor Voter Act. This bill empowered citizens throughout the State of Mississippi with greater accessibility to the election polls.

Senator Alice Harden's professional associations, achievements and awards are numerous and impressive. They speak volumes with regards to her service and vision for Mississippi communities. Senator Harden was a lifetime active member of St. James Missionary Baptist Church, a member of Alpha Kappa Alpha Sorority, the Women's Political Network, the National Council of Negro Women, the League of Women Voters and a life member of the NAACP. Additionally, she was a member of NOBEL Women, the National Conference of State Legislators, and the National Black Caucus of State Legislators and chaired the Southern Legislative Conference's Education Committee and the Mississippi Advisory Council to the United States Civil Rights Commission. She also represented Mississippi on the Education Commission of the States.

In striving for academic excellence, Senator Harden pursued her doctorate in Educational Administration at The University of Southern Mississippi in Hattiesburg, Mississippi, until her health began to fail. Senator Harden served her state and community faithfully until her death on Thursday, December 6, 2012.

Ms. Harden was married for 37 years to Dennis Lambert Harden. Dennis and their son

Sachem brought the greatest and most abundant joy and love to her life. She was often heard talking long hours about Dennis' undying love and his support for every facet and every endeavor that enriched both their lives.

Mr. Speaker, I ask my colleagues to join me in saluting and paying tribute to the outstanding life, achievements and legacy of Mississippi State Senator Alice Varnado Harden. Her passion for public education, human and civil right and voter empowerment is laudable and worthy of recognition by the United States Congress. She will be celebrated forever as one of Mississippi's greatest leaders.

#### SEQUESTERATION AND THE CHESAPEAKE BAY

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to highlight the potential damage that sequestration could cause to vital efforts to restore the Chesapeake Bay.

The Chesapeake Bay is our nation's largest estuary, with a 64,000 square mile watershed that crosses six states and the District of Columbia and is home to 17 million people and over 3,600 species of animals and plants. In 2004, the Chesapeake Bay Watershed Blue Ribbon Finance Panel estimated the economic value of the Bay at over \$1 trillion annually.

This vast resource presents unique challenges—the health of the Bay has been threatened by nutrient runoff, population growth and development, overfishing, and even natural factors like rain and snowfall. For nearly thirty years, the Federal government has been a partner in Bay restoration through the Chesapeake Bay Program, an innovative regional partnership that fosters collaboration among the multiple state and local governments, agencies, and advisory groups in the watershed.

In 2009, the President, with the support of those of us in the Bay states, signed an Executive Order to accelerate Bay clean-up by improving targets and coordinating resources. It's an ambitious plan, and states and localities are working hard on implementation. But they cannot do it alone. The federal government must be an active partner, providing financial support and technical assistance.

For example, the Clean Water State Revolving Fund finances capital projects for wastewater treatment upgrades and helps local governments manage stormwater projects, curbing runoff pollution into the Bay. In Maryland, it will cost over \$2 billion between 2010 and 2017 to make the necessary stormwater improvements to meet its pollution reduction targets. Sequestration would cut nearly \$196 million from the Clean Water and Safe Drinking Water funds, limiting resources for these vital repairs and breaking faith with our state and local partners on this collaborative effort.

Chesapeake Bay clean-up is at a critical juncture. As state and local governments are working to implement ambitious plans, the federal government must maintain or increase its funding support, not cut it.

Sequestration's meat-ax approach jeopardizes the years of planning and collaboration that have led to this moment, arbitrarily and unwisely slowing progress on what should be a national priority. We must replace sequestration with a balanced approach that includes revenue increases and targeted cuts while maintaining investments in initiatives like Bay restoration that preserve our national resources. The Chesapeake Bay is a national treasure and an economic engine for the Bay states. It must not fall victim to sequestration's ill-advised cuts.

#### HONORING THE SERVICE OF PASADENA CITY COUNCILMAN CHRIS HOLDEN

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Chris Holden for his 23 years of service on the Pasadena, California, City Council. A graduate of Pasadena High School and San Diego State University, Chris was a basketball star in school and played professionally overseas. He then returned to California to give back to his community by spending the great majority of his life in serving the city he loves.

He was first elected to the Pasadena City Council in 1989 at the age of 28 as the youngest member of the Council, and served until he resigned in November 2012, upon his election to the California State Assembly. In 1997, Chris was chosen by his colleagues to serve a two-year term as Mayor of Pasadena, the first African-American man to hold that position.

During his years on the City Council, Chris served his Pasadena district with distinction, championing efforts to establish a living wage in Pasadena, crack down on slumlords, create drug-free zones, and bring development, jobs, and services to Northwest Pasadena. Chris has also been a strong supporter of deregulation of Pasadena's municipal utility, a leader of charter reform that created a city-wide elected mayor, and a proponent of policies and projects that have revitalized Pasadena, such as the Paseo Colorado, Old Pasadena, and the Pasadena Convention Center.

His service as a long-time Board member of the Burbank-Glendale-Pasadena Airport Authority and supporter of the creation and expansion of the Los Angeles to Pasadena Gold Line clearly demonstrates his commitment to the entire region.

I know that Chris will be missed in Pasadena City Hall, but I am pleased that he has chosen to bring his unique talents on our behalf to Sacramento. I join my colleagues in thanking Chris for his service and wish he, his wife Melanie, and their children, Nicholas, Alexander, Austin, Mariah, and Noah the best in this new chapter of their lives.

#### HONORING THE LIFE OF FRANK VENNER III

#### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Ms. KAPTUR. Mr. Speaker, during the Christmas Season we remember people far and near and reminisce about those who are no longer with us. I rise to remember Frank Venner, who passed from this life in the summer of 2012 at age 85 years.

Frank Venner was born March 8, 1927, in Baltimore, Maryland. After living in Providence, Rhode Island and Binghamton, New York, the family moved to Toledo when Frank was a teenager. He graduated from Central Catholic High School in 1944 and from the University of Notre Dame in 1949. He served in the Army Air Corps. Frank and his wife Ruth married in 1952 and together raised six children. Their children, along with their eleven grandchildren, were his pride and joy.

While in college, Frank began working in radio on the college station. Back in Toledo he embarked on a career over four decades in broadcasting. He started at WSPD, Toledo's local radio and television station. Later, the television component became WTVG. Frank Venner was a news fixture at the station, his journalism respected in the community. His signature features were the popular "Weather-in-the-Weather" show which was broadcast from atop the former Commodore Perry Hotel, the High School Quiz program which he hosted for a quarter century, and the Venner-Ward Report which he co-anchored with another longtime Toledo newsmen Gordon Ward. Mr. Ward recalled, "Integrity was primary in all that he did. His word was his bond." Frank Venner also served as editorial director and news director at the station.

Frank Venner's imprimatur on Toledo news is solid. A true journalist, his impact on television from its earliest days into the 21st century is remarkable. He leaves a lasting legacy. He was a man who often reported what others did, but also went beyond his profession and left our community and its institutions stronger for his presence. His resonant voice became synonymous with Toledo.

A more important legacy is his family. His presence will be missed by his children and grandchildren, relatives and friends. Yet, he lives on in them and in the media he was so much a part of shaping.

#### IN HONOR OF LT. WALTER SOLENSKI

#### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. COURTNEY. Mr. Speaker, I rise today to recognize the career of a beloved officer of the Coventry Police Department. Lt. Walter Solenski will retire on December 31, 2012 after 37 years of service to his town. A lifetime resident of Coventry, Connecticut, Walter's compassionate attention to the community is

known by young and old. Police Chief Mark Palmer described Lt. Solenski as an "every day hero." He is someone who is steady and reliable; he is always there for the residents of Coventry when they need him.

Following his graduation from Coventry High School in 1970, Walter joined the United States Navy. Upon returning home from a four-year tour of duty he was hired as a Class D Patrolman in his local police department. Walter quickly proved his dedication to his work by actively pursuing training and certification courses. He continued to seek out ways to improve his service to the town throughout his career. This professionalism and diligence allowed Walter to rise to the rank of Lieutenant in April, 1995.

Throughout his time on the police force, Lt. Solenski received many accolades and letters of gratitude from those whom he had helped. Coventry residents appreciated his timely response and attention, especially to emergency situations. Last summer he was chosen by a local committee to be a parade marshal at Coventry's 300th Anniversary Parade—a testament to his importance in the town.

I ask that my colleagues join with me to honor Lt. Walter Solenski and the work he did for the people of Coventry. As he prepares for his retirement with his wife Yvonne, I am confident that Walter will continue to play an active role in the community. His commitment to the Coventry Police Department and to his town will not soon be forgotten.

#### PERSONAL EXPLANATION

##### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. SMITH of Washington. Mr. Speaker, on Friday, November 30, 2012, I was unable to be present for recorded votes due to illness. Had I been present, I would have voted: "yes" on vote No. 612 (on the motion to recommit H.R. 6429 with instructions); and "no" on vote No. 613 (on passage of H.R. 6429).

#### RECOGNIZING LISA SANTERAMO

##### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. BISHOP of New York. Mr. Speaker, I am proud to rise to recognize a departing member of my original district staff, Lisa Wieber Santeramo.

Since I opened my first district office in Coram, New York, Lisa has distinguished herself as among the most competent and hard working members of my staff. Over the course of this past decade, I watched her develop and rise from a staff assistant answering the telephones at my reception desk to her ultimate position as the highest ranking member of my district staff, District Office Director.

Lisa was born and raised in Holbrook. She attended Sachem High School, the largest high school in the township, where she first

developed her talent for public affairs as a leader in student government. She brought her enthusiasm and passion for leadership to my first campaign and to my congressional office after graduating from Stony Brook University where she was also involved in student leadership. While an undergraduate at Stony Brook, Lisa spent a semester interning with Minority Leader Gephardt.

Having skillfully proved her ability to manage casework and the many important responsibilities of my constituent services operation, Lisa was promoted to manage special projects and coordinate intergovernmental affairs. She excelled in these areas and built a reputation for solving problems and delivering outstanding service to my constituents. Thus, her promotion to District Office Director in January of 2012 was well earned and richly deserved.

Lisa has proven time and again that she is self-motivated and is constantly striving to assume ever greater responsibility. I have such tremendous confidence in Lisa that I asked her to take an official leave of absence to manage my campaign for re-election in 2008. Lisa has since managed my past two campaigns in 2010 and 2012, which were the two most challenging races in my congressional career. Lisa presided over each of these three consecutive campaigns with skill, determination and an unparalleled work ethic.

Lisa has indeed proven invaluable and achieved all of this success by the age of only 30. She became a mother earlier this year and now moves on to become the Assistant Deputy County Executive for Intergovernmental Affairs for the County of Suffolk on Long Island. Lisa will be missed very much, but my staff and I are comforted in knowing that she will remain nearby and continue to serve a mutual constituency in her new capacity.

Mr. Speaker, on behalf of New York's first congressional district, I thank Lisa Santeramo for her many years of outstanding service and wish her continued success in serving the residents of Suffolk County in the years ahead.

#### A TRIBUTE TO MR. FELMERS CHANEY

##### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Ms. MOORE. Mr. Speaker, I rise today to recognize Mr. Felmers Chaney, a civil rights leader and the first African American Sergeant in the Milwaukee Police Department (MPD). Mr. Chaney passed away on December 5, 2012 at the age of 94.

Mr. Chaney was the son of a dairy farmer and born and raised in Spooner, in northern Wisconsin. He came to Milwaukee to work as a machinist in 1941 but was unable to find work in that field. He was drafted into the Army in 1942. He was sent to officers' candidate school, graduated as a 2nd Lieutenant and commanded troops in England and France.

After the war, he returned to Milwaukee and, at the urging of a friend, he joined the Milwaukee Police Department in 1947. Mr.

Chaney became an MPD trailblazer; he was only the 4th black person to serve on the police force serving 36 years as a police officer. Mr. Chaney became the first African American to rise to the rank of Sergeant but this was not without controversy. Felmers Chaney passed the Sergeant's exam in 1954 but was asked if he would consider being a detective with the same pay and no supervision of staff. He declined the detective post; in the mid-60's he supervised 20 officers of which only two or three were African American. He had a reputation of fairness.

Felmers Chaney was elected president of the NAACP—Milwaukee Branch where he served for 12 years. He was a true advocate for the community speaking out on a range of issues including: education, housing and minority hiring and representation. He once described discrimination against blacks in Milwaukee as a "broken record; it's been going on for the past 40–50 years".

Mr. Chaney championed Milwaukee's inner city development. He was president of the Central City Development Corporation which built the Central City Plaza and he was a founder and president of North Milwaukee State Bank, Wisconsin's first black-owned bank. Felmers Chaney also served as president of the Milwaukee Urban League.

In 2009, Mr. Chaney and his wife, Jessie attended the inauguration of President Obama. Although they both were infirm, they were determined to attend this historic event. He treasured that moment of being able to participate in an event he never dreamed could occur in his lifetime.

Mr. Speaker, I am proud that Mr. Felmers Chaney a civil rights champion, public servant and trailblazer lived, worked, and served in the 4th Congressional District of Wisconsin. Mr. Chaney's legacy will live on through the many people he mentored, his family and the community.

#### A BIRTHDAY WISH

##### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. HUNTER. Mr. Speaker, I just want to take a brief moment to wish a very Happy Birthday to my son, Duncan, who turns 12 years old today. Call it a coincidence, Mr. Speaker, but he turns 12 on 12–12–12. It's a special day for a very special boy.

He's got a lot of great qualities, but it's his dedication to doing what's right when no one is looking that makes me, as his father, so proud. He's also got a great sense of humor and his energetic love for life is both infectious and inspiring. So on this occasion, Mr. Speaker, and as I think about how the last twelve years have gone by way too fast, I want to wish him a very Happy Birthday.



HONORING THE LIFE OF JEAN  
WARD

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Ms. KAPTUR. Mr. Speaker, during the Christmas Season we remember people far and near and reminisce about those who are no longer with us. I rise to remember Jean Ward, who passed from this life on July 16, 2012.

Jean Ward was born in Detroit, Michigan on March 8, 1934 to Clarence and Agnes Ward. He graduated from Michigan State University and served in the U.S. Navy. Together he and his wife Jean raised five daughters. His family was most precious to him.

Jean worked with the City of Toledo in forestry, and then began a career with the Toledo Area Metroparks. He became the Metroparks Director in 1985 and served until his retirement after 35 years in service to the organization. During that time he was Founding Director of the Stranahan Arboretum. His tenure brought a growth which established the Toledo Area Metroparks as a hallmark of our region. Jean Ward was "an ambassador of conservation. He had a passion and a dedication to protecting, preserving and improving natural areas for all to enjoy." His legacy will last through the ages. His extraordinary efforts brought him statewide recognition when, in 2009 he was inducted into the Ohio Parks and Recreation Association Hall of Fame and later received a Lifetime Achievement Award.

I was privileged to work with Jean through many years of shared public service. Though he will be missed by all whose lives he touched, his spirit carries forward in the natural beauty his efforts enshrined for generations to come.

OUR UNCONSCIONABLE NATIONAL  
DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,375,874,429,255.52. We've added \$5,748,997,380,342.44 to our debt in nearly 4 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## PERSONAL EXPLANATION

## HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Ms. WOOLSEY. Mr. Speaker, on December 11, 2012, I was unavoidably detained and was

unable to record my vote for Rollcall No. 620. Had I been present I would have voted:

Rollcall No. 620—"yes"—On approving the Journal.

HONORING THE CONTRIBUTIONS  
OF LOCAL LAW ENFORCEMENT

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize the following law enforcement officers who have been honored by the Horse Shoe Curve Benevolent Association for their service to their communities and continued willingness to put their lives on the line to protect public safety.

Virginia State Police Senior Trooper David R. Gray has served the Virginia Department of State Police for 12 years. During his tenure, Trooper Gray has done an outstanding job as a breath alcohol testing operator, a firearms instructor and a field training officer. As a member of the department's crash reconstruction team, Trooper Gray actively assisted with fatal crash investigations and his extensive knowledge in crash investigations and his devotion to training academy members and newer troopers has gained him notoriety with the force. For these reasons, Trooper Gray is often sought out after for his expertise. He continues to serve his community and mentor to his fellow troopers with professionalism.

Sergeant Brian Rosenberry has served the Clarke County Sheriff's Office since 1985, where he began as road deputy. Now, as court services sergeant, Sergeant Rosenberry provides for the safety and security of all of the courts in Clarke County, is responsible for civil processes in the office, as well as budgeting procedures, scheduling and supervising personnel. He was also responsible for establishing a new evidence storage unit and the successful maintenance of other operating procedures. His commitment to the citizens of Clarke County is displayed through his willingness to serve at the sheriff's office and his countless hours as a volunteer firefighter.

Deputy Tonya M. Kittoe is the school resource officer for the Frederick County Sheriff's Department at Millbrook High School. In addition to her work at Millbrook High School, she is also a dedicated counselor for the Frederick County Sheriff's Office Youth Camp. Before becoming a counselor, Deputy Kittoe served as the secretary for the Frederick County Sheriff's Office Youth Camp, as well as the activities director. As part of the accreditation team at the sheriff's office, Deputy Kittoe played a pivotal role in the office's initial accreditation and again this summer during re-accreditation. Deputy Kittoe's service at the Frederick County Sheriff's Office is greatly appreciated.

Sergeant John R. Austin has served the Winchester Sheriff's Department where he oversees the courthouse and other security operations. Sergeant Austin began his career in law enforcement in 1967 in Prince George's County, Maryland before working at the State Department and the Pentagon. Sergeant Aus-

tin is an expert at working with contractors, alarm companies and other issues with the joint judicial center, judges, clerks and deputies and was instrumental in serving the sheriff's office during its accreditation process and was always ready to assist in any way he could. On November 30, 2012, Sergeant Austin retired from his post at the Winchester Sheriff's Department, but his attention to detail and extensive knowledge will be missed. We appreciate his dedicated service to our community.

Major David White served a 33 year career with the Winchester Police Department, where he first started as a dispatcher in 1979. Since he became a police officer on the force in 1982, Major White quickly moved up and earned the admiration of his peers. Over the years, he served as polygraph examiner and training officer and also trained in forensic science and command staff. He is a graduate of the FBI National Academy in Quantico, Virginia. During a time of change at the Winchester Police Department from 2007–2010, Major White served as an interim Chief of Police. Major White's patience and leadership during times of adversity at the Winchester Police Department helped the department continue its responsibilities as one of the best police organizations in the country. In October 2012, Major White retired from the police department, but he will always be a committed role model and a mentor to many.

Master Patrol Officer Mark F. Castle has served the Berryville Police Department since 2006. He constantly strives to strengthen the department by attending numerous training programs and achieving certifications as a firearms instructor, National Rifle Association instructor, field training officer and police cyclist. Officer Castle has incorporated a variety of drills into the normally static firearms training at the department to aid officers in real-life situations and has helped increase the number of training sessions per year. His constant effort and dedication to bettering the force has gained Officer Castle notoriety among his peers. His service and willingness to share his knowledge with his co-workers is greatly appreciated.

Correctional Officer Michelle See began her career at the Northwestern Regional Adult Detention Center in July 2005. She began as a housing unit security officer, where she supervised more than 50 inmates on a routine basis and has recently been promoted to field training officer. Officer See has worked at several different posts at the regional jail, including community correction, visitation, main control and booking. She is known for often working several posts in one shift, which is something that few officers at her level can successfully perform. Her versatility is an important asset to the team and she was recently nominated for employee of the quarter for her determination and loyalty. Officer See has seldom requested to take a shift off and often comes to work early without claiming the time. Her consistent teamwork and professionalism enables Officer See to work extremely well with the public as well as civilian and sworn staff alike.

The Horseshoe Curve Benevolent Association, organized in 1997, has been honoring law enforcement officers since 2004. Mr. Speaker, it is my privilege to recognize these

officers for their courage, strength and service to the Tenth District of Virginia.

IN RECOGNITION OF JAMES W.  
COON

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. MICA. Mr. Speaker, it is my privilege and honor to recognize James W. Coon, who is retiring after 25 years of distinguished service to the United States House of Representatives.

As the Staff Director of the Committee on Transportation and Infrastructure, Jim's leadership, knowledge and counsel have been invaluable to me and other Members of the Committee and this body. Over the years, he has helped guide important pieces of legislation through Congress and to the President for signature, including a major surface transportation bill that will reform and improve our Nation's highway and bridge programs, a long-stalled and critical aviation reform bill, legislation to authorize the programs of the United States Coast Guard, a bill to improve federal pipeline safety programs, and a measure to protect U.S. sovereignty from a European Union attempt to unlawfully tax our domestic air carriers and operators.

Jim regularly and expertly navigated a difficult political atmosphere and helped ensure, through his untiring efforts and excellent leadership, that good, sound legislation was passed for the benefit of the American people. His in-depth understanding of the legislative process and ability to work with those of all political stripes are unique and respected here in the Congress.

Before I asked Jim to become the Committee's Republican Staff Director in 2006, he also advised me and other Members of the Committee in his capacity as the Subcommittee on Aviation Majority Staff Director.

In addition, Jim served as a Professional Staff member on the Subcommittee on Aviation from 1995 to 1998. Prior to his work on the Transportation Committee, he served as the Legislative Director to Congressman JOHN J. DUNCAN, Jr. (R-TN) from 1989 to 1994, and he was a Legislative Assistant to Representative Robert F. (Bob) Smith (R-OR) from 1983 to 1989. Jim's illustrious career also includes experience in the private sector where he held positions as director of government affairs for both The Boeing Company and the Air Transport Association, where he helped develop legislation to stabilize the airline industry following the tragic terrorist attacks of September 11, 2001.

His service to his Country goes beyond the halls of Congress and includes 12 years as an Infantry Officer in the U.S. Army Reserves and the Virginia Army National Guard where he attained the rank of Captain.

But of all Jim's accomplishments, I know he would tell you that he is most proud of his family—his beautiful wife Sara and their three children, Harrison, Caroline, and David. Jim and I often spoke about our families and the importance of faith, family, and Country, which

were values instilled in him by his parents, David and Maureen.

In January, Jim will be ending a remarkable career here in the House and will be joining the National Air Transportation Association (NATA) as Executive Vice President. Jim has an even brighter future ahead of him, and I know he will be just as successful as he has been here in the people's House. He can be proud of his achievements and the commitment he has shown to public service. Above all, he has been a true and loyal friend and I will miss him very much.

Mr. Speaker, I ask you and all of our colleagues to join me in thanking Jim Coon for his 25 years of service to the Committee on Transportation and Infrastructure, the Congress, and the Nation.

HONORING THE LIFE OF THOMAS  
JOSEPH

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Ms. KAPTUR. Mr. Speaker, during the Christmas Season we remember people far and near and reminisce about those who are no longer with us. I rise to remember Tom Joseph.

Of one fact I am sure, Tom Joseph passed from this life a very happy man. What a mountain of a human being! What a life force for GOOD! Tom was a born leader—for his family, his chosen profession, for our community and country. He achieved milestones . . . and he left them with us—in his children and loved ones; in the Plumbers & Pipefitters Training Center which his vision and zeal inspired and built; in the form of Frontpath, a transformative health care institution that exists and has helped thousands of citizens obtain more affordable health care because he made it possible. He was one-of-a-kind . . . just brimming with talent and inventiveness. He gave our community backbone!

Words that describe Tom Joseph: rare, strong, loving, good, fierce, free, solid, fun, wise, loyal. Words that capture his essence: ingenious, unselfish, superlative, irrepressible, indefatigable, hospitable, hilarious, irreverent, effective, analytical, creative, extraordinary.

Tom Joseph was a leader of laboring men and women. He dedicated his life as a builder—of family, of friendships, and enduring institutions of community that create a better life for the people of our country. It is not inappropriate to say he was a real Democrat—he felt it to his core and lived it. It did not come as a surprise to me to read in Tom's obituary that he asked donations to be sent to FreeSpeech.org and Habitat for Humanity.

Tom Joseph was Everyman. He lived life large and deeply. His voice was booming . . . you always knew when Tom was in the room. He was always concerned about others, never missed an opportunity to help others in any way he could.

Yet, his absolute first priority was his family. Terri and Tom's life is a love story: they met on a school bus and at 14, she knew she would marry him. Together they raised An-

gela, Heather and Daniel, and welcomed grandchildren. Through joy and sorrow Terri and Tom were committed to each other, to their children and grandchildren, to parents and siblings and friends. What a rare privilege to have shared a friendship with this extraordinary man. We are all bettered by our association with him. What he gave us will never die. Truly, Tom Joseph was a man for others. And that is no small feat.

Tom Joseph's legacy: what he gave to his family, his union, his community and country, immortalizes the words of newspaperman and labor activist William Cahn, "The history of America has been largely created by the deeds of its working people and their organizations. Nor has this contribution been confined to raising wages and bettering work conditions; it has been fundamental to almost every effort to extend and strengthen our democracy."

TO SUCH NEW HEIGHTS IN HONOR  
OF NEIL ARMSTRONG AND HIS  
LIFE

**HON. JEAN SCHMIDT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mrs. SCHMIDT. Mr. Speaker, I rise today in honor of and in tribute to, a great American hero from my district in Ohio, Neil Armstrong.

As humble as the day is long, his life of courage and exploration will live on. I submit this poem penned in his honor, by Albert Caswell "To Such New Heights."

TO SUCH NEW HEIGHTS

To . . .  
To Such New Heights!  
All in your most courageous humble life,  
Neil, as you have soared!  
All up upon your most heroic course, as you  
so set forth to take flight!  
As none before had done!  
To higher places, to where such souls of  
honor now so grace us . . .  
So grace us with but all of their courage all  
the more, to so take flight and move  
onward so boldly forth!  
Ah, to walk upon the moon!  
To far off and most distant shores!  
As have you so come and gone,  
but to so cast out your most brilliant light  
as formed!  
To so bless our world, all with exploration's  
golden glow in sight so very warm!  
To such places, where such fine hearts of  
honor so ignite us, and so await us to  
so live on!  
As Neil you were off!  
All in what your most heroic life to us has  
taught!  
As to our world what you have so brought!  
As we so look back now all in such awe, as  
we so reflect upon what we so saw!  
As You So Soared!  
To Such New Heights as none had done so be-  
fore . . .  
All for Women and Mankind's very futures to  
so insure!  
'Ah, to walk upon the moon!  
As you were gone!  
Upward and onward, so far . . . far . . .  
and beyond, all now so etched in his-  
tory living on!  
To Soar!

All in explorations quest which so lies before!  
 'Ah, To walk upon the moon!  
 'Ah, a dream as old as Mankind from out of the womb . . .  
 "That's one step for man, one giant leap for Mankind!"  
 Creating such a Buzz, as Collins your safe return home so ensured . . .  
 As out to all hearts you would so implore!  
 And as a freedom fighter who, for all of us so fought for!  
 His parent's pride, a loving husband at his wife's side, his children's hero and delight as so adored . . .  
 And a Patriot for America and in The United States Air Force, who so fought in The Korean War!  
 Not The Forgotten One for sure!  
 And as a test pilot, but living all out on that very edge!  
 That edge of death, where so many of your magnificent brothers lives where so lost and pledged!  
 Who with their courage and sacrifice our nation so blessed!  
 And to space that final frontier . . .  
 And back and forth all in what was so said here!  
 As ever in your life Neil,  
 To Such New Heights as you have so sped and pioneered!  
 To Such New Frontiers!  
 Armed with but only your most uncommon heart of valor, that which so led all without fear!  
 'Ah, to walk upon the moon!  
 Was but something that within Mankind you said, that which you so said so makes them so strive for . . .  
 As you were as humble as the day was long, as you would never bath in the celebrity of the moonlight's sweet song!  
 Moving quietly forth, all with your heart and soul, body and mind, and ARM-STRONG!  
 As now ever my son you shall so live on . . .  
 With names like Columbus and Marco Polo, all in search of discovery as born . . .  
 All because of where your fine heart has come and gone!  
 To New Such Heights, to such places where only magnificent men and women of honor, so belong!  
 So belong!  
 As to this very day so way up there, but lie still your footsteps upon that moon once so formed!  
 As in my heart your words,  
 I can so hear now so living on!  
 "That's one step for man, and one giant leap for Mankind". . . all in that moment as was so born!  
 For as long as America has but such blessed son's!  
 And daughters as these ones!  
 Who to her, will so give their most heroic hearts and souls to discovery to run!  
 Who, so selflessly do what must so be done!  
 All in that quest To But Be The Best,  
 To Such New Heights as won . . .  
 Then,  
 To Such New Heights we will all so come!  
 So Soar!  
 As upon this earth Neil, your time with us has so brought forth!  
 And so taken us,  
 To Such New Heights and New Frontiers, that which to you so soared!  
 With your heart and soul, body and mind, and ARMSTRONG all the more!  
 'Ah, but to walk upon that moon!

CELEBRATING THE 98TH BIRTHDAY OF THE VILLAGE OF HARLEM'S BELOVED GERTRUDE HADLEY JEANNETTE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the 98th Birthday of Harlem's beloved cultural icon, Gertrude Hadley Jeannette, which occurred on November 28, 2012. Gertrude Hadley Jeannette, playwright, producer, director, and actress of the stage and screen was born in Urbana, Arkansas on November 28, 1914, to Willis Lawrence Hadley and Salley Gertrude Crawford Hadley.

Gertrude Hadley was raised in Arkansas where she attended Dunbar High School in Little Rock. Just before her high school graduation, Gertrude decided that she wanted to get married instead of attending Fisk University, as she had previously planned. Gertrude Hadley and Joe Jeannette, II, a prizefighter and the president of the Harlem Dusters, a motorcycle club, eloped to New York City in 1934.

In 1935, Gertrude Hadley Jeannette became the first woman to get a license to drive a motorcycle. In 1942, because of the shortage of male taxicab drivers caused by the World War II, she became the first woman to drive a cab in New York City. During that time, Gertrude decided to further her education. She took bookkeeping classes in the basement of Abyssinian Baptist Church, and speech classes at the American Negro Theatre in order to remedy her speech impediments.

In 1945, Gertrude Hadley Jeannette was cast in the lead role in *Our Town*. In 1950, she performed in her first play, *This Way Forward*. That same year, Gertrude and Fred O'Neil appeared on television in James Weldon Johnson's *God's Trombone* on CBS's *General Electric Hour*. Gertrude replaced Pearl Bailey, who was originally cast in that role. As a result, she continued to work in both the theatre and in film and television. Gertrude has worked as a professional actress in radio, stage, film, and TV for many years.

Performing on Broadway, she originated roles in such plays as *Lost in the Stars*, *No-body Loves an Albatross*, *The Long Dream*, *Amen Corner*, *The Skin of our Teeth*, *The Great White Hope* and *Tennessee Williams' Vieux Carre*. Gertrude's film credits include: *Cry for the City*, *Nothing but a Man*, *Shaft*, *The Legend of Nigger Charlie*, *Cotton Comes to Harlem*, *Black Girl*, and several documentaries and short films.

In 1979, Gertrude founded the H.A.D.L.E.Y. Players (Harlem Artists Development League Especially for You) in answer to the need of professional artists to develop their talents and skills in the theatre, and to enrich the cultural life in the Harlem Community. Gertrude went on to direct, produce, and write her own plays, as well as the works of other playwrights.

Gertrude Hadley Jeannette was presented with several awards for her work and accomplishments. Ms. "J" or Ms. "G" as she is endearingly called received the Outstanding Pioneer Award from AUDELCO in 1984, and the

AT&T and Black American Newspaper's 1987 Personality of the Year Award. In 1991, Ms. J was honored as a living legend at the National Black Theatre Festival in Winston-Salem, North Carolina. Ms. J is also the recipient of the 1992 Harlem Business Recognition Award from the National Council of Negro Women.

In 1998, Ms. J received the Lionel Hampton Legacy Award, the Standing On Our Shoulders Award from Delta Sigma Theta, Bronx Chapter, and was inducted into the Bushfire Theatre Walk of Fame in Philadelphia, Pennsylvania. On October 16, 1999, in her birth state, Gertrude Hadley Jeannette was inducted into the Arkansas Black Hall of Fame. Her portrait hangs in the halls next to previous honorees such as Maya Angelou, John. H. Johnson, Daisy Bates, and Ernest Green to name a few. In 2002, she received the prestigious Paul Robeson Award from the Actors Equity Association. Ms. J was also inducted into the Hatch-Billops Oral History Collection at the Schomburg Center for Research in Black Culture.

In February 2003, Ms. Jeannette was amongst 30 individuals who were honored in the "Harlem Is. . . Living History of Harlem Exhibit"—which celebrated 30 Harlemites (ages 50–100) whose contributions to the fields of art, music, education, politics, community service, and sports define Harlem's rich and diverse cultural legacy. On December 15, 2003, she was honored with the New Hope SDA (Seventh Day Adventist) Church Women's Ministry Award.

In 2009, Ms. J received the Barbara Ann Teer Artistic Award; and in 2010, she received an AUDELCO Nomination for Best Play Revival for her play "Gladys" Dilemma." On March 28, 2011, she was honored by "The Coalition of Theatres of Color"—a group whose purpose is preserving the history and commitment of Black theatre in New York City and New York State. Ms. J also received honors from the "GBC-Giving Back Corporation" of Los Angeles on April 30, 2011.

Most recently, she is featured in the film "The Savoy King: Chick Webb and the Music that Changed America" which was screened at The 2012 New York Film Festival. Of all her accomplishments, Ms. Jeannette, however, is most proud of the work she has done in and around the Harlem Community.

Mr. Speaker, great women like our beloved Ms. J are precious gifts we temporarily have in this world, but their contributions and accomplishments are far remembered and everlasting. Though retired and well into her nineties, Ms. J is an active and celebrated member of the New York theater scene. I ask you and my colleagues to join me in celebrating the 98th Birthday of Ms. Gertrude Hadley Jeannette.

HONORING THE WORK OF MERVYN DYMALLY

**HON. KAREN BASS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Ms. BASS of California. Mr. Speaker, today I'm honored to stand and recognize the extraordinary life of my dear friend Mr. Mervyn

Dymally for his decades of public service to the great people of California. Mr. Dymally's life is a testament to the belief within our great country that no matter who you are or where you come from, America with its boundless opportunities remains a place where we can all thrive together.

Mr. Dymally immigrated to the United States from his native Trinidad at the age of 19 years old. Through hard work he went on to graduate from California State University before later earning master's and doctoral degrees. He dedicated his life to public service early—working as a special education teacher in Los Angeles and organizing the most marginalized citizens of our state so that they could use their voices to build a politics that best reflected their values and aspirations.

Mr. Dymally became California's first foreign-born black state assemblyman when he was elected in 1962, its first black state senator four years later and, in 1974, its first black lieutenant governor. In 1980 he became one of the first foreign-born blacks elected to the House of Representatives, where he served six terms and led the Congressional Black Caucus for a time.

Throughout his decades long career, Mr. Dymally made standing up for human rights and the working poor the hallmarks of his service to California and the nation. He worked to improve health care for the poor and sponsored legislation to expand civil rights protections for women. As lieutenant governor he joined Cesar Chavez in trying to protect jobs for farm workers.

Mr. Dymally was a mentor to several African American leaders who followed him into public service, so much so that he was dubbed the "Godfather of African-American politics." He broke down barriers and through it all remained humble and dedicated to the causes that brought him into public service in the first place.

Mr. Dymally's life is an inspiration to us all who serve in this House and today we honor his service.

TRIBUTE TO MARIA GOODLOE-JOHNSON BY CONGRESSMAN  
JAMES E. CLYBURN

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dedicated educator, who devoted her life to improving educational opportunities for all children and ending historic achievement gaps in our public schools. I had the privilege of knowing Dr. Maria Louis Goodloe-Johnson when she served as the Superintendent of the Charleston County School District from 2003–2007, and she left an indelible mark during her time in South Carolina. Although Dr. Goodloe-Johnson left this world all too soon, her legacy lives on in the countless students she touched throughout her career.

Dr. Maria Louis Goodloe-Johnson was born September 3, 1957 in Omaha, Nebraska, the second of two children of Jewell Eva and

Leonard O. Goodloe. She married Bruce Johnson, on September 22, 2004, and the two had one daughter, Maya Jewell.

Maria spent her formative years in Omaha. She graduated from Central High School in 1975. In 1979, she graduated from the University of Nebraska at Lincoln, where she earned a Bachelor's of Science in Special Education. While in college, she also played trumpet in the Cornhusker Marching Band.

In 1980, she moved to Colorado to attend the University of Northern Colorado at Greeley, where she completed her master's degree (Educationally Handicapped, K–12) and began her career as a special education teacher and soccer and cross country coach in the Aurora Public Schools.

In 1987, Maria was named assistant principal at Broomfield High School in the Boulder Valley Schools. Three years later, she became the youngest African American female high school principal in the state of Colorado. While principal at Broomfield High School, she completed her doctorate in Educational Administration, Supervision, Curriculum and Instruction. She next served as director of secondary instruction for the St. Vrain Valley School District before moving to Texas.

Maria joined the Corpus Christi Independent School District in 1999, where she served as Assistant Superintendent. During her tenure, she was one of 20 educators selected from across the country to participate in the 2003 Urban Superintendents Academy, a highly specialized training program with the Broad Superintendents Academy.

She continued to serve in the Corpus Christi District until accepting the position as Superintendent of Schools for Charleston County School District, the largest urban district in South Carolina, in October 2003. Maria is not only the first black but also the first woman to hold the position; Maria was noted for improved student achievement faster than other districts in the state.

In September 2007, Maria was selected as the Superintendent of Seattle Public School District where she served until March 2011.

Maria then accepted a position as Deputy Chancellor, Instructional Support and Educational Accountability at Michigan Education Achievement System. Maria assisted in the development of a program designed to provide a new, stable, financially responsible set of public schools that create the conditions, supports, tools and resources under which teachers can help students make significant academic gains. It will first apply to underperforming schools in Detroit in the 2012–2013 school years and then be expanded to include low performing schools throughout Michigan.

Maria was a member of Alpha Kappa Alpha Sorority Incorporated. Throughout her life, she was actively involved in community service and received numerous honors and awards for these efforts.

Mr. Speaker, I ask you and my colleagues to join me in remembering this barrier-breaking educator. Dr. Maria Goodloe-Johnson was a trailblazer and an innovator in the public school arena. Her expertise and enthusiasm will be sorely missed, but her contributions will live on in perpetuity.

HONORING THE LIFE OF DORIS  
BEACH

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to Doris L. Beach, who passed from this life on November 13, 2012 at age 74. Doris was a true humanitarian and gave of herself fully. For more than forty years, Doris Beach was the face of Green Thumb, now known as Experience Works Inc. linking capable older adults with employment. A tireless advocate in pursuit of job opportunities for older adults, that service was her passion.

One of six children, Doris Beach graduated from high school in Pittsburgh. She briefly worked in a hospital and broadcasting, but soon found her calling as she set out to make Toledo's Green Thumb the best senior employment service. She sought out employers, when necessary taught them the value of hiring older workers, and matched older workers to the jobs. Explained her longtime colleague Billie Johnson, president of the Area Office on Aging of Northwest Ohio, "She was so out-of-the box and didn't think in traditional terms of how to find employers who would hire retirees. She went above and beyond and knew how to help a retiree package a skill set." Doris knew the work ethic of older adults, understood their needs and guided them toward their potential. She was an inspiration to all who knew her, an amazing woman. We knew her for her "ready smile, a raspy voice, compassion and an air of authority" and she was endeared to us all.

In addition to her life's work, Doris Beach gave to her church, St. Martin de Porres Catholic Church, and her family was most important. She was a well-loved sister and aunt. We share her family's sorrow at her passing, and hope they find comfort in the gift that was her remarkable life. Through Doris' life-giving counsel and street smarts borne of struggle, her persevering work bettered the lives of thousands of older Americans and gave them added meaning and purpose. Our community remains indebted always to the ethic of service to others her life embodies.

HEISMAN WINNER JOHNNY  
MANZIEL

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. SMITH of Texas. Mr. Speaker, last weekend, America watched as Kerrville, Texas' own star quarterback received College Football's most prestigious award—the Heisman trophy.

Johnny Manziel, the Tivy High School graduate and current Texas A&M University quarterback, became the first college freshman to follow in the footsteps of some of the sport's greatest athletes.

Known by his fans as "Johnny Football," it seems as if Manziel was born to play the

game. His first year at Tivy High School, Manziel started out on the freshman football team. By the end of the season, he was playing on Varsity. He was the only quarterback in America named as a Parade All-American his senior year.

This year, Manziel led the Aggies to a victory over Alabama, the number one ranked team in the nation. He is the first freshman and only the fifth player in the NCAA to pass for 3000 yards and rush for 1000 yards in a season.

The champion who Americans have now been introduced to is the same humble young man that Kerrville, Texas, has known all along. Hard work, determination and graciousness have been Johnny Manziel's trademark all along.

From the halls of Congress, and from the heart of Texas District 21, congratulations, Johnny, on well-deserved award.

#### CA DEMOCRATIC DELEGATION

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2012

Mr. SHERMAN. Mr. Speaker, I rise today to offer my thanks and best wishes to the members of the California Democratic delegation who will be departing at the end of this Congress.

Starting with departing members toward the northern portion of the state, I can say that Congress is losing two of its most important and effective progressive champions, LYNN WOOLSEY and PETE STARK.

LYNN has been a strong advocate for peaceful solutions to the world's problems, and her voice for peace and disarmament will be missed. She was one of the most vocal and consistent opponents of the war in Iraq, and fought to stop the surges in both Iraq and Afghanistan. I have been proud to work with her over the past several years to bring a responsible end to the wars. LYNN has also been a forceful advocate on education and children's issues.

I know LYNN will stay involved in progressive causes, and I look forward to continuing to work with her in her new role as President of Americans for Democratic Action. But her compassionate efforts in Congress will be difficult to replace.

The thing I will remember most about PETE STARK is that he was always a fighter for affordable healthcare. With the passage of the Affordable Care Act, we will soon see the day when every person in the country has health insurance. For many years I cosponsored a bill offered by PETE that would have at least provided a guarantee of healthcare for children in this country. It was outrageous that children were not provided guaranteed health insurance or covered by the government in this country, and PETE worked to end that outrage. Of course, PETE was instrumental in the passage of the Affordable Care Act as the chair of the Health Subcommittee, and we owe him a debt of gratitude for those efforts.

Southern California is losing several members who will likewise be missed.

HOWARD BERMAN and I ran against each other in 2012. Nothing that happened during that campaign has lessened my admiration for HOWARD as a public servant and legislator. In the 40 years since his first election to the State Assembly, he has provided California and the country with exemplary service. In fact, as a long serving member of the Foreign Affairs Committee and its former Chairman, this service extended to the world.

HOWARD could have enjoyed the comfort and financial benefits of working in the private sector, but instead chose to serve the public. From local Valley projects such as preserving the Santa Monica Mountains, improving the Hansen Dam, and rebuilding Kaiser Permanente Hospital after the 1994 quake, we owe him a sincere debt of gratitude.

He has been a longtime champion of farm workers, starting with his work with Cesar Chavez and the Agricultural Labor Relations Act, which grants farmworkers the right to organize and bargain with their employers. HOWARD has been a consistent advocate for the entertainment industry, working to protect the jobs of so many residents of the San Fernando Valley.

Under his direction as the top Democrat on the Foreign Affairs Committee since 2008, our foreign aid program has better protected American interests abroad and allowed for a more stable world. Through projects like the Iron Dome missile shield and enabling Israelis to apply for E-2 Visas, he has strengthened the U.S.-Israel relationship. HOWARD has also helped fight against global HIV/AIDS and alleviate suffering in the poorest countries. HOWARD has built a legacy of effective leadership. He will be missed in Congress.

While LAURA RICHARDSON only served three terms in the House, she was an effective leader for her diverse district. She became a respected expert on intermodal transportation issues despite serving only a brief time in Washington. The Ports of LA and Long Beach, and those that work or do business there, will miss her efforts here to improve the transit of goods across the country. Very few members of this House better understand the importance of transit infrastructure, and the need to pay for it wisely, than LAURA.

I have greatly enjoyed serving with my friend, JOE BACA, on the Financial Services Committee and in Congress generally. JOE served his country, first in the Army and then in Congress. JOE served as Chairman of the Congressional Hispanic Caucus from 2007–2008. He fought hard for the rights of immigrants and the wider Latino community in the United States.

And finally, I wish my friend Bob Filner success as he continues on his career in public service as the mayor of San Diego. The people of that great city have gained a strong leader—Congress has unfortunately lost one of its most important advocates for veterans. Bob began fighting for a better America as a young man—as one of the Freedom Riders to go to the American South to fight for civil rights, where he was arrested. During his tenure as Chairman of the Veterans Affairs Committee, funding for VA healthcare increased 60 percent and funding for VA home lending increased by 50 percent.

Mr. Speaker, again, I thank my friends for their decades of public service, and wish them

only the best in whatever they do after Congress. They will all be missed.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 13, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### DECEMBER 18

Time to be announced  
Commerce, Science, and Transportation  
Business meeting to consider pending calendar business.

SR-253

9:30 a.m.  
Banking, Housing, and Urban Affairs  
Securities, Insurance and Investment Subcommittee  
To hold hearings to examine computerized trading venues, focusing on what should the rules of the road be.

SD-538

2:30 p.m.  
Intelligence  
To hold closed hearings to examine certain intelligence matters.

SH-219

##### DECEMBER 19

10 a.m.  
Banking, Housing, and Urban Affairs  
Financial Institutions and Consumer Protection Subcommittee  
To hold hearings to examine consumer credit reports.

SD-538

Judiciary  
To hold hearings to examine the state of the right to vote after the 2012 election.

SD-226

##### DECEMBER 20

2:30 p.m.  
Intelligence  
To hold closed hearings to examine certain intelligence matters.

SH-219

## HOUSE OF REPRESENTATIVES—Thursday, December 13, 2012

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

In the waning days of this 112th Congress, we ask Your blessing, O Lord, upon the Members of this people's House, and most especially upon the leadership. It is on their shoulders the most important negotiations of our time have been placed.

They have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government. Give them wisdom, grace, insight, and courage to forge an agreement that allows us all to move forward toward an encouraging future.

May all that is done this day be for Your greater honor and glory.  
Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. WOMACK) come forward and lead the House in the Pledge of Allegiance.

Mr. WOMACK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### COMMENDATION FOR GOVERNOR HASLAM'S BUSINESS DECISION

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. Mr. Speaker, I want to commend Governor Bill Haslam of my home State of Tennessee

for his decision not to set up a State-run health care exchange. Governor Haslam was exactly right when he said this was a business decision, not a political one.

After 2 years, the Obama administration has failed to provide States with sufficient guidance as to how State exchanges would function, yet President Obama expects States to make that decision this week. That's like asking a business to sign a contract that is still being written.

Further, there is evidence that the Federal Government will ultimately control exchanges no matter who creates them. The only difference is if a State sets up an exchange, it will pay for it. No business would take a deal like that.

Finally, Tennessee has seen what experimental health care reform looks like in TennCare. This program almost collapsed and bankrupted our State. What business would risk its finances on a proposal modeled after a failed plan?

I applaud Governor Haslam and thank him for his business-like approach.

### THE ENVIRONMENTAL FISCAL CLIFF

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise because whether you call it a fiscal cliff or a slope, there's no denying the environmental wreckage hitting a metaphoric ledge will have.

Under the sequester, the National Park Service would likely have to close national parks, campgrounds, and visitor centers. Under the sequester, widespread rural job loss, weaker wildfire management, closure of trails and campgrounds, poor maintenance of forest roads, unprocessed recreational permits, and greater invasive species growth is forecasted.

Under the sequester, \$148 million would be taken away from the U.S. Energy Efficiency and Renewable Energy program, which would be equivalent to cutting the solar energy program in half or equal to eliminating the entire wind and geothermal energy programs.

Fiscal cliff or slope, the environment knows no difference. We must act and act now.

### IN TRIBUTE TO AMERICA'S LONGEST-SERVING MAYOR, HILMAR MOORE OF RICHMOND, TEXAS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise to honor the legendary mayor of Richmond, Texas, Hilmar Moore.

Mayor Moore passed away last week after 63 years as Richmond's mayor. He was a true Texan, a straight shooter who loved his family, good conversations, quail hunting, ranching, and Texas Longhorn football.

The last time I talked with Mayor Moore was Richmond's 175th anniversary. My speech was interrupted by trains rolling by. The trains did not dare to interrupt Mayor Moore. I asked him, "How can I do that?" He said, "Give it time. Give it time."

Hilmar Moore gave Richmond time, the time of his life.

### THE THEORY OF VECTOR BUNDLES

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, I rise today to announce the discovery of a new breakthrough in mathematics in the theory of vector bundles.

The theory of vector bundles plays a crucial role in modern mathematics. Part of the interest comes from its application to quantum mechanics, the theory that makes modern electronics possible. In quantum mechanics, a particle has a position, which is a point in space-time, as well as an internal structure, which is described by the theory of complex vector bundles.

Over the last few years, the Boij-Soderberg theory has given a new approach to vector bundles in several important areas. Just yesterday, the Mathematical Sciences Research Institute in Berkeley, California, announced that several young scientists collaborated to discover how to extend this theory into new places, such as spheres.

The discovery is a significant accomplishment, and I commend these young scientists for their hard work and dedication. It's because of efforts like this that the U.S. continues to be a leader in innovation.

# A HOLIDAY GIFT TO THE AMERICAN PEOPLE

(Ms. HAHN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAHN. Mr. Speaker, time is counting down, the holidays are upon us, and Congress still hasn't come together to spare hardworking middle class families from the tax hike rushing towards them.

We know we agree on this. We know what this tax increase would mean for these families. Why aren't we voting on that? Why won't we have a vote on protecting the middle class from this tax hike?

We know that every minute we delay is more stress, more anxiety for mothers and fathers looking at the holiday season, worried about what's waiting for them on the other side. What are we waiting for?

I know Members of Congress might stay here through Christmas, but let's make sure that our holiday gift to the American people is a Congress that doesn't hold the middle class families hostage. Let's bring the middle class tax cuts to the floor for a vote today.

## IN MEMORY OF DAVE BRUBECK

(Ms. LEE of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE of California. Mr. Speaker, this month we lost a giant in the music industry. Dave Brubeck was a legendary jazz and classical pianist and composer who helped to define jazz.

A fellow Mills College graduate in my district in Oakland, California, Dave served in a crucial role as a jazz visionary who first began his iconic musical experimentation as a student. He subsequently grew to become a world-renowned musician and composer, writing more than 200 compositions and making over 115 recordings, including the jazz piece "Take Five," which became one of The Dave Brubeck Quartet's best known records.

Throughout his long career, Dave has received many national and international honors, including the National Medal of Arts from President Clinton and a Lifetime Achievement Award from the National Academy of Recording Arts and Sciences. In 2007, he received the Living Legend Jazz Award from the Kennedy Center and a Lifetime Achievement Award from the London Symphony Orchestra.

I had the privilege to meet Dave a couple of years ago during one of the amazing musical events held at the Library of Congress. What an amazing, gentle man of such strength and vision.

My thoughts and prayers are with his wife and his family during this very difficult period.

□ 0910

# BUILDING FOR A CLEAN ENERGY FUTURE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Sequestration would be a huge blow not only to middle class families but also to our clean energy innovators and entrepreneurs.

According to the Office of Management and Budget, sequestration would impose an across-the-board cut of nearly 10 percent to critical clean energy and innovation programs. That would mean a \$148 million cut to the Department of Energy's Energy Efficiency and Renewable Energy Program alone. These cuts would tremendously damage our ability to develop the clean energy technologies of tomorrow, technologies that lead not only to lower energy bills for our constituents but also to new businesses and middle class jobs. I see it every day in my congressional district, where cutting-edge companies like LaunchPoint Technologies and Transphorm use Federal funding to develop exciting new ideas that would otherwise languish on the drawing board.

Mr. Speaker, the threat of sequestration and the fiscal cliff is very real. It's time for us to come together and pass a balanced package that continues building for a clean energy future.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4053) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4053

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Improper Payments Elimination and Recovery Improvement Act of 2012".*

### SEC. 2. DEFINITIONS.

*In this Act—*

(1) the term "agency" means an executive agency as that term is defined under section 102 of title 31, United States Code;

(2) the term "improper payment" has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act; and

(3) the term "State" means each State of the United States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

### SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) *IN GENERAL.*—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

"(b) *IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.*—

"(1) *IN GENERAL.*—The Director of the Office of Management and Budget shall on an annual basis—

"(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

"(i) in which the highest dollar value or highest rate of improper payments occur; or

"(ii) for which there is a higher risk of improper payments; and

"(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

"(2) *REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.*—

"(A) *IN GENERAL.*—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

"(B) *CONTENTS.*—Each report under this paragraph—

"(i) shall describe—

"(I) any action the agency—

"(aa) has taken or plans to take to recover improper payments; and

"(bb) intends to take to prevent future improper payments; and

"(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

"(C) *PUBLIC AVAILABILITY ON CENTRAL WEBSITE.*—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

"(D) *AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.*—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

"(E) *ASSESSMENT AND RECOMMENDATIONS.*—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

"(i) review—

"(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

"(II) the oversight or financial controls to identify and prevent improper payments under the program; and

"(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for



modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

**(b) IMPROVED ESTIMATES.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) **GUIDANCE.**—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed, paid, or obligated for payment are proper;

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 31 U.S.C. 3321 note.) is amended—

(1) in section 2(h)(1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”.

**SEC. 4. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

**SEC. 5. DO NOT PAY INITIATIVE.**

(a) **PREPAYMENT AND PREAWARD PROCEDURES.**—

(1) **IN GENERAL.**—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) **DATABASES.**—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) **DO NOT PAY INITIATIVE.**—

(1) **ESTABLISHMENT.**—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) **OTHER DATABASES.**—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) **ACCESS AND REVIEW BY AGENCIES.**—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) **PAYMENT OTHERWISE REQUIRED.**—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) **ANNUAL REPORT.**—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) **DATABASE INTEGRATION PLAN.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the data use agreements described under subsection (e)(2)(D).

(d) **INITIAL WORKING SYSTEM.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Di-

rector of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) **WORKING SYSTEM.**—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) **APPLICATION TO ALL AGENCIES.**—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) **FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.**—

(1) **DEFINITION.**—In this subsection, the term “Inspector General” means any Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) and any successor Inspector General.

(2) **COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.**—

(A) **IN GENERAL.**—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements with other inspectors general and agency heads that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) **REVIEW.**—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) **TERMINATION DATE.**—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) **MULTIPLE AGENCIES.**—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) **COST-BENEFIT ANALYSIS.**—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(3) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of the Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(A) issue guidance for agencies regarding implementing this subsection, which shall include standards for—

(i) reimbursement of costs, when necessary, between agencies;

(ii) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code; and

(iii) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(B) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(i) improve the effectiveness and responsiveness of the Data Integrity Boards;

(ii) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(iii) establish standard matching agreements for use when appropriate; and

(C) establish and clarify rules regarding what constitutes making an agreement entered under paragraph (2)(A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(4) **CORRECTIONS.**—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(A) compliance with section 552a(p) of title 5, United States Code; and

(B) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(5) **COMPLIANCE.**—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(6) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) **DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) **PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.**—

(1) **ESTABLISHMENT.**—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) **ADDITIONAL ACTIONS UNDER PLAN.**—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### **SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) **DEFINITION.**—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3301 note).

(b) **REVIEW.**—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### **GENERAL LEAVE**

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Federal agencies made an estimated \$108 billion in improper payments in fiscal year 2012, and that is the estimate from the Office of Management and Budget. Many programs maintain an alarming rate of improper payments—some programs above 8 percent. This is an unacceptable waste of taxpayer dollars.

I appreciate my colleague, the departing gentleman from New York (Mr. TOWNS), for sponsoring this piece of legislation because here we are fighting for fiscal sanity in this country, and we have \$108 billion estimated in improper payments.

These improper payments occur when Federal funds are paid out that should not be paid out. In many instances, Federal funds are going out to ineligible recipients. Last year, the Inspec-

tor General of the Office of Personnel Management found that Federal retirement and disability benefits totaling \$600 million were paid out to deceased individuals over a 5-year period.

The Oversight Committee and its subcommittees have held a series of hearings in this Congress on the issuance of improper payments, and I thank Chairman ISSA for his leadership in holding these hearings and in encouraging this piece of legislation to be brought to the floor. The legislation introduced by Mr. TOWNS will help to address the concerns identified at those hearings. H.R. 4053 builds on prior legislation to reduce and prevent improper payments.

A decade ago, the Improper Payments Information Act of 2002 was signed into law, compelling agencies to identify payment errors in specific programs. That 2002 law was updated again in 2010 by the Improper Payments Elimination and Recovery Act, which required the better identification and estimation of improper payments. The bill before us today goes even further, primarily by harnessing improved information technology to reduce improper payments. It requires the administration to implement a do-not-pay initiative, and it enables Federal agencies to enter into multilateral data-sharing agreements.

I commend Mr. TOWNS for offering this important piece of legislation and for helping to advance the effort to reduce waste in the Federal Government.

I urge the passage of H.R. 4053, and I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to thank the Members who worked very hard to make this a reality, and I want to take the opportunity to applaud the leadership and its commitment to the Members of Congress who have worked so hard on this legislation—Senator CARPER and Senator COLLINS and, of course, Congressman ISSA and Congressman CUMMINGS from Maryland. They have all worked very closely with us, along with my good friend Congressman PLATTS, to make this day a reality.

Through its stewardship, the Subcommittee on Government Organization, Efficiency and Financial Management has conducted a series of hearings on the problems of improper payments, and this legislation is the result of our findings on those hearings.

I also want to thank the staff who worked very hard on H.R. 4053. Of course, it is a proud accomplishment when you listen to the stories of people who are in the military and when you hear how they go months and months without their families getting paid, that they are transferred from one base to another and, as a result, the families do not get paid because they're saying they cannot locate where they are. Of

course, many times when soldiers are transferred from one base to another, you'll find that they are not able to get paid. I think that that's something that we should abort because here they are defending this country in a magnificent way, and we cannot find a way to get them paid. This legislation points out how important it is to be able to get them paid.

On that note, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), who is very interested in this and who has expressed over and over again how important it is to make certain that our military people are paid and are paid on time.

Mr. ALTMIRE. I thank the gentleman, my good friend from New York.

Mr. Speaker, I rise in support of the Improper Payments Elimination and Recovery Improvement Act, a bill that will help the Federal Government better protect taxpayer dollars against waste, fraud, and abuse.

According to the Government Accountability Office, as my friend from Utah just said, the Federal Government made \$108 billion in improper payments during fiscal year 2012 alone, which is unacceptable. This bill will increase transparency while eliminating and recovering these improper payments through the creation of a government-wide do-not-pay list. This list will prevent improper payments, such as Social Security checks for deceased Americans, before that payment ever goes out.

The national deficit remains one of the biggest challenges facing this country, and I am proud to cosponsor this bill because it protects taxpayer dollars by forcing the Federal Government to scrutinize every dollar spent—just like every American family does. I urge my colleagues to support its passage.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers, but I continue to reserve the balance of my time.

Mr. TOWNS. I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, in closing, first let me just thank and commend my colleague Mr. TOWNS. This very well might be the final bill that he will introduce and that will pass this body. He is a good and decent gentleman. When I came here 4 years ago as a freshman, he was one of the most gracious and great people to work with. He was the chairman of our committee. I was a fresh newbie there; yet he helped me in every way while showing a great deal of respect across the aisle.

I congratulate him on an amazing experience here in the Congress. This is another example of a good bill that this gentleman is putting forward. I wish him nothing but the best with the rest of his career and life and everything else. We need more good people

like Mr. TOWNS participating in this Congress. So I congratulate him on this bill, urge the passage of this bill, and thank him for his great work.

Mr. TOWNS. Will the gentleman yield?

Mr. CHAFFETZ. I yield to the gentleman from New York.

Mr. TOWNS. Let me just say, too, that you're right, this is probably my final bill, and it has been great serving here in this Congress for 30 years. You've taught me a lot, too, and let me just tell you the latest thing that you taught me.

We were having a hearing with all of these professional football players in terms of how they performed on the field and regarding enhancement drugs and all of that. When they turned to you—because we were saying that you were the only football player on the committee—you said that you were not a football player but that you were a kicker. I thought that that was a very interesting comment because I'd just assumed all of these years that you were a football player since you set all those records.

I want to thank you so much for your kind words. It has been a delight to work with you as well.

□ 0920

Mr. CHAFFETZ. Reclaiming my time, again I commend the gentleman for this bill and his great career, and I urge passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4053, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GAO MANDATES REVISION ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3315) to repeal or modify certain mandates of the Government Accountability Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "GAO Mandates Revision Act of 2012".

#### SEC. 2. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona

Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking "annual audits of the transactions of the Commission" and inserting "periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.".

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking "subsection (x)" and inserting "subsection (w)".

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking "of each year" and inserting "2013, and every 3 years thereafter"; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "at a frequency of not less than once per year—" and inserting "not later than December 31, 2013, and every 3 years thereafter—".

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111-275; 38 U.S.C. 4301 note) is amended by striking "and annually thereafter during the period when the demonstration project is conducted.".

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106-253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking "of paragraph (2) of this subsection" and inserting "of section 3515 of title 31";

(2) in paragraph (1), by striking "(1)"; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking "annual audits of the Senate Preservation Fund" and inserting "periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, as you know, the Government Accountability Office is a great aide to the United States Congress. They help by auditing and examining government programs and reporting its findings to Congress. They serve a valuable position in the work that we do.

The GAO is responsible for 102 recurring annual statutory mandates and receives over 700 additional requests each year. It's quite a demand on the resources that we've given them.

This bill eliminates or decreases the recurrence of several GAO reports and auditing requirements for eight Federal programs or commissions. In recent years, we've been asking GAO to do more with less, as we should; but GAO will become more efficient by reducing obligations that once served an important purpose but now needlessly consume its limited resources. Eliminating these mandates will also allow GAO to more quickly respond to Congressional requests for assistance. GAO handpicked these reports as overly burdensome with modest benefits, and the related committees of jurisdiction concur.

Senator CARPER introduced Senate bill S. 3315, the GAO Mandates Revision Act, in June of this year, and the measure passed the United States Senate by unanimous consent in September. We urge all of our colleagues to support this measure.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bill before us today. S. 3315 amends certain statutes which require the Government Accountability Office to submit annual audits or reports to Congress. While the annual reporting requirements previously mandated are no longer necessary, this bill will require GAO to report its findings to Congress on issues covered by the reports every 3 years. This requirement will provide GAO with a more streamlined approach in reporting to Congress and will reduce the unnecessary costs and time spent to conduct annual audits or reports on these particular issues.

It is important to know that all the committees affected by this legislation have been consulted and have agreed to these changes. At a time when con-

stituents are rightly demanding a more efficient government, now is the time to enact this legislation.

I thank the majority for bringing this bill to the floor and the Senate for passing the underlying measure. Mr. Speaker, I urge passage of this bill.

Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, we urge passage of S. 3315 introduced by Senator CARPER. It is a good, common-sense piece of legislation. The committees of jurisdiction concur. It is bipartisan in its approach. We urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 3315.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### D.C. COURTS AND PUBLIC DEFENDER SERVICE ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1379) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1379

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "D.C. Courts and Public Defender Service Act of 2011".

#### SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11-744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking "annually" and inserting "biennially or annually";

(2) in the first sentence, by striking "active judges" and inserting "active judges and magistrate judges";

(3) in the third sentence, by striking "Every judge" and inserting "Every judge and magistrate judge"; and

(4) in the third sentence, by striking "Courts of Appeals" and inserting "Court of Appeals".

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

#### "§ 11-947. Emergency authority to toll or delay proceedings.

"(a) TOLLING OR DELAYING PROCEEDINGS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

"(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

"(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

"(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

"(e) NOTICE.—Upon issuing an order under this section, the chief judge—

"(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

"(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

"(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief

report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-947. Emergency authority to toll or delay proceedings.”.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§ 11-745. Emergency authority to toll or delay proceedings.

“(a) TOLLING OR DELAYING PROCEEDINGS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(d) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-745. Emergency authority to toll or delay proceedings.”.

(c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11-1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

#### SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.”.

#### SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) REDUCTION IN TERM OF SERVICE.—Section 11-908A(c)(1), District of Columbia Official Code, is amended by striking “5 years” and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, S. 1379 would grant the District of Columbia courts and Public Defender Service greater administrative flexibility in several areas.

First, it authorizes the D.C. Superior Court and the Court of Appeals to hold judicial conferences either annually or biennially, eliminating the current mandate that they always hold such conferences each and every year.

It requires magistrate judges to attend these judicial conferences.

It authorizes the D.C. courts to delay judicial deadlines in certain emergency situations such as a natural disaster.

It also allows the D.C. courts to be reimbursed by the D.C. government for certain office expenses, and it gives the D.C. Public Defender Service authority to purchase liability insurance for its attorneys, and changes the term for family court judges from 5 years to 3 years.

Nearly identical legislation was approved unanimously by the House in the 111th Congress. There is no expected cost associated with the legislation.

I would like to thank Senator AKAKA for sponsoring this bill and guiding its passage in the other body. I would also like to thank our colleague, Ms. NORTON, for her work in getting this legislation to the floor today. She cares passionately about D.C. and has nothing but its best interests at heart. We listen to that, we hear that, and in part, because of that, we support this legislation and encourage our colleagues to do the same.

With that, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Utah for his kind remarks.

I rise today in strong support of the D.C. Courts and Public Defender Service Act of 2011. I would like to thank Senator JOE LIEBERMAN, the chair of the Senate Homeland Security Committee, which has jurisdiction over the District of Columbia, and particularly Senator DANIEL AKAKA, the chair of the Senate Subcommittee on Oversight and Government Management and the Senate sponsor of the bill, the Federal Workforce and the District of Columbia for ushering the bill through subcommittee and committee and getting it passed by voice vote.

Both Senators LIEBERMAN and AKAKA are retiring this year. They each will leave rich legacies of accomplishment to the Nation, and both Senator LIEBERMAN and Senator AKAKA have always been good friends of the District of Columbia. They will be very much missed in both Chambers by all of us, I know, but particularly by the residents of the District of Columbia.

S. 1379 is an important bill for the administration of justice in the District of Columbia. It will allow the chief judge of the superior court or the court of appeals to delay judicial proceedings in the event of a natural disaster, terrorist attack, or other emergency. It is clear that the Nation's capital is at risk to such emergencies. Most recently, Hurricane Sandy, the unprecedented storm that devastated the east coast, and was expected to hit the District much harder than what actually occurred.

S. 1379 also allows the chief judge of the court of appeals to hold judicial conferences biennially rather than annually as required by current law.

□ 0930

This option is common sense, considering the increase in the use of electronic communication today and the significant cost savings involved.

The bill also allows the D.C. courts to enter into reimbursable agreements with the D.C. government for equipment, supplies, and other services, a measure to assure that reimbursement costs do not come from congressional appropriations.

The bill reduces the term of service, from 5 to 3 years, required of judges of the family court division of the superior court, a policy aimed at easing recruitment of able judges to the family court division.

In addition, the bill authorizes the Public Defender Service for the District of Columbia, a federally funded government agency, to purchase professional liability insurance for its attorneys, staff, and board members, which is, of course, indispensable to all who practice law today.

Mr. Speaker, I urge my colleagues to join me in supporting this bill.

I want to thank the gentleman from Utah for his work on this bill, and I particularly want to thank the chairman of the full committee, Mr. ISSA, who went to great lengths to make sure that this bill, in fact, made the agenda of the Congress and who has been so important to understanding and making sure that particularly minor D.C. bills like this received quick treatment and, I must say, in addition to his work on very important bills for the District of Columbia that are still in progress like our budget autonomy bill.

With that, Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, we urge passage, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 1379, the "The D.C. Courts and Public Defender Service Act of 2011," the purpose of which is to grant the District of Columbia (D.C.) Courts and Public Defender Service (PDS) greater administrative flexibility in several areas.

First, the bill authorizes the D.C. Superior Court and Court of Appeals to hold judicial conferences either annually or biennially, eliminating the current mandate that they always hold such conferences every year. Under S. 1379, magistrate judges are required to attend these judicial conferences.

Moreover, this bill authorizes the D.C. Courts to toll or delay judicial deadlines in certain emergency situations such as natural disasters, and allows the D.C. Courts to be reimbursed by the D.C. Government for certain office expenses.

Finally S. 1379 gives the D.C. Public Defender Service authority to purchase liability insurance for its attorneys and changes the term for Family Court judges from five years to three years.

Current law requires the D.C. Courts to hold a judicial conference annually "for the purpose of advising as to the means of improving the administration of justice within the District of Columbia."

Federal Courts, however, must hold a conference only every two years. The D.C. Courts have estimated that, in addition to the time spent by judicial personnel planning and attending the conference, they will spend approximately \$50,000 on the 2012 judicial conference.

We know that local governments, like D.C., are under tremendous budget constraints, and given Congress' Constitutionally-mandated duty to oversee the District, we should be solicitous to District concerns when it comes to what we require of its government, particularly where costs are concerned.

The requirement that D.C. Courts hold annual judicial conferences was enacted before 1975, long before the internet was created in addition to numerous other advances in communication.

D.C. Courts have determined that the funds, resources, and time required to prepare for and conduct such conferences would be more effectively used if the judicial conference were conducted biennially rather than annually.

With the significant improvement in the dissemination and exchange of information the D.C. Courts' judicial conference is no longer the primary means of obtaining advice pertaining to the administration of justice within D.C.

Specifically, the Courts have determined that electronic and other forms of communication, including the Courts' websites, enable them to regularly communicate with the various participants in the court system.

We should remove the burdensome requirement that D.C. Courts hold annual judicial conferences and, instead, require biannual conferences. Furthermore, despite their important role in the judicial system of the District, magistrate judges currently are not required to attend the D.C. Courts' judicial conference.

D.C. Court magistrate judges hear a variety of cases, including misdemeanor and traffic cases, criminal arraignments, small claims, child support orders, and protection orders.

The D.C. Courts have requested that magistrate judges be required to attend judicial conferences. Because of their importance to the judicial system, I believe that this request should be granted.

The D.C. Courts have also expressed concern with their inability to toll or delay judicial deadlines in the event of an emergency or terrorist attack.

For example, in recent years, snowstorms as well as Tropical Storm Sandy have resulted in devastation of the D.C. Metropolitan area, resulting in federal government closings.

To address this concern, S. 1379 authorizes the Chief Judges of the D.C. Court of Appeals and the D.C. Superior Court to toll or delay judicial proceedings in the event of natural disasters or emergency situations.

Emergency authority under this bill should be used sparingly, and only in extraordinary circumstances. Therefore, S. 1379 requires that if the emergency authority is used for 14 days or more, the Joint Judicial Committee must approve each extension and the courts must give Congress a written justification no later than 180 days after the expiration of the last extension granted.

Currently, there is no statutory authority to allow D.C. Courts, absent explicit authority from Congress, to enter into reimbursable agreements with anyone, including the D.C. government.

This is because the D.C. Home Rule Act prevents the obligation of funds without approval by an Act of Congress. To address this concern, S. 1379 modifies the D.C. Code to allow the D.C. Courts to enter into reimbursable agreements for certain office expenses.

Finally, unlike Federal public defender service organizations, D.C. Public Defender Service does not have explicit authority to purchase liability insurance for its attorneys; consequently, its attorneys are unable to protect themselves from potential lawsuits arising during the course of their official duties.

Individuals who provide professional advice and services, such as attorneys, typically carry liability insurance in order to offset the risks arising as a result of the advice or services they render.

To address this, S. 1379 provides the D.C. Public Defender Service explicit statutory authority to purchase professional liability insurance, allowing its staff to be protected from



the financial risk of potential lawsuits by clients and others.

The accommodations sought by the D.C. Courts and Public Defender Service Act are reasonable and will ameliorate several deficiencies under current law. Therefore, I urge my colleagues to support S. 1379.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 1379.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 31 minutes a.m.), the House stood in recess.

□ 1002

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 10 o'clock and 2 minutes a.m.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The message also announced that the Senate agreed to the House amendment to the Senate amendment to a bill of the House of the following title:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

The message also announced that the Senate recedes from its amendment of December 4, 2012, returned to the Senate by the House of Representatives on December 12, 2012 to the bill (H.R. 4310) "An Act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes."; and insists upon its amendment of December 12, 2012 to the above entitled bill and requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (NE), Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN (MA), Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER to be the conferees on the part of the Senate.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. McKEON. Mr. Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

Mrs. DAVIS of California. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. Davis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4310 be instructed to agree to section 1249 of the Senate amendment (relating to a plan for promoting the security of Afghan women and girls during the security transition process).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mrs. DAVIS) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Five years ago, I led a congressional delegation of female Members to Afghanistan on Mother's Day to visit our troops and meet with Afghan women,

and I've continued to participate in this trip every year since.

On that first trip, we flew to Qalat in the southwestern region of Afghanistan and met the Provincial Reconstruction Team and the women of the village they worked with. Like much of Afghanistan, Qalat is rural and impoverished. The women we met had the same aspirations of women across the globe: they seek to send their children to school and learn a trade in order to support themselves and their family.

During that first visit in 2008, the school headmaster told us stories of how acid was thrown into the faces of several female students who attended the school. These young girls overcame enormous challenges in coming to school every day, but their desire to learn surmounted the obstacles they faced. And there, just like at home, we heard these young girls talk of being doctors and teachers and anything else that they could dream of.

Each year, we have continued to visit the women of Qalat, and their message remains clear and consistent: they need security for themselves and their families if they are going to succeed.

During these visits, we have seen slow but steady progress being made as security in the area has improved. This year, during our visit, instead of talking about wanting the kids to come to school and being fearful that their parents would keep them at home, the school headmaster spoke about the 4,000 students who are coming to school each day and the need for additional desks and supplies. What a tremendous turnaround in such a short period of time.

But, Mr. Speaker, steep challenges remain for women in Afghanistan. Security, especially for women, has been at the heart of the problem that needs to be addressed as we transition responsibility to Afghan forces. Just this week, we had a reminder of those security concerns.

On Monday, the Director of Women's Affairs was killed in the Laghman province. She replaced the previous director, who was also assassinated just 6 months ago. It is heartbreaking to hear of these female leaders being assassinated in an area that is trying so hard to move their people and their country forward. A country cannot disenfranchise nearly 50 percent of their population while seeking to achieve a strong prosperous economy.

The language included in the Senate bill is a step in the right direction. So many organizations have been active in the transformation of Afghanistan, and I would encourage my colleagues at the Department of Defense and the Department of State to ensure that this is a multi-pronged effort. We must involve all the entities, not only here in the United States and Afghanistan, but also in Pakistan and India, where women there understand the daily



challenges that Afghan women face, and create opportunities for these groups to work together. It is the least that we can do to support the women of Afghanistan and leave their country with a sustainable path for stability.

But, Mr. Speaker, this is more than the security of women and their ability to prosper in Afghanistan. It is also about our military servicemembers. Women on Provincial Reconstruction Teams have worked hard to help the women of Afghanistan, and members of the Female Engagement Teams have been tremendous role models for young Afghan children.

Our brave military men and women have sacrificed so much in Afghanistan, and to leave without the ability for continued security there would be a dishonor to all those who have served. We must ensure that the strides Afghan women and girls have achieved over the last decade do not erode.

Next year, I hope to visit Afghanistan again on Mother's Day. And I want to tell the women we meet with—again, the same group of women we have met with over the last number of years—that their security is important and that this Congress recognizes that importance.

Mr. Speaker, I urge my colleagues to join me in support of this motion to instruct the House conferees and accept this language.

I reserve the balance of my time.

□ 1010

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

I rise to thank the gentlelady for her leadership not only on this issue, but on the leadership she helps provide to our committee. We have several women serving on the House Armed Services Committee, and they do an outstanding job.

Over the years, many of us have visited Iraq and Afghanistan, and I've had that opportunity. But I know that the trips that the women have made bring us back a different perspective. In my trip the time before last to Afghanistan, I went to the south. I went to Camp Leatherneck, where they were just setting up the Marines that had just arrived, and they were just pushing out in the desert. We were not able to visit Marja, which was one of the towns in that area. It was totally under the control of the Taliban. The Taliban flag flew over Marja.

The last time I was there, it was totally changed. The Marines had taken over Marja. And the day we were there, we opened a school. It's not like a school that we have here for our young people. They had a few classrooms in an adobe building, and then they had a few tents. It was kind of raining that day, but as we opened that school, 500 children were now going to be able to go to school, and over a third of them were young girls who could not go to

school before. They were so excited, 10 teachers and 500 young people. As I said, about a third of them were young girls.

We have made some great improvements in Afghanistan. There are a lot of things we don't hear about. But when these women go on these trips on Mother's Day, they meet with the same women each year. So they give us a whole different perspective. Many of us on the trips, we go to one place, the next time we go to a different place, and we don't get a real feel as to what is actually happening with the people there. I've talked to some of these women after those trips. They've reported back and told me the things that they have seen and learned. This perspective of being able to actually see the same people and hear their perspective change from year to year is invaluable, and I thank you for making those trips.

We have women on both sides of the aisle, both on and off the committee, that have gone on those trips. MARTHA ROBY, one of the freshman Members on our side of the aisle, led the trip this last time, and VICKY HARTZLER and CATHY MCMORRIS RODGERS, our conference chair for our new Congress, and RENEE ELLMERS, another freshman Member on our side. Again, women from the other side of the aisle made that trip. I thank them for it, and I strongly support this effort on this motion to instruct.

We need to do everything we can do to ensure the safety of women. We've made lots of gains for those women and the girls who will become women in that country. When you withdraw the troops, it's a serious time and dangerous time. As we pass the effort over to the Afghan security forces to provide the protections and keep the gains that we've made, it's very important that they don't fall back into the same way that they've treated women in the past and we lose all those gains that we've made. So this is a very important addition to the bill.

I thank you for bringing this forward. I thank you for the support. It's something I hope that everyone in the Congress will support as we move forward.

With that, I reserve the balance of my time.

The United States' effort in Afghanistan came to us following the tragic events on September 11, 2001. And it has been critical to ensuring that United States' vital national security interests are maintained and the American people remain safe.

The successes that have been achieved in Afghanistan are the result of the noble service and tremendous sacrifice from our military and their families. Those successes include progress toward improving conditions for Afghan women and girls, respect for the rights of women, and inclusion of women in the political and security realms. However, as our commanders frequently remind us, all of our successes are fragile and can be reversed. This

is no more true than in the case of Afghan women.

Therefore, I will support this motion to instruct. I believe the coming years will be critical to ensure the progress Afghan women have made cannot be easily undone. While I do not believe it is a primary mission of the U.S. military to work with the Government of Afghanistan to improve the rights of women, there is a role for the military to play as we train and advise the Afghan National Security Forces. Continuous improvements to the security situation can help set the stage for inter-agency partners and non-governmental organizations to work on women's issues.

In fact, the security of Afghanistan's women can only be damaged by hasty or ill-conceived withdrawal. The military needs to continue to be provided the resources and support that they need to conduct the mission in Afghanistan through 2014 and beyond—primarily to meet U.S. national security objectives, but also not to abandon those whose lives have improved so dramatically.

I appreciate my colleagues' advocacy for our sisters in Afghanistan. I support their efforts and intend to carry a conference report back from negotiations that supports this goal, the United States' national security interests, and provides our military with the resources it needs to accomplish the missions it is given in Afghanistan and around the globe.

Mrs. DAVIS of California. Mr. Speaker, I certainly want to thank Mr. McKEON for his leadership and for his remarks this morning because this has been a bipartisan trip, and I can say that we have many hours together on these trips. To experience it with the Afghan women and with our female troops particularly has been an incredible experience. And I particularly enjoy the support and the collegiality of my colleagues that Mr. McKEON referenced. It really has been very meaningful to all of us, and I look forward to continuing trips.

I now want to yield 3 minutes to Ms. TSONGAS of Massachusetts. Ms. TSONGAS has been with us on those trips, and I know she will share some of her experiences, as well.

Ms. TSONGAS. Mr. Speaker, I rise in support of this motion to instruct.

As we have heard, this motion supports bipartisan Senate language that would help promote the security of Afghan women and girls.

Since becoming a Member of Congress, I have had the honor of visiting Afghanistan four times, several with the Mother's Day trips that Chairman McKEON referenced. I have been fortunate on those trips to visit in particular with some of our military moms who are serving in Afghanistan. These are female soldiers who have children back home, leaving them for months on end. Thousands of soldiers, men and women, go without seeing their family and loved ones for months on end, highlighting the extraordinary commitment that accompanies military service. This service and commitment is something that we take home

with us as we learn from them and from their stories. These servicemen and -women have made very personal sacrifices for the people of Afghanistan.

The ever increasing participation of women in our military demonstrates the important contributions women are making to our effort in Afghanistan and around the world. It also stands in stark contrast to the involvement that Afghan women are able to have in their country's public life. One of the most important observations and lessons that I have learned during this trip, as well as the others, was that if this country is to become more stable and secure, women must be included in Afghan society and government.

Several years ago, I visited a school where over 1,000 young Afghan girls cycled through each day of all ages, very young, up to high school. When we asked them what they wanted to be when they grew up, the answers we heard were doctor, lawyer, teacher, even journalist. These are exactly what so many of our own young daughters hope to achieve. These young women felt optimistic about opportunities that were previously unheard of for women in Afghanistan and represent a future of promise for this country. We should take great pride in the work that we have done to elevate their sight lines. Ensuring that these young girls continue to have access to these opportunities and more broadly ensuring that women are able to participate in Afghan society as a whole is not only good for the future of Afghanistan, it is good for the United States, as well, so that we can help ensure a more peaceful and just future there.

On Monday, we were starkly reminded of the tenuous position of women in Afghanistan when the acting head of women's affairs in an eastern province was assassinated as she traveled to work. It also reminds us of their extraordinary courage as they take advantage of the opportunities and seek to be full participants in their country's lives. As we reduce our military presence in Afghanistan, the United States must be cognizant of how we will make sure that women continue to have a seat at the table and the nascent gains for them are not abdicated.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. DAVIS of California. I yield an additional 1 minute to the gentlelady of Massachusetts.

Ms. TSONGAS. The bipartisan language in the motion before us would require that the Department of Defense produce a plan to promote the security of Afghan women and girls as it withdraws from the country. It would encourage the recruitment of women as members of the security forces. In fact, several years ago, we met with young

women who were being trained to be helicopter pilots and required the Department of Defense to report back on its progress toward meeting these goals.

I strongly urge a "yes" vote on the motion and am so pleased to see our chairman's support for it.

Mr. McKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 3 minutes to Ms. JACKSON LEE of Texas, as I know that she has been very involved in developing democracies and working with women.

□ 1020

Ms. JACKSON LEE of Texas. I thank all of my colleagues. I particularly thank Congresswoman DAVIS for her persistent leadership, and I join her as a cochair of the Afghan Caucus. I thank the chairman for his support as well.

So many of us have traveled to Afghanistan and have traveled as women to Afghanistan and have begun to look at this country from the eyes of wanting its survival. Malala is a young girl who is not from Afghanistan, but she symbolizes the essence of this motion to instruct. Malala is from Pakistan, but many of you will remember that she took more than one bullet as a young girl who fought and stood up for girls being able to be educated.

In my travels to Afghanistan and to the many provinces, you would hear stories from women, as have been evidenced, about the inability to serve, the inability to express themselves. In meeting with a group of women Afghan parliamentarians, interestingly enough, they would indicate how they wanted to serve their constituencies but how difficult it was and dangerous it was to travel as women to their particular provinces to serve their constituents.

That is not the basis of the principles for which our soldiers have fought and died. America has wonderful principles, and I am delighted that this motion to instruct focuses on providing the safety net for girls and women in leadership and in education. It is indicated, of course, that this transition will occur but with the requirement of a road map to ensure the safety and security of girls and women.

Over the period of time of our being in Afghanistan—the longest war that this Nation has ever seen—we have seen the ups and the downs but, more particularly, the tragedy of having schools burned that were particularly directed towards serving girls. Girls turn into young women and into women who want to serve. As we all know, the hand that rocks the cradle does establish the basis of civilization.

For the democracy of this great nation, I include my support for the motion to instruct, for our Nation not to

leave, as it leaves a pathway of democracy, leaves a pathway of democracy for the women and girls of Afghanistan. We must provide the protection that they need to help lead this nation and to ensure its democracy, freedom, and justice.

Mr. McKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. LEE), who has also been an extremely strong leader on this topic.

Ms. LEE of California. Let me first thank Congresswoman SUSAN DAVIS for her tremendous leadership on this issue. I agree with Congresswoman JACKSON LEE, it has been consistent and it has been bold. I also thank my other colleagues who have joined us in this effort.

There is really no military solution in Afghanistan, and a broad bipartisan coalition of many of our colleagues has really called for an accelerated withdrawal from Afghanistan. When we inevitably leave, we must ensure that Afghan women have a place at the table and an opportunity to shape the future of their country. I stand in strong support of this amendment that calls for a plan to promote the security of Afghan women and girls during the process of transferring security responsibility to the Afghan forces.

Last week, we met with Afghan women. Let me tell you that this was their very first priority, and we heard some stories that really speak to why this is so desperately needed. Afghan women and girls carry with them the prospects for long-term growth, security, and prosperity for their country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. DAVIS of California. I yield the gentlelady an additional minute.

Ms. LEE of California. I and others also encourage the conferees to include the Casey-Hutchison amendment as well as Senator MERKLEY's amendment, which calls for an expedited withdrawal from Afghanistan; but also we must support this motion to instruct conferees and ensure that we protect Afghan women and provide for their security because they are the future of Afghanistan.

So I encourage our colleagues to support this, and I want to again thank Congresswoman DAVIS for her leadership.

Mr. McKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH). I want to thank him for his outspokenness and for his strong belief in peace and in the role that women play in those initiatives.

Mr. KUCINICH. I thank the gentlelady from California for yielding.

Mr. Speaker, I rise in opposition to the Motion to Instruct Conferees on H.R. 4310, the

National Defense Authorization Act, NDAA. Today, this House will send the National Defense Authorization Act, NDAA, to conference. Contrary to its title, the bill does not provide for the protection of the American people. It expands war. It further indebts our nation. It encroaches on basic rights with regards to indefinite detention. It eliminates the basic tenet that due process rights applies to everyone in this country—not just American citizens.

The legislation also includes additional sanctions against Iran despite numerous reports that our sanctions are affecting the ability of ordinary Iranians to obtain medicine and offer basic goods. Sanctions have thus far not served to solve the impasse or bring Iran to the negotiating table. More sanctions are not the answer and do not bring us closer to a diplomatic solution.

This legislation also perpetuates the myth that we are ending the war in Afghanistan. We are not leaving Afghanistan. We are deepening our commitment. This bill provides for another staggering \$88 billion for the war. The Strategic Partnership Agreement between the U.S. and Afghanistan commits us to the country for at least another decade with a \$20 billion price tag.

Finally, this legislation continues financing our bloated Pentagon. The United States maintains 1,000 bases worldwide. Some of these bases are infamous, like Guantanamo Bay. There are small bases to support our drones program. There are fortresses to support our wars.

The cost to maintain these bases is billions of dollars. Included in these costs are the costs to maintain and run 234 golf courses around the world.

The Pentagon is expanding their spy agency. The CIA has become a paramilitary organization. We are preparing to support intervention in Mali. Our government's policy in Syria is incoherent. We are expanding our military presence in Asia and in Africa.

And for what? For millions of Americans to be unemployed? For millions of Americans to go hungry? For millions of Americans not to have adequate access to education or even healthcare? For millions to lose their homes? For millions to lose their retirement security? For roads and bridges to collapse because we have no money for infrastructure?

I say it's time we pay attention to the defense of the American people's pocketbooks—The defense of the dignity of the American people—The defense of the moral authority of the United States. It's time to end this state of permanent war. We should throw out the NDAA, put an end to interventionism and begin to take care of things back home.

Mr. McKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY). I want to thank her, as well, for her bold leadership in preparing women for democracy.

Ms. SCHAKOWSKY. I rise in strong support of this motion to instruct. I join my colleagues first in congratulating Congresswoman DAVIS for the enormous work that she has done to protect the women of Afghanistan, and

I thank my Republican colleagues, too, for their support. This truly is a bipartisan effort.

I am committed to a peaceful transition and to a secure future for Afghanistan as U.S. troops withdraw. There is no better way to reach that goal than to involve women in the process—to ensure their voices are heard, to protect their fundamental rights. The security of women has to be a top U.S. priority.

Afghan women have made incredible advancements over the past decade, but they face enormous challenges. Just this week, the acting head of Women's Affairs in an eastern Afghan province was shot to death in broad daylight as she was traveling to work. Her predecessor in that position was killed in July when an IED exploded under her car. Particularly women who are involved in the political process or civil society are targeted, intimidated, threatened, and even killed.

Since the 2009 trip I took to Kabul, I've kept a sky blue burqa in my office as a reminder of the responsibility that we have to the women of Afghanistan. Women's rights are essential to the long-term stability of Afghanistan. Women must feel safe participating in politics and in civil society, and they have to be free to seek education and to start businesses, and they must have the opportunity to help their country forge a peaceful future.

Mr. Speaker, the Casey-Hutchison amendment requires a three-part plan to promote the security of Afghan women and girls. By including this language in the NDAA, we show that we are serious about human rights in Afghanistan and that we are committed to a peaceful transition away from U.S. military engagement. We have the opportunity to use the NDAA to stand with our Afghan sisters, to promote the security of all Afghan women and girls, and to ensure that women have the opportunity to engage in the rebuilding of their country.

I urge my colleagues to support this motion to instruct.

Mr. McKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS). I want to thank him for all of his support as well.

Mr. ANDREWS. I thank my friend for yielding.

I am immensely proud of the service and sacrifice of our men and women in Afghanistan. They have done a great job in defending our country, and our hearts go out to all of them who are serving, or who have served, for the greatness of their service.

I am one who believes that the time to bring them home is a lot sooner than later. I'd like to see them all come home as soon as possible. When they do, it's important that, as we

leave Afghanistan, we leave an imprint of a value that is not just an American value but, I think, a value of humanity around the world and, that is, that your opportunity to thrive in a community should not be determined by your gender. It is astonishing to most Americans, but it was the reality for most female Afghans that during the rule of the Taliban, for a young girl, a visit to a school put her life at risk. A girl who dared to try to go to school was risking a violent assault or even death.

I am very proud of the fact that our military leaders, our civilian employees, and brave Afghans have worked very hard to change that fact. Today, Afghan girls are in school, and Afghan women are serving in positions of authority and leadership and education and health care and government and commerce in Afghanistan. As we make the transition to Afghan security in that country, let us make sure that the transition to full human rights for women and girls continues in that country.

That is the purpose of this motion to instruct, and it is gratifying that Members of both political parties have spoken up in favor of this very basic principle. Being a girl or being a woman should not subject one to violence or short-change one's opportunities. I am proud to support this motion. I certainly hope that, as we go forward with this bill, the principles of fairness and equality will be included.

□ 1030

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise this morning in support of the motion to instruct offered by my good friend Mrs. DAVIS from California.

This measure would ensure that the Afghan Women and Girls Security Promotion Act, an important and bipartisan piece of legislation, will be included in the final version of the National Defense Authorization Act. And it will require the Department of Defense to produce a detailed plan to promote the security of Afghan women and girls during the process of transferring security responsibility to Afghan forces.

For more than a decade now, the rights and security of Afghan women have been on the rise, thanks in part to the efforts and sacrifice of our brave men and women in uniform. I had the honor of witnessing this progress firsthand when I traveled to Afghanistan over Mother's Day a few years ago and got to see excited young girls attending school for the first time and accomplished women proudly serving in government office. Here in the United States, we often take liberties like this

for granted. For an Afghan woman, however, they represent dramatic strides forward in basic human rights and equality.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McKEON. I yield an additional 1 minute to the gentlelady.

Mrs. BIGGERT. Like my colleagues here today, I am deeply concerned that as we begin to transition out of Afghanistan we are at risk of losing those hard-fought gains. Tragic news stories like the recent brutal murder of a young girl in northern Afghanistan over a rejected marriage proposal still occur with frightening regularity.

I believe this piece of legislation provides an opportunity for us to do that by providing a credible path forward for promoting the continued safety and well-being of these girls and women. This is absolutely essential for the future peace, stability, and prosperity of Afghanistan. For that reason, I urge my colleagues to support this motion to instruct.

Mrs. DAVIS of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 12¾ minutes remaining. The gentleman from California has 22½ minutes remaining.

Mrs. DAVIS of California. I yield myself such time as I may consume.

I just wanted to acknowledge and thank my colleague, Mrs. BIGGERT, because she co-led with me that first trip we took to Afghanistan, to Zabul province, and we had that opportunity to observe women who had very, very incredibly difficult lives and yet were as aspirational as so many women that we meet every day. I wanted to acknowledge her for that leadership.

I now yield 1½ minutes to the gentlewoman from Hawaii (Ms. HANABUSA) and thank her for her leadership as well.

Ms. HANABUSA. Mr. Speaker, I rise in support of the motion to instruct conferees to agree to the language in section 1249 of the Senate bill, which requires a plan for promoting the security of Afghan women and girls during the transition process.

I have been a supporter of an accelerated withdrawal of our forces from Afghanistan, but believe we must do so responsibly. Part of this responsibility lies in protecting the gains that have been made by Afghan women and ensuring that they have a role in creating the future of their country.

Since 2001, women in Afghanistan have made tremendous progress in being able to educate themselves and diversify the way they can provide for their families. They receive better health care and can move freely about within their communities.

This progress, which has come at great cost to the men and women of our armed services, must be preserved

and furthered. To lose these gains would be to minimize the great sacrifices that our men and women in uniform have made.

It is undisputed that the burden of war and keeping a family together after a loss of life falls on the mothers and women of the household. It is also undisputed that war leaves many scarred physically and emotionally. Yet it is so rare that we can say out of these difficult situations that there can be a glimmer of hope for the future.

One example of hope for the future is for these women and girls to know that they will be secure in their pursuits and in the progress that has been made. We must also believe that by doing so, the foundations we have helped build will continue, and these women and girls will have a future in their Afghan nation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. DAVIS of California. I yield the gentlewoman an additional 1 minute.

Ms. HANABUSA. As a Nation, this is one of the most positive acts that we can do, Mr. Speaker.

Mr. McKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no more speakers, so I reserve the balance of my time to close.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume to close.

I want to thank the gentlelady for bringing this issue. I think it is something that we can totally support on our side, and I would encourage all Members of this body to support this issue. I thank all of the women who have made the trips over there to Afghanistan because they have really added to the cause.

Our men and women in the military that have fought for all these many years—one of the major benefits from this war is the freedoms that these women and girls are able to enjoy right now, and it's my hope that we can leave sufficient force there to complete the mission, to guarantee the safety of these women and children, young girls, going forward. To leave precipitously without having completed that mission and put these women and girls in jeopardy, after they've seen a whole new life emerge, a whole new opportunity presented to them that they never conceived of before, would be a disaster.

So I thank again the gentlelady from California (Mrs. DAVIS) for her efforts here, and all the women who have spoken on this issue and traveled to Afghanistan, and urge that we all support this issue.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, as I said, I'm certainly prepared to close, and I yield myself such time as I may consume.

I want to again thank my colleague for his kind words. It has been an honor

and a privilege to be part of this and to have worked with our female troops, all of our troops, of course, in Afghanistan, but to see the difference that they're making. There is an approach that they have, and it seems to work. They are able to bring people along and actually make the situation safer for the families and the community in which they are serving.

I want to thank everyone who spoke today, and I also certainly want to thank everyone who has traveled on this particular trip. This is an important motion to instruct. It defines something just as basic as ensuring the mobility of women within their own country.

Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS. Mr. Speaker, I rise today in support of the Davis Motion to Instruct Conferees that would include the Casey/Hutchison amendment in the final conference report on the NDAA bill.

I want to thank the gentlelady from California, Mrs. DAVIS, for her strong leadership in engaging the women of Afghanistan in their reconstruction. I first traveled to Afghanistan with Mrs. DAVIS for Mother's Day in 2009 and have returned each of the past three years.

As co-chair of the Afghan Women's Task Force, I have met with women parliamentarians and civil society members eager to achieve the common goal of a secure and stable Afghanistan.

These women and their advocates always raise security as the number one challenge to progress. The failure to ensure consideration of women in the security framework is an ongoing challenge to taking advantage of the opportunities in education, politics, and overall public life necessary for the long-term stability and prosperity of Afghanistan.

Yesterday's assassination of the acting head of women's affairs in Laghman Province less than six months after the previous head was killed exposes not only the threats to the security of women in the country, but the deep concern about the impact the transfer of responsibilities from coalition forces to the Afghan government will have on the gains made by women over the last ten years.

The Casey/Hutchinson amendment promotes the security of Afghan women and underlines the need for the United States to strengthen its commitment to ensuring that plans to improve, monitor, and respond to women's security are imbedded in the Department of Defense's strategies. In addition, the amendment aims to establish achievable goals for the recruitment and retention of women to the Afghan National Army and Afghanistan National Police which have fallen far below expected targets.

The United States has worked hard to dramatically improve the lives of Afghan women. The greatest indicator of this progress is the 2.7 million girls who are now being educated after years of restriction by the Taliban. Afghan women and girls have stated their goals and desires for progress.

The transition process gives the United States and our international partners an opportunity to strengthen women's rights and lay

the foundation for women's full participation in all aspects of Afghan society in the future. Losing those gains will have a major negative impact on all Afghans and jeopardize the future security and stability of the country.

I urge inclusion of the Casey/Hutchinson amendment to send a supportive message to the women of Afghanistan and to enhance U.S. and international efforts to create a safer, more prosperous future for the country. Vote for the Davis Motion to Instruct Conferees.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess.

□ 1100

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 11 a.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

the motion to instruct on H.R. 4310; the motion to permit closed conference meetings on H.R. 4310, if offered; and

the motion to suspend the rules and pass H.R. 4053.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the

Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, offered by the gentlewoman from California (Mrs. DAVIS) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 399, nays 4, not voting 28, as follows:

[Roll No. 624]

YEAS—399

|              |               |                 |
|--------------|---------------|-----------------|
| Adams        | Cohen         | Green, Al       |
| Aderholt     | Conaway       | Green, Gene     |
| Alexander    | Connolly (VA) | Griffith (VA)   |
| Altmire      | Conyers       | Grijalva        |
| Amodeli      | Cooper        | Grimm           |
| Andrews      | Costa         | Guinta          |
| Austria      | Courtney      | Guthrie         |
| Baca         | Cravaack      | Gutierrez       |
| Bachmann     | Crawford      | Hahn            |
| Bachus       | Crenshaw      | Hall            |
| Baldwin      | Critz         | Hanabusa        |
| Barber       | Crowley       | Hanna           |
| Barletta     | Cuellar       | Harper          |
| Barrow       | Culberson     | Harris          |
| Barton (TX)  | Cummings      | Hartzler        |
| Bass (CA)    | Curson (MI)   | Hastings (FL)   |
| Bass (NH)    | Davis (CA)    | Hastings (WA)   |
| Becerra      | Davis (IL)    | Heck            |
| Benish       | DeFazio       | Heinrich        |
| Berg         | DeGette       | Hensarling      |
| Berkley      | DeLauro       | Herger          |
| Berman       | DelBene       | Herrera Beutler |
| Biggert      | Denham        | Higgins         |
| Bilbray      | Dent          | Himes           |
| Bilirakis    | DesJarlais    | Hinchey         |
| Bishop (GA)  | Deutch        | Hinojosa        |
| Bishop (NY)  | Diaz-Balart   | Hirono          |
| Bishop (UT)  | Dingell       | Hochul          |
| Black        | Dold          | Holt            |
| Blackburn    | Donnelly (IN) | Honda           |
| Blumenauer   | Doyle         | Hoyer           |
| Bonamici     | Dreier        | Huelskamp       |
| Bonner       | Duffy         | Huizenga (MI)   |
| Boren        | Duncan (SC)   | Hultgren        |
| Boswell      | Duncan (TN)   | Hunter          |
| Boustany     | Edwards       | Hurt            |
| Brady (PA)   | Ellison       | Israel          |
| Brady (TX)   | Ellmers       | Issa            |
| Braley (IA)  | Emerson       | Jackson Lee     |
| Brooks       | Engel         | (TX)            |
| Broun (GA)   | Eshoo         | Jenkins         |
| Brown (FL)   | Farenthold    | Johnson (GA)    |
| Buchanan     | Farr          | Johnson (OH)    |
| Bucshon      | Fattah        | Johnson, E. B.  |
| Buerkle      | Fincher       | Johnson, Sam    |
| Burgess      | Fitzpatrick   | Jordan          |
| Burton (IN)  | Flake         | Kaptur          |
| Butterfield  | Fleischmann   | Keating         |
| Calvert      | Fleming       | Kelly           |
| Camp         | Flores        | Kildee          |
| Campbell     | Forbes        | Kind            |
| Canseco      | Fortenberry   | King (IA)       |
| Capito       | Fox           | King (NY)       |
| Capps        | Frank (MA)    | Kingston        |
| Capuano      | Franks (AZ)   | Kinzing (IL)    |
| Carnahan     | Frelinghuysen | Kissell         |
| Carson (IN)  | Fudge         | Kline           |
| Carter       | Garamendi     | Kucinich        |
| Cassidy      | Gardner       | Labrador        |
| Castor (FL)  | Garrett       | Lamborn         |
| Chabot       | Gerlach       | Lance           |
| Chaffetz     | Gibbs         | Landry          |
| Chandler     | Gibson        | Langevin        |
| Chu          | Gingrey (GA)  | Lankford        |
| Cicilline    | Gohmert       | Larsen (WA)     |
| Clarke (MI)  | Gonzalez      | Larson (CT)     |
| Clarke (NY)  | Goodlatte     | Latham          |
| Clay         | Gosar         | Latta           |
| Cleaver      | Gowdy         | Lee (CA)        |
| Clyburn      | Granger       | Levin           |
| Coble        | Graves (GA)   | Lewis (CA)      |
| Coffman (CO) | Graves (MO)   | Lipinski        |

|                    |                   |               |
|--------------------|-------------------|---------------|
| LoBiondo           | Pelosi            | Sewell        |
| Loeback            | Perlmutter        | Sherman       |
| Lofgren, Zoe       | Peters            | Shimkus       |
| Long               | Peterson          | Shuler        |
| Lowey              | Petri             | Shuster       |
| Lucas              | Pingree (ME)      | Simpson       |
| Luetkemeyer        | Platts            | Sires         |
| Lujan              | Poe (TX)          | Slaughter     |
| Lummis             | Polis             | Smith (NE)    |
| Lungren, Daniel E. | Pompeo            | Smith (NJ)    |
| Lynch              | Posey             | Smith (TX)    |
| Maloney            | Price (GA)        | Smith (WA)    |
| Manzullo           | Price (NC)        | Southerland   |
| Marchant           | Quayle            | Speier        |
| Marino             | Quigley           | Stearns       |
| Markey             | Rahall            | Stivers       |
| Matheson           | Rangel            | Stutzman      |
| Matsui             | Reed              | Sullivan      |
| McCarthy (NY)      | Rehberg           | Sutton        |
| McCaul             | Reichert          | Terry         |
| McClintock         | Renacci           | Thompson (CA) |
| McCollum           | Ribble            | Thompson (MS) |
| McDermott          | Richardson        | Thompson (PA) |
| McGovern           | Richmond          | Thornberry    |
| McHenry            | Rigell            | Tiberi        |
| McIntyre           | Rivera            | Tierney       |
| McKeon             | Roby              | Tipton        |
| McKinley           | Roe (TN)          | Tonko         |
| McMorris           | Rogers (AL)       | Towns         |
| Rodgers            | Rogers (KY)       | Tsongas       |
| McNerney           | Rogers (MI)       | Turner (NY)   |
| Meehan             | Rohrabacher       | Turner (OH)   |
| Meeks              | Rokita            | Upton         |
| Mica               | Rooney            | Van Hollen    |
| Michaud            | Roskam            | Velázquez     |
| Miller (FL)        | Ross (AR)         | Visclosky     |
| Miller (MI)        | Rothman (NJ)      | Walberg       |
| Miller (NC)        | Roybal-Allard     | Walden        |
| Miller, Gary       | Royce             | Walsh (IL)    |
| Miller, George     | Runyan            | Walsh (MN)    |
| Moore              | Ruppersberger     | Wasserman     |
| Moran              | Rush              | Schultz       |
| Mulvaney           | Ryan (OH)         | Waters        |
| Murphy (CT)        | Ryan (WI)         | Watt          |
| Murphy (PA)        | Sánchez, Linda T. | Waxman        |
| Myrick             | Sarbanes          | Webster       |
| Nadler             | Scalise           | Welch         |
| Napolitano         | Schakowsky        | West          |
| Neal               | Schiff            | Westmoreland  |
| Neugebauer         | Schilling         | Whitfield     |
| Nugent             | Schmidt           | Wilson (FL)   |
| Nunes              | Schock            | Wilson (SC)   |
| Olson              | Schrader          | Wittman       |
| Olver              | Schwartz          | Wolf          |
| Owens              | Schweikert        | Womack        |
| Palazzo            | Scott (SC)        | Woodall       |
| Pallone            | Scott (VA)        | Woolsey       |
| Pascarella         | Scott, Austin     | Yarmuth       |
| Pastor (AZ)        | Scott, David      | Yoder         |
| Paulsen            | Sensenbrenner     | Young (AK)    |
| Payne              | Serrano           | Young (FL)    |
| Pearce             | Sessions          | Young (IN)    |

NAYS—4

Amash  
Jones

Massie  
Paul

NOT VOTING—28

|           |               |                  |
|-----------|---------------|------------------|
| Ackerman  | Gallely       | Nunnelee         |
| Akin      | Griffin (AR)  | Pence            |
| Bartlett  | Hayworth      | Pitts            |
| Bono Mack | Holden        | Reyes            |
| Cantor    | Johnson (IL)  | Ros-Lehtinen     |
| Carney    | LaTourette    | Ross (FL)        |
| Cole      | Lewis (GA)    | Sanchez, Loretta |
| Costello  | Mack          | Stark            |
| Dicks     | McCarthy (CA) |                  |
| Doggett   | Noem          |                  |

□ 1123

Messrs. CARTER, SAM JOHNSON of Texas, SESSIONS, PEARCE, SMITH of Texas, Mrs. CAPPS, and Mrs. SCHMIDT changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**MOTION TO PERMIT CLOSED CONFERENCE MEETINGS ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

Mr. McKEON. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and Senate on H.R. 4310 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 53, not voting 27, as follows:

[Roll No. 625]

YEAS—351

|               |               |                 |
|---------------|---------------|-----------------|
| Aderholt      | Cooper        | Guthrie         |
| Alexander     | Costa         | Gutierrez       |
| Altmire       | Courtney      | Hall            |
| Andrews       | Cravaack      | Hanabusa        |
| Austria       | Crawford      | Hanna           |
| Baca          | Crenshaw      | Harper          |
| Bachmann      | Critz         | Harris          |
| Bachus        | Crowley       | Hartzler        |
| Baldwin       | Cummings      | Hastings (FL)   |
| Barber        | Curson (MI)   | Hastings (WA)   |
| Barletta      | Davis (CA)    | Hayworth        |
| Barrow        | Davis (IL)    | Heck            |
| Bass (CA)     | DeGette       | Heinrich        |
| Bass (NH)     | DeLauro       | Herger          |
| Becerra       | DelBene       | Higgins         |
| Benishek      | Denham        | Himes           |
| Berg          | Dent          | Hinchev         |
| Berkley       | DesJarlais    | Hinojosa        |
| Berman        | Deutch        | Hirono          |
| Biggert       | Diaz-Balart   | Hochul          |
| Bilbray       | Dingell       | Holt            |
| Bilirakis     | Dold          | Hoyer           |
| Bishop (GA)   | Donnelly (IN) | Huizenga (MI)   |
| Bishop (NY)   | Doyle         | Hultgren        |
| Bishop (UT)   | Dreier        | Hunter          |
| Black         | Duffy         | Hurt            |
| Blackburn     | Duncan (SC)   | Israel          |
| Bonamici      | Duncan (TN)   | Jenkins         |
| Bonner        | Edwards       | Johnson (GA)    |
| Boren         | Ellmers       | Johnson (OH)    |
| Boswell       | Emerson       | Johnson, E. B.  |
| Boustany      | Engel         | Kaptur          |
| Brady (PA)    | Eshoo         | Keating         |
| Braley (IA)   | Fattah        | Kelly           |
| Brooks        | Fincher       | Kildee          |
| Brown (FL)    | Fitzpatrick   | Kind            |
| Buchanan      | Flake         | King (IA)       |
| Bucshon       | Fleischmann   | King (NY)       |
| Butterfield   | Fleming       | Kingston        |
| Calvert       | Forbes        | Kinzing (IL)    |
| Camp          | Fortenberry   | Kissell         |
| Campbell      | Fox           | Kline           |
| Capito        | Frank (MA)    | Lamborn         |
| Capps         | Franks (AZ)   | Lance           |
| Capuano       | Frelinghuysen | Landry          |
| Carnahan      | Fudge         | Langevin        |
| Carney        | Garamendi     | Lankford        |
| Carson (IN)   | Gardner       | Larsen (WA)     |
| Cassidy       | Garrett       | Larson (CT)     |
| Castor (FL)   | Gerlach       | Latham          |
| Chabot        | Gibbs         | Latta           |
| Chaffetz      | Gibson        | Levin           |
| Chandler      | Gingrey (GA)  | Lewis (CA)      |
| Chu           | Gonzalez      | Lipinski        |
| Cicilline     | Goodlatte     | LoBiondo        |
| Clarke (MI)   | Gosar         | Loeb            |
| Clay          | Gowdy         | Loggren, Zoe    |
| Cleaver       | Graves (GA)   | Long            |
| Clyburn       | Graves (MO)   | Lowe            |
| Coble         | Green, Gene   | Lucas           |
| Coffman (CO)  | Griffith (VA) | Luetkemeyer     |
| Cohen         | Grijalva      | Lujan           |
| Connolly (VA) | Grimm         | Lungren, Daniel |
| Conyers       | Guinta        | E.              |

|                |                |               |
|----------------|----------------|---------------|
| Lynch          | Price (NC)     | Simpson       |
| Maloney        | Quayle         | Sires         |
| Manzullo       | Quigley        | Slaughter     |
| Marino         | Rahall         | Smith (NE)    |
| Markley        | Rangel         | Smith (NJ)    |
| Matheson       | Reed           | Smith (TX)    |
| Matsui         | Rehberg        | Smith (WA)    |
| McCarthy (NY)  | Reichert       | Southerland   |
| McCaul         | Renacci        | Stearns       |
| McClintock     | Richardson     | Stivers       |
| McCollum       | Richmond       | Stutzman      |
| McDermott      | Rigell         | Sullivan      |
| McGovern       | Rivera         | Sutton        |
| McHenry        | Roby           | Terry         |
| McIntyre       | Roe (TN)       | Thompson (CA) |
| McKeon         | Rogers (AL)    | Thompson (MS) |
| McKinley       | Rogers (KY)    | Thompson (PA) |
| McMorris       | Rogers (MI)    | Thornberry    |
| Rodgers        | Rohrabacher    | Tiberi        |
| McNerney       | Rokita         | Tierney       |
| Meehan         | Rooney         | Tipton        |
| Meeks          | Roskam         | Tonko         |
| Mica           | Ross (AR)      | Towns         |
| Michaud        | Rothman (NJ)   | Tsongas       |
| Miller (FL)    | Roybal-Allard  | Turner (NY)   |
| Miller (MI)    | Royce          | Turner (OH)   |
| Miller (NC)    | Runyan         | Upton         |
| Miller, Gary   | Ruppersberger  | Van Hollen    |
| Miller, George | Rush           | Velázquez     |
| Moore          | Ryan (OH)      | Visclosky     |
| Moran          | Ryan (WI)      | Walberg       |
| Murphy (CT)    | Sánchez, Linda | Walden        |
| Murphy (PA)    | T.             | Walz (MN)     |
| Myrick         | Sarbanes       | Wasserman     |
| Nadler         | Scalise        | Schultz       |
| Napolitano     | Schakowsky     | Watt          |
| Neal           | Schiff         | Waxman        |
| Nugent         | Schilling      | Webster       |
| Nunes          | Schmidt        | Welch         |
| Oliver         | Schock         | West          |
| Owens          | Schrader       | Westmoreland  |
| Palazzo        | Schwartz       | Whitfield     |
| Pallone        | Schweikert     | Wilson (FL)   |
| Pascrell       | Scott (SC)     | Wilson (SC)   |
| Pastor (AZ)    | Scott (VA)     | Wittman       |
| Paulsen        | Scott, Austin  | Wolf          |
| Payne          | Scott, David   | Womack        |
| Pelosi         | Sensenbrenner  | Woodall       |
| Perlmutter     | Serrano        | Yarmuth       |
| Peters         | Sessions       | Yoder         |
| Peterson       | Sewell         | Young (AK)    |
| Petri          | Sherman        | Young (FL)    |
| Pingree (ME)   | Shimkus        | Young (IN)    |
| Platts         | Shuler         |               |
| Pompeo         | Shuster        |               |

NAYS—53

|             |                 |            |
|-------------|-----------------|------------|
| Adams       | Farenthold      | Lee (CA)   |
| Amash       | Farr            | Lummis     |
| Amodei      | Flores          | Marchant   |
| Barton (TX) | Gohmert         | Massie     |
| Blumenauer  | Granger         | Mulvaney   |
| Brady (TX)  | Green, Al       | Neugebauer |
| Broun (GA)  | Hahn            | Olson      |
| Buerkle     | Hensarling      | Paul       |
| Burgess     | Herrera Beutler | Pearce     |
| Burton (IN) | Honda           | Poe (TX)   |
| Canseco     | Huelskamp       | Polis      |
| Carter      | Jackson Lee     | Posey      |
| Clarke (NY) | (TX)            | Price (GA) |
| Conaway     | Johnson, Sam    | Ribble     |
| Cuellar     | Jones           | Speier     |
| Culberson   | Jordan          | Walsh (IL) |
| DeFazio     | Kucinich        | Waters     |
| Ellison     | Labrador        | Woolsey    |

NOT VOTING—27

|           |               |                  |
|-----------|---------------|------------------|
| Ackerman  | Gallegly      | Noem             |
| Akin      | Griffin (AR)  | Nunnelee         |
| Bartlett  | Holden        | Pence            |
| Bono Mack | Issa          | Pitts            |
| Cantor    | Johnson (IL)  | Reyes            |
| Cole      | LaTourette    | Ros-Lehtinen     |
| Costello  | Lewis (GA)    | Ross (FL)        |
| Dicks     | Mack          | Sanchez, Loretta |
| Doggett   | McCarthy (CA) | Stark            |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1132

Messrs. AMODEI and AL GREEN of Texas changed their vote from “yea” to “nay.”

Mr. DUNCAN of South Carolina changed his vote from “nay” to “yea.” So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4053) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 29, as follows:

[Roll No. 626]

YEAS—402

|             |               |               |
|-------------|---------------|---------------|
| Adams       | Butterfield   | DelBene       |
| Aderholt    | Calvert       | Denham        |
| Alexander   | Camp          | Dent          |
| Altmire     | Campbell      | DesJarlais    |
| Amash       | Canseco       | Deutsch       |
| Amodei      | Cantor        | Diaz-Balart   |
| Andrews     | Capito        | Dingell       |
| Austria     | Capps         | Dold          |
| Baca        | Capuano       | Donnelly (IN) |
| Bachmann    | Carnahan      | Doyle         |
| Bachus      | Carney        | Dreier        |
| Baldwin     | Carson (IN)   | Duffy         |
| Barber      | Carter        | Duncan (SC)   |
| Barletta    | Cassidy       | Duncan (TN)   |
| Barrow      | Castor (FL)   | Edwards       |
| Barton (TX) | Chabot        | Ellison       |
| Bass (CA)   | Chaffetz      | Ellmers       |
| Bass (NH)   | Chandler      | Emerson       |
| Becerra     | Chu           | Engel         |
| Benishek    | Cicilline     | Eshoo         |
| Berg        | Clarke (MI)   | Farenthold    |
| Berkley     | Clarke (NY)   | Farr          |
| Berman      | Clay          | Fattah        |
| Biggert     | Cleaver       | Fincher       |
| Bilbray     | Clyburn       | Fitzpatrick   |
| Bilirakis   | Coble         | Flake         |
| Bishop (GA) | Coffman (CO)  | Fleischmann   |
| Bishop (NY) | Cohen         | Fleming       |
| Bishop (UT) | Conaway       | Flores        |
| Black       | Connolly (VA) | Forbes        |
| Blackburn   | Conyers       | Fortenberry   |
| Blumenauer  | Cooper        | Fox           |
| Bonamici    | Costa         | Frank (MA)    |
| Bonner      | Courtney      | Franks (AZ)   |
| Boren       | Cravaack      | Frelinghuysen |
| Boswell     | Crawford      | Fudge         |
| Boustany    | Crenshaw      | Garamendi     |
| Brady (PA)  | Critz         | Gardner       |
| Brady (TX)  | Crowley       | Garrett       |
| Braley (IA) | Cuellar       | Gerlach       |
| Brooks      | Culberson     | Gibbs         |
| Broun (GA)  | Cummings      | Gibson        |
| Brown (FL)  | Curson (MI)   | Gingrey (GA)  |
| Buchanan    | Davis (CA)    | Gohmert       |
| Bucshon     | Davis (IL)    | Gonzalez      |
| Buerkle     | DeFazio       | Goodlatte     |
| Burgess     | DeGette       | Gosar         |
| Burton (IN) | DeLauro       | Gowdy         |

|                 |                |                |
|-----------------|----------------|----------------|
| Granger         | Marino         | Royce          |
| Graves (GA)     | Markey         | Runyan         |
| Graves (MO)     | Massie         | Ruppersberger  |
| Green, Al       | Matheson       | Rush           |
| Griffith (VA)   | Matsui         | Ryan (OH)      |
| Grijalva        | McCarthy (NY)  | Ryan (WI)      |
| Grimm           | McCaul         | Sánchez, Linda |
| Guinta          | McClintock     | T.             |
| Guthrie         | McCollum       | Sarbanes       |
| Gutierrez       | McDermott      | Scalise        |
| Hahn            | McGovern       | Schakowsky     |
| Hall            | McHenry        | Schiff         |
| Hanabusa        | McIntyre       | Schilling      |
| Hanna           | McKeon         | Schmidt        |
| Harper          | McKinley       | Schock         |
| Hartzler        | McMorris       | Schrader       |
| Hastings (FL)   | Rodgers        | Schwartz       |
| Hastings (WA)   | McNerney       | Schweikert     |
| Hayworth        | Meehan         | Scott (SC)     |
| Heck            | Meeks          | Scott (VA)     |
| Heinrich        | Mica           | Scott, Austin  |
| Hensarling      | Michaud        | Scott, David   |
| Herger          | Miller (FL)    | Sensenbrenner  |
| Herrera Beutler | Miller (MI)    | Serrano        |
| Himes           | Miller (NC)    | Sessions       |
| Hinchey         | Miller, Gary   | Sewell         |
| Hinojosa        | Miller, George | Sherman        |
| Hirono          | Moore          | Shimkus        |
| Hochul          | Moran          | Shuler         |
| Holt            | Mulvaney       | Shuster        |
| Honda           | Murphy (CT)    | Simpson        |
| Hoyer           | Murphy (PA)    | Sires          |
| Huelskamp       | Myrick         | Slaughter      |
| Huizenga (MI)   | Nadler         | Smith (NE)     |
| Hultgren        | Napolitano     | Smith (NJ)     |
| Hunter          | Neal           | Smith (TX)     |
| Hurt            | Neugebauer     | Smith (WA)     |
| Israel          | Nugent         | Southerland    |
| Jackson Lee     | Nunes          | Speier         |
| (TX)            | Olson          | Stearns        |
| Jenkins         | Oliver         | Stivers        |
| Johnson (GA)    | Owens          | Stutzman       |
| Johnson (OH)    | Palazzo        | Sullivan       |
| Johnson, E. B.  | Pallone        | Sutton         |
| Johnson, Sam    | Pascrell       | Terry          |
| Jones           | Pastor (AZ)    | Thompson (CA)  |
| Jordan          | Paul           | Thompson (MS)  |
| Kaptur          | Paulsen        | Thompson (PA)  |
| Keating         | Payne          | Thornberry     |
| Kelly           | Pearce         | Tiberi         |
| Kildee          | Pelosi         | Tierney        |
| Kind            | Perlmutter     | Tipton         |
| King (IA)       | Peters         | Tonko          |
| King (NY)       | Peterson       | Towns          |
| Kingston        | Petri          | Tsongas        |
| Kinzinger (IL)  | Pingree (ME)   | Turner (NY)    |
| Kissell         | Platts         | Turner (OH)    |
| Kline           | Poe (TX)       | Upton          |
| Kucinich        | Polis          | Van Hollen     |
| Labrador        | Pompeo         | Velázquez      |
| Lamborn         | Posey          | Velosky        |
| Lance           | Price (GA)     | Walberg        |
| Landry          | Price (NC)     | Walden         |
| Langevin        | Quayle         | Walsh (IL)     |
| Lankford        | Quigley        | Walz (MN)      |
| Larsen (WA)     | Rahall         | Wasserman      |
| Larson (CT)     | Rangel         | Schultz        |
| Latham          | Reed           | Waters         |
| Latta           | Rehberg        | Watt           |
| Lee (CA)        | Reichert       | Waxman         |
| Levin           | Renacci        | Webster        |
| Lewis (CA)      | Ribble         | Welch          |
| Lipinski        | Richardson     | West           |
| LoBiondo        | Richmond       | Westmoreland   |
| Loeback         | Rigell         | Whitfield      |
| Lofgren, Zoe    | Rivera         | Wilson (FL)    |
| Long            | Roby           | Wilson (SC)    |
| Lowe            | Roe (TN)       | Wittman        |
| Lucas           | Rogers (AL)    | Wolf           |
| Luetkemeyer     | Rogers (KY)    | Womack         |
| Lujan           | Rogers (MI)    | Woodall        |
| Lummis          | Rohrabacher    | Woolsey        |
| Lungren, Daniel | Rokita         | Yarmuth        |
| E.              | Rooney         | Yoder          |
| Lynch           | Roskam         | Young (AK)     |
| Maloney         | Ross (AR)      | Young (FL)     |
| Manzullo        | Rothman (NJ)   | Young (IN)     |
| Marchant        | Roybal-Allard  |                |

## NOT VOTING—29

|           |             |              |
|-----------|-------------|--------------|
| Ackerman  | Costello    | Griffin (AR) |
| Akin      | Dicks       | Harris       |
| Bartlett  | Doggett     | Higgins      |
| Bono Mack | Gallegly    | Holden       |
| Cole      | Green, Gene | Issa         |

|               |          |                  |
|---------------|----------|------------------|
| Johnson (IL)  | Noem     | Ros-Lehtinen     |
| LaTourette    | Nunnelee | Ross (FL)        |
| Lewis (GA)    | Pence    | Sanchez, Loretta |
| Mack          | Pitts    | Stark            |
| McCarthy (CA) | Reyes    |                  |

□ 1142

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. COLE. Mr. Speaker, during rollcall votes No. 624, on the motion to instruct conferees regarding H.R. 4310, No. 625, on the motion to permit closed conference meetings for H.R. 4310, and No. 626, on the motion to suspend the rules and pass H.R. 4053, I was unavoidably detained and unable to cast my votes. Had I been present, I would have voted “aye” on all three votes.

#### APPOINTMENT OF CONFEREES ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. MCKEON, BARTLETT, THORNBERRY, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, RIGELL, Mrs. HARTZLER, Mr. WEST, Mrs. ROBY, Messrs. SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Messrs. ROGERS of Michigan, NUNES, and RUPPERSBERGER.

From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571-73 of the Senate amendment, and modifications committed to conference:

Mr. PETRI, Mrs. NOEM, and Mr. SCOTT of Virginia.

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152-54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:

Messrs. WALDEN, WHITFIELD, and WAXMAN.

From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651-55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:

Mrs. CAPITO, Messrs. HUIZENGA of Michigan, and PERLMUTTER.

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240,

1240A, 1240B, 1240C, 1243, 1245-47, 1301, 1303, 1531-33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201-04, 1212-15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114 and 5023 of the Senate amendment, and modifications committed to conference:

Ms. ROS-LEHTINEN, Messrs. ROYCE, and BERMAN.

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:

Messrs. KING of New York, TURNER of New York, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of secs. 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII, and title LI of the Senate amendment, and modifications committed to conference:

Messrs. SMITH of Texas, DANIEL E. LUNGREN of California, and CONYERS.

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:

Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101-04, 1111, 1616, 1683, 1702, 1704-06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894-96, 903, 1099A, 1101-04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:

Messrs. ISSA, WALBERG, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159 and 3504 of the Senate amendment, and modifications committed to conference:

Mr. HALL, Mrs. BIGGERT, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of secs. 1611, 1621-23, 1631, 1632, 1641, 1651-58, 1661, 1671-73, 1681-83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference:

Mr. GRAVES of Missouri, Ms. HERRERA BEUTLER, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503-05, 3508, and 3509 of the Senate amendment, and modifications committed to conference:

Messrs. MICA, COBLE, and BISHOP of New York.

From the Committee on Veterans' Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759-64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:

Messrs. BILIRAKIS, LAMBORN, and MICHAUD.

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)



Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come. At this point in time, I yield to my friend, Mr. CANTOR, the majority leader, for that purpose.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet at noon for morning-hour and 2:00 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday, Wednesday, and Thursday, the House will meet at 10:00 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9:00 a.m. for legislative business.

Members are advised that, due to the ongoing negotiations regarding the fiscal cliff, a weekend session is possible and, therefore, last votes for the week are not yet known.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business Friday. Additionally, we expect to consider a conference report for the National Defense Authorization Act for the Fiscal Year 2013, and a number of other expiring provisions of law are also possible.

As was announced last week and the week before, the House will not adjourn the 112th Congress until action has been taken to avert the fiscal cliff. Members are advised to retain flexibility in their travel schedules through the end of the year to the maximum extent possible.

I thank the gentleman.

Mr. HOYER. I thank the gentleman for his comments.

We had originally thought that we would not be meeting on Monday. I want to make it clear to Members that the majority leader has indicated that we will be meeting on Monday and coming in at 6:30, so they take note of that and their staffs take note of that as well.

Mr. Leader, can I ask you if you know or have some pretty good sense of, on Tuesday, do you know what we might be considering on Tuesday?

I say that because a number of Members who had scheduled things Tuesday during the day have asked me that question, and I'm wondering whether or not you have any thoughts on that. My presumption is the Defense bill conference probably won't be done by that time. I don't know whether that's your sense or not.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'd say to the gentleman he is correct in assuming that the Defense bill will not be ready. We don't know for sure, but probably likely by Wednesday or after, so, without complete surety, I will say to the gentleman, likely a suspension debate on the floor on Tuesday.

Mr. HOYER. I thank the gentleman for that information. The Members will find that helpful.

The majority leader mentioned last week and reiterated this week that we will not adjourn the 112th Congress until we've averted the fiscal cliff. I think the American people would share that view and would hope that was the case. I hope that's the case as well.

On the fiscal cliff, one of the things, of course, in the fiscal cliff, one of the items of concern—we had a debate on the floor today, and the majority leader and I have discussed it again last week and the week before that. Part of the negotiations are with respect to the 98 percent of Americans who fall in the category that we seem to have agreement on should not receive a tax increase.

There have been an increasing number of Republicans and Democrats who have urged us to take that issue on which we agree in the near term, and I again ask my colleague, the majority leader, whether or not there is any possibility that next week we might consider at least that segment.

And let me make perhaps a wrinkle of a suggestion to the majority leader, if I might. Obviously, we have a disagreement on that over 250. We could, Mr. Majority Leader, perhaps consider two bills—one for those under 250 or 200, the Senate bill, essentially, and another bill that you might bring to the floor which would involve extending the tax cuts on those over those limits—so that Members, even though there's a disagreement, could express themselves on both of those propositions.

□ 1200

I know the gentleman has made the point repeatedly that there are small businesses that would be hurt if we did not extend over the \$250,000 level. That would give Members an opportunity to express themselves on that point of view as well as expressing themselves on the under \$250,000 and under \$200,000 for individuals. My presumption is both of those bills would pass. And that would give the Senate two bills to consider and to send to the President to at least, to the extent we can reach agreement, have some certainty brought to some segment of the population.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

He is correct. We've had this discussion before at the end of each week, and I would say to the gentleman that suggestion that he has, has certainly been brought to me on several occasions this week.

I would say to the gentleman I know that he joins me in the desire to try and address all the aspects facing this country in terms of the fiscal cliff, namely, to try and actually put us on a path to managing down the deficit and the debt; and, as the gentleman

knows, we are trying, in terms of negotiating with the White House. And the Speaker has been very earnest in his desire to want to address the spending problem, not just the revenue problem, and the gentleman's suggestion would not go to that.

And I would say to the gentleman his proposal would leave the issue of increased taxes on small businesses making over \$200,000 a year. And if the concern is to try and focus on generating more jobs and helping heal the economy, I'd ask the gentleman, in return, what is his suggestion about helping those businesses because, as we know, the preponderance of the jobs created come from those small businesses making \$200,000 and up.

Mr. HOYER. I thank the gentleman for his comments.

Of course, we have this discussion on a regular basis. I'm sure everybody in America looks forward to this discussion.

Obviously, when the gentleman talks about small businesses, he is essentially talking about 3 percent of the small businesses in America, because 97 percent of the small businesses, those job creators of which the gentleman speaks, 97 percent of them make less and would be positively affected by the bill that affects those under \$200,000 individually and \$250,000 collectively. Of course, 100 percent of the small businesses would be assured—let's say they make \$350,000—would be assured that the first \$250,000 would not get a tax increase.

So I tell the gentleman I am concerned about those small businesses, and small businesses will be included in the under \$250,000 and under \$200,000 as well. One hundred percent of America, no matter how much they make, would have the assurance that the first \$250,000, or \$200,000 if they are individuals and not families, that they would not get any tax increase.

The gentleman, particularly in the election cycle of 2010, talked a lot about—and I agreed with him—about bringing confidence, certainty of what the tax structure and what the rules would be. I suggest to the gentleman small businesses, whether they be in the 97 percent or the 3 percent—the 97 percent being affected by the bill that I would like to see passed, that the Senate has passed, but the other 3 percent, as I say, would be positively affected, knowing full well that the first \$250,000 of income would not see any increase in their taxes. I think that would be a positive step for those small businesses and the small businesses above and below those figures.

Mr. CANTOR. Mr. Speaker, I thank the gentleman again.

I think, as the gentleman has heard me say before, the majority of business income comes from those small businesses with incomes over \$200,000; and the higher the percentage of income

derived from a small business, the more jobs are created by that individual. And that is the point.

We also know, and the gentleman has heard me recite these figures before, there was a third-party outside study conducted which would indicate that if the gentleman's proposal is passed, that we are going to see the reduction of 700,000 jobs going forward. Again, if the focus is on jobs, as it should be, it raises certain concerns.

I would also remind the gentleman, he and I both feel very strongly about trying to do something about the fiscal health of the Federal Government in attempts to try and heal the economy, and the fiscal health of the government has much more to do about getting control of the spending rather than bringing more revenue in. More revenue in can come if we grow the economy, but just by statically increasing tax rates without doing anything to try and address the spending problem will actually make the problem worse and will leave that mountain of debt untouched.

As the gentleman knows, our Speaker has tried and tried to get the White House engaged in actually discussing specifics the way those specifics were discussed a year-and-a-half ago. These kind of things that we all know need to be done on the entitlement programs, the White House needs to come forward and say that they'll join us in trying to fix the problem, and that is what we have not seen.

We have seen, Mr. Speaker, Speaker BOEHNER go forward and put revenues on the table, and we asked the White House to join us in trying to fix the problem on spending. And that's where things have stopped, and hopefully we can resolve that. As the gentleman knows—and I'm committed—and as we have announced in the schedule, we will stay here until we can resolve the problem.

Mr. HOYER. I thank the gentleman for his comments, and I agree with him, as he knows, to staying here until we get this problem solved. America expects it. America, more importantly, needs it.

The economy needs the confidence of a resolution of this stalemate, so I agree 100 percent with the gentleman. But let me say in terms of, again, one of the disquieting factors is we can't even act on that on which we agree.

Now, the gentleman and I disagree on a proposition, and that is the gentleman believes and cites a study, which we think is of questionable validity, that says we're going to lose jobs if we raise taxes on those above \$250,000. We don't share that view, and most economists that I talk to don't share that view. But there is a study that the gentleman refers to that says that. I understand that. And what I'm saying is we can vote on that and some of us will agree and some of us will disagree.

But if we can't vote on it—let me call the attention to somebody who's certainly not a Democratic spinmeister, but I think the perception will be that what we are doing is holding the better off, if we can't help them, we can't help those who are not making as much money. I'm sure you're aware of David Brooks' column in *The New York Times*. He's not a liberal Democrat—or not a Democrat. I don't think he's a Democrat or Republican, but a more conservative columnist. He says this, and I quote from *The New York Times* just a few days ago:

Sometimes you have to walk through the desert to get to the Promised Land. A budget stalemate on these terms will confirm every bad Republican stereotype. Republicans will be raising middle class taxes in order to serve the rich—shafting Sam's Club to benefit the country club. If Republicans do this, they might as well get Mitt Romney's "47 percent" comments printed on T-shirts and wear them for the rest of their lives.

I use that quote not to criticize but to say that the perception, I think, is, if we do not act on something on which we agree, we are not doing so because we want to make sure that the best off, if they're not helped, nobody will be helped, and I think that's not good for the country. I think, frankly, it's not good for the Congress, not necessarily Republicans or Democrats. I think we're all perceived as either having the ability to act or not act. If we're going to get this fiscal cliff resolved, it will be because we agree on that which we can agree. Here, we do.

We have 167 CEOs who have written to us saying that the Business Roundtable agrees that we ought to move in this direction. Senator CORKER said that just the other day. Others have said that as well. And I really don't think it's either a political "gotcha" or political advantage. I just think it will do what the gentleman talked about. It will give confidence to 98 percent of the American people who pay taxes that they don't have to worry on January 1 about their taxes going up. It seems to me that's a positive for our economy because it will give them confidence that they're going to have resources to do some of the things that will help our economy grow.

I understand the gentleman's position is that there will be 2 percent who won't have that confidence and 3 percent of small businesses who, as the gentleman points out, those 3 percent are relatively large businesses in the sense that that 3 percent gets 53 percent of the business income. He's correct. Those are large small businesses or, in many cases, individuals who just make a lot of money, and that's fine, but they're not the majority. I think job creators, in terms of the numbers of small businesses, are those who add one or two or three people to their rolls.

□ 1210

We can get off this, but I certainly will yield to the gentleman and hope that we can do that.

The reason you've gotten the suggestion of the two-bill strategy, or two-bill scenario, is because that gives everybody in the House of Representatives—and you talked about this particularly in 2010, but you've talked about it since then of giving the House of Representatives the opportunity to work its will. Two bills, if you move them forward, one which the President says he will sign, one which the President says he will veto—and after all, he's going to be our President for the next 50 months—we can get something done. At the same time, all 435 Members—or 433, I think we have presently—can express their views on those issues on which we have agreement and those issues on which we have a disagreement.

I yield to my friend.

Mr. CANTOR. I'd say to the gentleman, on issues that we have agreement on, I think the gentleman and I both have agreement on many of the spending issues. I think the gentleman has been outspoken in his commitment to say, hey, we've got to modernize, if you will, the age eligibility of some of our entitlement programs. I think the gentleman, if I'm correct, has said that he is in support of adjusting the age eligibility for Medicare.

Mr. HOYER. If the gentleman will yield, what I have said is everything needs to be on the table, not that I agreed with everything that would be on the table. I have some very substantial reservations about age increase. Particularly—it was in the Ryan bill—it doesn't get you any money in the next 10 years so it will not help us get to that fiscal crisis.

What I have said, and I'll repeat, is you have the right to put everything on the table; we have a right to put everything on the table. If you're going to have an honest negotiation, we ought to consider everybody's point of view. That's what I've said.

Mr. CANTOR. I'd say to the gentleman this is exactly the kind of conversation that we should be having about fixing the problem rather than just kicking the can.

Again, the gentleman has been very upfront about, I think, his commitment to do some of those more difficult political things that I agree with him on. But, unfortunately, we're not having those conversations. We're not having those conversations because I believe there are others in his party in the House and elsewhere—certainly in the White House—that refuse to engage in the specifics about how we address the mountain of debt and the continuing spiraling upwards of spending. That is what we've got to do.

I think the gentleman would say, with running the risk of putting words

in his mouth, that many folks out there who are wealthy would say, sure, I'll pay more taxes. But I would say back to those individuals: I believe that you say that because you would trust that your money is being spent to pay down the debt and the deficit. That's what we're trying to get to.

None of us on this side of the aisle believe raising taxes is good in this economy or it's something that we should do by feeding more money into the Federal Government, and certainly if the Federal Government is not fixing the problem. That's what we're trying to do, Mr. Speaker. I know the gentleman understands my point of view on this, and we've had this discussion continuously.

Mr. HOYER. I thank the gentleman for his comments.

It is a discussion the country is having. It's a discussion we need to have, and we need to have it honestly with one another.

The gentleman knows my position: it's not taxes or spending; it's if you buy something, pay for it. We haven't done that. That's what creates debt. Taxing doesn't create debt; spending doesn't create debt if you pay for it. Spending creates debt only if you don't pay for it. The revenues—taxes—are what you pay for things that you buy. We are buying things and we're not paying for them, and your children and mine are being put in debt as a result.

So this debate is really about: What are we going to pay for? How much do we want to do? And if we want to do it, we need to pay for it.

The gentleman knows my side very much believes that we had two tax cuts in '01 and '03; we didn't pay for it. We had two wars, both of which I supported, as the gentleman knows; we didn't pay for it. We passed a prescription drug bill; we didn't pay for it. We are hopefully going to pass a disaster relief bill that hopefully we're not going to pay for in the short term, but that we will pay for and have a scenario to pay for in the longer term because we know owe that to our children and to our grandchildren.

I'll just make a point. The gentleman always talks about tax and spending is the problem. The problem is we vote to buy things—whatever those things are—and we haven't voted to pay for them. The discipline in any system—in the family's budget, in the country's budget—should be, if you want to buy it, have the discipline to pay for it, or at least to amortize it to pay for it over a series of years that you've planned for. We haven't done that. We're in a debate about this fiscal cliff of how to do that.

We planned this fiscal cliff. This is not a happenstance. We planned. I didn't vote for the tax bills, but they sunsetted. They sunsetted this December 31. That was planned. It was planned because of a scoring issue—not

because I think your side really believes they ought to sunset, but because of a scoring issue.

The fact of the matter is the sequester was put in place as a fail-safe to make the supercommittee work. It didn't work, so on January 2 the sequester takes place. I don't think any of us believe a sequester ought to take place in the way that it's planned to do so.

So what I'm saying to the gentleman is everything that's going to happen on December 31 we've planned, we've put in place, we've sunsetted. It is our responsibility to meet that. And, yes, taxes is the way we pay for things that we buy because if we pay for them, we don't create debt.

I would be glad to yield.

Mr. CANTOR. Mr. Speaker, along those lines, the gentleman talked about the '01, '03 tax cuts. He is talking about mostly the 98 percent that he refers to that continue to need that tax cut. I'd ask the gentleman, is he now saying we need to pay for that tax cut?

Mr. HOYER. I absolutely believe that we need to pay for that tax cut over the 10-year plan that we try to come up with to get us to a place that we can agree on being the objective in 2022 or 2023 as to where we want to be as a country in terms of fiscal sustainability, a credible plan that will get us from here to there, including taking cognizance of the cost of that tax cut. Yes, I am saying that over the longer term we ought to pay for it. Right now the economy is struggling. The reason I think none of us want to raise taxes on the average working men and women in this country is because the economy is still struggling.

We're going to have that issue in terms of the payroll tax. We did the payroll tax deduction, which is controversial and there hasn't been a lot of the discussion, in order to get some additional revenues, 2 percent cut in the FICA tax—actually, a third of the cut, a third of the FICA tax so that we can get additional moneys into the pockets of the consumers so they can continue to buy. The economy has been better than it certainly was. We have grown, but not to the extent that we need to. That is why our view is that for those working Americans we ought to continue that level, but not because we think that we ought to just put that on the credit card and forget about it. It's got to be part of these fiscal cliff negotiations. And your point is making sure we pay for things.

Mr. CANTOR. Well, Mr. Speaker, I'd say to the gentleman I know the gentleman understands that my view is you don't have to pay for giving people back the money that they earned, but the gentleman takes that view; but that's exactly the point of these discussions. Where is the discussion about the specifics on where we are paying for things in terms of reducing spending? That's exactly the point.

If the gentleman would be so kind as to go to the White House and engage the President to say, hey, give us some specifics, because the President so desperately wants to raise those taxes and to grant the 98 percent the tax relief. If the gentleman's contention is the President's, where are the specifics on the other side of the ledger? That's exactly what we're saying, Mr. Speaker. We need to solve this problem.

Mr. HOYER. Reclaiming my time, we had that discussion in terms of specifics. I pointed out to the gentleman last week, and I'll point out to him again today, the President has in his budget 23 pages of cuts, including, very frankly, with respect to Medicare, in which he cuts more—specifically identified—than PAUL RYAN's budget that passed this House reduced Medicare expenditures.

□ 1220

So I will say to my friend, I have given him this little list—he can't see it. You have five items on your proposal in the letter that you sent, five items. They're over here on the right, five line items, all conclusionary, no specifics. For instance, the gentleman refers to 800 billion—not the gentleman, but in the Republican offer—refers to \$800 billion in revenues. Now, the President has been very specific as to what he thinks we ought to do in revenues. We ought to go to the Clinton rates on those over 200,000 individually and over 250,000 family—very specific. And he has made other specific proposals that get him to his revenue number.

Frankly, your revenue number is posited on the fact that we're going to reduce, as I understand it, preference items to attain an additional 800 billion in revenue without increasing rates. I understand that general proposition.

Would the gentleman tell me which preference items he would reduce to get to 800? Now, that's a little rhetorical because I don't want to put you on the spot on that, but it is to the extent I don't think you have been specific in terms of your offer at all while I do believe the President has put forward, both on the tax side and the spending side, some very specific proposals of how to get to his numbers.

I yield to my friend.

Mr. CANTOR. I thank the gentleman, Mr. Speaker.

I will say this, again, the gentleman has been very good, not in the negotiations with the Speaker and the President, but somehow knowing the state of affairs. Because this is the problem: if the gentleman says that we ought to look to the President's budget proposals as our guide as to what he would accept and propose on the specifics, just yesterday, I think, the news came that the administration has now decided not to uphold its commitment on the Medicaid reduction in spending.

So what are we to believe as far as the President's proposals in his budget from months and months ago and how that applies to the discussions and negotiations around the fiscal cliff? Which is exactly why we need the specifics now. I understand and take the gentleman's point as far as the 800 billion, but we have not dealt at all with the spending side of the ledger. And the commitment should be balanced. As the President always says, we need a balanced approach. Yet we don't have any discussion on the spending side of the ledger other than to reference a prior proposal by the administration which has now said, no, we are not sticking to that on the Medicaid piece.

So what are we to believe? Which is exactly the point. We need real specificity in terms of the spending. And I take the gentleman's point on the 800 billion. Yes, but it takes two sides, and this White House and President have refused on the spending side.

Mr. HOYER. Well, of course, again, we have a disagreement. And this list—I can't read it either, so you couldn't read it from there.

Mr. CANTOR. If the gentleman would yield, we have just seen the administration backtrack on its commitment on that list.

Mr. HOYER. I don't think he backtracked. What he said was, and what we have said continually is, on the revenue side, if you're going to have a balanced package on the revenue side—this is his specific proposal: he's made a number of proposals on the spending-cut side already, as I said in Medicare more than the Ryan budget had in his budget. The fact is, I will tell the gentleman, you have no specificity on balance. Nor do you have any specificity, frankly, on cuts. There is no specificity on your spending cuts here. They're conclusions. So I'm not sure how you think one side ought to be specific, i.e., the President, which I think he has been specific, and the other side comes with five lines of dollars that add up to \$2.2 trillion, none of which have any specificity. As you see, there are no individual items below those five lines saying where you want to cut or raise revenues.

Therefore, we need to get to an agreement, and this argument is not very helpful, I think. We need to get to an agreement; both sides need to get to agreement. But the reason we get into this conversation is we have agreement on a part of that, which will help give confidence to our people, and that is on the middle class taxes not going up.

I would again urge, and then perhaps we can get off this subject because I don't think we're really enlightening our public very much other than the fact there are obviously disagreements; but they expect us to, and we need to bridge these disagreements. I think the President has shown—you and I participated in discussions with the Presi-

dent of the United States. I've been here 31 years. No President in the 31 years that I've been here has spent as much time sitting in the Oval Office discussing with you and me and others, Mr. BOEHNER, Ms. PELOSI, Mr. REID, Mr. MCCONNELL, and others, sitting in the office trying to get to specific agreements.

This President is willing to do that, and he has done it. He has shown that he's willing to do it in 2011, and you and I were in the room watching it happen. Now, did it result in what we wanted and that was an agreement? It did not. That's unfortunate. But this President is willing to do it. Hopefully, both sides are willing to do both sides of the ledger, which the gentleman points out are revenues and spending, a balanced package getting us to where we need to be.

Now I will move on to another subject unless the gentleman wants to make another point.

Debt ceiling. I'm very worried about the debt ceiling, Mr. Leader. I think the debt ceiling is something that you and I have expressed publicly and privately ought not to be something that really we put at risk. I frankly think all the leaders I've talked to on the Republican side and on the Democratic side think that when you incur debts as the United States of America, the most creditworthy Nation on the face of the Earth, that you have every intention of paying those debts.

The debt ceiling theoretically says that you can't pay over a certain number, you can't go into debt anymore. You and I both know that sometime in February, maybe later, that debt ceiling will be reached.

Very frankly, both parties have played a game on the debt ceiling. When you were in charge, we played the fact that the debt was your problem because you had cut taxes and didn't pay for that. On your side, you said we spent too much money and we didn't pay for that. And so you voted against the debt ceiling when we were in charge. Neither one of us has, I think, covered ourselves with a great deal of glory on that issue.

The debt ceiling has to be raised because America will pay its bills. America will be creditworthy. And we saw the last time we had this political, I call it a charade or dance, the last time, for the first time in history, first time since you and I have served here—history is a lot longer than that—the credit of the United States of America was downgraded by one of the rating agencies, Standard & Poor's.

I would hope that the debt ceiling would not be a subject of disagreement. The President has proposed Senator MCCONNELL's proposal so that the party in charge can take responsibility for it. The McConnell proposal said that the President of the United States would say, look, in order to pay our

bills, we have to raise our debt ceiling. Most countries don't have a debt ceiling, of course, and most families don't have a debt ceiling. They incur debt and they expect to pay it. I would hope that this would not be a subject of political leveraging or political disagreement.

We know as an economic fact of life that we're going to have to increase the debt limit, and I would ask the gentleman if he has any thoughts on that and when we might act on that. I yield to my friend. I don't think I finished what, for the public, for anybody who happens to be watching us who is not bored stiff by this point in time, the McConnell proposal, as the gentleman knows, was that the President would propose a level, and then if that were not rejected by two-thirds of each House, that it then would go into effect, which would mean that the President of the United States, Republican or Democrat, would take the responsibility for making that judgment on behalf of managing the finances of our country.

I'll yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding. I believe that, in all fairness, looking at the credit-rating agencies and their view towards debt ceiling increase discussions, some of that certainly has to do with the continuing increasing of debt and its burden on this country, our citizens, and its economy. And if the gentleman recalls a year and a half ago when we were engaged in the discussions around the increase in the debt ceiling, we established a proposition which said that if we're going to increase the debt ceiling, we ought to be decreasing the spending in a commensurate amount.

□ 1230

That's very simply put. The difficulty was we could not get the gentleman's party and/or the White House to go along with us in terms of agreement of those spending reductions. It's an echo of the original discussion the gentleman and I just had as far as the fiscal cliff is concerned.

Our commitment is to try to reduce the mountain of debt that is strangling this country and try to stop the spending that continues to spiral out of control. So any discussion of the increase of debt for us has to be accompanied with a real commitment to the reduction in spending, otherwise those credit rating agencies are going to continue to do what they did.

In order to engender confidence in those agencies and the markets and throughout the American economy and the public, we have got to gain some credibility on the spending issue and stop the spending. That is our position. The gentleman knows that. Yes, we all agree, America is a country that pays its bills. We need to stop racking up so

many of them because we've gotten to a situation where we are generating a trillion dollars of additional annual debt. We can't do that. That is why we take the position we do, to try and arrest that, to get our economy back on an even keel so we can heal that economy.

Mr. HOYER. I thank the gentleman.

I don't think he answered my question about the debt limit, therefore, my presumption is unfortunately it will continue to be an item used as leverage, holding hostage the creditworthiness of the United States to this debate.

Mr. CANTOR. Will the gentleman yield?

Mr. HOYER. I will be glad to yield to the gentleman.

Mr. CANTOR. That is a mischaracterization of my remarks, Mr. Speaker. All I said was we feel this White House has a tin ear in terms of the spending problem. What we're saying is we need some balance. Just as the rhetoric comes from the White House that we need a balanced approach, we need a balanced approach on both sides, spending and revenue. That's what the whole discussion is about on the debt ceiling issue because it is accessing additional funds for the Federal Government, but instead of through taxation, borrowing. Equally, if we are going to increase that, we better be decreasing the other side of the ledger so we don't continue to increase and mount that debt.

Mr. HOYER. Mr. Speaker, I hear the gentleman, and the gentleman says spending is the problem.

If spending is the problem and spending obviously is one of the challenges we confront, as is revenues, if that is the case, then let me remind the gentleman that during the time that his party was totally in charge of spending, spending increased very substantially, otherwise known as an 86 percent increase from 2001 to 2008 in the national debt, an 86 percent increase. Under Ronald Reagan, it increased 189 percent. Under this President, it has increased 41 percent, and he confronted the deepest recession as a result of the economic policies in part pursued in the last administration, which I did not support and which my party did not support.

I hear this about spending all the time. We had a pay-as-you-go bipartisan process put in place by the first George Bush and Democrats in 1990. In 1993, that pay-as-you-go was continued. In 1997, a deal between Mr. Gingrich and Mr. Clinton continued that pay-as-you-go process. And for the last 4 years in a row of the Clinton administration, we didn't borrow a single additional nickel to raise the debt limit. We didn't have to. Why? Because we were paying for what we bought.

Republicans were in charge of the House and the Senate for part of that

time, so they deserve some of the responsibility for that. The President was in charge of signing bills and making sure that we made investments. He made sure we did that, and the economy exploded. Those three factors obviously resulted in the only President in the lifetime of either the majority leader and myself who ended up with a net surplus in his term. We don't need to be lectured about spending. As I said, spending does not cause debt. What causes debt is not paying for the spending you make, and that's exactly what happened.

I tell my friend his party was in charge from 2001 to 2006, totally and essentially until 2008, because we didn't change any economic policies and President Bush had to sign any bill that was passed here. So this circuitous discussion we have about, simply, spending is the problem—yes, you're right. But the problem is ultimately if we want to buy things—and what we do now, as the gentleman knows, is we are producing a product that costs \$23 to produce, and we're asking people to pay \$15 for it. Talk about small businesses; any small business that does that goes out of business pretty quickly. That's what we are doing, and we have to stop it.

The debt ceiling, however, as the gentleman knows, is about that which we've already done and whether we are going to pay those bills. All I'm saying is we ought not to make that a part of the leveraging between our two parties.

Let me go quickly to the farm bill, the Violence Against Women Act, and the Sandy supplemental. Can the gentleman tell me which of those three, if any, might we see next week?

With that, I yield to the gentleman.

Mr. CANTOR. As the gentleman knows, on the farm bill we are committed to trying to address the issue of the farm bill prior to leaving for the year.

As far as the Violence Against Women Act, as the gentleman knows, I'm in discussions with the Vice President. I know it is of particular interest to him. There are many Members on our side whom I've met with today, as well as Members of the other body, who are interested too. We have met, and we are trying to work out the differences. I'm committed to do all I can, as the gentleman knows, to bring this to a conclusion so we can see its passage.

As far as the supplemental bill, I know that the White House—and the gentleman has heard me say this before—has submitted its request. Our Appropriations Committee is doing its review of the request to see that that supplemental aid gets to the victims that need it, to the localities and the States that need it, and is money that will be spent directly as a result of the very catastrophic storm of Sandy, and we hope to be able to resolve that as well.

We are operating in an environment of the post-Budget Control Act where we have put in place budget mechanisms for disasters. As the gentleman knows, FEMA has indicated it has the money it needs to operate for at least a little while, but we're committed to making sure that adequate funding does get to the victims of that very catastrophic storm.

Mr. HOYER. I thank the gentleman for his intent there.

I would simply observe that the gentleman observed and he was correct, obviously, that FEMA indicated it has some resources to go through the beginning of the year. There are, as the gentleman well knows, a myriad of agencies that will be involved in helping the victims of Sandy that do not have those resources and need them. I appreciate, therefore, the gentleman's focusing on this and trying to bring this forth as quickly as possible.

Last, the miscellaneous tariff bill. That expires, as you know, on December 31, as well. Can the gentleman give me a view as to where that stands?

And I yield to the gentleman.

Mr. CANTOR. I think the gentleman is aware, Mr. Speaker, that the chairman of the committee, Chairman CAMP, is speaking with the ranking member to try and see what it is that we can do to go forward on that issue as well.

Mr. HOYER. I thank the gentleman for his comments, and I yield back the balance of my time.

□ 1240

ADJOURNMENT TO MONDAY,  
DECEMBER 17, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. CRAWFORD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

HONORING CONGRESSMAN  
LEONARD BOSWELL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. LATHAM) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. LATHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials for the RECORD on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LATHAM. Mr. Speaker, those of us from Iowa and elsewhere would like to recognize today the service of my fellow Iowan, Congressman LEONARD BOSWELL, who will be leaving the House at the adjournment of this Congress.

I first want to thank him for his 20 years of service to our great Nation in the U.S. Army. No one has done more to secure our freedom and the promise of a bright future than our veterans and military personnel. I know that LEONARD counts his efforts to secure additional support for military families and veterans among his most meaningful achievements. I also want to recognize the gentleman from Iowa for his time in public service as a legislator. His distinguished career traces back to the Iowa State Senate, where he once served as president of that body.

Although we haven't always agreed on the issues before us, LEONARD's relationships with his fellow Members have enabled him to work with colleagues of all political stripes. His work on behalf of his constituents has exemplified what Iowans expect of their Representatives in Congress—those who are approachable, thoughtful, and hard-working.

I appreciate the many years of service LEONARD BOSWELL has provided to our home State of Iowa and its people. I know that he will continue to serve his fellow Iowans faithfully beyond the conclusion of this Congress—and in that, I truly wish him and his family the very, very best.

Mr. Speaker, in addition to my remarks today, I asked Iowans to pay tribute to LEONARD by providing their comments for submission into the CONGRESSIONAL RECORD. We do not have the luxury of time to read the numerous notes and well-wishes that came in, but I would like to highlight a few of those at this time.

Iowa Governor Terry Branstad sent the following:

I commend Congressman Leonard Boswell for his longtime dedication to public service. His selfless service to others has been demonstrated in many ways—as an officer in the United States Army, as president of the Iowa Senate, and as a Congressman from Iowa. Congressman Boswell should be proud of his public service accomplishments and for his personal achievements as a husband, father, and grandfather. I am heartened by Iowans like Congressman Boswell who have spent a lifetime serving the State of Iowa. We thank him for his service.

Iowa Senator CHUCK GRASSLEY wrote:

Representative Boswell has worked hard to represent his constituents. He did his job very well. While we disagreed politically, we never had a personal disagreement. We found plenty of common ground. I'll miss his camaraderie around Congress, but I have no doubt we'll run across each other because Representative Boswell is unlikely to avoid public service, which has been his calling for so long.

Thank you for your service, Representative Boswell.

Nancy Williams, president of AIB College of Business in Des Moines, wrote:

I wish to recognize and thank Congressman Boswell for his dedication to our country, to Iowa, and to his constituents. He has changed our world, our country, and our State with his personal service for so many years. Every life has a great purpose, and Congressman Boswell has had a wonderful calling for his. I will wait in anticipation to see what he chooses to do next. I just cannot thank him enough.

Ken Sagar, president of the Iowa Federation of Labor, AFL-CIO, wrote:

Congressman Boswell was a Representative who would take the time to listen to Iowans. He paid special care and attention to all veterans. He was a friend of working people. When home visiting, he would make an effort to meet with the labor leaders in the State. He spent time listening to their concerns and would give honest answers on his positions, not always to the liking of the unions, but always honest and up front.

Then Jon Murphy, director of government affairs at PolicyWorks, sums up the assurances we all have that Leonard will continue to serve his State and Nation:

I would like to thank Congressman Boswell not only for his support of me, personally, but also for his service to our country. As a soldier and statesman, there are few people who have given more of themselves to our Nation. I wish him and Dody well as they move forward to their next adventure in life. I would ask them to take some time and get some rest, but I know that won't happen. That's not the Boswell way.

Mr. Speaker, at this point, I would like to recognize the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you, my colleague TOM LATHAM from Iowa.

This is my sixth year here in Congress. I'm just finishing it up, but this is only the third time that I've actually come to the floor to speak during Special Orders. That's how important it is for me to do this. The first time was when I was arguing for Boeing to get the tanker deal, when that was a big issue before our country. The second time was when I was pushing hard to make sure that the STOCK Act was passed so that Members could not trade on insider knowledge. Now I'm here for my good friend LEONARD BOSWELL. It's not that I don't come to the floor very much—I do speak for bills, what have you—but not during Special Orders. This is only the third time, and it's with very good reason.

I want to note at the outset here, too, how many Members of the Iowa delegation are here, including a former Member, Jim Nussle.

It is really fantastic that you're here today, Jim. This is really an honor for LEONARD. To think that you're here is just absolutely very special.

When you say "Special Orders," Mr. Speaker, it applies in this case.

I didn't know LEONARD BOSWELL very well when I first got elected in 2006. I

knew him but not very well. I was not an elected official before I got elected in 2006, but I'd been involved in Democratic Party politics for a number of years in helping other folks get elected. I think it's fair to say that, when I got elected, neither LEONARD nor I—and I think he would say this, I think he would admit this—had any idea what good friends we would become over the years.

LEONARD has been very helpful to me in sort of helping me navigate the ways of this Chamber, the ways of Washington, the ways of Congress—something that, I think, everybody knows is a challenge. Whether you've been in the State legislature or in any kind of legislative body prior to coming to the Congress, it is a challenge to get to know how to operate in this environment. LEONARD has been very, very good for me, and I appreciate everything he has done.

I could talk about his military service and all of these other things that Congressman LATHAM just mentioned, but I'm not going to go through that except to say that I'm on Armed Services. I've never served in the military myself. I have two marine children with whom we're going to be spending Christmas again this year. No matter what the Congress decides to do and what the President and Speaker BOEHNER decide to do, we're with them to honor them and to honor our military this Christmas. LEONARD has a distinguished past in the military, and there is absolutely no doubt about that.

There is one other thing I'll say about LEONARD BOSWELL. We talked about a lot of us being from Iowa, but I often refer to LEONARD BOSWELL as being "of" Iowa. He's an Iowan true and true in every possible way, and I think those of us who are from Iowa know exactly what I'm talking about. The rest of you, I'll explain it to you at some point if you so desire, but it is very important that LEONARD BOSWELL is "of" Iowa.

I've had a wonderful time serving with him these 6 years. We're not going to lose touch. I do have six of his former counties, including his home county of Decatur, and I look forward to staying in touch with him and getting more advice from LEONARD as we go forward. He is a font of wisdom and advice for those of us who need it here in this body.

Thank you very much for having me, and thank you especially, Congressman LATHAM, for organizing this. I think that tells us something about what can happen if we put our minds to it on the larger issues of getting this country back on its feet. Thank you, TOM. I appreciate it.

Thank you, LEONARD BOSWELL, for your wonderful service.

Mr. LATHAM. I thank the gentleman.

I, too, want to recognize Congressman Nussle here on the floor in honor



of Congressman BOSWELL, and we have the distinguished minority whip, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding, and I'll be brief.

I had the privilege many years ago to get on the telephone and call LEONARD BOSWELL. LEONARD BOSWELL was then presiding over the State senate. He tells the story about how his executive assistant came on the floor and said, "There's a guy named Congressman HOYER on the phone. Shall I tell him you'll call him back?"

Fortunately, for me, President BOSWELL at the time said, "No, I'll talk to him now." He turned the podium over to one of his colleagues, and came on the phone and talked to me.

And I said, "Senator, this is STENY HOYER. I would very much like you to run for Congress. We think you'd be an excellent Member of Congress, we think you'd be a great candidate for Congress, and we think you could win this seat."

He said, "Well, what does Mr. Gephardt think about that?"

It so happened Dick was about 4 feet from me, so I said, "Well, let me turn this over to him, and he'll tell you what he thinks about it."

Of course, he echoed my comments.

□ 1250

Now, I didn't know LEONARD BOSWELL at the time, but I'd heard wonderful things about LEONARD BOSWELL, not only about his skill as a legislator, but of his decency and his character as a human being; not only his experiences in war, but his service at home as a farmer, as a businessman, as a public representative and as a Senate leader in Iowa. And I want to say that nothing that has transpired over the years that he and I have served together in this body have disabused in any way the extraordinarily positive things that were told to me of LEONARD BOSWELL and why I ought to ask him to come to the Congress of the United States.

He has been a dear and close friend of mine every day he has served. He will remain a dear and close friend of mine until he and I pass from this Earth. He is a salt-of-the-Earth human being. He is someone that the American people, if they knew personally, would say is the kind of person they wanted representing them in the Congress of the United States; or, frankly, in any other body.

LEONARD BOSWELL, thank you. Thank you for serving our country so well, so courageously, so ably, so conscientiously with so much character and decency. You have brought a greater degree of civility and understanding to this institution. It is better for your service. Godspeed.

I thank the gentleman for yielding.

Mr. LATHAM. I would now like to recognize the gentleman from Iowa, Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Iowa for leading this discussion to have an opportunity to say some things about my friend, LEONARD BOSWELL, across the floor.

I have reflected on a number of things. In 1996, I aspired to run for the Iowa Senate. I got there just as LEONARD BOSWELL was elected to come here to the United States Congress. I got to know a little bit about the area that he came from and traveled down to that area a good number of times. Little did I know that a few years later I would arrive here in this United States Congress, some 6 years later, representing not Congressman BOSWELL, not Lieutenant Colonel BOSWELL, but his cows.

I have stopped a number of times and looked across the landscape and wondered what makes a man the man that he is. Coming from Iowa, especially rural Iowa and growing up in the hills like I did, and walking through those hills and working in that soil and having my hands on a lot of things that are the origins of new wealth, you understand what makes a man who he is when you see the landscape that he came from.

And that landscape down there in Decatur County, it's a little hilly. It raises a lot of grass. We, where I come from, don't always think it's the best corn ground, but they're doing better down there with the new hybrids. Now I'm seeing the character of the man who served in this Congress these years, these 16 years, and served in the United States Army for I believe 20 years, the character of the man who took the controls of helicopters time after time as an assault helicopter pilot in Vietnam, was formed and shaped in the hills that today I have the privilege to represent and that feed those cows that wander out there in that pastureland and won't probably as often go down in that neighborhood to check on them, but I'm glad to know that Congressman LEONARD BOSWELL will have some time to check on those cows because I know he loves them and takes care of them.

I also had the privilege to go to Vietnam as Congressman BOSWELL was going back to Vietnam for the first time since the end of his second deployment there. And he asked me if I would sit in front behind the glass with him as we went all around Vietnam, through Saigon, out through the streets of Saigon, out into the countryside, out on a boat on the Mekong River. And we looked at how the country had changed, how the population of Saigon had gone from 1 million to 7 million during that interim period of time since LEONARD so nobly, bravely, and patriotically flew over that landscape. Everybody that he served with didn't come back, but more people came back because of LEONARD BOSWELL, and I know that.

I heard some of those stories because I pulled a few of them out; but it is not

something that he's brought out front, not something he's worn on his sleeve, as something within the character of the man that sits here with us today. It's part of the character of the man who served Iowans and Americans in the United States Congress these 16 years.

For this time I have had the privilege to serve with him, a decade for me, I'm grateful for those times. We've always been able to work together. We served on the Ag Committee together all of that time. There has been a certain communication that has gone on that was often unspoken even in committee when we'd look over across at each other, and somehow LEONARD BOSWELL would know what I was thinking and I think I knew what he was thinking. And that worked pretty good for Iowans, and it worked pretty good for Americans, and it worked pretty good for agriculture.

So I congratulate you, LEONARD BOSWELL, on your service to our country all of these years. It's been a stellar career, and it's not over. There's a future also of service that I know will continue every day, and I certainly will keep you in my prayers and in our memories here as I thank you for serving the United States of America and serving here in the United States Congress and serving Iowans the way that you have.

Mr. LATHAM. I thank the gentleman.

I would like to recognize the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding and for organizing this well-deserved tribute to my friend, my colleague, my mentor, and my hero, LEONARD BOSWELL.

Now, we've been talking about how LEONARD is Iowa through and through. But, LEONARD, the secret is out: you were born in Missouri. That was a great day for America, but I think it has also been part of shaping the person you are because you know that we are much more than the State we come from, the region we come from; and everything about your life of public service has reflected that.

LEONARD grew up on farms in both Ringgold and Decatur Counties and, amazingly, was drafted into the Army on his 22nd birthday. Quite a birthday present.

He served with distinction for 20 years, but the people who know him best can tell you that one of the things that made LEONARD BOSWELL unique was he went from a draftee serving at the lowest levels of the Army, to being encouraged to go to officer candidate school. What happens when you get commissioned, you actually have to resign from the United States Army in order to be commissioned. LEONARD did that and was commissioned as a second lieutenant on February 19, 1957. It seems like a long time ago.



After his commissioning as an officer, you've heard how LEONARD served two tours as a helicopter assault pilot in Vietnam. LEONARD, I know from doing a lot of interviews with Vietnam veterans for the Library of Congress's oral history project that everyone remembers that first day when they arrived in Vietnam. And for you, that was on April 12, 1965. I'm sure that you can tell us the sights, the sounds, the smells, the feelings you had when you arrived there.

One of the things that LEONARD never talks about because he's too modest of a person is the fact that he was awarded not one but two Distinguished Flying Crosses for his bravery and heroism serving our country in Vietnam. On November 1, 1968, on his second tour of duty, LEONARD became the assault helicopter company commander for the 336, and led that unit with distinction until he finally retired and came back to the State that he loved and started pursuing other things.

But LEONARD has always been about service to country, service to family, and service to his faith. So when an opportunity presented itself, he ran for office in Iowa. He was elected to the Iowa Senate, became senate president in Iowa in 1992, and then continued his career here, and we've heard the minority whip talk about how that all came about. And we're so glad that it did.

LEONARD has always been a strong advocate for military families. He has a lot of proud achievements in this body. But, LEONARD, your proudest moment was when the Joshua Omvig Suicide Prevention Act was passed in the House, passed in the Senate, and signed into law by the President. And the reason why that was so meaningful to me personally is I knew Joshua Omvig's family long before he took his life.

□ 1300

And for you to take up that cause and to give voice to the thousands of Americans who were losing loved ones to suicide who had served this country with honor and distinction was the cause you were meant to lead. And to me, that day when we passed the bill on the House floor was one of the highlights of my career in Congress, because one miraculous thing happened that day.

After you stood and talked about why we needed to do more for veterans like Josh Omvig to help them before they got to that point of taking their own lives, an extraordinary thing happened. After you spoke, Members on both sides of the aisle came down to the well and told the stories of constituents from their district who did the same thing that Josh Omvig did and put a human face on this crisis that was damaging our country. That happened because of you, LEONARD, and I have never been prouder of you. I've never been prouder of your leadership

than the day that happened. And America owes you a grateful thanks for leading the charge and giving voice to that problem.

But LEONARD's courage and heroism just doesn't apply to his service to his country. Not long ago, when an intruder attacked his home and his family, LEONARD was there to stand up and protect them as well. And you shrug it off, LEONARD, but everybody who knows you knows that the outcome of that horrible moment was inevitable, that truth and justice were going to triumph because you were the one who was there at the right time and the right place.

We are honored to have the privilege of serving with you. We wish you and Dody and your entire family the best. Don't be a stranger. We're counting on you to continue to inspire us. And may God go with you.

Mr. LATHAM. Thank you, Mr. BRALEY.

I'd like to now recognize the Representative from northern Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Mr. Speaker, I rise to recognize the distinguished service of my neighbor to the north, Congressman LEONARD BOSWELL. And as was just pointed out, he was born in Missouri's Sixth Congressional District, which is the district I represent, in Harrison County. I think that's a fact that has probably dogged him throughout his career in Iowa politics, but we're very happy to have him actually born there.

But I got to know LEONARD through his hard work on matters related to aviation. And as has been pointed out today, LEONARD is obviously a former military helicopter pilot, but he later got his fixed wing license, and most recently he's been flying a Comanche and a Zenith, but he's been a great advocate for all of general aviation.

I've worked with him on countless pieces of legislation, large and small, to advance the interests of general aviation. In the FAA reauthorization, which we just finished this year, or parts of last year, there was an important provision in it to allow residential through-the-fence agreements at general aviation airports, and this provision would not have survived the process without LEONARD's efforts.

He's been a leader in opposing user fees, which is one of the number 1 issues to those of us in general aviation and to general aviation pilots, and ensuring the continuation of programs such as the Block Aircraft Registration program.

He has been an instrumental voice and established something that's very important to me, and that's the General Aviation Caucus. He's been very instrumental in the process of getting over 190 members, which is one of the largest caucuses here in the House of Representatives. And whenever I need-

ed somebody to have courage to stand up for good policy even when it wasn't necessarily good politics, LEONARD was always there, and I could always count on him to stand with me on those issues.

I was also thrilled that Congressman BOSWELL attended the greatest little air show in the country, which is in my hometown of Tarkio, Missouri. And he has come there as a friend and, obviously, an aviation enthusiast, but I am hopeful he will join us again this year, July 13, for the show.

LEONARD has served his country in uniform and, obviously, as a Member of this House of Representatives, and he's served capably and very honorably. And on behalf of general aviation enthusiasts across this Nation, I want to thank you for everything that you have done to help those folks out. It's been an honor to work with you, and it's an honor for me to be able to call you my friend.

Thank you very much, LEONARD.

Mr. LATHAM. I thank the gentleman.

I'd like now to yield to my good friend from West Virginia (Mr. RAHALL).

Mr. RAHALL. Thank you, Mr. LATHAM. I appreciate your yielding, and do want to join today in paying tribute to the illustrious career of a colleague, a very good friend, the gentleman—and I mean gentleman in every sense of the word—the gentleman from Iowa, Mr. LEONARD BOSWELL.

As the ranking member on the Surface Transportation and Infrastructure Committee on which Mr. BOSWELL has served, I can tell you that his expertise in so many issues that we've already heard discussed today have been critical to us in passing much-needed legislation.

Much has been said already, but not enough can be said to say thank you to LEONARD BOSWELL for his serving our country as he has in the U.S. Army, to have risen, like he did, from private to lieutenant colonel. To have run as many missions as he did as a helicopter pilot in Vietnam and to have won two Distinguished Flying Crosses is something that this Nation can never say thank you enough for what LEONARD BOSWELL has done, even before he came to the illustrious Halls of the U.S. Congress.

In the real world, LEONARD BOSWELL has truly combined a midwestern farmer's common sense with practical, everyday living. And it has been that experience that has proven so invaluable to us on the Transportation and Infrastructure Committee, his work to draft critical legislation.

As a pilot, LEONARD BOSWELL knows very well the tremendous issues facing our aviation community, and he served on that Subcommittee on Aviation for each of his 16 years in this body. And during the hearings and markups,

LEONARD often spoke about the critical importance of aviation safety and as an advocate for his fellow general aviation pilots.

It was for that reason that LEONARD received an appointment to the conference committee that wrote the FAA bill that we passed last year. He served as a conferee, providing very valuable firsthand experience about what some of the irresponsible cuts being proposed at the time in FAA funding would have meant. And it's thanks to his deep, deep knowledge of these issues that we were able to get what we did, and that we were truly on the right side of this fight and came out in what circumstances at the time would call a true victory for our side.

As a strong advocate of veterans, of independent truckers, and agriculture interests, LEONARD BOSWELL brought that same experience to us as a conferee when we considered the MAC 21 transportation legislation of last year as well.

It was his amendment that was offered in committee that ended up in the final legislation that gave veterans preference for jobs with highway and transit contractors, again, putting his past experience to work, ensuring that our veterans, after they have put their life on the line for our country, that they have a job to come back home to when they return home.

And in addition, he's one of the few members of our Committee on Transportation and Infrastructure who has a commercial driver's license. LEONARD BOSWELL knows very well the very intricate, the very complex and critical issues involved in motor carrier safety regulations. And he put that experience, along with his agriculture experience, to tremendous work for our colleagues.

I know that on our Committee on Transportation and Infrastructure, when LEONARD BOSWELL spoke, every member listened. You could hear the conversations, the side bars, the side conversations stop, and everybody listened to what LEONARD had to say when he spoke on our committee.

He played an instrumental role in the Midwest Regional Rail Initiative, establishing a new Amtrak route between Chicago, the Quad Cities, and Iowa City. This \$30 million project will be completed in 2015 and is creating more than 500 family-wage jobs each year. And that's just the start.

Whether Mr. BOSWELL's been advocating for high-speed rail or for ethanol pipeline, he's always been focused on what is best for Iowa and for the transportation needs of this Nation. He's been an invaluable resource to our committee. I know we will miss him speaking on the committee, but we certainly will look forward to continuing to profit from his experiences and advice to us in whatever capacity he may follow in his many years left.

I would note that, again, before I conclude, as has already been noted, that it is the gentleman from Iowa that beat Mr. BOSWELL that is bringing this Special Order today. And I think that is worth special recognition, as well, because it shows the greatness of both of these individuals, how they can fight a very hard battle, political battle, yet both remain true gentlemen.

I would even submit that, in this day of critical fiscal cliff negotiations, that if Mr. LATHAM and Mr. BOSWELL were conducting negotiations, we'd be going home for Christmas by sundown today.

□ 1310

Mr. LATHAM. I thank the gentleman.

I would like to now recognize the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Iowa.

I actually want to echo the words of NICK JOE RAHALL in commending both of you gentleman—especially TOM—for organizing this Special Order. I think it says something about each of your character and your respect for the process and for this institution. We hear a lot about how the camaraderie or the goodwill has deteriorated in this body, but I think, at least so far as Iowa politics is concerned and a lot of us from the Midwest, that's not the case. There's strong differences, but there's also strong respect and a recognition that we're working on something that's greater than all of us and we're trying to do our best for the American people and for our country.

I got to know LEONARD BOSWELL and his wife Dody—I don't know if you remember this, but I think it was in Hershey, Pennsylvania, in 1979. A new freshman Member of Congress, my wife and 8-year-old daughter and I went up to Hershey. They had a bipartisan conference there for a couple of days. It was really fun. We got to go on tours and had different sessions. They broke us down into different groups, and my wife and I happened to be the same group with LEONARD and Dody, and we hit it off right away, feeling that here was someone who was not your typical idea of what a politician is but someone who is in it for the right reason and doing public service and was a decent person.

LEONARD is, I think, a very, very low-key, very proud, and very tough person. Some people say you've got to be a firebrand and you've got to yell and holler and all that. I was raised with the idea that it's the empty can that makes the most noise. Sometimes the most noise is not the way you get things done or you make a contribution.

LEONARD has always been a strong, steady, responsible, honorable, honest participant in the process and someone I have looked up to. I have served with him for many years on the Transportation

and Infrastructure Committee. He's honored us in Wisconsin by coming with his true love of aviation. I think he actually graduated first in his class back when he was taking both helicopter and fixed wing aviation back in the fifties. So he's been a good pilot of all sorts for a very long, long time. A couple of Bronze Stars and a lot of the other awards that he has received during his service in the military, there's a story behind each one of those, an important one. I know that a lot of people are very grateful for what you did during those 20 years in the military representing our country.

He's a natural leader. He was selected by his friends and neighbors to be a leader in a co-op movement in Iowa, and then elected to the State senate and became president of the State senate. He's always shown, as I have had the opportunity to work with him, a real concern for his constituents and their problems and personally has gone to bat to make sure that they're getting a fair deal and a hearing and not just going through the motions. His knowledge of aviation has been a great resource for this Congress and for the Transportation Committee.

I don't normally participate in these sort of things, but I did want to come down here today to just say, LEONARD, I respect you. You're the salt of the Earth, the kind of person that I think we would all like to be. I'm sure your family is proud of you and your neighbors are proud of you. We thank you for your service to our country.

Mr. LATHAM. I would like to now recognize the person who's the subject of all this, my colleague, Congressman LEONARD BOSWELL.

Mr. BOSWELL. Thank you, Congressman LATHAM.

This is the first day we've actually talked, except for election night when I called to say congratulations. Our little conversation we had a few moments ago before this started was kindly, and I think I appreciated you coming to me and saying what you did in this event that took place last November. So I wish you well, and I appreciate the cordial treatment you have given me today.

Some suggest to me, You may not want to do this; he was your opponent. I said, No. We're from Iowa. We don't do things like that. That's protocol. You made me proud today, and I thank you for it.

I've said this on other occasions, as you've heard me, I have a regret. I'm sorry my mother couldn't have heard this discussion today.

I owe a lot of appreciation to those of you left in the room. I realize most people had to flee for the airport, as we normally all do. Thank you for staying and doing this.

I do want to pay tribute to my wife, Dody. I think she's probably watching.

Sweetheart, I hope you have enjoyed this, as well as my children—Terri,

Diana, Cindy, and Joe—and their families and many friends. I hadn't planned on this all coming to this kind of a closure, but it's caused me to reflect back over life, and I feel very blessed.

TOM, you heard it too many times. I started out in a tented farmhouse. You did hear that a time or two, I'm sure, in days past. But look what I've gotten to do, as you've heard about here today, when we talk about the American Dream and the opportunities that exist in America. It's been very rewarding to me. I can't say enough about that, but enough has been probably said.

I realize as I reflect back on what's happened over the last years that I couldn't have done it without the help of great staff. And some names—I shouldn't do this—but just to hit a few of them. A gentleman named John Norris—I think you knew him, TOM, at one time—we started out together. He's on the FERC Board now, and doing a good job.

I think back over many others. Sandy Carter, you're probably watching over there in our cube. Sandy, thank you for your service and your dedication to the people of Iowa in the Third District. I could go on and on. Back in Iowa, there's Jay Byers, Sally Bowzer, Grant Woodard, and all the rest. Frequently, I would stand before a group and invite Ted Tran to come and stand with me as a surrogate son from Vung Tau, Vietnam. He was one of those refugees, and what he went through to get to be an American and have the American Dream is very special. So the list is long, and I will stop. It's getting long for some of you. I know you've got travels to do.

But those here in the room, BRUCE, thank you for your attributes. JIM NUSSE, it's great to see you again. TIM, thank you for your remarks and the service we've had together. TOM, I wish you continued success. I know that you'll give your heart to what you believe in for our State. We both kind of come from the soil, really. That's probably a good thing.

So with that, I want to say a fond farewell. I will continue to respond to our constituents until we finally close this down, if no sooner, at least by the 2nd of January, when we change from the 112th to the 113th.

I'll just say it's been my pleasure and my good fortune to live this much of my life in the United States of America and to serve our country. It's the right thing to do. We've got lots on our plate, but we can do this because that's who we are. We can, and I'm sure we will.

Thank you and God Bless.

□ 1320

Mr. LATHAM. Mr. Speaker, I just want to say thank you to Congressman BOSWELL. I wish him and Dody the very, very best in the future.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, in addition to my remarks today, I asked Iowans to pay tribute to Congressman BOSWELL by providing their comments for submission into the CONGRESSIONAL RECORD, which follow.

REMARKS OF SENATOR CHUCK GRASSLEY ON REPRESENTATIVE LEONARD BOSWELL

Representative Leonard Boswell is a strong advocate for his constituents and many other categories of individuals who are not necessarily constituents but important members of our society, including veterans and farmers.

He saw the world as a 20-year veteran of the United States Army, returned home, and applied his broad perspective to public service, first in the Iowa state legislature, then in the U.S. Congress.

He made a big impression on me in the 1990s when he was president of the state Senate. When he had an issue on his mind, he tracked me down at my town meetings or whatever it took. At times, he rode with me from one town meeting to the next so we could talk. That persistence on behalf of Iowans is something I greatly admired.

His decorated military service, including two tours of duty in Vietnam, made him a natural for looking out for veterans' needs.

Representative Boswell did a tremendous amount to raise awareness of veterans' suicide and promote preventive services. He championed and shepherded through Congress the Joshua Omvig Veterans Suicide Prevention Act. This act, signed into law, is named for a soldier from Grundy Center, Iowa, who took his own life after returning from Iraq.

As the operator of a farm in Davis City that has been in his family for generations, Representative Boswell understands the challenges facing family farmers. He's been a vocal advocate for an updated farm bill and other policies critical to the nation's farmers.

Policy work to support economic growth in Iowa is another signature for Representative Boswell. He has promoted legislation that rebuilds the highways and other infrastructure that are necessary for job creation.

In closing, Representative Boswell has worked hard to represent his constituents. He did his job very well. While we disagreed politically, we never had a personal disagreement. We found plenty of common ground. I'll miss his camaraderie around Congress. But I have no doubt we'll run across each other because Representative Boswell is unlikely to avoid public service, which has been his calling for so long.

Thank you for your service, Representative Boswell.

STATEMENT FROM GOVERNOR TERRY BRANSTAD ON REPRESENTATIVE LEONARD BOSWELL

I commend Congressman Leonard Boswell for his long-time dedication to public service. His selfless service to others has been demonstrated in many ways—as an officer in the United States Army, as President of the Iowa Senate, and as a congressman from Iowa. In the United States House of Representatives, Congressman Boswell was a great ally for rural development, transportation infrastructure, and agriculture, and he championed legislation to help veterans across the nation. I enjoyed working with Leonard in a bipartisan fashion during his time in State government—just one example came in our joint work to bring IPSCO Steel

to Iowa in 1994 which has provided hundreds of high-quality jobs for Iowans. Congressman Boswell should be proud of his public service accomplishments and for his personal achievements as a husband, father, and grandfather. I am heartened by Iowans, like Congressman Boswell, who have spent a lifetime serving the State of Iowa. We thank him for his service.

On behalf of the Waukee City Council and myself, I would like to extend a heartfelt thank you to Congressman Leonard Boswell for his many years of service in the Iowa Senate and for the past 16 years, his service to the people of Iowa in the United States House of Representatives.

It has been a pleasure to work with Congressman Boswell over the years. In my communications with Congressman Boswell, he has always been friendly, receptive, and eager to work with and for his constituents. In particular, Congressman Boswell has been very supportive and helpful in the City's efforts to obtain funding and necessary approvals related to the Alice's Road/105th Street Interchange.

Congressman Boswell's many years of service in the military and in the halls of Congress are a testament to his love of home, state and nation. He is a true friend of Waukee and I wish him the very best in his future endeavors.

—Honorable William F. Peard,  
Mayor of Waukee

One of Representative Leonard Boswell's most significant and enduring accomplishments during his long political career was the critical role that he played in bringing the World Food Prize to Iowa and in helping ensure that it would have a permanent home in Des Moines.

The World Food Prize, known around the world as "The Nobel Prize for Food and Agriculture," was created by Iowa's and America's greatest agricultural hero, Nobel Peace Prize Laureate Dr. Norman E. Borlaug. However, when the prize's original sponsor on the east coast was lost and the Prize was about to go out of existence, then State Senator Boswell was part of a critical bipartisan effort, with Republican Governor Terry Branstad and John Ruan Sr. to rescue the World Food Prize and relocate it to Dr. Borlaug's home state of Iowa.

Since then, thanks to the highly supportive role Representative Boswell has played, The World Food Prize has grown in stature and now annually welcomes more than 1,500 people from more than 70 countries for an award ceremony and symposium which has been called "the premier conference in the world on global agriculture."

In addition, Representative Boswell worked hand in hand with all of the members of the Iowa Congressional Delegation on a bipartisan basis to help attain approval of Dr. Borlaug receiving the Congressional Gold Medal, America's highest civilian honor. For this achievement Representative Boswell has our heartfelt appreciation, as well as for all he has done to preserve and enhance the legacy of Dr. Norman E. Borlaug.

On behalf of the World Food Prize Foundation, we extend our warmest congratulations to Representative Boswell on his dedicated career of public service, in the US Army in Vietnam, as well as in the Iowa State Legislature and the US House of Representatives.

—Ambassador Kenneth M. Quinn, President of  
the World Food Prize Foundation

CONGRESSMAN BOSWELL

On behalf of the Iowa Federation of National Active and Retired Federal Employees

(NARFE), thank you for your years of support and service to not only Federal employees and retirees but all Iowans.

When first becoming an officer in NARFE, I was not knowledgeable about legislation and you took the time to visit with me and bring me up to speed. I will always be grateful for this guidance.

It has been a pleasure knowing and working with you.

—Darlene Freeman, Past President and  
Legislative Chair of the Iowa Federation of  
NARFE

Cousin Leonard: Congratulations on your successful careers of service in the Armed Forces, State Senate, and U.S. Congress. We wish you and Dody a happy retirement.

—Eldon and Marilyn Boswell

CONGRESSMAN BOSWELL: We want to thank you for your years of service and we admire and respect your views/contribution to all of us!

I know we have not heard the last from you and we encourage you to stay involved. We need you! Again, thank you so much for helping all of us!

—Tom and Nancy Courtney of Burlington

CONGRESSMAN BOSWELL: I admire your service to our country, from your time in the military to the halls of Congress. You have always been fair and willing to compromise for the overall benefit of Iowans and Americans. I appreciate that you always make efforts to hear from constituents and to work hard on our behalf. Your work will enrich Americans lives for years to come.

Thank you for your service to the people of Iowa.

—Michael Worrell

DEAR REPRESENTATIVE BOSWELL: Thank you so much for your years of service. Roxy and I are from Burlington and are now in the 2nd District, but we appreciate your work so much.

—John and Roxy Riessen, West Burlington

Congressman Boswell has been my representative personally, as well as the representative for AIB College of Business in Des Moines, where I serve as the President.

In his time in DC, Congressman Boswell has been a huge supporter of Education, from K-12 through private and public colleges and universities. He believes in students and recognizes that young people are the future for our nation. He is also very supporting of our active duty military personnel and our Veterans.

I wish to recognize and THANK Congressman Boswell for his dedication to our country, to Iowa, and to his constituents. He has changed our world, our country, and our state with his personal service for so many years. Every life has a great purpose and Congressman Boswell has had a wonderful calling for his. I will wait in anticipation to see what he chooses to do next! I just cannot thank him enough!

—Nancy Williams, AIB President, Des Moines

Leonard Boswell was truly a gracious man and a class act.

I retired from teaching in 2010, after 38 years. A number of years ago, I had a group of 5 or 6 students that competed in a Citizenship Competition in Des Moines while Mr. Boswell was the President of the State Senate.

We presented a plan for the public library in our home town—Creston Iowa—and how it

needed to be remodeled, updated, made handicapped accessible, and just made safe in general. We had to present an action plan along with pictures before a group of judges. Our presentation won the competition and Mr. Boswell made himself available to present the award to my group of students.

He then invited us upstairs in the Iowa Capitol and took the students through different parts of the Capitol and showed us his offices. He spent precious time with the group and throughout it was generous and patient and made it a very special day for some eighth grade students and their teacher. Mr. Boswell went above and beyond to be kind to us, when he could have easily either ignored the occasion, or made it a quick event.

I will always remember Leonard Boswell for his support for education and the time he took to support it.

Character is what you do when no one is looking and I felt that this experience with Leonard Boswell was a shining example of the true strength of his character.

We will miss him.

—Mrs. Lauris Heinzel, Creston

Leonard Boswell has a long and distinguished career of service to his state and to his country. He is a humble servant of the people, and we are going to miss him greatly in Congress. Congressman Boswell is a committed statesman, a dedicated family man, a courageous and decorated veteran, and a most trusted friend.

We extend our sincere and best wishes to Congressman Leonard Boswell and hope that the people of Iowa continue to enjoy his gifts of time, talent, and leadership in retirement.

—Myron R. Linn, Pella Corporation

CONGRESSMAN BOSWELL: We want to thank you for the years of dedicated service to our country, serving in Vietnam; and in the US House of Representatives. You did a great job of representing your District in Southern Iowa and voted your thoughts on the various issues. Your service in Vietnam as a helicopter pilot was far and away your greatest achievement, facing death on every mission. Your service to America should never be forgotten. Again, Thanks.

—Jerry and Beverly Wetzel, Indianola

Congressman Leonard Boswell . . . a quiet and thoughtful voice of reason, someone who saw the big picture, someone who always opened his door and his ear to his constituents, someone who sincerely worked for the betterment of his state and country, and someone who played his role as a servant leader with unparalleled dignity, honor and integrity.

I was so very fortunate to work with this dedicated public servant for more than 3 decades at the state and national level. I always left his presence with a keen sense of appreciation for the sincere commitment he had to our state, nation and the American people. Thank you Congressman Boswell for your friendship, service, and spirit of professionalism. Your legacy of leadership will live on through the lessons you taught to us while serving your country.

Thank you.

—Thomas R Temple, Former CEO of Iowa  
Pharmacy Association, Des Moines

CONGRESSMAN BOSWELL: I appreciate the opportunity to thank you publicly for your service to our nation and state and for your friendship. The bond initially sparked by our

common Vietnam aviator experience has led to a longstanding personal friendship that has endured despite our different political affiliations. I continue to hold your key leadership in the Iowa General Assembly in highest regard. In all of the capacities that you have served, you have put the greater good ahead of your self interest, beginning with your willingness to risk your life in military service. I honor your great record of public service!

I am retiring at the end of this year and hopefully we will have occasion to spend some time together. I have missed your presence at the statehouse, Leonard! There is a lot of hangar flying yet to be done, my friend!

Best personal regards.

—Keith E. Luchtel, Nyemaster Goode, Des  
Moines

I served as a Congressional Page for the 108th Congress in 2003-2004 during my junior year of high school. Despite being a conservative Republican from southern Iowa, Congressman Boswell nominated me for this position and I cannot thank him enough for this amazing opportunity. During my year of service, I learned an incredible amount about the House of Representatives and the legislative process. This experience jump started my life in ways hard to imagine.

Congressman Boswell served with dignity and represented Iowa well in a place that seems foreign and out-of-touch to many Iowans. While I disagreed with him on most of his positions, I valued his working-man approach to representing ordinary folks in the U.S. Congress.

Again, thank you for your service. I know you will enjoy returning to your farm and family in southern Iowa—A place I will always call home.

Best wishes,

—Blake Yocom, Chariton

I owe Congressman Boswell a lot. In 1998, Congressman Boswell gave me an opportunity to work for him as a legislative assistant in his Washington, D.C. office. That opportunity evolved into other career opportunities throughout my career. Any of the successes I have achieved in my professional life are due in large part to Congressman Boswell. His willingness to place his trust in me to do an important job for the people of Iowa's Third Congressional District is something I will never forget.

I would like to thank Congressman Boswell not only for his support of me personally, but also for his service to our country. As a soldier and statesman, there are few people who have given more of themselves to our nation. I wish him and Dody well as they move forward to their next adventure in life. I would ask them to take some time and get some rest, but I know that won't happen—that's not the Boswell way!

Job well done, Congressman!

Jon Murphy, PolicyWorks, Des Moines

There is no doubt that Congressman Boswell was a friend of postal workers. He supported us on every front, as he has from the anthrax incidents to the recent financial situation the USPS is facing.

The Postal Workers in Iowa, and the country, want to thank Congressman Boswell for all his support and years of service.

On behalf of all the American Postal Worker Union Local in Iowa, thank you.

—Lance Coles, Iowa Federation  
of Labor AFL-CIO

CONGRESSMAN BOSWELL: The first time we met was in the year 2000 when the National

Institute of Health asked me to contact the Iowa Congressmen to request their support of the Lupus Research and Care Amendment Act. Whereas most Congressmen were very polite, but spent no more than 10 minutes with me, you took me into your private office and spent more than 30 minutes asking me numerous questions about the disease and the prospective legislation. As it turned out, you were the only Congressman to co-sponsor the bill that would affect 15,000+ Iowans afflicted with the disease, lupus. At that point I knew we would be friends for life.

When my husband served on the Des Moines City Council, you were always the first Iowa Congressman he would contact when he needed advice and assistance on an issue. He knew that he could always count on you. Not only were you the most accessible, but also the one who would truly "listen" to what he had to say.

These "friendships" have continued throughout your term of office. Whether it was a problem or concern with social security disability, immigration, social security, medicare, or numerous other topics, you and your staff were always prompt in addressing our concerns.

We shall truly miss your smiling face at the community events, as we always knew that we could count on you being there. We wish you the very best in the next phase of your life, and we hope that you, and your lovely wife Dody, will be blessed with good health and happiness.

Your friends,

—Sophie and Tom Vlassis

Leonard Boswell has been my friend for 20+ years and as I write this message my thoughts go back to all the roads we've traveled, the adventures we've shared, the laughter and tears we shed. I just want you to know you are my brother.

To you and Dody my love and best wishes.

—John Flannery

CONGRESSMAN BOSWELL: I wanted to take this opportunity to thank you for your support for diabetes issues. I am proud that I have gotten to work by your side over the past 7 years to increase funding for diabetes research and on stem cell research. I will never forget the time when I was 13 and at an event listening to you speak. You pulled me up on stage and talked about how we needed to work to find a cure so that I wouldn't have diabetes anymore. That meant the world to me. Because of all you have done for me, you will always have a special place in my heart. You have taught me so much and I hope to someday impact my community as much as you have.

Thanks again!

—Karli Borcherding, Ankeny

Congressman Leonard Boswell is a name well recognized in Iowa. After years representing the issues important to Iowans in the U.S. Congress, many years addressing the concerns of Iowans at the state capitol, and twenty years defending the freedoms and rights that Americans hold dear as a member of the U.S. military, Congressman Boswell deserves the thanks of Iowans and Americans for his commitment to this country. This congressional recognition is well earned.

Congressman Boswell was a representative who would take the time to listen to Iowans. He paid special care and attention to all veterans. He was a friend of working people. When home visiting, he would make an effort

to meet with the labor leaders in the state. He spent time listening to their concerns and would give honest answers on his positions—not always to the liking of the unions—but always honest and upfront.

The labor movement in Iowa has lost an ally in Congress, but we are grateful for all the years he was there for us. We hope he will not be a stranger to Iowa politics and will continue to support veterans and workers.

—Ken Sagar, President of Iowa Federation of Labor AFL-CIO

—Charlie Wishman, Secretary/Treasurer of Iowa Federation of Labor AFL-CIO

Leonard Boswell was my representative for 11 of the past 15 years he was in the U.S. Congress. Prior to that he distinguished himself as he represented Iowans for many years at the state capitol. Leonard has dedicated the majority of his life to public service and he is more than worthy of this congressional recognition.

Leonard was a decorated veteran of the Viet Nam war which has special meaning to me as I too had the privilege to serve during that time. I truly believe Leonard would have been just as caring for the Veterans of this land even if he hadn't served. Leonard is just that kind of person.

I have had the privilege of representing Union members in South Central Iowa for over three years and had the opportunity to partner with the congressman on numerous issues that affected working people. I can confirm that Leonard was receptive to all my concerns and he made my concerns his concerns in regard to working people and the citizens of Iowa.

I count Congressman Boswell as one of most trusted and beloved friends and look forward to partnering with Leonard in the future in whatever capacity.

Thank you,

—Mark Cooper, South Central Iowa Federation of Labor AFL-CIO

#### MEMBERS OF CONGRESS.

The Iowa Corn Growers Association would like to take this opportunity to express our gratitude and extend special recognition to Congressman Leonard Boswell for his many years of service to his country, his home state of Iowa, and to agriculture. His background as a family farmer and his service in the Iowa Senate greatly prepared him to represent corn farmers in the U.S. Congress.

Because Congressman Boswell values the family farmer, our goals have often been lock step with one another's. He has served the agriculture community well with representation on the House Agriculture Committee and as Chair and Ranking Member of the General Farm Commodities and Risk Management Subcommittee. In these roles, he has worked to: protect and strengthen corn farmer's risk management, build a secure and stable crop insurance program, and build realistic farm commodity programs. Congressman Boswell also served Iowa and its farmers on the House Transportation and Infrastructure Committee where his work on numerous highway bills as well as the Water Resources Development Act (WRDA) impacted Iowa's critical transportation systems.

During his years of service, the corn ethanol industry was developed. Congressman Boswell was instrumental in promoting the ethanol industry and shaping policies that allowed the industry to grow. From the Renewable Fuel Standard, to the Volumetric Ethanol Excise Tax Credit, to leadership on

the Renewable Fuels Pipeline legislation, the ICGA could be confident that Congressman Boswell would work to support and defend one of the corn industry's top markets.

In closing, on behalf of the farmer members of the Iowa Corn Growers Association, we would like to again thank Congressman Leonard Boswell for his long standing support of Iowa agriculture and the corn industry. We are sincerely grateful for his tireless work to serve our state and our industry.

Sincerely,

—Bruce Rohwer, President of Iowa Corn Growers Association, Johnston

—Craig Floss, Chief Executive Officer of Iowa Corn Growers Association, Johnston

#### CONGRESSMAN BOSWELL,

On behalf of the Greater Des Moines Partnership, we extend our deepest thanks and appreciation to you for your service to the citizens of Greater Des Moines, the State of Iowa, and United States of America.

First and foremost, thank you for the 20 years of service to our country as a member of the United States Army. And, thank you for your excellent work in representing Central Iowa in the United States House of Representatives over the many years. You and your dedicated staff have been a tremendous asset to our community.

Your leadership and efforts in securing federal funding for transportation projects, quality of life priorities, and other economic development initiatives have played a critical role in the rapid growth and prosperity of the Greater Des Moines Region. We cannot thank you enough for being such an important partner in these efforts.

And thank you for helping accommodate our group and taking the time to address our participants during our annual visits to Washington, D.C. We appreciate the great work in helping set up meetings, coordinating schedules, lining up speakers, and advising and meeting with trip participants.

Again, thank you for your efforts on behalf of the Greater Des Moines Partnership in our nation's capital. We truly appreciate your leadership and all the work you have done on issues important to Central Iowa's business community. We hope for, and wish you, the best in your future endeavors.

Sincerely,

—Jay Byers, Chief Executive Officer of Greater Des Moines Partnership

—Eugene Meyer, President of Greater Des Moines Partnership

We residents of your hometown—Lamoni, Decatur County, Iowa—are privileged to join in paying tribute to you for your years of service to our community, our state, and our country. We can't list all of your achievements, but can mention a few:

Active sports player in High School  
Farmer  
Pilot in the skies of Vietnam  
Senate President—Iowa Legislature  
Father and Grandfather  
President of Farmers' Coop  
Member of U. S. House of Representatives  
Problem solver for people immersed in "Red Tape"  
Pastor of Lamoni Community of Christ  
Devoted Husband  
Thank you for your many years of selfless service.

—Lamoni Lions Club and the Town of Lamoni

Leonard Boswell has worked for his country, his state, and his community throughout a lifetime of public service. Lieutenant

Colonel Boswell had a distinguished 20-year career in the United States Army. His service in the Iowa Senate, as President of that body from 1993 to 1996, was where he first took the lessons he brought from his military life, and brought them to bear in the political arena. Those lessons included focus on the mission at hand, and get the job done. Trust your team, and let them know they can trust you. And perhaps most importantly, leave no comrade behind. In 1997, Leonard brought those values to work for Iowans, and their neighbors across the country, in the United States House of Representatives. His work on transportation issues has changed the face of Iowa. But it has been his advocacy for his fellow veterans and their families, that has changed the heart of Iowa.

We are grateful to his wife, Dody, and his family, for sharing him with us these many years. We are proud of the work he has done, and we welcome him home with open arms.

—Sue Dvorsky, Chair of the Iowa Democratic Party

CONGRESSMAN BOSWELL: All Iowans stop from what they are doing today to say thank you to Representative Leonard Boswell who has represented us well during his tenure as U.S. House Representative. We thank him for his leadership and courage dealing with issues of importance to the people of Iowa.

—Mary L. Madison

LEONARD: It is with gratitude that we thank you for being our Congressional Representative in the 90's and good friend in support of the issues that matter in middle Iowa. You always treated us with respect and desire to make things better for Iowans.

Thank you for your support of the Affordable Care Act. And we also thank you for always meeting with our delegation of Orthopedic Surgeons when we came to visit you each spring when Bob was on the Academy's Board of Councilors. We also appreciate your strong support for Israel, and your personal stories of facing the tragedies after the Holocaust. And thank you for serving in the US Army for many years. And also thank you for your support for women's reproductive rights and health care issues. I knew that you would always listen to us at Planned Parenthood and would do as much as you could to support us in Congress. And that was not an easy task these past few years.

All the best to you and Dody. We know that you will always be there for a good chat on issues and will always stand up for Iowans no matter what!!

—Debbie and Bob Gitchell, Ames

CONGRESSMAN BOSWELL: Your campaign this fall was full of energy, which is representative of your years of support. It is a privilege to honor your many years of serving Iowans both locally and in Washington, DC.

As advocates for working on behalf of vulnerable Iowans, we have found you to be loyal to these issues. I am appreciative of your willingness to listen to concerns from constituents and advocacy groups. I was especially delighted when you provided your support and signed on to the Social Work Reinvestment Act upon listening to our issues.

You have dedicated your time to working on behalf of Iowans and assuring policies were in place to support your constituents. Thank you Congressman Boswell for your years of service!

—Kelli Soyer, National Association of Social Workers, Iowa Chapter

Mr. MICHAUD. Mr. Speaker, I rise today to honor Congressman LEONARD BOSWELL for his

16 years of dedicated service to the people of Iowa's Third Congressional District, and the country.

At the end of this term, the U.S. Congress will bid farewell to one of its great leaders. I have had the good fortune to serve with Congressman BOSWELL on the House Transportation and Infrastructure Committee, and as a fellow member of the Blue Dog Coalition. In a Congress that has become infamous for its partisan gridlock, LEONARD has been a stalwart advocate for compromise. He has always understood that on issues related to the well being of our working-class families, the nation's infrastructure, and our men and women in uniform, our responsibilities as elected Representatives must always come before politics.

LEONARD's leadership in this regard has always been a source of inspiration to me. With his departure the U.S. Congress will lose the experience of a public servant who has held elective office for 28 years, a distinguished combat veteran and a true American patriot. His example of hard work and bipartisan compromise should not be lost on the 113th Congress when it convenes next month.

I would like to offer LEONARD and his family my deepest thanks and my best wishes for the future.

Mr. Speaker, please join me again in commemorating Congressman LEONARD BOSWELL's tremendous service to the United States of America.

#### REMEMBERING AN AMERICAN HERO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. GOSAR) is recognized for 19 minutes as the designee of the majority leader.

Mr. GOSAR. Today, I'm here to remember the sacrifice of an American hero and the bravery of those who served with him.

Two years ago this Saturday, our Nation lost one of our own who was serving to protect our country by securing the Arizona-Mexico border. On December 14, Border Agents Brian Terry, William Castano, Gabriel Fragoza, and Timothy Keller began patrolling an area west of the town of Rio Rico, Arizona, tasked with interdicting violent criminals sneaking into the United States.

At 11 p.m. on the following day, December 15, the team was alerted to five suspects in their interdiction zone. After identifying themselves, they were fired upon and Agent Terry was struck and killed. The men who fought beside him that night were heroic in their efforts to provide aid and to protect Agent Brian Terry.

After the dust settled, that horrific night's details were brought to light about our government's role in supplying weapons found at the scene of the crime. Through Operation Fast and Furious—a fundamentally flawed gunrunning operation ran by the U.S. Department of Justice—weapons like

those found at the scene nearly 2 years ago were allowed to be purchased by middlemen and passed along to some of the most dangerous cartels in Mexico without proper law enforcement interdiction and justice.

Subsequently, numerous hearings have been held to demand answers as to how this program came to be, who authorized it, and who knew about it. My goals are simple: justice and accountability, not just for Brian Terry, who lost his life, and the brave men serving him that night, but also justice for the hundreds of Mexicans who also lost their lives from the weapons from the Fast and Furious scheme.

As I close, please join me in a moment of silence for those lives who have been lost and the loved ones that they leave behind.

For my part, I will continue to demand answers from the Department of Justice. I will continue to stress the need for bipartisan support for getting those answers. I look to leadership not to relent. I also look to the Hispanic Caucus to break their silence and to take up this issue affecting everyone in Mexico.

Finally, I will not rest until we are certain that justice is served and that this atrocity can never happen again.

Mr. Speaker, I yield back the balance of my time.

#### PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 60 minutes as the designee of the minority leader.

Ms. SCHAKOWSKY. Mr. Speaker, I am happy to be here representing the Progressive Caucus and talking about our fiscal situation now that I think a lot of people out there are worrying about, confused about, don't know how it's really going to affect them, wondering what the heck we're doing. Sometimes Members of Congress who aren't part of the negotiations are wondering what's going on too. But what I want to talk about today are the things that are at stake for ordinary people in our country, the things that are on people's minds as we deal with these economic issues that face our country.

I am Congresswoman JANICE SCHAKOWSKY, and I represent a district, a very diverse district, in Illinois, diverse in every way—economically, certainly by race and ethnicity—and I think in many ways a microcosm of the country. I know that we're getting a lot of calls from our constituents. The calls that I'm getting were reaffirmed by a poll that I saw on Tuesday in our National Journal Daily on page six that says: "Poll: Entitlement cuts feared most in cliff talks." It goes like this:



As President Obama and congressional leaders race to avert the fiscal cliff, Americans remain concerned that whatever budget deal they strike will cut too much from Medicare and Social Security, according to the poll. More of the Americans surveyed are worried about such cutbacks than seeing their tax bills rise, the latest United Technologies/National Journal Connection poll has found.

I was looking at who was involved in the poll. In total, 35 percent of Americans are worried it will cut too much from government programs like Medicare and Social Security; 27 percent—that's eight points less—that it will raise taxes on people like you; 15 percent, it won't meet its target for reducing the Federal deficit and debt; 13 percent, it will allow for too much Federal spending. Only 13 percent were worried it will allow for too much Federal spending in the next 2 years.

But when I looked at, for example, women, 40 percent of women are most worried about those cuts in Social Security and Medicare and other government programs. Forty-six percent of people whose income is \$30,000 or less, that's what they're really, really worried about; that's the thing they're worried about most.

So most Americans, that is their top concern—not really so much that their taxes are going to go up and not really so much about the deficit. They're worried about the cuts in the programs that mean so much to their lives.

So that's really what I wanted to talk about today. If any Members are listening in their offices and they want to come down and talk about the fiscal cliff, as it's called—many of us don't see it as a cliff, nor as a slope, that we actually have time to set the problem straight. That's what most economists are saying, that if we go a few weeks into January, it's not the worst thing so that Americans shouldn't panic about this. But if you want to come down and talk about that, I am really happy to do that.

I wanted to welcome one of my colleagues, HANK JOHNSON, here to the floor today to add his thoughts. I know he had another something he wanted to talk about this afternoon, and I welcome you. Thanks for coming down, Congressman JOHNSON.

Mr. JOHNSON of Georgia. Always my pleasure, Representative SCHAKOWSKY, to be with you. You are such a staunch advocate for the middle class, the working poor, the poor. You are a champion for the people, so I'm happy to be here with you and happy to share some time with you.

But first I wanted to express the fact that last night I came in to do a Special Order on the situation happening in Michigan where a surprise attack, a sneak attack, by the right-wingers resulted in the passage of legislation which I won't refer to as right-to-work

legislation, it's more appropriately named crush-the-union legislation. I came up last night to the floor to speak on that issue.

□ 1330

As I am prone to do, I use a lot of analogies, and so last night I used an analogy that some find offensive. And I certainly was not meaning to be offensive or use a derogatory term. Everybody knows what the N word is. The N word, Mr. Speaker, is used to describe a group of people. And the N word used to be fashionable, or it used to be socially acceptable to use the N word. But, now, we don't say the N word. We refer to that word as "the N word."

I had never heard of the M word, Representative SCHAKOWSKY. The M word is a word also that describes a group of people. It, at one time, had been commonly used as a descriptive term. It was, at one time, socially acceptable. But to my discovery, just within the last 12 hours or so, I have found that the use of the M word is no longer socially acceptable.

Now, the M word refers to a group of people, the little people. But when we say "little people" I'm not talking about the Leona Helmsley little people. I'm not talking about the 47 percent. I'm not talking about the takers instead of the makers, as some would describe them. I'm not talking about the middle class, working people, poor people, working poor people. That's not what is meant by the "little people" term. It really refers to a medical condition. "Dwarfism" is the name of that medical condition. And sometimes I guess one can even say "abnormally small people." I like that term better than "dwarfism."

So, I wanted to say to all of those who may have been offended by my use of the "M word," I want you to know that it was out of ignorance and not spite or hatred that I used that term. And please know that I will never use that term again. I will never use that term again.

Ms. SCHAKOWSKY. I think, actually, you have done a service to make people understand that there are those who are deeply offended by it and that we should all learn what to say so as not to offend people.

Mr. JOHNSON of Georgia. That's correct. It is a learning moment for me and perhaps many others out there.

But I'll tell you, if you want to find out more about little people or abnormally small people or unusually small people, there is a Web site, there is a group actually called the Little People of America, and their Web site is at [lpaonline.org](http://lpaonline.org). I went to that Web site this morning and looked through it, and I have been awakened to the sensitivities involved. And so anyone who I offended has my deepest apology.

But, the analogy that I used, even though it used the wrong wording, was

a great analogy in my personal opinion. And it is understood that when you put a big fish, a predatory fish, into a bowl with a small fish, that small fish has to learn how to get along with that big fish or else they'll get eaten.

That's what the organization known as ALEC is all about, because it puts the legislators, individual legislators, in a group setting with the corporations, the big fish. And those legislators who are members of ALEC, the American Legislative Exchange Council, they get together, and they do the work of the corporate big fish who are members of that organization.

So last night, that's what we were talking about, and I'm going to yield back to Representative SCHAKOWSKY to resume this discussion, and I will participate as I can.

Ms. SCHAKOWSKY. Thank you very much. I appreciate both—you know, sometimes as legislators we like to think we're always right, and sometimes we make mistakes, inadvertent mistakes. And coming to the floor to actually clear the air I think is really commendable, and I appreciate that.

And also, your talk about the decisions that were made in Wisconsin—you know, government is to serve the people, the best interests of the American people. And right now, we're trying to figure out how are we going to, in a fair way, ask Americans to be able to fund the programs that we need, to fund the services that we need as a country, to make sure that our roads are there and drivable, to fund our military so that we can be safe and strong, to help States to fund their law enforcement, et cetera, all those things that are important to Americans, and as I mentioned earlier, including things like Medicare and make Medicaid.

Budgets aren't just a bunch of numbers on a piece of paper, and government policies aren't just documents. But, in many ways these are moral statements about who we are as a country. I think we have to ask, are we really a poorer country today than we were 70 years ago when Social Security went into effect, when Social Security went into effect to say that we're not going to let older people end up in the poorhouse or out on the street, that we're going to have an insurance policy that they pay into, that everyone pays into during your working life, so that we can ensure that when people reach the age of 62, 65, 67, that they're going to be able to retire with some level of dignity?

At the time that Social Security was passed 70 years ago, there was a three-legged stool. One was this new program, Social Security, to provide retirement benefits that you paid for; two, private pensions, that was kind of the common normal then. Many of those private pensions were won because workers were able to collectively



bargain and get pensions for their family. The third were savings, savings for people.

So between all of that, we thought we'd be able to see a country now where the elderly were lifted out of poverty and they had some semblance of security.

Well, are we really poorer today than when we made that decision that we're not going to let old people end up in the poorhouse? That was a decision on how to fund a program that has never once missed a monthly check ever. In the 70 years plus, never ever has Social Security missed a monthly check. So it's been a program that works really, really well.

□ 1340

And I just want to point out that Social Security helps middle class families, not just older people. I have two grandchildren who get a Social Security benefit. Why? Because, tragically, their mother died. So it is an insurance policy for all families.

The other great thing about Social Security is that unlike many pension programs, there's actually a cost-of-living adjustment. You don't get it every year, as seniors know. There really hasn't been an increase in the economy so much in certain years, but it has been a success, a treasure to our country.

Some people want to put Social Security on the table as part of this discussion to reduce the deficit that we face.

Mr. JOHNSON of Georgia. Will the gentlewoman yield?

Ms. SCHAKOWSKY. I yield to the gentleman.

Mr. JOHNSON of Georgia. Social Security is one of the hallmarks of American civilization. It civilizes us where we can have a mechanism where we all come together to contribute our money into a pool as we work; and when we retire, we have a way of avoiding the poorhouse; we have a way of living out our lives with dignity and with comfort. You've paid your dues, you deserve to live out your retirement in a comfortable way. You put the money in, and you will get the money out. And as you say, we've never missed a payment and never will.

It being a hallmark of our civilization, it is something that many other countries have yet to put in place for their people. They have yet to see the wisdom, as our past leaders have seen, that you lose and your society weakens in accordance with how you treat your elderly and how you treat your children and how you treat the disabled. They also are able to get Social Security benefits. So it helps people. It's our social safety net. This is a collective. It's a mechanism whereby the whole supports each other, the weakest of these, if you will.

Social Security is not broke, nor is the Federal Government. The Federal

Government is not broke. It has had to borrow money. And when we say borrow money, we really mean we offer Treasuries out to the public to purchase, and we pay interest on those instruments. When an investor feels good about how solid the American system is, they want to put money into it. They want to put money into it because they know that this is the safest place to invest money. They know that they'll be able to get their money out when they want to take it out. They know that they will get their money back with the interest that has been promised to them.

Ms. SCHAKOWSKY. Let me just say that right now we're paying very low interest because people do have confidence in our American economy and in those Treasury notes and it is a good, safe, and solid investment.

And I yield to the gentleman.

Mr. JOHNSON of Georgia. People have confidence in America. It's because of our civilization, and it's because of the forward thinking of our past leaders. It is our responsibility to continue that sense of responsibility to the people—not to the leaders, not to the chosen few, but to the people. We the people established this government, and it's ironic that people have now been turned against government as an institution. They believe that government is the problem. They've been led to believe that government is the problem. Sometimes government does have problems or causes problems; but I can tell you that in the history of this country, the American Government has been phenomenal. That is why we're the greatest country in the world. That is why we are the freest country in the world and we are the most prosperous Nation in the world.

We are not broke. Our Social Security trust fund is not broke. It's solvent. And the bills that we have to pay, we will definitely pay as we always have. It makes sense to borrow money now, by the way, if you can get it for 1 percent or 2 percent, and you can then use those funds to put people back to work in this economy, which is in need of a shot in the arm. I might point out, though, that unemployment is down to 7.7 percent, the first time since between 2007 or 2008 and despite the vigor that has been used in trying to suppress it by politicians in this body, despite their efforts to keep the economy from moving forward so that they could elect a President that they wanted to elect. They wanted to make our current President look bad, so they did everything they could to thwart action to make the economy better, but it has gotten better despite their efforts.

I was really hoping that post-election we would see a change in the direction of my friends on the other side of the aisle in terms of being responsible about government and our responsibility to make sure that government

works of, by, and for the people. I was hoping that we would see a difference. We still have time, Representative SCHAKOWSKY. We still have time. It's not the end of the year. I, myself, I would like to be home for Christmas like everyone else, but my highest duty and responsibility is to be here and to help this Nation move away from this dangerous fiscal cliff that is coming up.

The fiscal cliff is actually here, and there is a lot that we agree on in terms of avoiding that fiscal cliff. But it seems like the thing that is holding it up is the top 2 percent, just wanting to preserve the expiring tax cuts for those top 2 percent. They would do that at the expense of the 98 percent that we all agree that we need to extend the tax cuts for. I just don't understand why it's going to take so long for us to—

Ms. SCHAKOWSKY. Let's talk about that for a minute.

It seems that there are those on the Republican side of the aisle who are willing to go to the mat to protect tax cuts for the very wealthiest Americans, people who make \$250,000 and more. Of course, our proposal is to say that the first \$250,000 of income for everyone, even if you make \$500,000 a year, on the first \$250,000—I think we all agree that we should extend those tax cuts. It's for the dollars above \$250,000 that some of our colleagues are saying, no, we are not going to ask those people even to pay a penny more than they were.

□ 1350

Yet they're saying the only way that we will consider that, the only way that we will consider taking a little bit more from the wealthiest, is to go to the poorest.

Mr. JOHNSON of Georgia. Into that Social Security.

Ms. SCHAKOWSKY. I'm not talking about children. The poorest adults are people over 65 years of age and persons with disabilities. Their median income is \$22,000 a year. The median income for older Americans is \$22,000 a year. Really? Somehow this is a fair balance to ask the wealthiest Americans—the top 2 percent—to pay a little bit more, but darn it, we're not going to do it unless we get those poorest people through their Social Security, through their Medicaid, through their Medicare to pay a bit more? It doesn't seem right to me.

Mr. JOHNSON of Georgia. Representative SCHAKOWSKY, I think it's wrong that we would tell people who have paid into the Social Security system throughout their lives that now you're going to move the goalpost and put a couple of years more on there before eligibility, that you're going to up the age of eligibility.

Ms. SCHAKOWSKY. Especially for Medicare. They're talking about that.

Mr. JOHNSON of Georgia. They want to do that for Medicare as well. That

Paul Ryan budget would actually decimate the Medicaid system. They just want to whack off a third of the Federal funding and then turn it into a block grant program.

Ms. SCHAKOWSKY. I think it's something like \$850 billion that would come out of the Medicaid fund. I know.

Mr. JOHNSON of Georgia. Then as to Medicare, they want to turn that into a voucher program and put a 1 percent cap, I think, on the cost-of-living increase and then give that in the form of a voucher to people so that they can go out and purchase insurance on the open market.

Ms. SCHAKOWSKY. Yes, and go to private insurance companies.

Mr. JOHNSON of Georgia. Yes. It seems to be a concerted attack on that social safety net that has made us such a great civilization, which is that we take care of each other. It's an attack on that. It's in accordance with a philosophy of *laissez-faire* economics.

Ms. SCHAKOWSKY. Let me just say one area in which I disagree a bit with you. Most Americans support these programs. I'm talking about huge percentages of Americans—Republicans, Democrats, Independents—who say, no, we don't think that Medicare, Social Security, Medicaid ought to be cut. We don't think so.

So I think, in terms of the role of government, most Americans see that it's important that when it comes to education, when it comes to infrastructure, when it comes to public safety, when it comes to health care, government cannot do it all. Americans aren't saying, just take care of me. From cradle to grave, I want you to take care of me. No. Americans are willing to work hard and play by the rules, but they see an important role for government. If we cut government too much, in some ways, we kill the goose that laid the golden egg. Here is what I mean:

It is true that the Internet really did come from research that was done by government. Look at the billions and billions—I don't know—maybe trillions of dollars, and then look at the advance of the Internet and everything that led from that—bio research, talking about curing diseases. Then, of course, the money that comes from that for the pharmaceutical industry, et cetera, mostly comes from the National Institutes of Health, the Cancer Institute, et cetera, in coming up with the cures and the medications. That's government research. I mean, look at NASA and the space research. It was really the Federal Government, in many ways, that developed the aviation industry. So we'd better be careful about cutting government too much.

Mr. JOHNSON of Georgia. We definitely do. I think we've spent about 1½ percent per year of the Federal budget on the National Aeronautics and Space Administration from 1958 up until a few years ago.

Can you imagine if the United States Government had left it up to private industry to achieve what happened in 1969, which was that we landed a spaceship, with men inside, and stepped foot on the Moon? Now, some who are not particularly scientifically astute will say, Well, what do we get out of going to the Moon?

I, not being the most astute scientist myself, wouldn't be able to explain all of the benefits that society has enjoyed as a result of that victory and as a result of the space program that has continued, but I will tell you that, at this point after 50 years of investment, we've now entrusted the private sector to continue the exploration of outer space, and private industry is going to take us further than we have been.

So that is the role of government. It's a support structure. It's an investment in the lives of the people.

Ms. SCHAKOWSKY. Think about the potential in the energy industry if we just help to promote some of these clean, renewable energy technologies.

One of the things on this cliff is the end of the wind energy production tax, which has been so incredibly successful in helping build this wind industry that is ready to take off but still needs a bit more support. This means clean energy to my State, Illinois, and the Middle West, where we've got lots of wind—it's free. And investing in wind energy—if that expires, we're going to lose 7,000 jobs in Illinois alone because of the failure to help invest in the wind energy industry.

Mr. JOHNSON of Georgia. It's not profitable at this time for private industry to invest in such a new way of producing energy. There's no profit in it, so they won't do it. Government has the leadership and the vision to understand where we need to go, how we need to take our people into the future. We—the public policy apparatus, the government, we the people, the government being of us—have a responsibility not just to enhance short-term profits; we have a responsibility as a government to plan and prepare for the future of this great Nation.

We also have an inherent responsibility to lead the world. We're all in this world together. We all are going to breathe the same air. We're all going to drink from the same pool of water that exists on this planet. So we being the greatest Nation in the world are really shirking our responsibility by reducing government down to the size where you can drown it in a bathtub. I think that's the analogy that Grover Norquist used.

□ 1400

If you did that, where would America be? How would we have built the Interstate Highway System?

Ms. SCHAKOWSKY. That was Eisenhower; wasn't it?

Mr. JOHNSON of Georgia. Yes. A Republican, by the way, 1958, I believe it

was, decided that this country needed an interstate highway system. Where would we be if we had not committed the dollars to get that done?

When we did that, it was an investment in the future prosperity of this Nation to link cities, towns, and States with a way, a mode of transportation. They did that in the 1800s with the railroad system, another situation where the Federal Government supplied the seed money and gave away the land to help it become a profitable industry.

Ms. SCHAKOWSKY. Along rail lines, along highways, of course, that's the engine of commerce that keeps not only our wheels turning, but the stores—everything going, all of the infrastructure.

Mr. JOHNSON of Georgia. That's what it's all about. Government is the entity which primes the economic pump through which prosperity then flows.

So we're now at a point, though, where: Are we going to turn everything over to the big businesses, and are we going to reduce the ability of people to be able to come together in a workplace and bargain collectively? Are we going to take steps to eliminate people from voting so that those who are the chosen ones can elect the people of their choice, and all of the rest of the people are just supposed to expect to be treated benevolently by those who are seeking to exploit the capital, the human capital, and make as much money as they can? At whose expense is that?

Ms. SCHAKOWSKY. You were talking about how government helps to prime the pump. So government spends money, and it spins out and often becomes commercialized. There are three ways that we can really deal with our economy right now to make it stronger: We can raise revenue, that's raising taxes; we can cut spending; and the third—that's not talked about enough—is the issue of growth in the economy, jobs, jobs, jobs. That's what grows the economy.

I am so proud that our President, as part of this overall deficit reduction plan, has recommended spending about \$50 billion on jobs. They would spend money on infrastructure, infrastructure spending that's supported by both business and labor because it is so important. And it's kind of a no-brainer. If you spend money that will create jobs, you now have people, one, who are not having to get unemployment insurance or food stamps. They are working and can support their families, so we get them off public support. And, two, now they're paying taxes. They're going out and they're buying stuff, and businesses are going to have to hire more people because they're buying holiday presents for their kids. They're buying winter coats now. So there is an economy through growth. That is an underrated portion when we talk about how do we save our economy.

I have been circulating a letter among our colleagues, Representative JOHNSON, saying we ought to encourage investment, that we ought to encourage spending on jobs in this deficit reduction, this economic growth package.

Mr. JOHNSON of Georgia. We have to stimulate, as government does, economic vitality. We can do that. It has been done repeatedly throughout the history of this country. A great example is the recent \$787 billion stimulus that was passed back in, I think, 2007.

Ms. SCHAKOWSKY. Some people say it didn't create any jobs. Well, I think the testimony is that many of our colleagues, almost all of our colleagues, showed up at the ribbon cuttings.

Mr. JOHNSON of Georgia. Yes, with the big checks. And they were actually clamoring for that Federal money, and it made an important difference. It allowed States and local governments to retain teachers and firefighters, police officers, construction workers. You know, the whole nine. That's, in part, the reason why we have such an uptick in our economy, however modest it might be right now. That \$787 billion stimulus has made a difference, and I'm glad.

Ms. SCHAKOWSKY. It actually created millions of jobs.

Mr. JOHNSON of Georgia. Yes, it sure did.

And so I readily signed on your letter that you're circulating, your "Dear Colleague" letter. And I'm glad to know, as well, that the President has included a modest \$50 billion stimulus aspect in his proposal to strike a grand bargain and avoid the fiscal cliff. So all of these things are a part of what is hopefully being negotiated now.

Ms. SCHAKOWSKY. You were talking about a difference in philosophy and even economic philosophy. There are those who call that top 2 percent the job creators. Well, if that's true, then where are the jobs? Because most of the growth, almost all of the growth in income over the last many years has gone to the wealthiest Americans where, for ordinary Americans, their income has remained flat.

Mr. JOHNSON of Georgia. Actually, since 1979, the income, or the after-tax income, of the top 2 percent has increased by about 372 percent, if I recall the correct number, 372 to 378, while, as you say, regular working people, the middle class, their incomes have remained flat. It's actually a redistribution of the wealth of the country.

Ms. SCHAKOWSKY. When we have a situation in this country where the top 1 percent of Americans, 1 percent, control as much wealth as the bottom 90 percent, that's not a healthy situation. I don't want to moralize about it. It's just not a healthy situation.

Mr. JOHNSON of Georgia. No, it's not healthy. And it's amoral. Greed, when you've got to get more, more,

more and you're not willing to share, you're not willing for everyone to prosper; and when you think that a person is poor because they don't want to get out and work, they have bad habits, they didn't do this, they didn't do that and, therefore, they deserve to be where they are now. But me, I did it the old-fashioned way, I inherited my money. And so don't blame me. I'm going to make more money and I don't care about you, I'm going to make money off of you, that is rather immoral, rather shortsighted.

Ms. SCHAKOWSKY. I have to tell you, I introduced legislation that actually would increase the taxes on people starting at a million going up, ratcheting up, different tax brackets up to a billion dollars.

□ 1410

And I've got a lot of very rich people who say, yeah, that's fair. That's right.

Mr. JOHNSON of Georgia. It's only a few, like Sheldon Adelson, the Koch brothers, who want to control the public policy apparatus. They want to control government so that they can have government to make them more money. That's all they're interested in is themselves, the U.S. Chamber of Commerce.

Ms. SCHAKOWSKY. But let me just say this: the other philosophy, though, is that if you have a robust middle class of consumers who will actually have enough money in their pockets, middle class people, hopefully even including those who aspire to the middle class have more money in their pockets, that that is what's going to drive the economy. They're going to go out, and they're going to spend the money, and that's going to spread throughout the economy.

Whereas, the wealthiest Americans may buy another yacht, but probably are just going to accumulate that kind of money and really don't do nearly what the middle class does to make a robust economy for everyone. When we all do better, we all do better.

Mr. JOHNSON of Georgia. We all do better when the money is circulating. Those on the top end, they're going to continue to make money; but those who are just working people, regular working people, and those who aspire to the middle class, when that money is circulating, then we can all, collectively, become more wealthy, and we will all spend more dollars, and that means more goods and services have to be produced, and that means you have to have people employed to service the needs of those with the money.

So it's just really common sense. Instead of trying to break the unions, we should be trying to solidify the relationships that the unions have established with their employers.

Detroit is a fine example of how the greatest, richest union, the Auto Workers Union, came to the table with the

corporate bosses, after the corporate bosses had run the business into the ground, and needed a bailout from government, and President Obama made a determination that we're going to invest money in GM and in Chrysler, and we're going to not let those companies go bankrupt.

Ms. SCHAKOWSKY. That was a lot of jobs that would have gone down.

Mr. JOHNSON of Georgia. And so we spent \$700 billion. And it was the United Auto Workers union that sat down at the negotiating table with Big Business, worked out what some may call give-backs. It actually gave up some of the benefits that it had signed contracts for with the employer.

These are things that actually created the middle class, things like working days, working hours, wages, benefits, retirement, those kinds of things that people would not have had unless they had been represented by a union and we had strong unions.

So those things workers gave back in part to make sure that the corporations could maintain or regain stability. And so now, just a short, 3, 4, 5 years later, GM is back to being the number one car maker in the world.

Ms. SCHAKOWSKY. And all the money's been paid back to the United States Treasury.

Mr. JOHNSON of Georgia. I think they still owe us a little bit. We still have some GM stock. The Federal Government still owns some GM stock, which they're going to have to repurchase those shares from us. So we are still involved, but that's another example of the role of government.

And I, myself, I'll never be one to hate government. And I try to explain to people why government is not the problem. Government is a part of the solution.

Ms. SCHAKOWSKY. Part of the solution.

Can I just ask, Mr. Speaker, how much time we have remaining.

The SPEAKER pro tempore (Mr. DENHAM). The gentleman from Illinois has 5 minutes remaining.

Ms. SCHAKOWSKY. I want to say a few things about organized labor.

I'm old enough, Congressman JOHNSON, when I was growing up, one person could work in the steel mills on the south side of Chicago, tough job, but you could not only make a decent wage that put you in the middle class; you could buy a car, you could have a little house, modest house, and you could even afford to send your kids to college. You had health care benefits. You had a pension, a private pension. And that was the normal. That was the normal in the United States. You worked hard, often really hard, but you could, you know, make a wage that would afford you a good, middle class life.

I think there's a lot of people who think that, well, unions, that is so 20th century. You know, that was yesterday. We don't need them anymore

today. But I want to say that if we have a low-wage economy—you know, some of the companies that are coming back to the United States, you know what they're saying, that the differential in wages between the United States and Bangladesh is insignificant enough that they might as well come back and make their products in the United States.

Mr. JOHNSON of Georgia. You've got an educated work force, relatively speaking. You've got enhanced transportation abilities here to get your goods and services to market quickly, as opposed to the expense and the security of coming across the water. And I'm happy that businesses are looking to re-establish their production facilities inside of America. That's good corporate consciousness.

Ms. SCHAKOWSKY. Let me end with this since we just have a couple of minutes. As we face all these negotiations that are going on, I think there's a couple of bottom lines. One—and the President has been very clear—we are going to have to ask the wealthiest Americans to pay a bit more.

And, number two, I think we ought to say that those programs that help people have a decent retirement—Social Security, Medicare, Medicaid, as well—that that is the wrong place to go in order to balance our budget. We don't have to go to the poorest people. We can make those programs more efficient. We can cut the costs of those programs, but we don't have to reduce the benefits and further impoverish people who aren't making a lot of money right now.

For me, those are sort of bottom lines for the deal that we want to make. All of us are in this together. We should all see each other as our brother's and sister's keepers. With that kind of philosophy in mind, I think we can come up with some sort of an agreement that serves our country, that serves its people, that is just and fair and helps us go forward.

Do you have a final word?

Mr. JOHNSON of Georgia. No, that's enough said. Let me say how much I enjoyed our colloquy today, and I look forward to continuing to work with you to ensure that America remains the great Nation that it has always been.

Ms. SCHAKOWSKY. Thank you. I yield back the balance of my time.

□ 1420

#### TAX BURDEN IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 30 minutes.

Mr. WOODALL. I appreciate my colleagues for their take on where we are, and I wanted to offer kind of an alter-

native view on that. And it's not an alternative view in that it is one that's not commonly shared. It's a bipartisan view. But we hadn't heard it much in this particular debate.

I want to take you back, Mr. Speaker, to John F. Kennedy. He's a revered President for a whole variety of reasons. I come from a rock-solid, hard-core conservative district in the State of Georgia, but I absolutely see the wisdom of so much of what President Kennedy was trying to do for the country. He said this:

It's a paradoxical truth that tax rates are too high and tax revenues are too low, and the soundest way to raise the revenues in the long run is to cut the rates now. The purpose of cutting taxes now is not to incur a budget deficit but to achieve the more prosperous, expanding economy which can bring a budget surplus.

John F. Kennedy, November 20, 1962.

Those words are as true today as they were then, Mr. Speaker. But we have a different kind of budget challenge today than we had then. The largest budget deficits in your and my lifetime, Mr. Speaker, were run up during the George W. Bush administration. Again, I come from a hard-core red State, Republican through and through in our part of the world, and I can tell you the largest budget deficits in the history of this country were run up during a Republican Presidential administration. And those record-setting deficits have now been surpassed.

We're not running 100 percent of those deficits today. We're not running 200 percent of those deficits today. We're not running 300 percent of those deficits today. Mr. Speaker, the deficits today are almost four times larger than what was formerly the largest budget deficit in American history. We've got to get a handle on that.

There are revenue components, there are spending components, but it seems like this town is obsessed with the tax side of that ledger. I want to talk about that because, for Pete's sake, I didn't come to Congress to be a Congressman; I came to Congress to make America better. I came to Congress to solve the problems that plague my family and my neighbor's family and the families surrounding us in the community. I came to Congress to make a difference.

So it's whatever we need to do here, Mr. Speaker, to make a difference. And I don't mean just to change things. Change for change's sake has no constituency with me. I mean to make a difference so that our children's lives and our grandchildren's lives are better than they would be otherwise.

Let me go again to John F. Kennedy and how he was trying to make a difference. He said this:

Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased—not a reduced—flow of revenues to the Federal Government.

Mr. Speaker, he was right. He was right then. Ronald Reagan was right when he said it. President Clinton was right in the tax cuts that he presided over, as was President Bush. It's absolutely true. I'll say it again:

Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased—not a reduced—flow of revenues to the Federal Government.

It is a paradoxical truth that tax rates are too high and tax revenues are too low, and the soundest way to raise revenues in the long run is to cut the rates now.

Why do I bring this up? Is there anybody in Washington, D.C., who's talking about cutting tax rates? And the answer is no. There's really not. There's not one person in this Chamber who comes to the floor and talks about cutting tax rates. We might like to, but we're in a tough economic crisis right now and folks are concerned about the revenue side of the equation. What folks are talking about, though, is not raising tax rates. And for some reason, for reasons that I can't understand, Mr. Speaker, the President has gotten wrapped around the axle on an insistence that actual rates go up. Speaker JOHN BOEHNER offered him revenue. He said, If you just want the money, we'll find a way to get the money through taxes. It doesn't have to be through higher rates. We can do it by broadening the base, by reducing exceptions and exemptions, by eliminating loopholes and deductions. The President said, No, I want actual higher rates.

President Kennedy talked about the damage of those higher rates, Mr. Speaker. It's as true today as it was then. When we're not talking about higher rates from the White House, Mr. Speaker, we're talking about fairness.

And I've got to tell you, Mr. Speaker, you and I are freshmen in this body. We came with the largest freshman class in modern times. And we came not from folks who had dreams of being a Congressman one day, but folks who were from families back home that were struggling and people were running for Congress then because they wanted to find a better way. Folks did not come to be Congressmen; they came to be agents of change, to make a difference for America, to make sure the promise of America continues for another generation. And yet we find ourselves in this debate about whether now is the right time to raise taxes on family-owned businesses, whether now is the right time to raise taxes on American job creators.

Milton Friedman is one of my favorite economists. He's a Nobel Prize-winning economist. He passed on from this Earth, but his words remain with us today. He said this about taxes, and I think it's profound. He said:

There is all the difference in the world, however, between two kinds of assistance through government that seem superficially similar.

Two kinds, superficially similar.

The first, when 90 percent of us agree to impose taxes on ourselves in order to help the bottom 10 percent.

That happens all the time. It happens all the time. I love the generous spirit of the United States of America. And I've got to tell you I know, Mr. Speaker, folks are from all parts of the world—I'm from Georgia and you're from California—but the people in Georgia, their generosity is second to none, and I love being part of that community. And Milton Friedman says it's one thing when 90 percent of us in America agree to tax ourselves, agree to bear the burden ourselves in order to help 10 percent who are struggling, that's one thing. Or, second, he says:

The other thing is when 80 percent vote to impose taxes on the top 10 percent to help the bottom 10 percent.

Hear that. It's one thing when 90 percent of us agree that we need to bear the burden such that the least fortunate among us can prosper—that's the American way, and I love that about this Nation—but it's something else altogether, Milton Friedman says, when 80 percent decide they want to tax the top 10 percent so that they can help the bottom 10 percent. That is not who we are in America. That is not who we have ever been in America, where we let someone else carry the burden.

What makes this country great is the shared burden. I heard the words "shared burden" from my friends on the other side of the aisle. I hear the words "shared sacrifice" from my friends on the other side of the aisle, and I see proposal after proposal after proposal that exempts most of America from bearing any part of that burden and continuing to place the burden on someone else.

Milton Friedman goes on to say this: "The first way may be wise or unwise"—talking about the 90 percent of us taxing ourselves to help the 10 percent—"that could be unwise, it just depends on why you're doing it and what the purpose is you're doing it for. It could be effective or ineffective as a way to help the disadvantaged. But it is consistent with the belief in both equality of opportunity and liberty."

The second way, Milton Friedman says—that's the way where 80 percent of the folks agree that they're going to tax the top 10 percent so that they can help the bottom 10 percent—that second approach seeks equality of outcome and is entirely antithetical to liberty. When we all come together to agree to help one another, that is consistent with a belief in equality of opportunity and liberty, but when we try to amass enough votes in this Chamber or enough votes across the Nation so that we can take from one group to give to another group, that is entirely antithetical to liberty.

And so, Mr. Speaker, I come to the floor today not as a defender of the 1

percent. I'm not in the 1 percent. I do hope one day I'll be fortunate to have those opportunities. I think that's what all kids do in America; you try to work hard, apply yourself, good work ethic, good ideas, you want to be successful one day. But I'm not in the 1 percent. But I recognize the immorality of passing on bills to our children and our grandchildren in the form of debt because we, the 80 percent, refuse to take on that burden and, instead, we try to thrust that burden off on someone else.

□ 1430

We have burdens in this country, and it falls to every citizen of this country to shoulder those burdens.

Mr. Speaker, because I do think it's a moral case, I think folks need to understand what it is the President is proposing and why he's proposing it. I have two sets of figures here, Mr. Speaker. One is the percent of the income that each kind of strata of American income earner earns. I've got the lowest 20 percent of income earners, the second 20 percent, the middle 20 percent, the fourth 20 percent, and the highest 20 percent—in fact, I have the top 1 percent pulled out on the side because they seem to attract so much attention these days.

I also have the share of the individual income tax burden that each of these groups are paying. How many times, Mr. Speaker, have you heard the President of the United States say he just wants the top 1 percent to pay a little bit more; he just wants the top 1 percent to do their fair share? How many times have you heard "fair share," Mr. Speaker? I've heard it more times than I can count.

This is what I see: For the most recent year for which the Congressional Budget Office has numbers, the top 1 percent of all income earners earned 13.4 percent of all the income in America. I'll got to tell you they're doing well, there's no doubt about it. They are 1 percent of the population and they are earning 13 percent of all the income in America. That's impressive. They can afford to pay. They can afford to pay. You won't get any argument from me.

But today, Mr. Speaker, again, with the most recent numbers the Congressional Budget Office has available, that top 1 percent—that's earning 13.4 percent of the income in this country—is paying 38.7 percent of all the burden. I ask you, Mr. Speaker, what incarnation of fairness leads you to believe that when you earn 13 percent of the money and you're paying 38 percent of the bills that you need to do more to do your fair share? Mr. Speaker, if you think for a moment that you might fall into that category let me take you to the other end of the spectrum, where the "we" are. I'm not trying to put the burden on someone else, I'm trying to take the burden on myself.

Mr. Speaker, we passed a bill in this Congress that gave a payroll tax break to every single Member of Congress—well, in fact, it gave it to every single member of America. Every citizen in America got this payroll tax break. This was a payroll tax break. As you know, payroll taxes are dedicated to Social Security and Medicare. All they do is fund those important programs. Every man, woman, and child in America knows those two programs are going bankrupt, but this President and this Congress, in their wisdom, passed a bill to give every American a tax break in that category, reducing the amount of tax dollars going into that trust fund. I voted no, but I lost and I got a tax break—didn't want one, didn't need one. I have obligations to contribute to the survival of this economy and this Republic, but I got one anyway.

Look at what's happening here, Mr. Speaker. If you're in the bottom 20 percent of all income earners, we want you to succeed. Mr. Speaker, if you're in the bottom 20 percent of all income earners, we develop every single Federal program around the idea that if you apply yourself, if you put your ideas to work, if we can give you enough of a helping hand here, a hand up there, that you will be able to change your economic future, you will be able to improve your income lot tomorrow relative to today.

In the Tax Code, Mr. Speaker, today, if you're in the bottom 20 percent of all income earners—in fact, if you're in the bottom 40 percent of all income earners the Tax Code pays you money. You get every penny of your pay back. It pays you money. I ask you, Mr. Speaker, what's becoming of our Republic? How are we defining "fair share?"

There is no, no, no constituency in this Nation that wants to extend a helping hand more than my constituency does back home. And you know where that comes from—and you see it right now in the tax rates, Mr. Speaker—folks are saying let me give away all the money I can right now because the Tax Code is going to change. I'm not going to give away money next year because I'm going to get punished for it; I'm going to give away money this year instead. Folks who can give do give. Folks who can support this country do support this country.

Mr. Speaker, the top 20 percent of all income earners in this country earn 50 percent of all the income. The top 20 percent of all income earners earn 50 percent of all the income. We can talk about whether or not that's right, we can talk about where those jobs come from, we can talk about why we can't get more high-paying jobs, why the highest corporate tax rate in the world is driving all those high-paying jobs overseas, we can talk about all of that. But the fact is that 20 percent of Americans earn 50 percent of all the money.

So, what's a fair burden of the bills for them to pay, Mr. Speaker? Top 20 percent earn 50 percent of the money, so they should certainly pay 50 percent of the bills. In fact, they should pay more than their fair share, right? They should pay 60 percent of the bills—maybe even 70 percent of the bills.

Mr. Speaker, the top 20 percent of income earners today in America pay 94 percent of all the bills—94.1, in fact. What that means, Mr. Speaker, then is that the other 80 percent of us, the other 80 percent of us, families here in this Chamber, 80 percent of America is only paying six percent of the bills.

When you're in a Republic, Mr. Speaker—a lot of folks say democracy; of course we're not a democracy, we're in a Republic—but when the people rule, what becomes of you when 80 percent of the people are only paying 6 percent of the bills. What kind of decisions do I make? I know the answer to that, Mr. Speaker, because I love things that are free with rebate. I don't know if you read the CVS and Walgreens ads on Sunday like I do, Mr. Speaker—in fact, I look them up online on Saturday night just so I know what to pick up on the way home from church. If toothpaste is free with rebate, I don't care if I have 12 tubes of toothpaste in the closet at home, I'm going to go by and pick it up because it's free. We make decisions based on how much things cost us.

Right now, if you think government is too big in this country, if you think we waste government dollars in this country, if you think we tax you too much in this country, understand that when we go to the voting booths, I get to vote for 100 percent of government benefits and I only have to pay for 6 percent of it. That's true for everybody in the 80 percent, Mr. Speaker. Is it American, is it who we are as a people that 80 percent of us who all get to vote are not asked to shoulder the burden of today's bills?

The thing is, Mr. Speaker, it's not as if they're getting a free ride, it's not as if we're getting a free ride. We are passing the burden on to our children and our grandchildren. You may not have to pay the bill today, your family might not have to pay the bill today, but your children and your grandchildren are going to have to pay that bill tomorrow. It's immoral. It's immoral.

I say that to my conservative colleagues back home in Georgia. I say if someone is willing to spend your money and they're not willing to raise your taxes, don't you dare applaud them because you're just going to have to pay those taxes later when the debt comes due. We either need to stop the spending or we need to pony up the money to pay the taxes. But Mr. Speaker, don't you dare let it be said, the top 1 percent, they earn 13 percent of the income, they're paying 40 per-

cent of the bills, and the President of the United States thinks that's not enough, they need to pay more.

Be very careful, Mr. Speaker, about changing who has skin in the game in this country. When we don't have skin in the game as voters, we make bad decisions. What has always made America great is there has been more that unites us than that divides us, and one of the things that has always united us is that we all have skin in the game. The changes that have been made to the Tax Code are changing that, Mr. Speaker.

You know, I'm not the first one to come up with this idea. A man much wiser than I am, much earlier in this country's history, Benjamin Franklin, observed that very same thing. He's cited to have said this: "When the people find that they can vote themselves money, that will herald the end of the Republic." One of the great thinkers of his time, Mr. Speaker. What he observed is not rocket science, it's common sense, but it's worth restating. That is, when you're in a Republic, when you're in a democracy, 51 percent of the people can get together and say I don't want to shoulder any of the burden, I want to put it all on the 49 percent and let's live life that way. That signals the end of the Republic. It's always been true, it always will be true. What unites us as a country is that we are not shirkers of responsibility, we are acceptors of responsibility, and we want skin in the game.

□ 1440

Mr. Speaker, I don't want to let it be said that the President today, President Obama, is the first President to have ever come up with the idea that wouldn't it be neat if none of the voters have to pay for anything except for the top 1 percent, wouldn't that be a good plan.

That has actually been the plan of every American President in my lifetime and every Congress in my lifetime. Why? Because folks want to get elected. Folks want the voters back home to think nice things about them. And guess what. When I go home and I tell people they have to actually pay for government, they're less excited than when I tell them it's free.

In 1979, the last President from the great State of Georgia, Jimmy Carter, when he took office, the bottom 80 percent, most of us, 80 percent of Americans paid 35 percent of the bills. Eighty percent of us paid 35 percent of the bills in 1979. The top 1 percent at that time were paying 18 percent of the bills.

Look what's happened in my adult lifetime, Mr. Speaker. This red line represents the burden that we placed on the 1 percent. The blue line represents the burden that we placed on the 80 percent. And it is so changed today that, again, the bottom 80 per-

cent of us, middle class America, the bread and butter of this country, are paying 6 percent of the bills.

Mr. Speaker, we owe America better than that. Folks need to make informed decisions at the voting box, and government isn't free. We spend \$3.8 trillion—trillion dollars—a year in this government. When you are paying 6 cents out of every dollar, you may think you're getting your money's worth, but if you were paying 10 cents out of every dollar, or 50 cents out of every dollar, or even \$1 out of every dollar, you begin to view your responsibilities for ensuring that government dollars are spent wisely differently.

I just asked you, we are in control of our own destiny. I tell the kids I talk to in schools all the time that what's so great about this country is they're going to run it one day, and it's going to look however it is they want it to look within the bounds of the United States Constitution.

Is this the kind of country you want to live in where, when times get tough, when burdens have to be carried, when bills have to be paid, more and more often we say, Do you know what? Don't tax me; tax him. He's the one who should shoulder the burden.

It's a dangerous, dangerous precedent.

There's no question that the wealthy should pay more in this country. They earn more; they should pay more. They have more disposable income. I've never had a wealthy man or woman come to me and say, ROB, I don't want to pay my fair share. In fact, folks come to me all the time and say:

ROB, I'm willing to pay more, except I think you're going to throw it down a rat hole like you threw the last bit I sent to you down a rat hole. And if you guys in Congress ever get your act straight and put us on a path to a balanced budget, I'll be happy to pay a share in order to make that happen. I love this country—love this country.

This is not the country that you and I grew up in, Mr. Speaker. So, why is it, then, if we're talking so much about taxes, why aren't taxes the problem or the solution? The truth is, and you know this, Mr. Speaker, if we tax everything in America not at 10 percent, not at 20 percent, but at 100 percent, if we took everything from every family in America, if every man, woman, and child had all of their income confiscated, if we sold your clothes, your house, and your possessions on the auction block, if we liquidated every single company in America and we put all that money into a bank account in present value, we still wouldn't have enough money to pay for all the promises that this Congress, past Presidents, past Congresses, and this President have made.

This is what I have here, Mr. Speaker. I have a chart of revenue versus spending. This green line is revenue in



this country. As a percentage of the size of our economy, it turns out that wealthy people are pretty smart. And so if you start taxing part of their income at 90 percent and part of their income at 20 percent, they just move all their income from the 90 percent category to the 20 percent category. That's what happens here. No matter what the tax rates have been over the history of this country, the modern history of this country, Americans are willing to give about 18 percent of GDP in tax revenue. It's just the way it's been. Tax rates have been as high as 90 percent; we were only paying 18 percent. Tax rates have been as low as 28 percent; we were paying 18 percent.

The red line represents spending. And that's what I want to point out, Mr. Speaker. Spending, historically, has been flat, as well. The red line comes up above the green line, which shows you all the budget deficits that we've been running. It's been a common occurrence in the history of this country. But we are spending today—these are the promises. If we close Congress today, Mr. Speaker, if we never make one new promise, not one new promise in this country, this red line represents the costs of all the promises we've already made.

Spending, not taxes, is the problem. We are in a spending-driven crisis. If you don't believe it, Mr. Speaker, I have another chart here.

The green line, again, this one only goes from 2006 out to 2041, but the green line represents the current taxes that are on the books. The red line represents the spending that we've already promised out of this body. And the blue line represents the tax increase that the President is proposing, the tax increase on small businesses, on family-owned businesses, a tax increase that economists agree is going to lead to slower growth in the jobs market and less hiring. This blue line represents the sum total of that tax increase.

Now, Mr. Speaker, I know enough to know that if I'm bringing in this much money and I'm spending this much money, when I add this blue line to it, I still don't have enough money. This chart is labeled #SpendingIsTheProblem, Mr. Speaker. Folks can tweet it out. Spending is the problem. It's not a revenue problem. We're bringing in about the same revenue that we've always brought in in this country. The President can raise taxes all he wants to; he'll never be able to pay for the spending promises that he has made—never. There is not enough money to do it. Spending is the problem.

Current taxes, the President's tax increase and the President's spending plan don't come to balance.

Mr. Speaker, we can do better. In fact, here's the President's 10-year budget plan, Mr. Speaker. The President raises taxes by \$2 trillion in his

10-year budget plan, and he doesn't lower the projected debt by one penny, not by one penny from its projected levels in 2013 or 14 or 15, not in 16 or 17 and 18, not in 19 or 20, but just a little bit—and I blew it up so everybody could see it because you can't see it, Mr. Speaker, as it is on the chart. If you raise—if you agree to the President's budget and you raise taxes by \$2 trillion, he predicts that way out in 2021, things will be just a little bit better for America—just a little bit better. Not \$2 trillion better, just a little bit better.

It's not the right plan, Mr. Speaker. Do you know what is the right plan? The one that we've passed here in the House. And by the one that we've passed here in the House, I mean the one we've passed here in the House in a bipartisan way. And by the one that we passed here in the House in a bipartisan way, Mr. Speaker, I mean the only budget in the entire city of Washington, D.C., that has been passed. It doesn't just make a little bitty change that you can't see 10 years from now, Mr. Speaker. It takes us from this red path, our current spending path, our current debt and deficit path, and it puts us on the road to balance, on the road to balance; not just on the road to eliminating our annual deficits, but on the road to finally paying all the bills back.

Taxes can't do it, Mr. Speaker. They can destroy the economy, but they cannot pay the bills.

Spending is the problem. We can take that challenge on, Mr. Speaker. We have, in this House, with our budget, passed in a bipartisan way, we have taken on those tough challenges.

I say to the President again, Mr. Speaker, I know he wants to raise taxes. He's been talking about it for 2 years. Where are his spending cuts? They asked the folks in the Presidential debate, Mr. Speaker, Republicans, would you agree to a \$1 tax increase if we'd cut spending by \$10, and everybody said no.

Mr. Speaker, I challenge the President to give that a whirl. Take all these tax increases he wants to create, the ones that have absolutely no chance at all of solving the problem, take those tax increases and couple them 10 to 1 with spending cuts, couple them 9 to 1 with reforms and programs, couple them 8 to 1 with things that will actually matter to American families and send that bill to the Congress. Send that bill. Call our bluff. Are we serious about solving the problem or are we not? The budget that we passed in this United States House says that we are, Mr. Speaker, and I challenge the President to be equally serious.

In 4 years of his budgets, we've never once seen him introduce one that was balanced. We've never once seen him introduce one that ever comes to balance. We've never once seen him intro-

duce one that pays back even a penny of our national debt.

The bipartisan budget we passed in this House does all of those things. And I would love to see the President's proposal for achieving that very same goal, which is absolutely critical for the American economy, for American families, and, I dare say, Mr. Speaker, for the American way of life.

With that, I yield back the balance of my time.

□ 1450

#### PRESIDENT MOHAMED MORSI'S ALLEGIANCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. As most anyone can tell you, it's important to know who your friends are and who your enemies are. That's absolutely true when it comes to knowing who to deal with favorably and unfavorably when it comes to foreign relations, when it comes to gifts to foreign nations.

An article from December 11, by Maxim Lott says the following:

Key lawmakers are expressing concerns about the Obama administration's plan to send 20 F-16 fighter jets to Egypt, where new President Mohamed Morsi's allegiances are as uncertain as his grip on power.

Under a foreign aid deal signed in 2010, when Morsi's U.S.-friendly predecessor Hosni Mubarak was in charge, the U.S. is giving the planes to Egypt's air force, which already has more than 200 of the aircraft. The first four jets are to be delivered beginning January 22, a source at the naval air base in Fort Worth, where the planes have been undergoing testing, told FoxNews.com. But the \$213 million gift is raising questions on Capitol Hill as Morsi is under fire for trying to seize dictatorial powers and allegedly siccing thugs and rapists on protesters.

That's the allegation.

The article goes on:

Florida Representative Vern Buchanan, who recently called for ending foreign aid to Egypt altogether, said the Muslim Brotherhood-backed Morsi government has been sending increasingly troubling signals to Washington, and giving it state-of-the-art fighter jets is a dangerous idea.

It quotes VERN as saying:

"American tax dollars must not be used to aid and abet any dictatorial regime that stands with terrorists."

Representative Mac Thornberry from Texas, vice chairman of the House Armed Services Committee told FoxNews.com Egypt is a wildcard under Morsi.

"At this point, we don't know where Egypt is headed," Thornberry said. "We should be cautious about driving them away, but we should also be cautious about the arms we provide."

The article says:

Just last week, vigilante supporters of Morsi captured dozens of protesters, detaining and beating them before handing them over to police. According to human rights



advocates, Morsi-backed groups have also been accused of using rape to intimidate female protesters who have gathered in Cairo's Tahrir Square to protest a sharia-based constitution and Morsi's neutering of the nation's legal system.

The U.S. Government ordered and paid for the fighter jets for Egypt's military back in 2010. But since Mubarak's ouster, the democratically elected Morsi has sent mixed signals about whether he wants an alliance with Washington, even meeting with leaders in Iran earlier this year.

"The Morsi-led Muslim Brotherhood government has not proven to be a partner for democracy, as they had promised, given the recent attempted power grab," a senior Republican congressional aid told FoxNews.com.

Representative Ileana Ros-Lehtinen from Florida, who chairs the House Committee on Foreign Affairs, recently criticized U.S. military aid to Egypt. She said:

"The Obama administration wants to simply throw money at an Egyptian Government that the President cannot even clearly state is an ally of the United States."

The package had to be approved by lawmakers in Washington. While the basic F-16 has been a military workhorse for top Air Forces for more than 25 years, the cockpit electronics are constantly updated and the models Egypt is getting are the best defense contractor Lockheed Martin makes.

"This is a great day for Lockheed Martin and a testament to the enduring partnership and commitment we've made to the government of Egypt," said John Larson, vice president, Lockheed Martin F-16 programs. "We remain committed to providing our customer with a proven, advanced fourth generation multirole fighter."

"In an air combat role, the F-16's maneuverability and combat radius exceed that of all potential threat fighter aircraft," the U.S. Air Force description of the plane reads.

"The F-16 can fly more than 500 miles, deliver its weapons with superior accuracy, defend itself against enemy aircraft, and return to its starting point. An all-weather capability allows it to accurately deliver ordnance during nonvisual bombing conditions."

A Pentagon spokesman said the United States and Egypt have had an important alliance that is furthered by the transfer:

"The U.S.-Egypt defense relationship has served as the cornerstone of our broader strategic partnership for over 30 years," said Lieutenant Colonel Wesley Miller. "The delivery of the first set of F-16s in January 2013 reflects the U.S. commitment to supporting the Egyptian military's modernization efforts. Egyptian acquisition of F-16s will increase our military's interoperability and enhance Egypt's capacity to contribute to regional mission sets."

But Malou Innocent, a foreign policy analyst at the Cato Institute, warned that Egypt's murky intentions could lead to the prospect of U.S. ally Israel facing an air assault from even more U.S. made planes.

"Should an overreaction by Egypt spiral into a broader conflict between Egypt and Israel, such a scenario would put U.S. officials in an embarrassing position of having supplied massive amounts of military hardware to both belligerents. Given Washington's fiscal woes, American taxpayers should no longer be Egypt's major arms supplier."

□ 1500

There was an article that came out in September of 2012 after the 9/11 hor-

rific killing—murdering—of our Ambassador and three other Americans and of the wounding of other Americans who, apparently, this administration is keeping under wraps so that Members of Congress cannot interview them and find out what really went on. Even after the administration sent out Ambassador Rice with false talking points, we can't find out who created the false talking points. It apparently started out being more correct, but it became false in the way they were used, so they provided such false information to numerous networks and to people in America and around the world.

One thing we do know is that we have the President on video and accurately quoted with this quote. He gave an interview with Telemundo on September 16, 2012, during which President Obama said and, I believe, used the pronoun "them":

I don't think we would consider Egypt an ally, but we don't consider them an enemy. They are a new government that is trying to find its way.

Yet we've still got people in our Air Force at the incredibly able Lockheed Martin facility who are not aware that Egypt is no longer an ally or that the Muslim Brotherhood won the election and that they are about to push through a sharia-based constitution that will further persecute Christians and Jews.

You have a leader in Morsi who, yes, helped to temporarily suspend the altercation in the Gaza Strip with the massive number of rockets that were being flown out of the Gaza Strip into Israel—a constant death threat hanging over Israel. We haven't learned of anything that would indicate that he is slowing the growing importation, through tunnels and otherwise, into the Gaza Strip of more and bigger rockets that threaten Israel, and the President of the United States does not know if Egypt is an ally. He wouldn't say they're an enemy yet, even though they didn't stop the protesters, as they are required to do, from climbing up on our Embassy walls, which is American property, or stop them from bringing down the American flag and running up the Muslim Brotherhood flag.

Mr. Speaker, I'd humbly submit that, until we know for sure that Egypt is not an enemy, we should not be sending 20 F-16s—the most advanced generation of F-16s—to a country which many of its leaders have made clear they want Israel gone off the face of the Earth.

Now, Lockheed Martin relied on the representations of the United States Government that we were going to buy these planes and give them to our ally Egypt. Perhaps it would have been good if this administration had remembered that the Mubarak administration in Egypt was an ally. They were an ally according to the agreement that this

administration made with their friend and ally Hosni Mubarak, as the head of Egypt, to send them a gift of 20 F-16s; but they forgot that, and they supported the removal of Mubarak, who at least made some pretense of trying to keep the peace there on the border of Israel.

Morsi, on the other hand, in coming from the Muslim Brotherhood, doesn't seem so inclined. Simply engaging Gaza in asking them to hold up on sending rockets in to mock, hit, potentially kill Israelis was a nice gesture; but it's hardly evidence of a substantial nature that this is an ally. That's why the President hasn't made clear we're absolutely certain now that they're our ally. Until we are absolutely certain they're an ally, we don't need to be sending them the means and methods to kill Israeli friends. The Israelis are suffering enough and, in part, due to bad judgment here in the United States.

When others outside the United States asked us to go in and get rid of Qadhafi, despite this administration's alliances and relationship with Qadhafi, this administration decided to provide air cover and enable al Qaeda-backed revolutionaries to take out Qadhafi. Qadhafi was not a good man; he had blood on his hands. But after 2003, the Bush administration, followed by the Obama administration, was working with Qadhafi, and he was completely transparent about all the weapons he had. Not so with what's going on in Libya today.

At some point, instead of the President of the United States trying to nullify the Constitution and saying, You know what, I disagree with that marriage law that Congress did, so we're going to ignore it, and as I speak, so it shall be the new law—that's what kings do and that's what pharaohs do. So it would seem a little bit hypocritical if you have someone from an administration who said, You know what, we don't like the immigration law, and so, as I speak it, so shall it be. I will make—I will pronounce—new law because I don't like what was duly passed by Republicans and Democrats in both the House and Senate and was signed by a prior President. So, as I speak new law, so shall it be. It just seems a little hypocritical if an administration like that were to turn around and say, You know, Morsi is just suspending civil rights in Egypt, and we're not sure that he's a good guy for doing that.

That's very interesting because what you have in Egypt is a leader who is taking away civil rights, who is ignoring the existing law. He has backed off of some of the abuses of the law, but he just makes law as he sees fit.

It's time that the people in America, Mr. Speaker, made it clear to the White House that it's the United States that your allegiance is owed to. It's not to NATO. It's not to the OIC.

Yes, we have alliances with them. It's not with the U.N., though we have agreements with them. Your number one alliance is to the people of the United States of America. When anyone is not a supporter—is not an ally—or is someone we're not sure of their ally status, it should not be a country that we start giving planes to even when the alliances are made with a prior administration, because this administration had a good working relationship with Mubarak sufficient to cause President Obama to work this deal with Hosni Mubarak, the leader of Egypt, and sufficient to make them want to just give Egypt under the leadership of Mubarak 20 F-16s. Once that leadership changes and we no longer know whether they're an ally, it is outrageous to send them, or to even contemplate sending them, planes.

What you do with those 20 planes that we already agreed to buy as the U.S. Government and give away is you give them to someone you know is an ally. If you want to give them to somebody, give them to Israel. Israel believes in the same value of life as we do here in the United States. They believe in the equality of women. They believe in the value of children. They do not believe women and children are the property of some man. They have our values and they have had our back, so the best defense money we can spend is in providing a defense to Israel because any nation—look it up—any nation that has said they want to destroy the little Satan of Israel normally follows it up by wanting to destroy the big Satan, the United States. So, according to these wild-eyed radical terrorists, if they see Israel as the little Satan and want to hit Israel, we will be next. We're next on their agenda.

□ 1510

So it is good defense for the United States when we help protect our friend Israel. And the thought that this administration would even still entertain the possibility of sending 20 F-16s to Egypt after we supported the deposing of our ally, President Mubarak, is outrageous. And what I would hope is that somebody in the administration would say, Mr. President, we're going to look pretty stupid if we send 20 F-16s of the most advanced generation to Egypt when they're making waves about and some of their leadership thinks they ought to go ahead and get rid of Israel. And so maybe we'd better hold up on that. And you've got people like Congressman GOHMERT over on the Hill who's talking about how stupid it would be to give 20 F-16s to a potential renegade government if they continue to abuse the civil rights of people in Egypt, he's talking about how stupid it would be, why don't we go forward and say we can't believe that anybody would think for a moment that we're going to send 20 F-16s to a country

when the President has said we don't even know if they're an ally.

I would hope that somebody would tell the President: Let's go out and say people like GOHMERT need to calm down because we're not going to send them. And I would welcome that news. But until that happens, people need to be speaking up and letting the White House know this is outrageous. You don't send advanced aircraft as a gift to a country that has been less than helpful, and we're not even sure if they won't take out Israel or try when they get a chance.

It's a different government. It's not the same country, not the same administration with whom we made an agreement. It hasn't continued under the same constitution or laws. We have to make sure that we have an ally, and we don't know that. In fact, the indications are constantly to the contrary.

So as soon as Clinton goes out after Morsi, goes into Gaza, expresses great sympathy for the people in Gaza, despite the fact they took over a Gaza strip from Israel that Israel unilaterally gave away, hoping it would buy them a semblance of peace, and fully equipped with greenhouses and businesses and ways to make a living and ways to live in great sustenance there on the Gaza strip, they walked away from it, gave it away, and immediately the greenhouses were destroyed. The people are living there in poverty, and they could keep stirring up the venom of hatred among the people, although the people of Israel had just done an incredibly unilateral and generous thing, hoping to buy peace.

But what we see over and over, whether it's in southern Lebanon, whether it's in the Gaza strip, going back historically, any time Israel has given away land hoping to buy some peace, not only have they not bought peace, that land they gave away has ultimately at some point been used as a staging area from which to attack it. How sad would that be that Israel's incredibly generous gift of the Gaza strip, with ways to make a living and have full sustenance, plenty to eat, they gave that as a gift. They took the land and destroyed their ways of sustenance.

And then, the ultimate irony, on top of the irony of that being used as a staging area to launch rockets on a continuous basis into Israel, how ironic if that ends up being the flyover area for new F-16s that we give to Egypt, that Egypt uses in an effort to attack Israel once again. We cannot allow the continued attacks on our allies. Israel has been an ally. Israel is an ally. Israel is operating under the same rules of government that they have when they have been our close ally. They've made mistakes. So have we. But they're our friend. And friends, as I saw when I was down in Florida not long ago, a billboard said, "Friends

don't let friends get nuked." We need to take that to heart. It is done a bit tongue-in-cheek, of course.

But this article from back in September, the day after 9/11, the President said in this article, September 12, from NBC's Shawna Thomas:

President Barack Obama said on Wednesday that while he does not believe Egypt is an ally of the United States, he also doesn't consider the country an enemy. 'I think that we are going to have to see how they respond to this incident,' Obama said in an interview with Telemundo anchor Jose Diaz-Balart, host of *Noticiero Telemundo*. He was referring to Tuesday's protests in Egypt, during which demonstrators, angered by a movie trailer parodying Prophet Muhammad, breached the U.S. Embassy in Cairo.

The President continued:

Certainly in this situation, what we're going to expect is that (the Egyptian government is) responsive to our insistence that our embassy is protected, our personnel is protected, and if they take actions that they're not taking those responsibilities, as all countries do where we have embassies, I think that's going to be a real big problem.

The President is also quoted as saying:

Libya is a government that is very friendly towards us. The vast majority of Libyans welcomed the United States' involvement. They understand that it's because of us that they got rid of a dictator who had crushed their spirits for 40 years.

Those are quotes from President Obama.

The article says President Obama expressed confidence. "Our hope is to be able to capture them,"—talking about the people that attacked us in Libya—"but we're going to have to obviously cooperate with the Libyan government. And you know, I have confidence that we will stay on this relentlessly, because Chris Stevens, he's somebody who actually advised me and Secretary Clinton during the original Libyan uprising. He was somebody who Libyans recognize as being on the side of the people. And we're going to get help. We're going to get cooperation on this."

Well, that's what the President said in September. Now he said we were going to pursue the killers of Ambassador Stevens and the three others "relentlessly," is his term. We will stay on this relentlessly. And yet what we've seen, we find out that they may have the instigator, and there is no outrage that this man has not been provided, turned over to the United States. There's no outrage that this man has not been brought to justice.

Friends don't let other friends get nuked, and friends don't send 20 F-16s to the enemies of their friends. It's time that this administration began to understand history to the point that when you reward your enemies, your enemies get stronger, and they get more abusive and more threatening.

□ 1520

The best thing this administration can do is reward friendship and punish

our enemies, and then our enemies cower, and our friends are emboldened, instead of what this administration has done the other way around.

With that, Mr. Speaker, I yield back the balance of my time.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973; to the Committee on Financial Services.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

H.R. 3319. An act to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

H.R. 4367. An act to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, December 17, 2012, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8747. A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule — Designation of Product Categories for Federal Procurement, Round 9 (RIN: 0599-AA15) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8748. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2011-0514; FRL-9360-3] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2011-0759; FRL-9371-3] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8750. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2012-0326; FRL-9371-5] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8751. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Zeta Cypermethrin; Pesticide Tolerances [EPA-HQ-OPP-2010-0472; FRL-9371-7] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8752. A letter from the Acting Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the National Oceanic and Atmospheric Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8753. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Approval of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Charleston Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2012-0422; FRL-9759-7] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8754. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Baltimore, Maryland Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0143; FRL-9759-6] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8755. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Washington County, Maryland Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0154; FRL-9760-1] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8756. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Huntington-Ashland, WV-KY-OH Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2012-0119; FRL-9759-9] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions In-

ventory for the Parkersburg-Marietta, WV-OH Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0077; FRL-9760-7] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard and Diesel Sulfur Programs [EPA-HQ-OAR-2012-0223; FRL-9758-8] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8759. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-156, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8760. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-095, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-126, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8762. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-066, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8763. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-162, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8764. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 1, 2012; to the Committee on Foreign Affairs.

8765. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Germany pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

8766. A letter from the Deputy Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8767. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8768. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General

and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8769. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8770. A letter from the Acting Director, Peace Corps, transmitting the Corps' Performance and Accountability report for fiscal year 2012; to the Committee on Oversight and Government Reform.

8771. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1411; Directorate Identifier 2011-NM-074-AD; Amendment 39-17206; AD 2012-19-11] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B. V. Airplanes [Docket No.: FAA-2012-0593; Directorate Identifier 2011-NM-238-AD; Amendment 39-17200; AD 2012-19-05] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Airplanes [Docket No.: FAA-2012-0644; Directorate Identifier 2012-NM-011-AD; Amendment 39-17193; AD 2012-18-16] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives Airbus Airplanes [Docket No.: FAA-2012-0192; Directorate Identifier 2011-NM-225-AD; Amendment 39-17152; AD 2012-16-05] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0038; Directorate Identifier 2011-NM-209-AD; Amendment 39-17153; AD 2012-16-06] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0422; Directorate Identifier 2011-NM-177-AD; Amendment 39-17146; AD 2012-15-16] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Corporation's annual financial audit and management report for the fiscal years 2012 and 2011, in accordance with

OMB Circular A-136; to the Committee on Transportation and Infrastructure.

8778. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1326; Directorate Identifier 2010-NM-177-AD; Amendment 39-17144; AD 2012-15-15] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8779. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0267; Directorate Identifier 2011-NM-174-AD; Amendment 39-17192; AD 2012-18-15] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8780. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1319; Directorate Identifier 2011-NM-143-AD; Amendment 39-17151; AD 2012-16-04] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8781. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1229; Directorate Identifier 2011-NM-132-AD; Amendment 39-17181; AD 2012-18-05] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8782. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0354; Directorate Identifier 2010-SW-104-AD; Amendment 39-17165; AD 2012-17-02] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8783. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0671; Directorate Identifier 2011-NM-096-AD; Amendment 39-17197; AD 2012-19-02] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8784. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Helicopters [Docket No.: FAA-2012-0337; Directorate Identifier 2007-SW-090-AD; Amendment 39-17185; AD 2012-18-09] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8785. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to U.S. Customs and Border Protection Regulations [CBP Dec. 12-21] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8786. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Fees

on Health Insurance Policies and Self-Insured Plans for the Patient-Centered Outcomes Research Trust Fund [TD 9602] (RIN: 1545-BK59) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas (for himself, Mr. CHABOT, Ms. ZOE LOFGREN of California, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6654. A bill to provide for the exchange of information related to trade enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. CAMP, Mr. PAULSEN, Mr. McDERMOTT, Mr. REED, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. CROWLEY, and Mr. LEVIN):

H.R. 6655. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself and Mr. LEVIN):

H.R. 6656. A bill to reauthorize customs trade facilitation and enforcement functions and programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Homeland Security, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN:

H.R. 6657. A bill to condition security assistance and economic assistance to the Government of Egypt in order to advance United States national security interests in Egypt, including encouraging the advancement of political, economic, and religious freedom in Egypt; to the Committee on Foreign Affairs.

By Mr. CLARKE of Michigan (for himself, Mr. FRANKS of Arizona, and Mr. HULTGREN):

H.R. 6658. A bill to amend the Internal Revenue Code of 1986 to provide a zero capital gains rate for certain new investments in specified areas made during a temporary period; to the Committee on Ways and Means.

By Mr. CLARKE of Michigan (for himself and Mr. CONYERS):

H.R. 6659. A bill to amend the Internal Revenue Code of 1986 to extend the recovery zone economic development bonds for certain cities; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. McDERMOTT, Mr. SCHOCK, Mr. RANGEL, Ms. HERRERA BEUTLER, Mr. DICKS, and Mr. SMITH of Washington):

H.R. 6660. A bill to amend the Internal Revenue Code of 1986 to exclude dividends from controlled foreign corporations from the definition of personal holding company income for purposes of the personal holding company rules; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself, Mr. CRAVAACK, Mr. ELLISON, Mr. KLINE, Ms. MCCOLLUM, Mr. PAULSEN, Mr. PETERSON, and Mr. WALZ of Minnesota):

H.R. 6661. A bill to designate the facility of the United States Postal Service located at 14 Red River Avenue North in Cold Spring,

Minnesota, as the "Officer Tommy Decker Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER:

H.R. 6662. A bill to direct the Secretary of the Treasury to establish a pilot program to study alternatives to the current system of taxing motor vehicle fuels, including systems based on the number of miles traveled by each vehicle; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROOKS:

H.R. 6663. A bill to permanently extend the 2001 and 2003 tax cuts; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 6664. A bill to direct the Secretary of Agriculture to convey to the State of California all right, title, and interest of the United States in and to certain National Forest System land to facilitate the relocation of the South Operations Coordination Center, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAWFORD (for himself, Mr. GRIFFIN of Arkansas, Mr. ROSS of Arkansas, and Mr. WOMACK):

H.R. 6665. A bill to amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds; to the Committee on Natural Resources.

By Mr. KIND:

H.R. 6666. A bill to provide a comprehensive approach to preventing and treating obesity; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Natural Resources, Education and the Workforce, Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 6667. A bill to establish the Financial Consumers Association to advance the rights and remedies available to consumers with respect to financial services transactions, and for other purposes; to the Committee on Financial Services.

By Mr. KUCINICH:

H.R. 6668. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the National Labor Relations Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. FRANKS of Arizona, Mr. RANGEL, Mr. MCDERMOTT, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. JACKSON LEE of Texas, Ms. NORTON, Ms. BASS of California, Mr. HASTINGS of Florida, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. FATTAH, Mr. CLAY, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. SCHIFF, and Ms. LEE of California):

H.R. 6669. A bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mrs. NAPOLITANO, Mr. LUJÁN, Mr. GRIJALVA, Mr. SABLÁN, and Mr. HOLT):

H.R. 6670. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 for the purposes of extending the Reclamation States Emergency Drought Relief Act of 1991 through 2017, and for other purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY (for himself, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. HIMES, Mr. TOWNS, Mr. GRIJALVA, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, and Ms. MOORE):

H. Res. 831. A resolution honoring and recognizing David "Dave" Warren Brubeck for his contributions in musical composition, jazz, and to the international community; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mrs. ROBY, Ms. SEWELL, Mr. WALBERG, Mr. KILDEE, Mr. LEVIN, Mr. HUIZENGA of Michigan, Mr. CURSON of Michigan, Mr. BACHUS, Ms. RICHARDSON, Ms. LEE of California, Mr. NADLER, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. DINGELL, Mr. CLARKE of Michigan, Mr. CLAY, Mr. FATTAH, Ms. MOORE, Ms. NORTON, Mr. RANGEL, Ms. JACKSON LEE of Texas, Ms. CLARKE of New York, Mr. CAMP, Mr. GOODLATTE, Mr. PIERLUISI, Mr. SENSENBRENNER, Mr. COHEN, Ms. MCCOLLUM, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. RICHMOND, Mr. THOMPSON of Mississippi, Ms. WILSON of Florida, Ms. CHU, Mr. ADERHOLT, and Ms. CASTOR of Florida):

H. Res. 832. A resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy; to the Committee on the Judiciary.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:

H.R. 6654.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of section 8 of Article I of the Constitution.

By Mr. DOGGETT:

H.R. 6655.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. MCDERMOTT:

H.R. 6656.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties and to regulate Commerce with foreign Nations, as enumerated in Article I, Section 8.

By Ms. ROS-LEHTINEN:

H.R. 6657.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. CLARKE of Michigan:

H.R. 6658.

Congress has the power to enact this legislation pursuant to the following:

Sections 7 and 8 of Article I of the United States Constitution.

By Mr. CLARKE of Michigan:

H.R. 6659.

Congress has the power to enact this legislation pursuant to the following:

Sections 7 and 8 of Article I of the United States Constitution.

By Mr. REICHERT:

H.R. 6660.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mrs. BACHMANN:

H.R. 6661.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. BLUMENAUER:

H.R. 6662.

Congress has the power to enact this legislation pursuant to the following:

The Constitution of the United States provides clear authority for Congress to pass legislation regarding income taxes. Article I of the Constitution, in detailing Congressional authority, provides that "Congress shall have Power to lay and collect Taxes . . . (Sec. 8, Cl. 1). Further clarifying Congressional power to enact an income tax, voters amended the Constitution by popular vote to provide that "Congress shall have power to lay and collect taxes on incomes, from whatever source derived. . . ." (Sixteenth Amendment). This Act modifies U.S. income tax laws in a manner consistent with these Constitutional authorities.

By Mr. BROOKS:

H.R. 6663.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CALVERT:

H.R. 6664.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 and clause 18, and Article IV, section 3, clause 2.

By Mr. CRAWFORD:

H.R. 6665.

Congress has the power to enact this legislation pursuant to the following:

Article VI, Clause 2 of the United States Constitution as upheld by the Supreme Court of Missouri v. Holland, 252 U.S. H16 (1920)

By Mr. KIND:

H.R. 6666.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 3 and Article I, Section 8, Clause 1.

By Mr. KUCINICH:

H.R. 6667.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III and/or Article 1, Section 8, Clause IXX of the Constitution.

By Mr. KUCINICH:

H.R. 6668.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. LEWIS of Georgia:

H.R. 6669.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MARKEY:

H.R. 6670.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 494: Mr. WELCH.

H.R. 1537: Mr. HANNA and Mr. DENT.

H.R. 2669: Ms. DEGETTE, Ms. TSONGAS, Mr. LUJÁN, Ms. PINGREE of Maine, and Mr. BOSWELL.

H.R. 2672: Mr. DENT.

H.R. 2697: Ms. CLARKE of New York and Mr. DAVIS of Illinois.

H.R. 2775: Mr. CRITZ and Mr. CURSON of Michigan.

H.R. 2931: Mr. ELLISON.

H.R. 3098: Mr. KINGSTON.

H.R. 5195: Mr. WOLF.

H.R. 5871: Mr. GRIMM.

H.R. 6101: Ms. SCHAKOWSKY.

H.R. 6107: Mr. AL GREEN of Texas.

H.R. 6388: Mr. FITZPATRICK.

H.R. 6419: Mr. CONNOLLY of Virginia.

H.R. 6470: Mr. CAMPBELL.

H.R. 6575: Mr. KING of New York.

H.R. 6588: Mr. RANGEL.

H.R. 6589: Mr. AL GREEN of Texas and Mr.

SAM JOHNSON of Texas.

H.R. 6597: Mr. WOMACK and Mr. WALBERG.

H. Con. Res. 142: Mr. LATTA and Mr. MURPHY of Pennsylvania.

H. Con. Res. 144: Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, and Mr. SMITH of Nebraska.

H. Res. 193: Mr. GARY G. MILLER of California, Mr. GUTIERREZ, Ms. TSONGAS, Mr. CARNAHAN, Mr. WATT, and Mr. POE of Texas.

H. Res. 220: Mr. FITZPATRICK and Mr. POLIS.

H. Res. 814: Mr. KLINE.

H. Res. 826: Mr. CALVERT and Mr. BURGESS.

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#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 6 by Mr. WALZ on H.R. 15: Alcee L. Hastings, Joe Baca, Gary L. Ackerman, and Edolphus Towns.

**SENATE—Thursday, December 13, 2012**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, give this day to our Senators hope that survives after taking into account all the challenges and setbacks that might push thinking people toward pessimism. During this season of hope, remind them that faith may put them on the road to laudable accomplishments but hope must keep them there.

May our patriotism be rooted in hope rather than in pride, so that we may not think of ourselves more highly than we should. Fill us with joy and peace so that by the power of Your Holy Spirit we may abound in hope, remembering that peace does not necessarily come through strength but strength usually comes through peace.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL of New Mexico led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:30 a.m. this morning. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes.

Following morning business, we will resume consideration of S. 3637. The filing deadline for second-degree amendments to that legislation is 10:30 a.m. today.

At noon there will be up to two roll-call votes; the first on the motion to waive the Budget Act if a point of order is raised, and if the motion is successful, there will be a second roll-call vote on the motion to invoke cloture on the bill.

I am confident there will be additional votes this afternoon on judicial nominations. We will keep everyone advised as to the time.

**THE FISCAL CLIFF**

Mr. REID. Mr. President, a poll this morning in the Wall Street Journal—which indicates it was done by the Wall Street Journal and NBC News—indicates clearly where we should be headed with this fiscal cliff business. But until the Republicans realize this or are willing to do what is right, we are going nowhere.

More than three-quarters of Americans, including 61 percent of Republicans, believe it is fair to ask the top 2 percent to contribute a little more to avoid a fiscal cliff, and nearly two-thirds of those polled, including many who didn't vote for President Obama in November, say he has a mandate to reduce the deficit by raising taxes on the wealthy.

**TRIBUTES TO DEPARTING SENATORS**

HERB KOHL

Mr. REID. Mr. President, we on the Democratic side are going to recognize that seven of our Senators are retiring, and that is unfortunate, but that is the decision they have made. As I have indicated on more than one occasion, parting is sweet sorrow. We had a celebration last week and talked about those seven Senators and it was truly a wonderful evening.

I have come to the Senate floor to talk about these individual Senators, and today I am going to talk about Senator HERB KOHL. HERB KOHL, as has happened to other Members of this body, has had to overcome adversity to become a Senator.

The history of HERB KOHL and his family touches me. He is a very humble man. He doesn't talk very much, and even though we have served together for 24 years, I was stunned last week when we had a guest rabbi, Rabbi Kohl, from Canada. Hearing the name didn't mean much to me because it is a fairly common name. But after the rabbi finished, HERB KOHL, this man of humility, stood on the floor and gave us all a little bit of his background, which we had never heard before.

Senator KOHL's cousin, Rabbi Baruch Kohl, served as guest chaplain and he offered the invocation to convene the Senate. After the benediction, HERB KOHL, the senior Senator from Wisconsin, shared the family history.

HERB KOHL's father Max and Rabbi Kohl's father Jack were brothers. During World War I, when Max and Jack were teenagers, the brothers were captured by the Russian military, jailed, and forced to march more than 150 miles, with little food, no proper clothing, and the constant threat of physical violence. On occasion, they didn't have shoes, and they were walking basically to Siberia is where they were headed. The boys' parents didn't know where they were for more than 2 years.

Max and Jack were then convicted by a tsarist army as spies and sent on an epoch 5-month journey by rail across Siberia. In 1916, the brothers were dumped off in a remote corner of that wintry waste. Exile was frequently a death sentence. Fortunately, in this instance, it was not. The brothers survived relying on the kindness of strangers, and 2½ years later Max, HERB's father, made his way back to his hometown.

During their exile, young Jack looked after the even younger Max. Max eventually—this would be HERB KOHL's father—immigrated to the United States. He sent for his older brother after he had earned a few dollars here in America. So the Rabbi's dad was brought to America by his brother—HERB KOHL's dad.

The brothers' bond passed through the generations to their sons. Senator KOHL and Rabbi Kohl are first cousins, and it was very dramatic to see the connection they shared on the Senate floor. The success enjoyed by Max Kohl, a Polish immigrant, and later by his son, a Senator for 24 years, is a testament to the American dream.

Despite a rough start in life, Max founded a chain of Wisconsin grocery stores. HERB eventually became president of the Kohl's chain, with one little store, but he was a successful businessman before he took over his dad's chain



of stores. He became the CEO of that chain started by his dad.

Initially, after getting his bachelor's degree at the University of Wisconsin and his MBA at Harvard, HERB founded a successful real estate and stock investment firm. At the time, he was also serving as an Army Reservist. He took over as president of Kohl's grocery and department store in 1970. He successfully grew the company for a decade.

But as strong as his passion for business is, Senator KOHL was an even greater athletic fan. He had a passion for sports. In 1985, he bought the NBA's Milwaukee Bucks to keep the team from leaving Wisconsin. He couldn't stand the thought of an outsider buying the team and moving the team from Milwaukee, and that was the talk everybody had heard.

Everyone said HERB KOHL made a bad deal. Why did he pay so much money for that basketball team? But his decision to buy the Milwaukee Bucks, which at the time some said was crazy, proves doing the right thing and doing the profitable thing are often one in the same. Today, the Bucks are worth ten times what HERB paid for the team and they are an important pillar of that vibrant Milwaukee community.

HERB was also one of the original investors in the Milwaukee Brewers, owned by his childhood friend Bud Selig. Senator KOHL and Major League Baseball commissioner Bud Selig were roommates at a fraternity at the University of Wisconsin, but they knew each other when they were little boys. They lived in the same neighborhood. HERB and Bud still have lunch at Jake's Deli whenever HERB is back in Milwaukee, which is almost every week. They do this on Saturday.

Senator KOHL is also passionate about education. He founded the Herb Kohl Educational Foundation Achievement Award Program, which awards grants and scholarships to graduating seniors, teachers, and schools all across Wisconsin. He donated \$25 million to the University of Wisconsin to build a state-of-the-art, new athletic facility—the Kohl Center.

Since he was elected in 1988, HERB KOHL has been a champion of public education, fighting to give students the tools they need to succeed in a modern workforce. He has also made fighting crime in Wisconsin and across the Nation a priority, advancing investments in antidrug and antigang programs. He has worked to reduce juvenile crime and ensure proper funding of State and local public safety agencies, and he has been a strong voice for Wisconsin dairy farmers.

HERB has also been a valued member of the Appropriations Committee, the Banking and Judiciary Committees, as well as a strong chairman of the Special Committee on Aging. He has done so much for the aging populations we have in America today.

He has been a leader on many different legislative initiatives. HERB KOHL is a fine man, a wonderful human being, and I so admire and appreciate him. He is a distinguished Senator, a devoted representative of the people of Wisconsin, and his presence will be missed in the Senate. I wish him the very best in his retirement.

Would the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FARMING CHALLENGES

Mr. BOOZMAN. Mr. President, every time I travel the great State of Arkansas, I meet farmers and ranchers who help feed America and the world. That is just how prevalent agriculture is in my home State. It is our No. 1 industry and accounts for \$16 billion annually to the State's economy. That is the reason I asked for a seat on the Agriculture Committee. I wanted to help Arkansas's food producers, our farmers who are working to develop and implement policies to increase production, and provide them with the tools and resources they need to continue their important work.

There are two immediate concerns I hear as I travel the State: No. 1, they want us to wrap up the work on a new farm bill. They want to know what the rules are going to be for the next 5 years as they go and visit with their bankers; and No. 2, they do not want us to go over the fiscal cliff.

Arkansas farmers are concerned about what inaction on tax reform will mean to their livelihood. In particular, one of the areas they fear is a rise in the already high and unnecessary tax

burden they face when inheriting a loved one's farm or ranch. The death tax makes planning and passing on farms and businesses to the next generation even more difficult. Oftentimes, the cost is too much to absorb, and families end up spending their hard-earned money on attorney's fees, selling their land or part of the business or assets or laying off workers just to pay Uncle Sam.

If the President and the Senate majority refuse to compromise on the tax portion of the fiscal cliff agreement, the death tax will rise dramatically. Arkansas farmers will be forced to hand over to Uncle Sam up to 55 percent of the value of family farm estates that are worth more than \$1 million beginning in 2013. This would have a truly devastating impact on nearly a quarter of Arkansas family farms and ranches.

With 97 percent of Arkansas farms being family owned, there is great concern among these agricultural producers, among our farmers and timberland owners about the current inaction on the fiscal cliff or fiscal crisis. A good example is Allen Nipper. He operates a tree farm in Magnolia, AR. He wrote to me about what he rightfully calls "multiple taxation." He says:

We know our lands provide clean water and wildlife habitat that benefits society in general without us expecting a handout or a payment for providing those services. But then at my death, the Government wants to take up to 55 percent of the value after I have invested my efforts into providing those benefits. That is not right, nor is it fair.

I agree with Allen. Part of the American dream is creating an inheritance we can pass on to our future generations. Our farmers and small businesses deserve to pass along their investment to their heirs without having to worry about a tax. That is why I introduced legislation to actually eliminate the death tax. While this idea will not be included in the final tax deal, these hard-working families cannot afford Congress to allow the death tax to return to 55 percent. It is simply unacceptable. At the very least, we need to maintain current policy for another year, until we are able to implement and provide a more permanent solution. We owe it to these hard-working families to work together to solve this issue.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FISCAL SOLVENCY

Mr. THUNE. Mr. President, I come to the floor today to talk about the debt crisis facing this country and why I believe any deal to avert the fiscal cliff must address serious entitlement reform. We should not let the discussion around taxes, which is sort of dominating the airwaves here in Washington, distract us from the fact that Washington has a spending problem, not a revenue problem.

Every independent expert who examines America's long-term structural fiscal dilemma comes to the same conclusion: Entitlement programs are the drivers of our national debt over the long term.

Those who argue that we can dig our way out of a \$16 trillion debt—and counting, by the way—by raising taxes are ignoring reality. According to the Congressional Budget Office's most recent forecast, under the current tax rates, revenues over the next 10 years will average roughly 18 percent of GDP. In other words, Federal revenues will return to their historical average without raising taxes on anyone. I will repeat that because I think it is an important point. Our tax revenues will go back to an average of 18 percent over the next decade, which is the historical average, and that happens with existing tax policy in place, without raising taxes on anyone. In fact, according to the Congressional Budget Office, under the current tax rates, revenues as a percentage of GDP will reach 18.6 percent by the year 2022—a decade from now. That is more than half a percentage point higher than the historical average.

Clearly, our budget problems are not because we have too little revenue. Our budget situation today relates directly to Washington's addiction to overspending. In fiscal year 2007, before the recession, total Federal revenue was roughly \$2.5 trillion and total Federal spending was approximately \$2.7 trillion. Five years later, for fiscal year 2012, which recently ended, total Federal revenue was \$2.45 trillion—basically back to the prerecession levels, about the same revenue we had back in 2007—but total Federal spending was above \$3.5 trillion. In other words, tax revenue is back to where it was before the recession but Federal spending is now \$800 billion higher than it was just 5 years ago, in 2007.

Even the Washington Post on their editorial page, which is not something I usually agree with, agrees. In an editorial entitled "Mr. Obama's Time to Lead on Entitlements," the Post argued:

Since 60 percent of the federal budget goes to Medicare, Medicaid and Social Security, there's no way to achieve balance without slowing the rate of increase of those programs.

Speaking of entitlement programs, the Post editorial went on to say, "At

some point he," referring to the President, "has to prepare the American people—and his own supporters most of all—for the hard decisions required to put the country on a sound financial footing."

Even the Washington Post agrees that we must take on the driver of Federal spending, entitlement spending and, second, that the President has to lead on that issue. Unfortunately, the President has continued campaigning around the country for higher taxes, but until he gets serious about leading on the issue of entitlement reforms, we simply will not be able to reach an agreement to tackle our fiscal problems in a meaningful way.

A look at the President's proposed tax hike demonstrates why we simply cannot tax our way out of a debt crisis. The President is proposing \$68 billion in revenue next year by raising the top tax rates—in the process, raising taxes on nearly 1 million small business owners. The White House claims this will not have a major negative effect on America's business owners or their employees. But according to the National Federation of Independent Business, small businesses created two-thirds of the new jobs in the last decade, and those small businesses are the most likely to be hit by the new tax increases, and those are the small businesses that employ, by the way, 25 percent of the total workforce.

According to a study by Ernst & Young, the President's proposed tax increases will result in 700,000 fewer jobs, a nearly 2-percent decline in wages and economic growth that is 1.3 percent lower than it otherwise would be. Yet despite the broad impact of these taxes on small businesses and our economy, this tax hike would only fund government operations next year for about a week. If the President got everything he wanted in the form of higher rates on income, higher rates on capital gains and dividends—all of those things go back to the higher rates—it would fund government for about a week. The President appears to have an obsession with raising income tax rates and claiming that it is the only way to get significant new revenues. But this is not true according to the administration's own budget.

According to this administration's budget, the President's marginal income tax rate hike on high earners will raise \$442 billion over 10 years. As I mentioned, if we look at just the top two rates, we would raise about \$442 billion over 10 years. If we average that out, it ends up being about \$40 billion a year. Yet, according to the same budget, the President's proposal to limit the value of tax expenditures for higher income earners by itself raises \$584 billion over 10 years. In fact, the marginal tax rate increases alone are only one-fourth of the total \$1.6 trillion in new taxes that the President has proposed.

So it is simply not true, as a factual matter or as a matter of arithmetic, that we need to raise marginal income tax rates to raise significant revenue. Yet the President continues to insist that marginal income tax rate increases be part of any fiscal cliff agreement. We have to wonder: Is it because of the arithmetic or is it because of a liberal ideology that considers higher income tax rates to be the holy grail of tax policy.

The last thing we ought to do if we want to boost economic growth is to raise tax rates, especially marginal income tax rates. Marginal income tax rates matter because they have incentive effects. They affect a worker's decision to work an additional hour. The Congressional Budget Office explains that phenomenon in this way:

Increasing revenues by raising marginal tax rates on labor would reduce people's incentive to work and therefore reduce the amount of labor supplied to the economy.

Most Americans understand this logic intuitively. If we want less of something, raise the cost of producing it by taxing more heavily. If we raise marginal income tax rates, we will get less income as well as the labor that gives rise to that income. If we raise taxes on investment, we are likely to get less investment. It is time to recognize that we don't live in a static world. Taxpayers will adjust to higher rates and, in fact, this has already started to happen.

Consider that in the last month we have seen a host of companies announcing special dividends or rushing to move up their dividend payments before the end of the year. There were 228 companies that announced special dividend payouts in the month of November. This compares to 54 companies in the month of October and 72 companies in November of last year. So we have three times as many companies announcing that they are going to do special dividend payouts in the month of November as we had last year. We have to believe this is a direct result of the administration's plan to raise the top dividend tax rate from 15 percent today to 43.4 percent next year. The top tax rate on dividends next year will nearly triple unless we take action to prevent that.

Rather than raising taxes on America's small businesses, we should reform our Tax Code in a way that encourages economic growth and therefore generates new revenue. Instead of the President's approach to simply redistribute revenue, we should be focused on growing the economy over the long run thus increasing opportunities for wealth creation for all Americans. We know this approach can work because we have done it before. The Tax Reform Act of 1986 lowered rates, broadened the tax base, and resulted in one of the longest economic booms in American history.

Harvard economist Dale Jorgenson recently estimated that the gains available from fundamental tax reform amount to as much as \$7 trillion in current dollar terms. The Joint Tax Committee has projected that revenue-neutral tax reform that lowered rates and broadened the tax base could lead to an increase in GDP by as much as 3.5 percent in the long run.

Mark Feldstein, former Chairman of the White House Council of Economic Advisers, calculated that lowering individual tax rates by only 10 percent, coupled with base-broadening measures to ensure revenue neutrality, would raise over \$500 billion in new revenue related to growth over the next 10 years. That is lowering individual tax rates by just 10 percent. Increasing the rate of economic growth is the single most important thing we can do to ensure greater prosperity for Americans today but also for the coming generations.

A recent report by Third Way, a center-left think tank, highlighted the importance of raising economic growth back to the post-World War II average of 3.3 percent. According to this report, increasing economic growth back to 3.3 percent starting in the year 2018 would result in nearly 2 million additional jobs by the year 2022 and roughly 5.3 million new jobs by the year 2030. It will result in more than \$600 billion in new revenue by 2022 and more than \$5 trillion in additional Federal revenue by the year 2030.

Christina Romer, former Chair of the White House Council of Economic Advisers under President Obama, has equated a 1-percentage-point change in GDP with 1 million jobs per year. Given these estimates, there should be a bipartisan consensus that what we need is higher economic growth, not higher taxes. I would propose that the fiscal cliff is both a challenge and an opportunity. It is a challenge to get the Federal Government's runaway spending under control, but it is also an opportunity for us to make real entitlement reforms and to put in place a structure for comprehensive tax reform next year that will have enormous benefits for our economy.

I hope the President of the United States will soon join the discussion that many of us have been having about comprehensive tax and entitlement reforms. Presidential leadership on both of these critical issues is long overdue and is essential.

We cannot do big things in this country, such as entitlement reform or tax reform, absent Presidential leadership. President Obama has a unique opportunity in his second term to do some things that are desperately needed for this country and to put our country on a path toward fiscal solvency, a trajectory that will ensure a brighter, better, and more prosperous future for generations of Americans. In order to have

that happen, we have to have the right policies in place, and those are policies that encourage jobs and economic growth.

The President said in his postelection press conference that his No. 1 priority was going to be jobs and the economy. I could not agree more with that statement. The way we achieve that is by getting fiscal discipline in place through budgetary restraint and by having policies in place that promote robust economic growth. If we look at what solves these problems, the best thing we can do is to grow our economy and then a lot of these debt and deficit issues become much smaller by comparison. It really does come down to growth, but we simply cannot grow the economy by raising taxes on small businesses, job creators, and people out there who are creating the jobs and impact literally millions of middle-class families who are employed by those very same small businesses.

Millions and millions of Americans work for small businesses in this country. If the President has his way, those Americans would see their taxes go up. That is not something we want to see happen in a weak economy.

In fact, it was only 2 years ago in 2010 when the President said that we ought to extend all of the tax rates because we should not raise taxes in the middle of a weak economy. At that time economic growth on an annualized basis was 2.4 percent. Economic growth now on an analyzed basis is 2. We have a weaker economy today than we did in 2010 when the President said raising taxes in the middle of a weak economy would be a mistake and a bad idea.

I agreed with him then, and I hope he will come to the conclusion now that this is a bad solution. I know the President is insistent on higher tax rates, but as I pointed out earlier, if we raise the top two marginal income tax rates alone, we generate about \$40 billion of revenue next year. If we add to that capital gains and dividend tax rate increases, we get about \$68 billion in additional tax revenue next year, which funds government for just under a week. It simply does not solve the problem if we are talking about fixing the deficit.

On the other hand, what it does do is make it more expensive and more difficult for American businesses to create jobs to get Americans back to work, to get our economy growing again, and to make this country prosperous for future generations.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

#### WOMEN VETERANS AND OTHER HEALTH CARE IMPROVEMENT ACT OF 2012

Mrs. MURRAY. Mr. President, I come to the floor today to request that we

have unanimous consent for S. 3313, which is the Women Veterans and Other Health Care Improvement Act of 2012, which was unanimously supported by the members of the Veterans' Affairs Committee to be moved out of this body today.

This legislation not only builds upon previous laws that we have passed to improve VA services for women veterans and veterans with families, but it also brings a new focus to the need for the VA to do more to help women veterans and the spouses of male veterans have access to assistance for one of the most impactful and serious wounds of these wars, reproductive and urinary tract trauma.

As many of you know, the nature of the current conflicts and the use of improvised explosive devices leaves servicemembers far more susceptible to those kinds of injuries. In fact, Army data shows that between 2003 and 2011 nearly 2,000 of our servicemembers have suffered those kinds of battle injuries.

Like so many of our veterans, these men and women come home and look to returning to their lives, to finding employment, and to starting a family. Yet what they find when they go to the VA is that the fertility services that are available don't meet their complex needs for these injuries. In fact, veterans suffering from those kinds of injuries find that the VA now is specifically barred from providing more advanced assisted reproductive techniques, such as in vitro fertilization or IVF. They are told when they come home that despite the fact they have made such an extreme sacrifice for our Nation, we can't provide them with the medical services they need to start a family—veterans such as SSG Matt Keil and his wife Tracy, who is here with us today. I am so proud of her and her courage in making sure this is available for families like hers.

Staff Sergeant Keil was shot in the neck while he was on patrol in Ramadi, Iraq, on February 24 of 2007, 6 weeks after he married the love of his life, Tracy. The bullet went through the right side of his neck, hit a major artery, went through his spinal cord, and exited through his left shoulder blade. Staff Sergeant Keil instantly became a quadriplegic. Doctors informed Tracy that her husband would be on a ventilator for the rest of his life and would never move his arms or his legs. Staff Sergeant Keil eventually defied the odds and found himself off that ventilator and beginning a long journey of physical rehabilitation.

Around that same time, Tracy and her husband started exploring the possibilities of starting a family together—something that is a dream of so many young people in America today. Having children was all they could talk about once they adjusted to their new normal. With Staff Sergeant

Keil's injuries preventing him from having children naturally, Tracy turned to the VA for assistance and began to explore her options for fertility treatments. Feeling defeated after being told the VA had no such programs in place for her in her situation, Tracy and Staff Sergeant Keil decided to pursue IVF through the private sector. While they were anxious to begin this chapter of their lives, they were confronted with the reality that TRICARE did not cover any of the costs related to Tracy's treatments because she did not have any fertility issues beyond her husband's injury. Left with no further options, the Keils decided this was important enough to them that they were willing to pay out-of-pocket to the tune of almost \$32,000 per round of treatment.

Thankfully, on November 9, 2010, just after their first round of IVF, Staff Sergeant Keil and Tracy welcomed their twins Matthew and Faith into the world—two beautiful children. Tracy told me—and these are her words:

The day we had our children, something changed in both of us. This is exactly what we had always wanted. Our dream had arrived. The VA, Congress, and the American people have said countless times that they want to do everything they can to support my husband or make him feel whole again, and this is your chance. Having a family is exactly what we needed to feel whole again. Please help us make these changes so that other families can share in this experience.

That is what Tracy said to me.

I have heard from these severely injured veterans, and while the details of their stories vary, the common thread that runs through all of them is that these veterans were unable to obtain the type of assistance they needed. Some have spent tens of thousands of dollars in the private sector, just as Tracy and her husband did, to get the advanced reproductive treatments they needed to start a family. Sadly, others have watched their marriages dissolve because of the stress of infertility in combination, of course, with the stresses of readjusting to life after a severe injury, which drove their relationships to a breaking point.

Any servicemember who sustains this type of serious injury deserves so much more. The bill I am here today trying to get passed will give the VA broad authority to offer advanced fertility treatments to the most severely wounded veterans, their spouses, or surrogates. It also gives the VA authority to determine how best to offer those benefits. It reverses this troubling barrier to care and will bring the VA in line with the military, which provides these services to this same group of servicemembers.

This is commonsense legislation. It should pass without delay. In fact, the New York Times recently ran an editorial on this bill, and it said:

In more than a decade of combat overseas, the military and the VA have continually

had to adjust to the challenges of new traumas with new treatments, as with the epidemic of brain injuries and post-traumatic stress. Adapting the VA health system to better meet reproductive health needs should be part of that response. It is one compassionate way to fulfill the country's duty to our wounded veterans.

They also noted that even this Congress should be capable of a bipartisan agreement to pass it, and I couldn't agree more. I can't think of any reason why any Republican or Democrat won't join us today in getting this bill passed. This is about giving veterans, who have sacrificed absolutely everything, every option we have to help them fulfill a dream of simply starting a family. It says we are not turning our backs on the catastrophic reproductive wounds that have become a signature of these wars. It says to all of these brave men and women, who didn't ask questions when they were in harm's way, that we won't let politics get in the way of our commitment to them.

The VA has an obligation to care for the combat wounded, and that should include access to the care they need. Our women veterans deserve this, our male veterans deserve this, and our military and veteran families deserve this.

My understanding is that the objections have been removed, and we expect this bill to be passed tonight when we clear the bills as we end discussions. I thank all of my colleagues who have stepped up to make the reality of a family real to these men and women who have served us so well in combat, have come home with extremely serious wounds, and who—because this legislation hopefully will pass this body and hopefully we will get the House to pass it—will then have their dream of having a family become a reality.

I am very proud to have worked on this bill in a bipartisan way to move it out of our Veterans' Committee. My understanding is that we will be able to clear this bill tonight and move it along its way to the President for his signature and give hope to many men and women who served our country to have a family once again.

Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I come to the Senate floor once

again to urge my colleagues to act on extending the production tax credit for wind, otherwise known as the PTC.

If we let the production tax credit, the PTC, expire in the next 18 days—we literally have 18 days before it does expire—that expiration has the potential to cost our economy thousands of good-paying middle-class jobs. We just can't let that happen. Tens of thousands of Americans who work in the wind industry are depending on us to extend this important tax credit and in doing so save jobs and encourage investment in more States, such as my State of Colorado and the State of the Presiding Officer, New Mexico. If we fail to extend the PTC, we risk jeopardizing not only our economic growth but also our capacity, our potential, our ability to continue leading the world in the development and use of clean energy technology.

I have come to the floor over 25 times to speak about this issue, and each time I do, I highlight a different State and what the PTC has done to encourage economic growth. Today I am really pleased to be able to speak about the great State of New Mexico, the State of the Presiding Officer; their wind resources rank 10th in the United States. New Mexico is an impressive example of how wind can be harnessed to create good-paying jobs, support local communities, and produce American-grown power.

I wish to speak specifically about various areas in New Mexico. New Mexico has eight counties with wind projects, as my colleagues can see from the map here. The largest one is the New Mexico Wind Energy Center. It straddles Quay County and DeBaca County, which is located in the eastern central part of the State, in this area here. This is a very impressive project, as the Presiding Officer knows since it is his home State. It opened in 2003. It runs 136 turbines and produces 200 megawatts of power. Located 170 miles south of Albuquerque, it produces enough electricity to power 95,000 New Mexico homes, which is almost half of all the homes powered by wind in the State. So this is an impressive project. The Presiding Officer has probably visited the site and knows firsthand.

In terms of jobs, wind projects employ 500 New Mexicans around the State, and these are really good-paying jobs. We have seen all across the country that investment in wind power is really an investment in the middle class and support for what makes our country great, which is building our economy from the middle out. These jobs are found across the ledger, if you will, including operations, maintenance, construction, and manufacturing, as well as the many support sectors. Of course, we know that when we have a fundamental, core business such as this, it creates a ripple effect. There are a lot of other small businesses that take root.

New Mexico—and I don't have to tell the Presiding Officer, but I will tell him anyway—has two outstanding Senators, outstanding leaders, and they are Senator BINGAMAN and Senator TOM UDALL. Those two Senators have championed the renewable energy sector, and they understand the significance of the production tax credit.

I particularly wish to mention Senator BINGAMAN, who is the chairman of the Energy and Natural Resources Committee. He has continued to press the Congress on the need to extend the PTC. I know we are going to see a package come forward that will have other clean energy tax credits in it. I am a member of the Energy Committee as well. I have that great honor. I really want to tell all of us in the country that we are going to lose a renewable energy champion when Senator BINGAMAN retires in just a few weeks.

Let me turn back to the potential in New Mexico for wind energy development. As I understand it, to pass this means that if we fully develop the wind resource in New Mexico, we could provide nearly 75 times New Mexico's current electricity needs. That is an enormous number. It is why we need, by the way, a grid upgrade, because when New Mexico harvests all that wind, we are going to send that energy to places such as Tucson and Phoenix, probably into Texas, and maybe all the way to the west coast.

Let me turn back again to the need to extend this tax credit. If we do not extend it—again, we have just over 2 weeks to extend it—we risk not only losing jobs but the momentum we have developed toward achieving true energy security and economic growth.

Already, because of inaction in the Congress over this last year, we have seen Americans laid off in the wind energy industry. Clean energy plays a crucial role in creating new jobs and electricity production. We cannot risk losing more good-paying American jobs. Some studies suggest that if we let the PTC expire, we are going to lose half the wind energy industry, which would fall from 75,000 jobs to something on the order of 37,000 jobs. This is not acceptable.

We cannot let the production tax credit expire. We need to pass it as soon as possible. It is simple: The PTC equals jobs. We need to pass it as soon as possible.

Think about countries such as China and Germany. They are continuing to expand their wind industries and renewable energy sectors. If we do not support our wind energy industry here and the wind manufacturing facilities, we are effectively offshoring and exporting those jobs. Our global competitors are not hesitating. They are encouraging wind power development, and they know the longer we fail to act, literally, the more wind they can steal from our sails.

So enough is enough. This is an American industry. It needs to continue to be an American industry. But we risk everything—literally everything—if we let the PTC lapse in 18 days. So let's focus on this made-in-America potential. Through it, we can obtain energy independence, we can ensure energy security, and we can keep jobs in New Mexico and Colorado and Minnesota and New York—every State in our great country. So let's not wait any longer. Let's continue to build this clean energy economy right here in the United States. Let's do it today. The PTC equals jobs. Let's pass it as soon as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### THE FISCAL CLIFF

Ms. KLOBUCHAR. Mr. President, I rise today to urge a fiscal compromise that will allow us to avoid negative and very real consequences of the approaching fiscal cliff. Every day that passes without a deal only increases uncertainty in the markets and puts the brakes on potential economic activity. Failure to bring the national debt under control threatens our country's future.

In the weeks following the election, the message was clear from the people of this country. They want the people in this Capitol, they want people in Washington to come together to find reasonable, balanced solutions to our Nation's problems.

We need to show the country we are serious about working together to address our fiscal challenges—reducing the cost of borrowing and strengthening our financial outlook. The sooner we can agree on a long-term, balanced deficit reduction package, the better for our economy and the better for our country. It is time to put political differences aside to work on an agenda that strengthens our economy, promotes fiscal responsibility, and increases global competitiveness.

I have always said that we need to make things in America, that we need to invent again, and that we need to export to the world. We are starting to do that again. I see it all over our State, where fortunately our unemployment rate is better than a lot of other States. It is about 5.8 percent, but we can do even better. One of the keys to doing better is not only focusing on exports, on education, it is also bringing down this debt in a balanced way, in a way that will not suddenly jar our economy and put us over the edge but in a way that in the long term means businesses, the people of the world can look at it, the businesses can look at it and say: They are serious about this. They are doing this in a measured, balanced way, but they are going to get this done.

If we refuse to have an honest conversation, if we insist on using the debate only for a vehicle for political rhetoric, we will not just be doing ourselves a disservice, we will be cheating our children and grandchildren out of knowing the America we grew up in, the America in Minnesota, where one smalltown businessperson can start a business and grow and grow and grow and employ their kids and their grandkids, where a farmer can build a farm that employs people throughout the town, where someone in New Mexico can get an idea for wind energy or solar energy and start a new business. That is what this America is about.

In 2011 we came together and put in place discretionary spending caps that will reduce our debt by over \$1 trillion in the coming decade. We also agreed to find another \$1 trillion in savings before December 31 of this year.

While significant spending cuts are a necessary part of a balanced solution, any plan to responsibly lower the deficit cannot come from cuts alone. Revenue must also be part of the solution. I have appreciated that several of our colleagues on the other side of the aisle have acknowledged this, that revenue must be part of the solution. Now we have to put words into action.

I think the most common refrain I hear from the business community at home when we discuss what it will take to spur investment and create jobs—what they talk about is certainty. They need certainty. They need certainty if they are a farmer. We need to include the farm bill in this package so they know what they need to get for their crop insurance. They need certainty if they are a businessperson and deciding whether they should invest in new equipment, and they need to know exactly what the tax consequences and other consequences of that investment will be.

So on the revenue side, in addition to the cuts I just discussed, what does that mean on the revenue side?

First, it means extending the tax cuts for middle-class America. In Minnesota, 2 million families and small businesses will see their Federal income taxes increase by an average of \$1,600 unless the middle-class tax cuts are extended. This means a lot for a family trying to decide whether they can afford a student loan to send their kid to college this fall or a business owner looking to invest in their company. It means a lot.

Second, this means returning to the Clinton tax levels for people making over \$250,000 a year. Let's go back to that time. Under those rates, the economy created nearly 23 million jobs. Small businesses generated jobs at twice the rate during the Clinton years than they did under the years of the Bush tax rates.

But we do not have to look as far back as the 1990s to see the impact of

extending tax cuts for 98 percent of all Americans versus extending them for those making over \$250,000. At a recent Joint Economic Committee hearing, I pointed out that extending tax cuts to households making under \$250,000 would increase real GDP by 1.3 percent and increase employment by 1.6 million in the fourth quarter of 2013. By comparison, expanding the tax cut extension to include taxpayers making over \$250,000 per year would only add an additional one-tenth of 1 percent to GDP. That is very little bang for the buck than what you get by extending them for the middle class. So that is one of the reasons why we are so focused on looking at this in terms of extending those tax cuts for people making under \$250,000 and then going to the Clinton levels for people making over \$250,000.

What is the other reason? The other reason is pretty obvious. That is what I started with. We have to bring our debt down. When you look at how much this would save just by going back to the Clinton levels for people making over \$250,000, it would save nearly \$700 billion over the next 10 years, and when interest payments are included, that number could easily exceed \$1 trillion.

How many times have we heard economists say that we should look at the neighborhood of \$4 trillion in reduction in debt over 10 years to give the world confidence in our country? So that is \$1 trillion of it right there simply by going back to the Clinton tax levels for people making over \$250,000.

You have another \$2 trillion—\$1 trillion of which we already agreed to—that you can do in spending cuts. I believe the other \$1 trillion you can get by closing loopholes and making some changes that will not be on the backs of the middle class and seniors and veterans in this country—things such as the oil subsidies, such as looking at the home mortgage deduction, which is incredibly important, but perhaps we could limit it to \$500,000 of the value of a home. So if you buy a \$1 million home, that is great, you get a home deduction for up to \$500,000 of the value of the home. Those are a couple examples.

That is the last part we are most likely not going to get to in the next 2 weeks, which is closing loopholes and ending subsidies, but right now we have to look at the Bush tax cuts and what we can do to extend them for the middle class and then get \$1 trillion in debt reduction, with a downpayment on that debt reduction going into next year, as well as the spending cuts we need to make. The downpayment on deficit reduction would send a strong signal that Washington is serious about getting our Nation's fiscal house in order.

Finally, in addition to the spending cuts and revenue measures I spelled

out, in order to ensure that our country remains competitive, we must move toward tax reform. One of the ways we can ensure business growth and more jobs is to create incentives to invest here in the United States and spur innovation, and that is by simplifying the Tax Code, by closing some of these loopholes I discussed, and by reducing some of the business rates and paying for reducing those business rates by closing those loopholes and ending some of the tax subsidies.

We know that is not going to be an easy task, but I believe we are up to it because Americans are up to it. They are up to it every single day when they go to work, when they make it sometimes in a very difficult situation, with one, two, three jobs, having difficult profit margins. They make that decision every day, and the least we can do in this Chamber and in Washington, DC, and in the House of Representatives is to get this done.

It is time we get serious about advancing a deal that is both fair and achievable. If we are committed to our country and not to rigid ideologies, we will get this done. None of us want to see our economy crippled. We have finally seen it stabilize, and in States such as mine we are beginning to see it grow again.

We just found out we had a huge increase in November home sales in Minnesota. There are positive signs across our country. But the way we get this in the direction we want to go, which is moving forward in a strong way, not just a stable way, moving forward to make sure we bring down our debt in a balanced way—we do not want to see things go backwards; Democrats do not want that, and Republicans do not want that—it is time for us to work together to show the American people that Washington is not broken, that, instead, we are willing to put aside our politics to do what is right for America.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

#### WIND ENERGY TAX CREDIT

Mr. UDALL of New Mexico. Mr. President, I am pleased to join my colleague, the Senator from Colorado—my cousin, but he is more like a brother—to highlight the importance of clean energy, renewable energy. The Senator just spoke a little bit earlier about renewable energy, clean energy, and wind

energy. I wish to express my support for the extension of the wind production tax credit.

MARK UDALL, he knows well—as do I—how important this is. I wish to commend him for his efforts on the floor—and his persistent efforts—to try to get this done. I came to the Chamber to discuss wind incentives earlier this year. I urged then and I urge now an immediate extension. We need this before the end of the year. We need to provide certainty for wind projects and employees.

But here we are again. We have not gotten it done yet. We are going to have to keep working. As the Presiding Officer and the Senator from California know, we work on the floor, we work off the floor, we are working behind the scenes to try to get this done. We need to get this extension.

This vital tax credit for wind is set to expire in 18 short days. That would be a huge mistake to let it expire. Many projects would be delayed, thousands of jobs would be lost. Clean energy jobs have been a bright spot in our economy. We have seen wind energy capacity in America grow to the equivalent of 75 large powerplants. It is still growing. We added the equivalent of 106 large powerplants' worth of wind power in 2011. We see this on this chart. We are going to add even more this year.

This chart shows some interesting facts about wind power in New Mexico. We already have enough wind power installed in New Mexico to power 200,000 homes. We have 20 times more capacity in the planning stages. Then look at this projection: New Mexico has wind potential power 75 times more than the State's electricity need, with the right transmission lines—and I think this is something we also want to work on together—getting a good grid in place, a smart grid, and getting the areas of the country hooked up that have wind energy to be able to move it around. With the right transmission lines, New Mexico is set to become a major wind power exporter.

Wind power already supports 500 jobs in New Mexico. Wind farms mean payments for farmers and ranchers in New Mexico during times of drought. They mean a local tax base support for rural schools. They mean a brighter future for our economy. We are seeing real growth, real potential. But progress depends, in part, on us continuing the support for this tax credit. The tax credit has been extended seven times by Presidents and Congresses of both parties. It was enacted under a Democratic Congress and signed into law by President George H.W. Bush. It was extended in 1999 by a Republican Congress and signed by President Clinton. In 2005, it was extended under President George W. Bush as a part of the bipartisan energy legislation drafted by Senator BINGAMAN and Senator Domenici of New Mexico.



I do wish to say we are going to miss Senator JEFF BINGAMAN, our chairman on the Energy Committee. He has done a remarkable job of putting clean energy at the front and center of our agenda. Then this tax credit was most recently extended in 2009 as part of President Obama's Recovery Act. So renewable energy has enjoyed long-standing bipartisan support, and the wind tax credit has been a great success.

The cost of wind power has fallen dramatically, as the Presiding Officer knows. It has fallen dramatically over the years. For example, GE's wind power costs have dropped from 15 cents per kilowatt hour to near 5 cents in the last 10 years. Wind is becoming cost competitive with fossil fuels. On some days, it is the cheapest electricity available. Let me repeat that because that is important because we hear arguments out there that this is expensive. But on some days, it is the cheapest electricity available.

The Department of Energy estimates we could receive 20 percent of our electric power from wind alone by 2030. But we need to stay the course and support a policy with proven benefits. We will not need this incentive forever, but we should not eliminate it overnight. Wind resources are widely available in the West, the Midwest, and often offshore.

Support of the wind tax credit is diverse. Wind power benefits a wide variety of Americans: farmers and ranchers who lease their land, tax revenues for rural school districts, iron workers, steel workers and engineers and everyone who wants to breathe clean air. Other countries—China, India, Japan, and Germany—see these benefits too. They also want the job growth. They also want the energy security. They are acting aggressively to take leadership of the clean energy economy.

Our workers and entrepreneurs can compete with anyone on a level playing field. But the Congress is tying one hand behind their backs by leaving important incentives such as this in jeopardy. Let us continue the bipartisan support for the wind tax credit. Let us work together and get the job done for our economy, for our energy independence. Let us continue to invest in clean energy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Mr. KOHL. Mr. President, I rise for one final time to address the Senate.

My remarks will be brief. Actually, I just want to say one thing: Thank you. I wish I could say it with the eloquence of one of my first friends in the Senate, Senator Dale Bumpers, who told his stories and always made his case pacing these aisles like a lion tethered to a specially made, extra long microphone cord, or with the breadth of vision of the late Senator Robert C. Byrd, who sprinkled his classic Mother's Day or Fourth of July speeches with memorized poetry and his vast command of history, or with the fire of my dear friend, the late Senator Ted Kennedy, who would bellow to the rafters his passion for the America that could be and then call on the Senate to make it so.

What a privilege it has been to serve with such men and so many other men and women who have made up this body over the last 24 years. You have been my friends, advisers, sometimes adversaries, always worthy, and my inspiration. I thank you. My colleagues in this body are, to a man or a woman, thoughtful, hard-working patriots. We do not always agree, understandably. But every Senator I have met is pursuing a course he or she believes is best for the Nation and advocating policies he or she believes are best for their States.

When I have come to any of you with my ideas about what is best for the Nation or my State, you have listened respectfully, counseled wisely, and helped whenever you could, and so I thank you.

The Senate is often referred to as a family, and that is certainly how I feel about my staff, many of whom are gathering today to say our goodbyes. Perhaps what I will miss the most on leaving the Senate is coming to work every day in Washington and in Wisconsin with such a bright, creative, and dedicated group of people constantly focused on what is best for our Nation and my State, challenging and pushing me to be the best Senator I could be. You cannot be a cynic about the future of this country when you work in an office such as mine and have the privilege to interact with generations of intelligent, civic-minded, and loyal staffers.

I thank them all for making a hard job not just easy but enjoyable and for serving the people of Wisconsin tirelessly and exceedingly well.

My final thanks go to the extraordinary people of Wisconsin. Thank you for letting me pay back, in part, the great debt my family owes to the State that took in my immigrant mother and father and allowed our family, including my brothers, Sidney and Allen, and our sister Dolores, to grow and thrive. Thank you for taking a chance on me in that first election 24 years ago and renewing my contract three more times. Thank you for trusting me with your problems and concerns, your hopes and dreams.

Please know we have listened to you carefully and fought for you always. Every Wisconsinite who wanted it, Democrat or Republican, rich or poor, farmer or city dweller, got full consideration in my office. Whether it was arranging a Capitol tour, finding a lost Social Security check, pushing for legislation to reform the Federal dairy program or reviving the shipbuilding industry in Marinette, WI, every Wisconsinite had an ally and an advocate in us.

It has been the greatest honor of my life to serve these 24 years in this hallowed institution, alongside my fellow Senators and my staff and as the voice for the people of Wisconsin. For that, I thank you all one last time.

I yield the floor, and I suggest the absence of a quorum.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, with the close of the 112th Congress, our good friend and colleague Senator HERB KOHL is retiring after four terms of dedicated service to this body, the people of Wisconsin and the United States. As a Senator, HERB KOHL has shown the same dedication and work ethic that previously allowed him to build his family-owned business into a nationally known brand name. Indeed, during his 24 years in this body, he has been a classic workhorse Senator, as opposed to a show horse Senator. Few Senators have been more willing to shun the limelight and share the credit in order to get important things done for the people of this country.

Senator KOHL is also a proud and principled progressive. His work in the Senate brings to mind the great words of the late Senator Hubert Humphrey:

The moral test of government is how its government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.

Senator KOHL has been respected as a leading advocate on children's issues. For instance, he authored legislation to expand the school breakfast program and has been a strong supporter of child nutrition programs. He also authored legislation requiring that handguns be sold with separate child safety locks.

Of course, as chair of the Special Committee on Aging, he has led the charge in the Senate on issues affecting older Americans, something especially important in my State of Iowa.

In particular, I salute Senator KOHL for authoring the Physician Payment Sunshine Act, which was included in the Affordable Care Act. The Sunshine Act, which was the focus of a series of hearings chaired by Senator KOHL, will



require transparency and disclosure on payments made to doctors and surgeons by drug and medical device companies.

Senator KOHL has been our leader in improving the safety and quality of nursing homes, ensuring criminal background checks for employees in nursing homes, and working with CMS to institute new and meaningful quality ratings for nursing homes.

Senator KOHL and I worked together, in my capacity as chair of the Health, Education, Labor, and Pensions Committee, on legislative reform of the Pension Benefit Guarantee Corporation and its outside board.

Senator KOHL also deserves enormous credit for his committee's in-depth hearings and reports identifying financial scams and abuses targeting seniors and the elderly.

HERB KOHL is a good friend, and he has been an outstanding Senator. He has accomplished many things during his four terms in the Senate. But I can think of no greater accolade than to say, simply, that HERB KOHL is a good, decent, honorable person with a passion for social and economic justice and a determination to make life better for ordinary Americans.

I join with the entire Senate family in wishing HERB the very best in the years ahead.

#### COLLECTIVE BARGAINING RIGHTS

Mr. HARKIN. Mr. President, I wish to rise to express my deep sadness about the events in Michigan. Denied the chance to participate in their own government, Michigan workers have been the victims of backroom political trickery, and they have lost much in a short period of time. It is also a sad day, however, for our entire country because Michigan is only the latest battleground in a much larger war on workers' rights. If we lose this great battle, the casualty will be the American middle class.

I have always said and believe that strong unions are the foundation of a strong middle class. When union membership was at its peak in this country, we all grew together. The middle class grew and prospered. Everyone, from the richest CEO to the minimum wage worker, benefited from our Nation's prosperity when labor union organization was at its peak.

Michigan's economy has always been a shining example of that shared prosperity, where an autoworker who put in a hard day's work could earn enough not only to buy one of the cars he made but to buy a house, send his kids to college, take a nice vacation, have a good retirement, and live the American dream.

As unions have declined in this country, the middle class has suffered. Those at the top earn more and more, while ordinary working people are see-

ing the American dream slip out of their reach.

It is not just union workers who are losing ground because unions don't only benefit their members. They benefit each and every American worker, regardless of whether one has ever held a union card. It is unions that fought for all the things we sort of take for granted. It is unions that fought for the 40-hour work week, a fair minimum wage, laws against discrimination, and laws that keep workers safe on the job. It is unions that are fighting today for Medicare, Social Security, job training, and other programs that help working families succeed.

I think it is important to go back to, truly the founding father, if you will, of the American labor movement, Samuel Gompers. He was asked once, "What does labor want?" Here is what he said:

What does labor want?

We want more school houses and less jails; more books and less arsenals; more learning and less vice; more leisure and less greed; more justice and less revenge; in fact, more of the opportunities to cultivate our better natures.

That was Samuel Gompers, and he went on to say:

Where trade unions are most firmly organized, these are the rights of the people most respected.

Historically, we know that is true. Perhaps, most important now, America's labor unions are the last remaining voice strong enough to speak out for those who are not rich and not powerful. That is why they are under attack. Unions are under attack because they are one of the few remaining groups strong enough to stand up to the powerful, the very wealthy interests that want to run our country and ship our jobs overseas.

Last Thursday, Governor Snyder of Michigan called a press conference with the Republican leaders in the Michigan House and Senate and announced their plans to force through a change in Michigan laws for the so-called right-to-work law.

By the end of that same day, Republicans had introduced and passed right-to-work bills. There was no real debate. There were no hearings. To make matters worse, they manipulated the process to prevent the voters in Michigan from ever reviewing their actions. Why do I say that? Because Michigan law allows voter referendums on most laws but has an exception for appropriations bills. So the Republicans in the legislature attach their antilabor provisions to an appropriations bill to deny voters in Michigan the chance to even be heard on it.

But here is the key thing about the American people, when we are fighting for our families and our children's future, we will not be bullied, nor will we be silenced. This week's events in Michigan illustrate this so powerfully.

Ordinary working people with bills to pay, kids to feed, and worries on their minds are taking time out of their busy lives to stand together, shoulder to shoulder, to say enough is enough.

This is not, again, just about organized labor. There are huge stakes for the middle class in the ongoing Republican assault on the right of American workers to organize and bargain collectively. There is a very direct connection between this war on unions and the harsh reality that American workers' incomes have effectively stagnated and even declined in recent decades, even as corporate profits have skyrocketed.

In an important column earlier this week, the Nobel Prize-winning economist, Paul Krugman, points out that even as the economy has struggled, corporate profits are at an alltime high. Moreover, as Professor Krugman points out, "profits have surged as a share of national income, while wages and labor compensation are down. The pie isn't growing the way it should—but capital is doing fine by grabbing an ever-larger slice, at labor's expense."

As this chart shows, corporate profits have been rising rapidly for a decade in dollar terms, but wages have been stagnant, barely keeping up with inflation over time. In dollar terms, total wages have been increasing slightly, but that is because of inflation and the size of the workforce. A growing number of workers are dividing up their share of the pie. But corporate profits have been skyrocketing, almost tripling over a decade. Therefore, the worker's share gets smaller and smaller.

This is what this second chart shows. It is kind of a little confusing, so I will explain it. If we look at a longer period of time in terms of the gross domestic product, what we see is that from the 1950s till 2000, wages and corporate profits moved back and forth relative to each other. But since the 1980s, we see a picture of corporate profits increasing and exploding over the last decade. At the same time, wages and salaries have been on a steady downward slope as the economy has grown. As I said, this pattern has accelerated dramatically over the past decade.

So let's take a look and try to make some sense out of this chart. Here are wages as a percent of the gross domestic product. If we look back at the 1950s, 1960s, and 1970s, up to about 1980, we will see that labor's share was right around 50 percent, give or take a little bit—right around 50 percent of GDP—and corporate profits basically kept in line with its share. Beginning in 1980, wages—the red line—started going down and corporate profits started their huge climb. But for the recession, where they took a dip, we can see the huge increase now in corporate profits as a percent of GDP has more than doubled from its low point in the recession of a decade ago. It has reached its

highest point in over 70 years. Wages have fallen down to below 44 percent of GDP.

So as a percent, we can see that corporate profits have skyrocketed but not wages, and this is what is happening: More and more of the pie is going to corporate profits, and less and less is going to wages. That is the squeeze that is going on. If we look at unions and trade unions during this same period of time, we see, beginning right in here—beginning early in the 1980s, right in here—the huge attack on organized labor, the eroding of labor's rights in many ways, and so wages started going down.

These are not just wages of union people. These are wages of all working people—all working people. That is why I say it is not just union members who have benefited from the strength of organized labor; everyone in the middle class has benefited from it. Throughout most of the 20th century labor unions led the push for higher wages, for pensions, health care benefits, and safer working conditions. The gains won by unionized workers served to lift wages, benefits, and working conditions for nonunionized workers as well. Millions of middle-class Americans who never thought about joining a union have received very considerable benefits from the labor movement.

I always ask people: How did we get the 40-hour workweek, time-and-a-half overtime, paid vacations, worker safety? This didn't happen because management voluntarily gave it. People struggled for this. They fought for this, marched for this, and many got beat up, lost their jobs and their livelihoods fighting just for a 40-hour workweek or for time-and-a-half overtime or paid vacations. Yet it has benefited the entire middle class of America. That is why I say when the Republicans are doing an open assault on organized labor, they are assaulting the middle class of America. They are dragging down the middle class of America.

As the war on unions has succeeded in dramatically shrinking the share that is unionized, this has reduced the ability of most workers across the entire economy to negotiate increases in wages and salaries. The result is the growing imbalance—skyrocketing corporate profits at a time when personal income is stagnant or declining. The fruits of the expanding economy have accrued overwhelmingly to corporations, their executives, executive pay, and shareholders, leaving workers behind.

Despite skyrocketing profits, and despite the fact that corporations and shareholders have taken the lion's share of income from the growing GDP, corporations are still demanding lower rates of taxation and huge additional advantages regarding corporate taxes. So corporations get more and more of the GDP at the same time they say: We

don't want to pay any more taxes; we want to pay less taxes. Corporations paid an average effective rate of just 7.9 percent in 2011—7.9 percent. Now, wasn't it Mr. Romney, the Republican nominee, who said corporations are people too? Well, I bet a lot of people in this country would like to pay 7.9 percent of their income in taxes. But the corporations are still not satisfied. They want even lower rates, even as the middle class and the poor are asked to make major sacrifices—major sacrifices—as we address the so-called fiscal cliff and the real deficit that we do have.

Very high income Americans get most of their income from capital gains and dividends. The tax on that type of income is now 15 percent—the lowest percentage since the 1930s. I repeat: Since the 1930s, the lowest percentage on capital gains and dividends is right now, at 15 percent. But until 2003, dividends were taxed at the same rate as regular income. Now dividends are getting the same very generous treatment as capital gains, while regular income rates are now 35 percent.

So just think about that: It wasn't until 2003 when we said, OK, capital gains, dividends, 15 percent. Before dividends were always the same rate as regular income. So who gets that? The wealthy. Average working people don't have significant dividends or capital gains.

Republicans claim that economic calamity will occur if those rates go up. But let's look at recent history. When the 1993 tax bill passed, every Republican here voted no. Many Senate Republicans predicted economic calamity if it passed. I was here. I remember those debates. You can look it up in the RECORD. However, in the 5 years after the passage of the Clinton tax bill in 1993, 14 million jobs were created. Contrasting that, in the 5 years after the 2001 tax bill passed—that lowered the regular rate to 35 percent—only 4 million jobs were created.

Now, I am not saying raising taxes creates jobs, but raising tax rates does not kill jobs either. As we address the fiscal cliff, corporations and high-income individuals can afford to pay a greater, fairer share of Federal revenue. In recent years, they have seen their incomes grow by huge sums. It would be grossly unfair to shift the burden to the middle class, which has already been deprived of its fair share of the growing economic pie in recent decades.

Mr. President, people in Washington are obsessing about what they call the fiscal cliff. Well, we do indeed face fiscal challenges in the future. But I am more concerned about the crisis of America's middle class—a middle class confronted by stagnant or declining wages, with jobs being shifted overseas and with traditional benefits, such as pensions and health insurance, being taken away.

There is no doubt the debate over collective bargaining rights will continue—in Michigan and across the country—for months, probably years to come. While there is little I can do standing in the Senate to directly help the people of Michigan today, I wanted to come to the floor to tell them a lot of us stand with them, and we will stand with them tomorrow. A great injustice is being committed in the State of Michigan—again, not just against union members but against the middle class.

I think we have to recognize what is happening in this country: an assault on union workers, on collective bargaining, and the assaults we have seen by my Republican friends on the National Labor Relations Board, the National Mediation Board—anything to take away from workers their right to bargain collectively.

When you are a minimum-wage worker or just above, and you are working at Walmart, how much power do you think you have against the Walton family or their corporate executive? What, are they the second or third richest family in the world now? Do you think you have some bargaining power? You don't have anything. But if you are unionized, and you have all of the union members with you, now you can bargain. Now you get on a more even keel with wages and capital to make sure wages and capital don't get too far out of kilter.

That is simply what has happened. Too much of our GDP in the last 30 years has gone to capital and not enough to labor. When that happens, middle-class America suffers. When middle-class America suffers, we all suffer because we know from history, from our American experiment, the American economy grows best from the middle out, not from the top down.

So, again, Mr. President, I feel sorry for those workers who were caught off guard in Michigan. I feel sorry for the middle class in Michigan—those whose rights are being undermined. But we stand steadfast in our support for the rights of working people and for the inherent—the inherent—right of people to be able to join together to form an association or a trade union and to bargain collectively for their wages, hours, and conditions of employment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION ACCOUNT  
GUARANTEE PROGRAM

Mr. TOOMEY. Mr. President, I rise this morning to address legislation that is under consideration—the extension of what is known as the TAG Program. The acronym stands for the transaction account guarantee. I wish to discuss this a little bit and give the reasons for my opposition to the extension of this program.

First, a little bit of history about this. Many people are familiar with the FDIC Insurance Program. It is a long-standing program that provides a limited guarantee on bank deposits. Actually, for a very long period of time—I think it was over 25 years, starting in 1980—the limits on the dollar amount of a balance that would get this FDIC guarantee was \$100,000. That limit was raised for all accounts to \$250,000 during the financial crisis of 2008, and then subsequently this new program was created, this Transaction Account Guarantee Program, which provides an unlimited guarantee. There is no limit whatsoever for a large category of deposits—not all deposits but all non-interest-bearing transaction deposits, which is a long way of saying pretty much checking accounts, although it would include other things. As you might imagine, there are many large corporations, municipalities, and very wealthy individuals who have these large accounts, and today those accounts are guaranteed without limit. The proposal we have is to extend this guarantee which is set to expire on December 31, to extend it for 2 more years.

Let me be clear about one thing right off the bat. This is a taxpayer-provided guarantee. The taxpayers are on the hook for these deposits. If anybody has any doubt about that, I refer them to the FDIC's Web page. The home page of the FDIC's Web site states very clearly that "FDIC insurance is backed by the full faith and credit of the U.S. Government." That means the taxpayers, so American taxpayers are on the hook for the full amount of these transaction guarantees.

Let me explain why I think this is problematic. The first reason is a simple one. We are not in a financial crisis anymore. We have a miserable economy, but we certainly do not have a free-fall fiscal disaster, with financial institutions collapsing. We do not have the fall of 2008 anymore. There is actually quite a lot of stability in financial institutions. You could have a very interesting debate about whether this was ever a good idea, but I do not understand how you can justify it now in an environment that does not even faintly resemble the crisis circumstances of 2008. If we are going to extend it now for 2 more years when there is clearly no need for it, it certainly seems to me to suggest an interest in making this a permanent feature

of the American banking system—permanent, unlimited guarantee, the socialization of deposits in this country, which I think is a terrible idea.

Second, this is a big contingent liability for taxpayers. There is about \$1.5 trillion in deposits right now that fall into this category and is being guaranteed and would continue to be guaranteed if the guarantee were extended.

It is also worth noting that this mostly benefits the big banks. It is big banks, not surprisingly, that have a disproportionate share of big accounts. In fact, the 19 largest banks hold two-thirds of all the deposits and accounts that are guaranteed under the TAG Program, so this is a nice big help to a lot of big banks.

I would argue that there is something maybe even worse than all of this about this. I believe the very existence of the TAG Program actually increases the risk of bank failures, and here is the reason why. In the absence of these unlimited guarantees, a corporation or a municipality or a wealthy individual or an institution making a large deposit—an amount that exceeds the limited FDIC's traditional guarantee—such an institution is going to do its due diligence on the strength of the bank. It is going to want to understand that this bank is properly run, that it is prudently managed, and that due diligence is a discipline the market imposes on the banking system. The banks have to prove to potential depositors that they are well run, that they are sensible and prudent and are not taking too much risk in order for the depositors to be confident they will ever be able to get their money back. So that is a very important mechanism that imposes a discipline that helps to keep banks doing what is prudent.

With this unlimited transaction guarantee, nobody has to worry about whether the bank is well run because the government, the taxpayer is there to return all their money if the bank messes up. That removes that very important discipline and in the process I think actually increases the risk that more financial institutions, more banks would in time fail because they are not held to a higher standard by their depositors and that therefore the taxpayers would be picking up an even larger tab than what some might project.

I argue that the premiums systematically underfund this program. There are premiums that are charged to the banks in return, but banks would be adamantly insisting that they have the option to opt out if they were not being subsidized. The fact is, it is being subsidized. So the taxpayers are not getting, in my view, an adequate premium for the risk they are taking—not that they should be in the business of taking that risk in the first place.

The last point I would make about the banks is that I don't think this is

good for the banks themselves because this is the kind of government program that inevitably leads to a lot of people in this town thinking they have the right to force the banks to do whatever they want them to do, including giving away goods, and it is justified on the grounds that it is reasonable for us to ask of these banks since, after all, we the taxpayer, we the government provide them with this guarantee. So I think this is not in the interest of the banks themselves.

I am sympathetic with the argument that some of my friends in the community banking world have made, the argument that with Dodd-Frank, when we codified too-big-to-fail, we created a whole category of large financial institutions and we designated them—we use a different acronym—we call them systemically important financial institutions. Most people see that as another way of saying too big to fail. Having codified that, our community bankers argue that that gives these banks an unfair competitive advantage in attracting depositors.

I am sympathetic to that argument, but I would argue, first of all, that it is seldom a good idea to counter one bad government policy with another one. Compounding errors usually takes you in the wrong direction.

Second, what we need to do is reform Dodd-Frank. We need to do a lot in reforming Dodd-Frank, in my view. That is the right way to deal with this perception of a competitive advantage. We ought to be providing a lot of regulatory relief for community banks, and I say that as someone who has been actively involved in the community banking industry personally.

I also suggest that there are other ways community banks can, in fact, successfully compete against the large banks, other than with this guarantee of deposits.

My last point is that last year we ran a deficit of \$1.1 trillion. This coming year, unfortunately, it looks as though we are likely to do something like that again. This bill violates the Budget Control Act, the cap, the limit we put on spending. It exceeds that, and it creates a new amount of spending above and beyond what was contemplated. I think that is a huge problem in and of itself. So I oppose this legislation on the substance of it, but in particular I am objecting to the fact that it does exceed this budgetary authority.

Mr. President, at the appropriate time, I intend to raise a budget point of order. If that is now, I will do it now.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

# TRANSACTION ACCOUNT GUARANTEE EXTENSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3637, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

Pending:

Reid amendment No. 3314, to change the enactment date.

Reid amendment No. 3315 (to amendment No. 3314), of a perfecting nature.

Reid motion to commit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid amendment No. 3316, to change the enactment date.

Reid amendment No. 3317 (to (the instructions) amendment No. 3316), of a perfecting nature.

Reid amendment No. 3318 (to amendment No. 3317), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Mr. President, the pending measure, S. 3637, the Transaction Account Guarantee Act, exceeds the Banking Committee's section 302(a) allocation of new budget authority and outlays deemed by the Budget Control Act of 2011; therefore, I raise a point of order against this measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The senior Senator from South Dakota is recognized.

Mr. JOHNSON of South Dakota. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending measure, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees prior to a vote on the motion to waive the budget point of order.

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I support the budget point of order that has been raised, but let me just make a point. I had an amendment that would have kept this budget point of order from being a problem. The reason we are where we are is that both Republicans and Democrats had amendments to this bill, and the ones we put forth would have solved this budget point of order, but because my amendment has not been heard, the Senator from Pennsylvania has raised this budget point of order, and the fact is that I hope it will be sustained. But what is the shame of all of this is that both Democrats and

Republicans had amendments to this bill. I think the amendment I put forth would have carried the day. It would have allowed the FDIC to actually charge enough money in the difference for these transaction accounts so we would not have the budget point of order that has been raised. But the amendment has not been heard. The leader filled the tree, and therefore no amendments—not Republican amendments, not Democrat amendments—could have been heard.

The other amendment I had that would have helped even more or added to this solution is we could have made this program voluntary so that if there are community programs around the country that wanted to participate in this program, they could have done so on a voluntary basis.

So there are two amendments—one that would have forced the FDIC to actually charge enough money to make this account actuarially sound, and that amendment is not being heard, and an amendment to allow this to be voluntary so that if there are community banks that are struggling and feel as though they need to protect these accounts and still keep them in their banks, they could have paid the actuarially sound amount to make that occur. But neither one of those amendments has been heard.

I would say to everybody in this body who is tired of this place not working because neither side of the aisle has the opportunity to vote for amendments, to have amendments heard and voted on, I say to both sides of the aisle that we absolutely should vote to uphold this point of order and hope that when we come back next year, both Republicans and Democrats will have the opportunity to represent their constituents back home by offering amendments that can actually be voted on in this body.

I thank the Senator for raising the point of order. I wish we could have made this work for our country in an appropriate way, but what we are going to have today is just a simple vote.

I will just say this—and I probably shouldn't—the only reason we are voting on this amendment is that my friends on the other side of the aisle know Dodd-Frank has hurt community bankers throughout this country. They are trying to throw a bone out to community bankers across this country, and they are trying to get us to vote against it. That is not the way this place should work.

I have amendments that would have fixed this bill, made it work for community bankers, and we could have gone forward. The only reason we are doing it this way is because my friends on the other side of the aisle know the provisions in Dodd-Frank are hurting community bankers and they are trying to throw a bone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I wonder if the Senator from Tennessee would yield to me on this very point.

Mr. CORKER. Absolutely.

Mr. WICKER. Mr. President, I thank the Senator from Tennessee for making this point. I have an amendment to this bill that I would like to have had heard. It strikes a middle ground between the unlimited per account liability and the \$250,000 we have traditionally had. It is a modest compromise as well as an alternative, and it will not be considered because of the very practice my friend from Tennessee has mentioned.

It is not only our amendments—I just came in on the tail end of the Senator's remarks—but there are Democratic amendments which deserve to be heard on this bill. Senator UDALL has an amendment—he is a member of the majority party—and it is a well-reasoned amendment that deserves to be considered and heard. The distinguished majority leader has chosen to fill the amendment tree and offer only his select amendments, and now I am deprived from the ability that I think a representative of several States should have; that is, to bring forth an idea and have it heard. I might not be able to get a majority on it and Senator UDALL may not prevail, but we deserve to be heard.

This has been the greatest deliberative body in the world—at least that is what I heard before I came over from the House of Representatives—but it has not turned out that way. The majority leader time and time again fills the amendment trees, thereby preventing any of the other 99 Senators from offering amendments.

The Congressional Research Service has identified 40 instances in which opportunities for debating and offering amendments had already been limited by the Senate majority leader by filling or partially filling the amendment tree.

I have one more point and then I will yield back to my friend from Tennessee. We are going to miss the services and the independence of the distinguished senior Senator from Maine, Ms. OLYMPIA SNOWE. I think anyone in this body would have to admit Senator SNOWE has been evenhanded, bipartisan, and often nonpartisan. She has objected to this very practice by this very majority leader, and I think it is destructive to the overall process of the Senate.

In the specific words of retiring Senator OLYMPIA SNOWE: First and foremost, the Senate should have the ability to debate more than the three amendments the majority leader is allowing. It is therefore imperative that Senate deliberations on the Defense bill be conducted without limitations and in a manner that allows for the

consideration of all related amendments that Senators may wish to offer.

I have been aggrieved that my little amendment is not going to get any more debate than these few moments right now. I know the Senator from Tennessee feels the same way, and undoubtedly Senator UDALL would prefer a vote and debate on his amendment. We can fix the Senate. We can get back to the leadership we had under Mansfield and Mitchell of Maine and Lott of Mississippi and other majority leaders. We can move legislation along but not if we continue this abuse of the process by filling the amendment tree.

I will be voting with the distinguished Senator from Tennessee and the Senator from Pennsylvania on the point of order because we need to draw a bright red line there. Perhaps we can get on this issue at some other point. I hope the Senate can get back to an orderly debate on matters of substance.

I thank my friend, the Senator from Tennessee, for yielding on that point.

I yield back.

Mr. CORKER. Mr. President, I thank the Senator from Mississippi for his comments, and I will yield the floor to the Senator from Pennsylvania.

I have a couple more comments, and when appropriate, I will make them.

Mr. TOOMEY. Mr. President, I thank the Senator from Tennessee for allowing me to make a couple points. These are very well-made points about having the opportunity to actually debate and try to improve a bill on the floor. One of the things that disturbs me is that I see a pattern that is playing out today, and this is not the first time. This is just part of why we have not had a budget resolution for 3 consecutive years. The majority party does not want to have to come down and actually cast votes.

If there is a budget resolution on the floor, there surely will be amendments. We all come from different places, have different ideas, and we want our constituents to have a chance to get their say. The majority party apparently does not want to have to cast votes. I think that is part of why there has not been a single appropriations bill on this floor, and that is just a shocking abdication of our responsibility.

Here we are in mid-December, and while the committee has voted this out—if not every appropriations bill, the vast majority of them—not a single one has been brought to the floor. We have seen this happen on bill after bill. I hear the criticism that Republicans will not allow the body to get on the bill. The motion to proceed passed; the cloture motion passed. We are on the bill. Despite that, there is no opportunity to have a meaningful, substantive debate about ways this could be improved and changed. It is not possible because the distinguished majority leader refuses to permit it. In my view, that is the dysfunction of this

body; it is a pattern, and it is a problem. I too had a couple of amendments I would like to have had an opportunity to discuss.

I wish to make one other point. On the few occasions when the majority leader has actually permitted an open amendment process—the farm bill, postal reform bill, and Defense authorization come to mind—we would start with a huge, long list of amendments. Then people say: There are too many. I will give up some of mine. We got to a manageable amount, we dealt with them, and actually all three of those bills passed. The process works when it is allowed to take place, but this is not a very good function.

The last point I will make is to urge my colleagues to remember when we are running trillion-dollar deficits as it is, the last thing we ought to do is increase the size of those deficits with a taxpayer bailout of banks, and that is what this ends up amounting to.

I urge my colleagues to sustain this point of order.

I yield back to the Senator from Tennessee.

Mr. CORKER. Mr. President, I will be a little more brief this time. I thank the Senator for the point of order that he made and also his comments. We have some people on our side of the aisle who I know—due to things that have happened in this body previously—have had some amendments. I know some people feel as though we are harmful to banks which they may have supported in the past and maybe this is a way to do something that sort of makes it even, if you will.

I will just say to my friends on this side of aisle that may have some of those feelings, we have two amendments—there are actually multiple amendments—that will make this bill work. One amendment would cause the FDIC to charge the rate necessary to take into account the losses that are going to occur. I think it might pass by unanimous consent. I cannot imagine why people in this body would not like the FDIC to have to charge the appropriate amount.

Secondly, it would make this program voluntary. There are a lot of banks that candidly don't want to participate. They don't want to pay the fee. We can make this voluntary.

To my friends on this side of the aisle, I just want to say: Look, if we could hear these amendments, we could make this bill work for everybody. I don't like these kind of guaranteed programs, generally speaking, but I would be willing, if my amendment is passed, to support this bill.

I wish to go back to the last point. A point of order has been raised. The way this bill is now constructed, it violates the Budget Control Act. This body has voted to uphold budget points of order on some pretty tough issues.

I think the point the Senator from Pennsylvania is making is we are going

to violate a budget point of order to create a bailout for banks. I don't know. In my opinion, that is not exactly what we need to be doing. We can fix this if we could hear our amendments to make it so it is not a bailout for the banks by just making it actuarially sound and know they are covering their costs themselves, but the majority leader will not let us do that.

Candidly, I hope my friends on the Democratic side of the aisle would vote to uphold this budget point of order, knowing that if we could consider all the amendments today, we could actually make this sound. I hope we would unify the body and say to the majority leader: Enough with filling the tree and not allowing the Senate to operate. Let's get beyond that.

Again, I hope we will support the budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the way we arrived at this point is the Congressional Budget Office, our chosen authority on budget matters, has concluded that the legislation violates the budget, and they submitted analysis to that effect that has been provided to the chairman of the Budget Committee, Senator CONRAD, an honorable chairman of the committee. He and his staff have examined it, and they concluded that it does. They have advised the Parliamentarian.

Senator TOOMEY has now raised the budget point of order, and based on the report from the chairman of the Budget Committee, the Parliamentarian will rule that this legislation spends more than we agreed to spend under the Budget Control Act limitations and will therefore sustain it. The people who are promoting the legislation will seek to waive the budget, ignore the fact that it violates our spending limits, and pass the bill anyway. I think that is bad.

We have had a series of these votes. It is time for the people who advance legislation in the body to be careful, and when they submit legislation that it stays within the budget. When they block this legislation, it violates it.

In August a year ago, Congress agreed to certain spending limitations. It was not enough in my view, but there were some noticeable limitations. We would still spend more every year but limit the growth. Regardless, it was limited. There was a limit on how much we could spend. Whether it is up or down, it limited it, and this would be in violation of it.

I wish we could get to a point of where the legislation was fixed before it got to the floor and was in compliance with the budget.

I say to my colleagues, as ranking Republican on the Budget Committee, we can get the score. CBO will give us the score. There is plenty of opportunity to have this information before

the vote and before the bill comes before the floor.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to the motion to waive the budget point of order.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 42, as follows:

[Rollcall Vote No. 227 Leg.]

#### YEAS—50

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Gillibrand   | Nelson (FL) |
| Baucus     | Hagan        | Pryor       |
| Begich     | Harkin       | Reed        |
| Bennet     | Hutchison    | Reid        |
| Bingaman   | Johnson (SD) | Rockefeller |
| Blumenthal | Kerry        | Sanders     |
| Brown (OH) | Klobuchar    | Schumer     |
| Cantwell   | Kohl         | Shaheen     |
| Cardin     | Landrieu     | Stabenow    |
| Carper     | Levin        | Tester      |
| Casey      | Lieberman    | Udall (CO)  |
| Collins    | Manchin      | Udall (NM)  |
| Conrad     | McCaskey     | Warner      |
| Coons      | Menendez     | Webb        |
| Durbin     | Merkley      | Whitehouse  |
| Feinstein  | Murray       | Wyden       |
| Franken    | Nelson (NE)  |             |

#### NAYS—42

|            |              |           |
|------------|--------------|-----------|
| Alexander  | DeMint       | Moran     |
| Ayotte     | Enzi         | Murkowski |
| Barrasso   | Graham       | Paul      |
| Blunt      | Grassley     | Portman   |
| Boozman    | Hatch        | Risch     |
| Brown (MA) | Heller       | Roberts   |
| Burr       | Isakson      | Rubio     |
| Chambliss  | Johanns      | Sessions  |
| Coats      | Johnson (WI) | Shelby    |
| Coburn     | Kyl          | Snowe     |
| Cochran    | Lee          | Thune     |
| Corker     | Lugar        | Toomey    |
| Cornyn     | McConnell    | Vitter    |
| Crapo      | Mikulski     | Wicker    |

#### NOT VOTING—8

|        |            |        |
|--------|------------|--------|
| Boxer  | Inouye     | Leahy  |
| Hoeven | Kirk       | McCain |
| Inhofe | Lautenberg |        |

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained. Under the previous order, the motion to invoke cloture on S. 3637 is withdrawn.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that today, Thursday, December 13, at 1:45, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 830, 832; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 830 and 832, in that order, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any statements related to this matter be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 1:45 p.m. with Senators permitted to speak for up to 10 minutes each; further that Senator SNOWE be recognized at 1 p.m. for up to 45 minutes; finally, at 1:45 p.m. the Senate proceed to executive session as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Madam President, we hope that after the first vote this afternoon we will be in a position to enter an order that we would be on—when we come back on Monday—the supplemental. We are going to come in earlier than usual. There will not be a vote until 5:30. That will likely be on a judge. But during the afternoon, there can be a case made for the supplemental. So we hope to have a consent agreement on that within the next couple of hours.

The PRESIDING OFFICER. The Republican leader.

#### TRIBUTES TO DEPARTING SENATORS

##### SCOTT BROWN

Mr. MCCONNELL. Madam President, I would like to continue the difficult task of saying goodbye to Senators who will not be with us in the next

Congress. Sadly, that includes Senator SCOTT BROWN of Massachusetts.

Senator BROWN came to us already something of a political legend. In just a few short years, he leaves behind an outsized legacy. We all remember how SCOTT rose to national prominence in the election literally heard about around the world. After the death of Senator Kennedy, there was an open seat in Massachusetts and a special election to fill it. Few people even entertained the thought of a Republican winning. And for good reason. Few States are as synonymous with political liberalism.

Democrats outnumber Republicans in the State 3 to 1, and the entire congressional delegation is composed of Democrats. But supported by his wife Gail and their daughters, along with some key early allies, including our own Senator MCCAIN, SCOTT appealed to the State's political independents, ran a flawless campaign, and won. As he put it on election night, he beat the odds and the experts, and the people became the machine. I think the 2006 GMC Canyon that SCOTT drove around during the election should actually go to the Smithsonian.

We all remember that night, and, in particular, SCOTT's acceptance speech. Most people focus on what he said about his daughters, but the speech itself was a masterpiece. It perfectly summed up the political moment, and it captured something essential about SCOTT's success; that is, the notion that no politician has a right to his or her seat; that we are all here to serve our constituents.

Every day I hold this office, SCOTT said, "I will give all that is in me to serve you well and to make you proud . . . [and] most of all, I will remember that while the honor is mine, this Senate seat belongs to no one person and to no political party, and as I have said before, and you said loud and clear today, it is the people's seat."

SCOTT lived up to his promise. He captured the imagination of the entire country when he corrected David Gergen by telling him the so-called Kennedy seat was, in fact, the people's seat. He carried that message straight to Washington.

I remember SCOTT telling me in our very first meeting that I could not count on his vote, that I would have to earn it. I told him he could do whatever he pleased. While he has not been here long, he has certainly made his mark. I have seen a lot of politicians in my day, but few have been as talented as SCOTT BROWN. He is a unique talent. I have no doubt we will see him back in Washington someday in the not too distant future.

The truth is, SCOTT's victory was not the first time he had done what others thought impossible. As a young man, he knew poverty first hand, and a broken home, and even took to shoplifting

to feed himself and his sister. Yet SCOTT overcame these early challenges. As is often the case, he owes a lot of it to an adult who saw his potential early on.

In SCOTT's case, that adult was Judge Samuel Zoll. When SCOTT showed up in his chambers one day, Judge Zoll saw a troubled but decent young man who needed a friendly nudge.

"We had a long talk about [the] talent I thought he had, and I didn't want to see him squander it," Judge Zoll later recalled.

SCOTT, of course, remembers it a little differently, saying the judge "verbally kicked [his] butt."

The judge ordered SCOTT to write a 1,500-word essay about disappointing his family. After reading it, he told SCOTT he would give him a break this time, but if he ever stole anything again—anything—he would be sent to jail. Judge Zoll's lesson stuck so deeply that the two men remained friends until Judge Zoll's death last year.

SCOTT went on to be a baseball star in high school and in college, earning the nickname "Downtown Scotty Brown." That was for his accuracy with a 3-point shot. Then he went to law school, the Army National Guard, held city and State political office, where he was 1 of just 5 Republicans in a body of 40 in the State senate and then the U.S. Senate.

Senator BROWN also famously found time to do a little modeling in his youth, and it was through this work that he met his wife Gail. I have had the pleasure to get to know SCOTT and Gail well over the last 3 years. They have two daughters and make an absolutely wonderful family. I am sure Gail, Ayla, and Arianna are very proud of SCOTT and just as sad as I am to see his tenure cut short. But they should be proud of the fact that SCOTT has accomplished a lot in 3 short years in the Senate.

He led the charge to repeal a burdensome withholding tax that hurt small businesses. He crafted legislation for crowdfunding, which allowed job creators to raise startup funds for their businesses over the Internet with less redtape, and he introduced legislation to ensure that children's hospitals have access to discounts on orphan drugs that are used to treat rare diseases. All of these bills are now law.

As a 32-year member of the National Guard, Senator BROWN takes a special interest in our men and women in uniform and their families. He introduced legislation to give businesses incentives to hire veterans, who, sadly, have higher unemployment rates than the national average. He introduced and saw to passage legislation creating the Office of Service Member Affairs to protect troops who are often targeted by financial fraud and scams. He saw to the passage of legislation making it easier to void government contracts

with businesses found to be funneling taxpayer resources to terrorist groups. He fought for National Guard members and their families to receive their fair housing allowance when deployed overseas.

Although his work in the Senate has come to an end, I am sure SCOTT BROWN's work in public service, in whatever capacity, will not. He is still a young man with a bright future ahead of him. I, for one, am very much looking forward to seeing how he uses his talents next.

From the statehouse to the Senate, from the modeling shoot to the basketball court, Senator SCOTT BROWN has always made his own success. I do not think he knows any other way.

SCOTT, it has been an honor serving with you. You not only made history, you made a difference. You should be proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. REED. Madam President, I rise today to speak about the real-world consequences of failing to achieve a fair and balanced solution to avert the automatic tax hikes and spending cuts that would otherwise occur at the end of December—the end of this month.

Failing to continue unemployment insurance, allowing taxes to rise on middle-income Americans, and cutting Federal spending too much and too soon during a struggling economic recovery could, as the nonpartisan Congressional Budget Office has estimated, cause a new recession.

This is a fate we can and should avoid for people in my State and across the country. Indeed, families in Rhode Island are still getting their economic footing and cannot afford another economic setback. An economic downturn will erase the strides we have made so far to strengthen our economy and exacerbate the widening income inequality, which Americans sense and recognize in an economy that all too often seems stacked against them. Instead, we must work toward a compromise that is fair, helps the middle class, creates jobs, and strengthens and accelerates our economic recovery.

As I see it, widening income inequality and the sense that future generations will not see the same kind of economic security as my generation is one of the most pressing challenges facing our Nation. Over the past several decades, top earners have taken a bigger and bigger chunk of income while wages have stagnated for far too many Americans.

From 2000 to 2007, incomes for 90 percent of workers rose by about 4 percent, while the top one-tenth of 1 percent of Americans saw income gains of 94 percent. The vast majority of Americans have seen wage gains that are barely enough to keep their heads above water, while a very small number of top-income earners have seen an extraordinary growth in income.

In 2010 alone, about 20 percent of all income went to the top 1 percent. We are now back to income inequality levels similar to just before the Great Depression. Such wide disparities are unsustainable, create economic instability and threaten our social fabric.

In the past, when income inequality has reached these kinds of levels, Democrats and Republicans have both recognized its destabilizing impact and worked together to reward success while providing meaningful opportunities and a sense of fairness for all Americans.

I believe there are straightforward ways we can begin to reverse this escalating income inequality—ways which are true to the founding principles of our Nation. After all, we have done it before. From the end of World War II and well into the 1970s, incomes grew rapidly across the United States and economic prosperity was broadly shared. As our economy grew, every level of America shared in that growth.

By making education affordable, fostering innovation and job creation, and providing economic security to retirees through Medicare and Social Security, our country went from a paralyzing Great Depression to an economic superpower. We were able to accomplish such a drastic transformation because we were willing to consider revenue as a way to invest in the future and promise economic security to our seniors.

Focusing spending on policies that work and balancing revenue is at the core of this debate. I have made tough choices in the 1990s that balanced the budget, generated a surplus, and supported robust job creation. In January of 1993, the unemployment rate stood at 7.3 percent, and by January of 2001 that rate had been reduced down to 3.9 percent. That period of record growth also saw a substantial decline in the poverty rate. In 1993, 15.1 percent of Americans were in poverty, but thanks to job growth and an expanding economy based upon a balanced approach to deficit reduction—including revenue and reduction in expenditures—poverty fell to 11.3 percent in 2000.

But the unpaid wars of the Bush administration, excess tax cuts for the wealthy, and a financial crisis brought on by lax regulation under the Bush Presidency erased those hard-fought gains of the 1990s. As a result, we have seen education become more expensive, Federal investments that support economic prosperity for all have been reduced, and economic gains have been



concentrated at the top. Meanwhile, in spite of repeated claims, lower tax rates for the wealthiest haven't driven job creation and economic growth. We have had record low income tax rates; yet now we are struggling with one of the worst unemployment crises we have seen since the Great Depression.

I believe the election has shown Americans want us to return to the principles that work for the benefit of everyone, not just a select few. With that in mind, the path forward should be clear.

We should continue tax cuts for income up to one-quarter of a million dollars and reduce the deficit by nearly \$1 trillion. We should continue extended unemployment insurance for 2 million people who will lose it otherwise. We should prevent further immediate cuts to Federal investments in things that keep us safe, grow our economy, and enhance the lives of Americans, whether it be infrastructure, workforce training or research and development.

What we should absolutely not do is make changes, hasty changes, to Social Security and Medicare that would undermine the promise of economic security to seniors, not just this generation of seniors but succeeding generations of seniors. Fairness, opportunity, respect for the rules, and a sense of security in retirement, those are the priorities that can't be lost as we debate the budget.

So I am disheartened to hear that Republicans are holding the middle class and the entire economy hostage in order to preserve nearly \$1 trillion in additional tax cuts for the top 2 percent of Americans, while at the same time proposing detrimental changes to Social Security, Medicare and Medicaid. I believe this is an untenable position and one I hope my colleagues on the other side will soon abandon.

Moreover, the Republican proposal does not provide immediate, short-term aid to 2 million Americans out of work and looking for employment. These were men and women who were working, and as a consequence of the economic difficulties over the last few years have lost their jobs. Their proposal would not, as the President's plan does, put Americans back to work, not just by continuing benefits in terms of unemployment insurance but by putting Americans back to work improving our roads, bridges, and transportation infrastructure.

Unfortunately, in the past, too many on the other side of the aisle have stymied efforts to accelerate the recovery like blocking jobs legislation that was paid for by asking millionaires to pay Clinton-era rates on income over \$1 million. They have endorsed proposals that would transform Medicare into a voucher program and Medicaid into a block grant, which would merely shift health care costs to seniors and States

rather than address underlying cost drivers and inefficiencies.

So it is not surprising Speaker BOEHNER has put forth a significantly flawed proposal, in my view, that would jeopardize our economic recovery, undermine the middle class by not providing immediate support for our recovery, and do very little to achieve real deficit reduction.

While the President, in contrast, has put forward a clear and specific plan, the Speaker's proposal is light on details related to deficit reduction. It is, I sense, another sign that the Republican Party is out of touch with the majority of Americans who favor the President's approach. We have had an election in which voters made it clear that if we are going to propose major policy changes, then those proposals must be real and credible. Americans want us to be candid and honest with them as we make these difficult decisions.

We can disagree about policy—we do that all the time—but it is hard to disagree about simple arithmetic. The Speaker, for example, has proposed \$800 billion in taxes through “limiting deductions and lowering rates,” also known as “lowering rates and broadening the base.” But as many non-partisan analysts have shown, the numbers don't add up. “Lowering the rates and broadening the base” just means tax cuts for the wealthy and higher taxes for the middle class because deductions for home ownership, charity, State and local taxes would have to be severely limited for most Americans in order to pay for the top rates and avoid further growing the deficit.

It is not only the math that doesn't add up, but it is also their assumption about job creation and the economy. Historical data shows reductions in top tax rates have had little impact when it comes to creating jobs and boosting growth. But tax cuts do, according to the data, increase income inequality.

In contrast, the President and Democrats have been clear with the American people that we can't afford nearly \$1 trillion in additional tax breaks for the top 2 percent—which do little for job creation and exacerbate income inequality. We should let the top two marginal tax rates expire. Democrats have already passed legislation in the Senate to do that. And again, to be clear, letting the top marginal tax rates on income over a quarter of a million dollars expire would still mean all Americans get a tax cut for income below that level.

Moreover, Speaker BOEHNER, in his proposal, again raises the specter of increasing the Medicare eligibility age and reducing Social Security benefits. While raising the Medicare eligibility age from 65 to 67 beginning in 2014 would result in \$125 billion in Federal savings, it would basically shift all

those costs onto State governments and the private sector.

To help illustrate this cost shift, the Kaiser Family Foundation examined what would happen during the first year the policy would take effect, 2014. In that year, individuals would not qualify for Medicare until age 65 and 2 months. This change would trigger \$5.7 billion in Federal savings. However, spending on the part of State governments, employers, beneficiaries and individuals and families slated to purchase health insurance through new health insurance exchanges would double—to the tune of \$11.4 billion. Indeed, increasing the Medicare eligibility age is a shell game that will just shift costs and do nothing to bend the proverbial cost curve.

If my colleagues on the other side of the aisle wish to reduce the deficit by \$125 billion, there are better ways to do it. We can start by closing egregious loopholes that benefit companies that shift jobs overseas or benefit oil and gas companies.

And there are ways to reform Medicare and Medicaid without shifting costs to beneficiaries and making the goal of a secure retirement harder to achieve. Indeed, the Affordable Care Act makes a downpayment on deficit reduction with a sensible and thoughtful approach to addressing the underlying drivers of health care costs. And we can do more in this regard. We can eliminate overpayments to Medicare Advantage plans. We can allow the Secretary of Health and Human Services to negotiate directly with companies on the cost of prescription drugs in Medicare—or, at the very least, increase rebates in programs such as Medicare and Medicaid.

We should not look to Social Security to solve our fiscal deficit either. Social Security will continue to spend less than it takes in until 2033. And even if we don't do anything to address this very long-term issue, beneficiaries would still receive 75 percent of their expected benefits, according to the law. Moreover, Social Security is not a driver of the deficit. If we make any changes to the program, they must be done, I believe, outside the debate on the deficit and directed at extending the life and solvency of the Social Security trust fund in order to keep our commitment, not only to this generation of seniors, but to succeeding generations of seniors.

Shoring up Social Security can be achieved in several ways, for example, by broadening the taxable wage base. The last time Social Security was reformed in 1983, the cap on taxable income covered 90 percent of earnings. Now the cap only covers 85 percent of income and is steadily decreasing. The first thing we can do is begin to restore the original intent of the program and we can do that by lifting the cap on wages over \$250,000.

I hope my colleagues on the other side would hear the same message with respect to some of their proposals regarding Medicaid. Medicaid is already a rather efficient program. Medicaid actually costs less per beneficiary than private insurers to cover similar people with similar health issues. Medicaid spending has grown at a slower rate for beneficiaries than private insurance. Changing the financing structure of Medicaid is just another example to score a political victory at the expense of some of the most vulnerable people in our society.

I hope to work with all my colleagues, on both sides, to strengthen Medicare, Medicaid, and Social Security. But now, with only 3 weeks left, it is not the time to make hasty and drastic alterations to the foundation of economic security for seniors and for their families. Because when we talk about seniors, we are also talking about their sons and daughters who would have to step up and fill the gap if we made unwarranted changes to Medicare and to Social Security.

Many of these Republican proposals don't sound particularly serious. The revenue and deficit reduction targets are deceptive and, worst of all, it seems to be more sloganeering, not problem solving. Our goal should be improving the economy and reversing the stark trend of income inequality that has been exacerbated by this great recession and prolonged unemployment.

We should not cut the deficit on the backs of the middle class and seniors. We only have a few weeks before various provisions of the law will begin to cut into our economic growth. The loss of unemployment insurance, for example, will be immediately harrowing for the 2 million on unemployment insurance; middle-income families will be squeezed more and more as their taxes rise and government spending in critical programs is slashed, all because some on the other side are more concerned with protecting tax breaks for the wealthiest.

Economists believe this kind of economic contraction could lead to another recession, where once again low- and middle-income families will feel the brunt of the downturn and have the hardest time making up lost ground during the ensuing recovery.

I hope my Republican colleagues drop their attempts to cut the deficit on the backs of 98 percent of Americans and 97 percent of small businesses in order to provide additional tax cuts to the wealthiest 2 percent of Americans. I hope my Republican colleagues drop their demands to make drastic and hasty changes to Medicare, Medicaid and Social Security. I urge them to pass the Middle Class Tax Cut Act, continue unemployment insurance, and work with us to develop a rational alternative to sequestration. This approach is fair to the middle class, will

grow our economy and create jobs, and will help turn around income inequality in our country.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Ms. SNOWE. Madam President, I ask unanimous consent to proceed as in morning business and that I be allowed to consume as much time as needed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Ms. SNOWE. Madam President, I rise today with an infinite appreciation for the institution of the U.S. Senate as well as a profound sense of gratitude as I prepare to conclude my 18 years in the Senate and my nearly 40 years in elective office on behalf of the people of Maine.

It has been difficult to envision this day when I would be saying farewell to the Senate, just as it was impossible to imagine I would one day become a U.S. Senator as I was growing up in Maine. But such is the miracle of America, that a young girl of a Greek immigrant and first-generation American, who was orphaned at the age of 9, could in time be elected to serve in the greatest deliberative body the world has ever known and become the third longest serving woman in the history of the U.S. Congress.

So in contemplating how to begin my remarks today, I was reminded of the words of the renowned American poet and son of New England, Ralph Waldo Emerson, who said:

Cultivate the habit of being grateful for every good thing that comes to you, and to give thanks continuously. And because all things have contributed to your advancement, you should include all things in your gratitude.

That perfectly encapsulates how I am feeling on this day—thankful and blessed. In that light, I first and foremost want to thank the people of Maine for allowing me to be their voice, their vote, and their champion for 16 years in the U.S. House of Representatives and for three terms in the U.S. Senate. One of the definitions of the word “trust” is “a charge or duty imposed in faith or confidence.” And to have had the trust of Maine people, who have placed their faith and confidence in me, is an honor of indescribable magnitude. Indeed, serving my magnificent State over the past 34 years in the Halls of Congress has been the greatest privilege of my life.

I also want to thank my amazing husband, Jock McKernan, who is with

us today and who, as you know, was a former Congressman and former Governor of Maine. In fact, when Jock was Governor while I was serving in the House of Representatives, we used to joke that our idea of quality time together was listening to each other's speeches. But truly, we have shared a passion for public service and quite a unique journey together, with 56 years between us in elective office, and we have never regretted a single moment.

I am also pleased to say he is joined today by our very wonderful, longtime friends, Dan and Sharon Miller from Maine.

On this occasion, I also think of my family, without whom none of this would have been possible. I have often joked that the secret to my electoral success is coming from such a large extended family—some of whom we started on campaigns at birth, I might add. But they have been a source of boundless love and support over the years, through the struggles as well as the celebrations, and I thank them from the bottom of my heart.

It is also impossible to serve for this long and at this level without dedicated and exceptional staff, and during my tenure in the House and Senate, I have had nearly 400 people on my staff who have helped to make all the difference for me, for Maine, and for Washington. Here we have had tremendous support with the invaluable guidance and efforts on the part of my staff through the extraordinary events of more than three decades, and they have represented the very best and brightest the Nation has to offer. They are here today in the back of the Chamber and up in the gallery, and I applaud them time and time again. In fact, we had a wonderful reunion of all of my staff, and I realize it just simply would not have been possible to have been on this legislative journey without them.

The same is true of my staff in Maine, who have not only been my eyes and ears but also my stalwart surrogates in assisting Mainers with their problems and in navigating the Federal bureaucracies. Like me, they have never been inclined to take no for an answer, and in so doing they have touched literally thousands of lives, helping to soften the hardest days and brighten the darkest.

I thank and commend the stellar staff of the Senate, from all of those ensuring the operation of the Senate here on the floor, to the cloakroom staff, the legislative counsel, to all of our pages who are here from all across America, to all those who actually keep the facilities running, and certainly to the officers who are on the front lines of Capitol security, protecting our visitors and all of us. You have my deepest admiration for your immeasurable contributions to the Senate and to our country.

I want to express my gratitude to the minority leader for his gracious remarks about my service. Senator MCCONNELL has worked tirelessly in leading us through extremely challenging moments for the Senate and for the country. His longevity of legislative experience has made him a true asset to this body, for our Republican caucus, and I have the most heartfelt respect and appreciation for his contributions to his home State of Kentucky and to this country.

To my friend and colleague SUSAN COLLINS, I want to thank her for her very kind and extremely generous words on the floor last week. Public service was imbued in Senator COLLINS from her earliest days in Caribou, ME, where, incredibly, both her parents, Don and Pat, were former mayors of the city. I happened to have served with her father Don when he was also in the State legislature. For the past 16 years, Senator COLLINS has provided exemplary representation not only for Maine but for America with her voice of reason, pragmatism, and thoughtfulness, and Maine will truly be in outstanding hands with SUSAN COLLINS as our senior Senator.

I am also indebted to my great friend Senator MIKULSKI, the dean of the women in the Senate and for all women, for the warm and wonderful comments she made yesterday on the floor. I have known BARBARA for more than 30 years, beginning with our mutual service in the House of Representatives. She is truly a dynamo who has always brought to bear an unyielding tenacity that has consistently been reflected in her vigorous advocacy for those she represents.

As I said, in 2011 she became the longest serving woman in the Senate, and there is no one I would rather have surpassing the length of service of Maine's legendary Senator, Margaret Chase Smith, than Senator BARBARA MIKULSKI. What a reflection on her legislative stature that she has now assumed the mantle of longest serving woman in the history of the U.S. Congress.

To our Presiding Officer, I would say that I have enjoyed serving with her as well in this august Chamber and getting to know her. I know she will do well into the future, and I have enjoyed working with her over the years.

I see two of my colleagues here: Senator ISAKSON, who is my neighbor in the Russell Office Building—a gentleman in every way. He has been magnificent to work with. And, of course, my colleague Senator MURKOWSKI from Alaska, who has made some great contributions to the Senate with her consensus-building, her dedication, and her exceptional abilities. I want to thank them because I have certainly enjoyed working with them and getting to know them.

To all of my Senate colleagues, past and present, this Chamber would sim-

ply be another room with fancy walls without the lifeblood of passionate service and dedication you bring to this institution and our Nation.

We all have our stories about where we came from, about what shaped our values and aspirations and why we care so much about public service as a vehicle for securing for others the American dream, for all who seek to embrace it. In my instance, my own legislative journey commenced when I was elected to fill my late husband's seat in the Maine House of Representatives. I felt then, as I have throughout my career, that our role as public servants, above all else, is to solve problems. I have often reflected on my 6 years in the State house and the State senate in Augusta, ME, because that is where I found politics and public life to be positive and constructive endeavors. Once the elections were over, my colleagues and I would put the campaigns and the party labels behind us to enact laws that genuinely improved the lives of Mainers.

I also inherited a legacy of bipartisanship and independence from Senator Margaret Chase Smith, who is best remembered for her remarks made during only her second year of her first term in the U.S. Senate when, with truly uncommon courage and principled independence, she telegraphed the truth about McCarthyism during the Red Scare of the 1950s with her renowned "Declaration of Conscience" speech on the Senate floor. In 15 minutes she had done what 94 of her colleagues—male colleagues, I might add—had not dared to do, and in so doing slayed a giant of demagoguery.

So when people ask me why I may be challenging a particular party position or why I don't simply go with the flow, I tell them: Please don't take it personally. I can't help it, I am from Maine. That is what Maine people truly expect from their elected officials—they expect you to do what you believe is right for the right reasons and in the right way. We have seen that reflected time and again, not only with Margaret Chase Smith but in the distinguished service of great Senators who have preceded me from Maine, from Ed Muskie to Bill Cohen and the former majority leader of the Senate, George Mitchell.

Throughout my tenure, I have borne witness to government's incredible potential as an instrument for that common good. I have also experienced its capacity for serial dysfunction. Indeed, as I stated in announcing I would not seek a fourth term in the Senate, it is regrettable that excessive political polarization in Washington today is preventing us from tackling our problems in this period of monumental consequences for our Nation.

But as I prepare to conclude my service in elective office, let me be abundantly clear: I am not leaving the Sen-

ate because I have ceased believing in its potential or I no longer love the institution, but precisely because I do. I am simply taking my commitment to the Senate in a different direction.

I intend to work from the outside, to help build support for those in this institution who will be working to reestablish the Senate's roots as a place of refuge from the passions of politics, as a forum where the political fires are tempered, not stoked—as our Founding Fathers intended. Because the Senate in particular is our essential legislative mechanism for distilling the vast diversity of ideologies and opinions in America, so that we might arrive at solutions to the challenges we face.

The fact is, we are a can-do country, infused with an irrepressible can-do spirit. It is in our blood, and in the very fiber of who we are. It is in our hardworking families, and in the limitless entrepreneurship and innovation of our people. And it is profoundly reflected in our heroic men and women in uniform—whose unflagging bravery and professionalism I have been privileged to witness firsthand throughout my tenure in Congress as they answer the call in places like Iraq and Afghanistan, with many having made the ultimate sacrifice so that we may live and that freedom may always ring.

Here in this chamber, I have spoken with many of you who came here to get things done, to solve problems and achieve great things for our Nation. I have heard you lament the inability to accomplish more in today's polarized atmosphere. And as I have traveled throughout Maine and America—even overseas, people ask me, has it always been this way?

I tell them, I am so passionate about changing the tenor in Congress because I have seen that it can be different. It has not always been this way. And it absolutely does not have to be this way.

I have been in the Congress long enough to have experienced firsthand what can be accomplished when individuals from various political backgrounds are determined to solve a problem. For instance, when I first came to the House of Representative in 1979, I joined the bipartisan Congressional Caucus on Women's Issues, which I ultimately cochaired for 10 years with Democratic Congresswoman Pat Schroeder. We certainly did not agree on everything, but with only 17 women in the House and Senate, we simply could not afford to draw political lines in the sand when it came to matters of importance to women.

So when we spoke on these issues, we spoke as women, not as Republicans or Democrats. That is what drove our agendas at the caucus—and, together, we started to make a real difference for women. That was a time in America when child support enforcement was viewed as strictly a woman's problem,

a time when pensions were cancelled without a spouse's approval, a time when family and medical leave wasn't the law of the land, and a time when, incredibly, women were systematically excluded from clinical medical trials at the National Institutes of Health—trials that made the difference between life and death.

As Senator MIKULSKI eloquently described yesterday in this chamber, she was waging a battle for equity in women's health research in the Senate while Pat Schroeder, Connie Morella and I were fighting in the House. At a pivotal juncture, Senator MIKULSKI launched a key panel to explore this shocking discriminatory treatment which further galvanized national attention. And in the end, together, we produced watershed policy changes that, to this day, are resulting in life-saving medical discoveries for America's women.

In the House, we often worked across party lines to craft our Federal budgets, in sharp contrast to today's broken process where we cannot pass a budget in 3 years, even with unprecedented deficits and debt. When President Reagan was elected in 1980, he knew he had to build coalitions to pass budgets that would address the tumultuous economy. And the result was that the moderate northeast Republican group called the Gypsy Moths and the conservative-to-moderate Democratic group called the "Boll Weevils" negotiated budgets together, to help reconcile our political and regional differences and in a model for bipartisanship, all of us spent days and weeks fashioning budgets, literally going through function by function.

Arriving at compromise was not easy by any means. It never is. But the point is, we can undertake the difficult work, if we choose to do so.

I was able to make a difference even as a member of the minority throughout my entire tenure in the House, by reaching across the political aisle. And in 1995, when the voters of Maine entrusted me to be their voice and their vote in the U.S. Senate and I was finally serving in the majority, I believed this kind of cooperative disposition would remain an indispensable commodity in meeting the challenges of the times.

That is why I joined the Senate Centrist Coalition shortly after arriving in the Senate, which had been formed by Senators John Chafee and John Breaux during the 1994 health reform debate to bridge the political divide. After Senator Chafee passed away in 1999, Senator Breaux and I thought it was an imperative that we revive the Coalition to help foster bipartisanship following the divisiveness of the Senate impeachment trial. And following the landmark Supreme Court ruling in *Bush v. Gore* that adjudicated the Presidential election, and an evenly split

Senate with 50 Republicans and 50 Democrats, Senate leaders Lott and Daschle joined with nearly one-third of the Senate at a meeting of the coalition to explore how to move forward in a bipartisan fashion.

And it is precisely this kind of approach that is crucial, because it is only when we minimize the political barriers that we can maximize the Senate, allowing it to become an unparalleled incubator for results that truly matter to the American people.

It was a cross-aisle alliance that produced the so-called E-Rate program in 1996. This was a landmark law ensuring every library and classroom in America would be wired to the revolutionary resources of the Internet, which one publication has ranked as fourth in a list of innovations and initiatives that have helped shape education technology over the past generation.

My good friend and colleague Senator ROCKEFELLER, with whom I have been privileged to work on so many issues, was doggedly determined to enact this benchmark initiative. In typical fashion, JAY was not going to take no for an answer—which made us perfect partners and co-authors, as I was equally determined. And by working with Members of both parties who were willing to hear the facts and judge on the merits, we overcame the hurdles and the E-Rate program was born.

During the 2001 tax debates, Senator Blanche Lincoln and I as members of the Finance Committee joined together to increase the amount of the child tax credit and make it refundable, so that low income families who didn't earn enough to pay Federal taxes could still benefit from the credit. Ultimately, our measure was enacted, becoming only the second refundable tax credit ever, and ensuring the child tax credit would assist an additional 13 million more children and lift 500,000 of those children out of poverty.

I also think of how my friend, Senator LANDRIEU who is sitting here in the chamber as well, and I formed the Senate Common Ground Coalition in 2006, to rekindle cross-party relations. And not only have MARY and I made history as the first women to serve simultaneously as chair and ranking on a standing committee, but we have worked together on numerous measures that are assisting America's greatest jobs generators, our small businesses.

In a shining example of what is possible with civility and bipartisan teamwork, Senator Ted Kennedy and I coauthored the landmark Genetic Non-discrimination Act—to stop insurance companies and employers from denying or dropping coverage based on genetic tests, so individuals would not forgo those potentially life-saving tests. At that juncture, Democrats were in the majority—and traditionally, the chair of a committee takes the lead name on

legislation. But Ted approached me and said essentially that, because my work on GINA had made it possible, it should be "Snowe-Kennedy" not "Kennedy-Snowe"—a magnanimous legislative gesture from the legislative lion of the U.S. Senate. And I am proud to say GINA passed in 2008 and has been referred to as "the first major civil rights act of the 21st century."

So there are templates for working together effectively in the U.S. Senate on behalf of the American people. But on occasion, it is the very institution of the Senate itself that is preserved when we stake out common ground.

Even in the highly charged atmosphere of the Presidential impeachment trial, we made the process work. During a gathering of the Republican Caucus, I advocated that we hold a bipartisan meeting in the Old Senate Chamber, to generate agreement between the parties on the conduct of the trial. The Senate had been about to decide the guidelines of the trial on a purely partisan basis, but by convening both parties, we were able to chart a logical, reasonable and judicious course.

In 2005, I joined the so-called "Gang of 14," comprised of 7 Republicans and 7 Democrats and spearheaded largely by Senators John Warner, JOHN MCCAIN, Robert Byrd, and BEN NELSON. The group was formed to avert an institutional crisis as a result of repeated, systematic filibuster of President Bush's judicial nominees that had been a corrosive force on the Senate. In response, the Republican majority was seeking to break the logjam by exercising the so-called "nuclear option," that would have jettisoned longstanding rules requiring 60 votes to end a filibuster.

That 60 vote threshold had always been a bulwark protecting the rights of the minority, but would have become just a simple majority vote. Yet, just as we were about to cross this political Rubicon, the Gang of 14 forged a pact based on mutual trust, that we would only support a filibuster of judicial nominees under what we labeled "extraordinary circumstances," and we would oppose the "nuclear option," an agreement that embodied the very manifestation of the power of consensus building.

So as this body contemplates changes to its rules in the next Congress, I would urge all of my colleagues who will return next year to follow the Gang of 14 template and exercise a similar level of caution and balance. Because what makes the Senate unique, what situates this institution better than any other to secure the continued greatness of our Nation, is that balance between accommodation of the minority and primacy of the majority. And regardless of who is in the minority, any suppression of the ability to debate and shape legislation is tantamount to silencing millions of

voices and ideas—which are critical to developing the best possible solutions.

I have mentioned all of these examples as illustrations of the boundless potential of the Senate—and that our problems are not insurmountable, if we refuse to be intractable. It is not about what is in the best interests of a single political party, but what is in the best interests of our country.

As far back as the fledgling days of our Nation, our Founding Fathers warned of the dangers of undue allegiance to political parties—a potential that Alexander Hamilton and James Madison specifically cited in the *Federalist Papers*. Now, one study by three political scientists pegs Congress at its highest level of polarization since the end of Reconstruction in 1877. It is true that, in the intervening years, we have had no duels to settle disagreements and no canings on the Senate floor as occurred in the earlier years of the Senate—although there was a physical brawl on the Senate floor in 1902. Yet, the fact we are still more polarized now than at any moment in 140 years speaks volumes.

So instead of focusing on issues as the Senate was uniquely established to do, we've become more like a parliamentary system where we simply vote in political blocks. And we have departed and diverged from the Senate's traditional rules and norms in a manner that is entirely contradictory to the historical purpose of the Senate and the role of the Founding Fathers intended for the Senate to play.

The very name of our institution, the Senate, derives from the Latin root *senatus*, or council of elders, where the council of elders represented the qualities of experience and wisdom and not just some experience and some wisdom in a deliberative body, but more experience and more wisdom in the highest deliberative body.

For thousands of years, and for the Greeks and our Framers alike, the Senate has stood as an assembly where the lessons of individual experiences were translated by measured wisdom into stable collective judgments. Therefore, understanding through patience, appreciation through tolerance, and consensus through moderation are all required to reach such judgments and to do the work of the people. Indeed, I would argue it is only by recognizing and striving to meet the institutional ideals of the Senate that we can aspire to fill our obligations to those we represent.

We all take an oath to support and defend the Constitution of the United States and to bear true faith and allegiance to the same. I have always believed this oath necessarily included a duty to support and defend the Senate as an institution and the integrity of its deliberative process. That requires the ability to listen before judging, to judge before advocating, and to advo-

cate without polarizing. It also includes a capacity to differ with one's own party, and even to reach agreement and compromise with another party when one's own party is unable to prevail. Such leadership necessarily requires all Members to recognize their individual duty to serve the people best by serving our Chamber with the highest standards of consideration, deliberation, and explanation.

Former Supreme Court Justice Souter once said, and I am paraphrasing: All of the Court's hard cases are divisive because one set of values is truly at odds with another, and the Constitution gives no simple rule of decision. For, in truth, we value liberty as well as order, we value freedom as well as security, and we value fairness as well as equality.

So in the tough cases judges have a hard job of choosing not between those things that are good and those that are evil, but between the many, and often competing, good things that the Constitution allows. Justice Souter could have been talking about the work of the Senate and the often difficult choices we too are required to make. This observation accepts the intrinsic competition that defines these difficult choices but resolves to rely on reason, meaning, and the reputational integrity of the process to make and explain the ultimate decisions.

Indeed, the Justice concluded his remarks by saying he knew of “no other way to make good on the aspirations that tell us who we are—and who we mean to be—as the people of the United States.”

We have witnessed the heights the Senate is capable of reaching when it adheres to its founding precepts. Just think about how we came together in the aftermath of the catastrophic events of September 11 to secure our country and to help heal our Nation. Just think about the major debates of the 20th century on such watershed issues as the establishment of Social Security, Medicare, and the Civil Rights Act. None of these profound advancements would have been woven into the fabric of our society today if they had been passed simply on party-line votes rather than the solidly bipartisan basis on which each of them was enacted.

I am not claiming there was some kind of golden age of bipartisanship where everyone all sang from the same legislative hymn book, and I am not advocating bipartisanship as some kind of an end unto itself. That is not the point. What I am saying is we have seen how cooperation in the past has resulted in great achievements, which likely never would have occurred if bipartisanship had not intervened as a means to attaining those most worthy ends.

Our grandest accomplishments in the Congress were also a reflection of the

particular compromises and level of urgency required by the times in which they were forged. Recently, New York Times columnist David Brooks summarized this concept well when he wrote that there are policies that are not permanently right and that “situations matter most. Tax cuts might be right one decade but wrong the next. Tighter regulations might be right one decade, but if sclerosis sets in then deregulation might be in order.”

As we confront the impending confluence of issues known as the fiscal cliff, we are at a moment of major significance that requires the application of the principle that Brooks describes. For the sake of the country, we must demonstrate to the American people that we are, in fact, capable of making the big decisions by putting in place an agreement and a framework to avoid the fiscal cliff before we adjourn this year.

We are surrounded by history perpetually in the Senate as well as throughout the Capitol. How could we not be inspired by it to rise to this occasion? Indeed, if you know history, you understand the very story of America's most formative days was defined by an understanding that effective governance requires the building of consensus, and such consensus is achievable even after the exercise of passionate advocacy, which, in conclusion, brings us back to the creation of a document we all cherish and revere; that is, our United States Constitution.

Madam President, 225 years ago, 55 leaders from divergent geographic and philosophical backgrounds converged on the city of Philadelphia to draft a new structure of government to strengthen our fledgling country. These were no shrinking violets. They had risked their lives and fortunes to establish a new nation under God, indivisible, with liberty, and justice for all.

They were strong-willed and unabashedly opinionated. They disagreed and argued about a great many matters, both petty and consequential. Thomas Jefferson even considered Virginia, and not the United States, as his country. Yet by September of that year, 39 of the original delegates signed the most enduring and ingenious governing document the world has ever known, the Constitution of the United States.

It didn't happen because 55 people who shared identical viewpoints gathered in a room and rubber-stamped their unanimous thinking. It happened because these visionaries determined that the gravity and the enormity of their common goal necessitated the courage to advance decisionmaking through consensus.

I worry that we are losing the art of legislating. When the history of this chapter in the Senate is written, we don't want it to conclude it was here that it became an antiquated practice.

So as I depart the Senate that I love, I urge all of my colleagues to follow the Founding Fathers' blueprint in order to return this institution to its highest calling of governing through consensus. For it is only then that the United States can ascend to fulfill the demands of our time, the promise of our Nation, and the rightful expectations of the American people.

Thank you, Madam President. May God bless you, and may God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, for those of us in the Chamber, and those of us listening, that was one of those beautifully crafted and beautifully deliberated and eloquent statements not only about a Member's service as a Member of the U.S. Senate, but a vision of the world we created and what we can be again. It is so appropriate for the parting words of the Senator, who is truly among the great that has served here.

I have had the great pleasure of working with the Senator from Maine. As she very graciously pointed out, we served together on the Small Business Committee. We were the first of two women to chair a major committee for an entire Congress.

There are Members here—Senator MIKULSKI and others—who served for many years with Senator SNOWE. For the minute that I have before others speak, I just wanted to say that she has served for over 34 years in public office. Her integrity is beyond reproach. She served with intelligence and grace that is widely admired, not just on Capitol Hill and in her home State of Maine, but broadly throughout the United States and the world. Her capacity for hard work and tedious negotiations on important matters is inspiring to us all. She has been a clear and clarion voice for women and girls in Maine, the United States, and around the world, for their legal rights, their economic advancement, and their social advancement.

Above all, as we just heard, she has been a clarion call for common sense and common ground. She was literally involved in every major effort in the last 30 years to find common sense and common ground in a place that is getting harder and harder to find those two qualities every day. So it is with a deep sense of regret that I, for one, am going to have to say goodbye to her as a colleague and a Member of the Senate.

I want her to know that I will continue—and I know many of my colleagues feel this way—to work as closely with her in any capacity of her choice to continue to be a great voice for compassion, compromise, and common sense.

The people of Maine are losing a great Senator. The United States is

losing a unique talent that has served this country and this institution so magnificently. We wish her the best, and we say a respectful goodbye.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, yesterday I had the honor of addressing the full Senate to pay a more amplified tribute to the gentle lady from Maine. I will miss her dearly and deeply. We have served both in the House and the Senate together. We have done real good things, including one of our finest bipartisan efforts in the area of women's health in getting women included in the protocols appropriately, the scientific way at NIH when we were excluded. We helped to advance the whole issue of more money for research for breast cancer and other diseases that are generally specific to women.

I will never forget the day when Good Housekeeping called and said that Senator SNOWE and I were going to get an award. I immediately called my family and told my sisters that I had won the Good Housekeeping Award. Well, they thought that was hilarious. I have many awards for speaking, longest serving, but not Good Housekeeping. When I told them I was getting the award with Senator SNOWE, they knew it had integrity, credibility, and was well deserved.

So I just want to, from the bottom of my heart, not only thank the people of Maine, who will express their gratitude for her service. She has a duty-driven approach, an uncommon sense to get the job done in a way that is inclusive and has benefited our entire country whether they be small business or the little people whose voices are never heard.

So we wish her God bless, Godspeed, and we hope to see her speaking out exactly on what she did today, a call toward citizenship and more bipartisanship and less partisanship.

God bless you, Senator SNOWE.

#### AMERICAN STEEL

Ms. MIKULSKI. Madam President, I wish to take a few minutes to speak about another sad situation in the State of Maryland. Today we got the terrible, sad news that it looks as though Bethlehem Steel, our biggest, largest, most famous steelyard, is going to close, and it is going to close forever.

Throughout the entire 19th and 20th centuries and through to today, Bethlehem Steel hired people, making it one of our largest employers, to build steel for our great iconic projects and to help build America. In its heyday in 1957, 30,000 steelworkers were there. They thought they had lifelong jobs in helping build steel. It was the largest single employer in Baltimore for decades. It made steel for everything from Campbell Soup cans to National beer

cans. It built steel for refrigerators, toasters, and thousands of other products. During the war, Bethlehem Steel was part of the arsenal of democracy in which it built Liberty ships.

I am very close to the people at Bethlehem Steel. Members of my own family worked in this steel mill and they worked very hard. People who came into my father's grocery store worked at Bethlehem Steel. They thought they had a job that would last forever because America would need steel. It doesn't look that way, because even though those workers thought America would always want American steel, we looked the other way when foreign imports began to drive down our prices and drive down our steel mills.

We have to begin to rethink what we are doing in this area. America's steel and steelworkers protected the United States and our freedom.

At Sparrows Point they rolled gun barrels, made steel for grenades, shells and landing craft for airplanes and ships. We have to remember whose steel it was that truly built America. But do my colleagues know who the last owner was; not the most recent but the ones before that? The Russians. I am not against Russia, but I am against Russia owning America's tools of production.

What will happen to America if we need more steel to go to war? What about needing steel when we build our infrastructure? When American steelworkers built the great new Golden Gate Bridge with American taxpayers' dollars, the steel came from China. What are we doing to America and what are we doing to our manufacturing?

I think we need a wakeup call. We are busy holding up the entire Congress protecting tax breaks for billionaires. When are we going to start looking out for American jobs? When we are talking about this fiscal cliff, we are not talking about having the jobs component in it. When are we going to start talking about tax breaks so we can have an infrastructure bank, so we can rebuild America using American products? Why is it when we say we want it made in America, some call us protectionists? I welcome the label of "protectionist." I am going to protect American jobs. I don't want them on a slow boat to China or a fast track to Mexico.

I might not ever get my steel mill back and Baltimore might not ever have those jobs back, but we have to get serious in our country. What are our priorities? We have to start rewarding those industries that make products in this country. Right now, our whole code is oriented to protecting people who make money off money. Let me tell my colleagues, we are already getting a big wakeup call in America.

I have fought for more than 25 years to reverse this tide against American

manufacturing and for American steel and I am going to keep on fighting. But right now, as we go on debating this fiscal cliff, we have to make sure we protect the safety net. If my colleagues went with me to Dundalk and to Sparrows Point, people would tell us they want their job, and if they can't have their job, could they please have a safety net that protects them in terms of unemployment insurance and health care benefits so they have a bridge to get their family over this very hard time. I worry that during this fiscal cliff debate we are going to lose those benefits, but I will tell my colleagues that I will fight to not go over the fiscal cliff.

In the meantime, I say to the men and women at Bethlehem Steel: Thank you for what you did. You built America. You helped save America. You helped save Western civilization. We are going to try right now to save your safety net benefits. Go to that hall where you can apply for those benefits. They are still there. We still want to make sure you are eligible, but we want not only a safety net to get you over the hard times, we believe the best safety net is jobs in American manufacturing.

I am going to yield the floor, but I will not yield the fight for American jobs.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

NOMINATION OF LORNA G. SCHOFIELD TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF FRANK PAUL GERACI, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The bill clerk read the nominations of Lorna G. Schofield, of New York, to be United States District Judge for the Southern District of New York, and Frank Paul Geraci, Jr., of New York, to be United States District Judge for the Western District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 30

minutes of debate, equally divided in the usual form.

The Senator from Vermont.

ON THE CONFIRMATIONS OF LORNA SCHOFIELD TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK AND JUDGE FRANK GERACI TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Mr. LEAHY. Madam President, today, the Senate will finally be allowed to vote on the nominations of Judge Frank Geraci to fill a judicial emergency vacancy on the U.S. District Court for the Western District of New York and Lorna Schofield to fill a vacancy on the U.S. District Court for the Southern District of New York. Both of these nominees were voted out of the Judiciary Committee virtually unanimously before the August recess and should have been confirmed months ago.

By now, no one should be surprised that it has taken so long to have a simple up-or-down vote on two consensus nominees, even though one would fill a judicial emergency vacancy and the other would fill a vacancy on one of our Nation's busiest courts.

There is an editorial in today's New York Times that explains the slow pace of confirmations, and I ask unanimous consent to have the editorial printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The editorial notes:

A significant reason for the slowdown has been the partisan opposition of Republicans to appeals court and even to trial court nominations, even though almost none of the nominees have backgrounds that raise ideological issues. The Republicans have time and again used the filibuster, the threat of filibuster, holds on nominations and other tactics to confirmations.

This is the new practice that Senate Republicans adopted when President Obama was elected. They delay and obstruct judicial nominations for no good reason. There are currently 13 circuit and district court nominees still pending on the Senate Executive Calendar who were reported before the August recess and should all have been confirmed before the recess. Most are consensus nominees. All have the support of their home State Senators, including their home State Republican Senators.

The Federal Bar Association wrote a letter earlier this week to Senate leaders that said:

[W]e write to urge you to promptly schedule floor votes on pending, noncontroversial United States circuit court nominees and district court nominees who have cleared the Judiciary Committee with strong bipartisan support and who await a final up-or-down

vote. The high number of existing judicial vacancies—81, of which 35 constitute judicial emergencies—underscores the need for prompt attention by the Senate in fulfilling its Constitutional responsibilities.

They are absolutely right. I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. We have a constitutional responsibility to advise and consent, and we must also help our courts uphold their constitutional responsibility to provide speedy justice.

The judges whose confirmations Senate Republicans are delaying are not nominees they will oppose on the merits. They are by and large consensus nominees.

Senate Republicans' obstruction on these important nominations is especially damaging at the end of the year. Starting in 2009, Senate Republicans broke from longstanding tradition and prevented votes on eight judicial nominees as the Senate adjourned at the end of the year. It took until September 2010 for the last of those nominees to have an up-or-down vote. Senate Republicans did the same thing—their new version of a pocket filibuster—to 19 nominees in both 2010 and 2011. This forces the Senate to waste time in the new year working on nominations that should have been confirmed the year before. This year it took until May to confirm the 19 left from last year. That is why we have confirmed only 23 nominees reported by the Judiciary Committee this year, and that is why we face this current backlog of 18 nominees and an additional 4 who had a hearing earlier this week and could also be considered and confirmed before adjournment.

One of the nominations Senate Republicans are holding up is that of Judge Robert Bacharach to the Tenth Circuit, whom they filibustered earlier this year. Senator COBURN, one of his home State Senators, said: "He has no opposition in the Senate . . . There's no reason why he shouldn't be confirmed." His words apply to almost all the judicial nominees being delayed.

When George W. Bush was President, Democrats cooperated in moving judicial nominees quickly through the committee and to a confirmation vote at the end of the year. I did so whether I was chairman or the ranking member. I have said that I am willing to do the same for the nominees who had their hearing yesterday and expedite committee consideration of their nominations so that they can be voted on this year. By way of example, in 2008 we confirmed five of President Bush's nominees just 3 days after their hearing. We have often been able to do this at the end of a Congress, and this year should be no exception—especially



given the high level of judicial vacancies plaguing our Federal courts.

Yesterday, the Judiciary Committee had a hearing for four more of President Obama's outstanding, consensus judicial nominees. Senators from both sides of the aisle appeared to endorse nominees to vacancies in their home States. Representative PAUL RYAN, the Republican candidate for Vice President, appeared to testify in favor of a nominee to fill a vacancy on the District Court for the District of Columbia. So did Representative ELEANOR HOLMES NORTON. After Congressman RYAN's endorsement, the committee's ranking Republican member quipped that after hearing Congressman RYAN "we could just vote you out right away." He is right. The Senate should confirm her and the others without delay. That is how we used to proceed as we approached the end of a Congress. We used to expedite confirmations of consensus nominees. Now Senate Republicans insist on stalling proceedings and slowing things down and carrying large numbers of them over into the next year and needlessly delaying them for months and months.

I remind Senate Republicans that the Senate confirmed an Alabama nominee to the district court within 2 days of his vote by the Judiciary Committee just a couple of years ago. There have literally been hundreds of judicial confirmations within 14 days of our Judiciary Committee hearing, including more than 600 confirmed since World War II within just 1 week of their hearings. In contrast, obstruction by Senate Republicans has caused President Obama's district court nominees to wait an average of 102 days for a Senate vote after being reported by the Judiciary Committee. This destructive practice of delaying for no good reason must end.

From 1980 until this year, when a lameduck session followed a Presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lameduck session, whether after a Presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including 3 circuit court nominees, in the lameduck session after the elections in 2002. I remember, I was the chairman of the Judiciary Committee who moved forward with those votes, including of a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lameduck sessions after the elections in 2004 and 2006. In 2006 that included confirming another circuit court nominee. We proceeded to

confirm 19 judicial nominees in the lameduck session after the elections in 2010, including 5 circuit court nominees. The reason that I am not listing confirmations for the lameduck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September and long before the lameduck session.

That is our history and recent precedent. Those across the aisle who contend that judicial confirmations votes during lameduck sessions do not take place are wrong. It is past time for votes on the 4 circuit nominees and the other 13 district court nominees still pending on the Executive Calendar. We should expedite confirmations for the four consensus nominees who had their hearing yesterday. Let's do our jobs so that all Americans can have access to justice.

Lorna Schofield is nominated to serve on the U.S. District Court for the Southern District of New York. She has served as a Federal prosecutor and since 1988 has worked at the law firm Debevoise & Plimpton LLP, where she was a partner for two decades and where she currently serves as of counsel. She serves as chair of the litigation section of the ABA, where she has actively promoted pro bono activities, including programs for children's rights and litigation assistance for military personnel. The ABA Standing Committee on the Federal Judiciary unanimously gave her its highest possible rating of "well qualified."

Judge Frank Geraci is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Western District of New York. Since 1999 Judge Geraci has served as a Monroe County Court judge, and since 2005 he has also served as an acting supreme court justice on the New York State trial court. Judge Geraci has presided over 555 civil proceedings that have gone to judgment. He has also served as both a State and Federal prosecutor.

Both of these nominations have the support of both their home State Senators. They were voted on by the Judiciary Committee 5 months ago and stalled unnecessarily since then for no good reason.

If we are willing to follow Senate precedent and to protect Americans' access to justice, we should vote on the nominees being delayed. Many are nominees whose nominations have been pending for many months, and many of them would fill judicial emergency vacancies. I see no reason why the Senate should not confirm them before the end of the year. We should allow these nominees to get to work on behalf of the American people.

#### EXHIBIT 1

[From the New York Times]

#### JUDGES NEEDED FOR FEDERAL COURTS

There has been a severe breakdown in the process for appointing federal judges. At the

start of the Reagan years, it took, on average, a month for candidates for appellate and trial courts to go from nomination to confirmation. In the first Obama term, it has taken, on average, more than seven months.

Seventy-seven judgeships, 9 percent of the federal bench (not counting the Supreme Court), are vacant; 19 more seats are expected to open up soon. The lack of judges is more acute if one considers the growing caseload. The Judicial Conference, the courts' policy-making body, has recommended expanding the bench by 88 additional judgeships.

President Obama must make fully staffing the federal courts an important part of his second-term agenda—starting with the immediate Senate confirmation of the 18 nominees approved by the Senate Judiciary Committee.

A significant reason for the slowdown has been the partisan opposition of Republicans to appeals court and even to trial court nominations, even though almost none of the nominees have backgrounds that raise ideological issues. The Republicans have time and again used the filibuster, the threat of filibuster, holds on nominations and other tactics to block confirmations.

The Democratic majority, led by Senator Harry Reid, can speed up the process by limiting use of the filibuster. He can do so by pushing for a simple majority vote at the start of the January session to alter Senate rules so that every judicial and executive-branch nominee is assured an up-or-down vote within 90 days. Without that change, many judicial nominations will founder.

Even if that rule change is made, the process of identifying, vetting and approving judicial candidates will need greater attention. Senators, who by custom recommend to the president candidates for federal trial judgeships in their states, should put in place more effective steps for making timely recommendations (like setting up merit selection committees) and making a choice within a reasonable period, like within 60 days of an opening.

The White House and the Justice Department, meanwhile, need to commit more resources to keeping up with those recommendations, to verify and nominate candidates for confirmation within, say, 60 days of receiving names. And the administration must be similarly prompt in identifying and nominating appeals-court candidates.

In a critically important court like the United States Court of Appeals for the District of Columbia Circuit, three unfilled vacancies and a fourth expected this winter, out of 11 judgeships, hobble the court's ability to make expeditious rulings in significant cases about regulation of the environment, financial markets and other social and economic matters. Many statutes channel review of such cases to the federal courts in the District of Columbia for their expertise about administrative law and for geographic convenience.

The circuit court is a stark example of the broken appointment process and the harm caused by the Senate's inability to do its job.

Mr. Obama and the Senate should also look to broaden the diversity of the judges they appoint. In his first term, Mr. Obama commendably named a higher share of women (44 percent) and a higher share of minorities (37 percent) than any president before him.

Most of the appointees were already judges, prosecutors or private lawyers, with few public defenders or public-interest lawyers from outside government. Expanding the breadth of experience would help ensure

that federal courts have jurists who have some real-life understanding of the myriad issues that come before them.

The Constitution requires the president, with the Senate's advice and consent, to fill federal judgeships. That duty has been terribly neglected and needs to be an absolute priority in the coming year.

## EXHIBIT 2

## FEDERAL BAR ASSOCIATION

*Arlington, VA, December 11, 2012.*

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As the lame duck session continues, we write to urge you to promptly schedule floor votes on pending, noncontroversial United States circuit court nominees and district court nominees who have cleared the Judiciary Committee with strong bipartisan support and who await a final up-or-down vote. The high number of existing judicial vacancies—81, of which 35 constitute judicial emergencies—underscores the need for prompt attention by the Senate in fulfilling its Constitutional responsibilities.

We also strongly encourage cooperation among Senators to avoid undue procedural delays that slow the judicial confirmation process and compound the vacancy crisis.

Thank you for your past efforts and for your consideration of our views on this important issue.

Sincerely,

KAREN SILBERMAN,  
Executive Director.

WEST ALLEN,  
Chair, Government Relations Committee.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of each of these judges, both fine citizens of New York. First, I will speak about Judge Geraci.

I rise in strong support of an outstanding nominee for the Federal bench in the Western District of New York, Judge Frank Paul Geraci, Jr., to the Federal district court in the Western District of our State, which serves two large metropolitan areas, Rochester and Buffalo. These cities are large, vibrant centers of the commercial and legal communities of our State. In fact, each metropolitan area has a population of over 1 million residents.

Judge Geraci has been an important and respected part of this community for his entire life. Born in Rochester, he graduated from McQuaid Jesuit High School. He left New York long enough to earn both his undergraduate and law degrees from the University of Dayton in Ohio, staying within the Jesuit fold, I might add, by attending that institution. He returned to Rochester and immediately leapt into public service, working for 5 years in the Monroe County District Attorney's Office and rising to become chief of the Special Investigations Bureau. Judge Geraci then contributed another 4 years of dis-

tinguished service to Rochester as an assistant U.S. attorney in the Western District. In 1988, he left and founded his own law firm.

I was particularly impressed, as I got to know Judge Geraci, by the fact that while he was in private practice, he also served as a mediator and expert in alternative dispute resolution. I have come to believe, as a Senator from a State with among the heaviest case-loads in the country, that an important part of managing a docket is getting parties to talk to each other before they are staring at an imminent trial date.

It is likely that few nominees know this truth better than Judge Geraci. Over and above his dispute resolution experience, he has been a judge in the city of Rochester, in Monroe County, and on the bench of the New York State Supreme Court for 20 years.

I have served on the Senate Judiciary Committee for my entire time in the Senate—since 1998—and I served on the House Judiciary Committee for 18 years before that.

Rarely, if ever, have I encountered a candidate who so perfectly combines judicial experience, judicious temperament, and complete dedication to his community as Judge Geraci.

Taken together, the breadth and depth of his professional experience in both the State and Federal system, civil and criminal, make him a perfect fit for the Federal bench in Rochester. But Judge Geraci's sterling qualifications do not stop there. His dedication to his community, it is no exaggeration to say, is legendary. When you mention his name, people say: Of course, what a great and obvious choice.

Monroe County is small enough that members of the bar all know him but large enough that many lawyers, like Judge Geraci, do have the opportunity to have varied and deep experience. Judge Geraci has worked for the bar and bench on issues such as criminal case management and jury diversification. He has served on boards and governing bodies of diocese Catholic schools. He even has conducted court tours, coached girls' basketball, and served as the president of the local Little League.

Judge Geraci has earned the admiration of the people of western New York and, in turn, they deserve no less than an accomplished lawyer of his intelligence and magnanimity to serve on the Federal bench. I thank the Presiding Officer for the opportunity to discuss such a fine man.

I will conclude with one final observation. The seat for which Judge Geraci is about to be confirmed has been vacant since March of 2009, making it a judicial emergency vacancy. His is one of 13 remaining judicial nominations on the calendars, 11 of whom have received bipartisan support

in the Judiciary Committee. I hope we can continue to move these other nominees.

I thank the Chair.

(Mr. FRANKEN assumed the chair.)

Mr. SCHUMER. Now, Mr. President, I have a second nominee to speak about. We are voting at 2:15, as I understand it, so there is plenty of time to wax on the fine qualifications of both of these new additions to the bench.

I am extremely pleased to rise today in enthusiastic support of the nomination of Lorna Schofield to the Federal bench in the Southern District of New York at the other end of our State.

I have had the privilege to recommend a number of truly outstanding nominees to become judges in New York—in fact, 15 nominees—and Ms. Schofield is among the best. She is the embodiment of three qualities I search for in judicial nominee candidates: excellence—they should be legally excellent, no hacks; moderation—they should not be too far right or too far left because then they want to turn the law to their own purpose rather than interpret it; and diversity—I try to bring diversity in every way to the bench in terms of race, gender, sexual orientation, and religion because that is for the good of America.

First, her excellence. Her professional resume puts her right at top of her field. She went to Indiana University for her undergraduate studies and then came to New York to study law at one of the Nation's best law schools, NYU Law School, where she graduated as one of the top 15 students in her class. She went on to serve the public as an assistant U.S. attorney in the Southern District of New York and then to join a top law firm, Debevoise & Plimpton. She has been there for 25 years.

Ms. Schofield has a wealth of practical experience, having represented and advised all manner of clients in the "real world" of New York City—businesses large and small and individuals. As a true generalist, she has tried a wide variety of cases, and her professional accomplishments and accolades are numerous, including serving as the head of the litigation section—the largest section—of the American Bar Association. She was, in fact, a pioneer in this position as the first Asian American to hold this prestigious post.

Second, on the point of moderation, when I met Ms. Schofield, I was struck by the fact that she has one singular agenda: preservation of the rule of law. Indeed, her professional work has been devoted to the general improvement of the practice of law and to zealously representing her clients in the best and most ethical traditions of the profession. Evidence of her moderation can be found in the support she has across the political spectrum. Both Democrats and Republicans have called me to tell me what a great judge she would

make. She has done everything from teaching trial advocacy to performing pro bono work for the Women's Prison Association.

Finally, diversity. I like to have diversity on the bench. Ms. Schofield's personal background and life experience will help broaden the perspective of the Federal bench. Most notably, if confirmed, she will become the first Filipino judge, man or woman, to sit on the Federal bench. So the great nation of the Philippines, which contributes so many immigrants and then citizens to our country, can be very proud that Ms. Schofield has risen to this high post once she is confirmed.

In conclusion, I believe she will make a terrific judge, and I look forward to her confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, can you tell me how much time is remaining on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. CORNYN. I thank the Presiding Officer.

#### THE FISCAL CLIFF

Mr. CORNYN. Mr. President, it has become disturbingly clear that President Obama does not mind whether or not we drive off the fiscal cliff. Just last week his own Treasury Secretary, Secretary Geithner, said the White House was "absolutely" prepared to go off the cliff unless Republicans agree to raise marginal tax rates. In other words, during a period of high unemployment—the highest since the Great Depression—the President is willing to risk another recession in order to increase taxes on small businesses and the people we depend upon to create jobs.

How much revenue will the President's tax hike generate? Well, by raising the top two rates, it would produce only about \$68 billion in 2013. I say "only" because in relationship to the gap between how much money the Federal Government is spending and how much money this would generate, it is relatively small. If we factor in the various stimulus tax expenditures the President wants to extend, the net revenue falls below \$55 billion.

Again, President Obama is so desperate to secure this revenue that he is willing to risk another recession. Meanwhile, he is asking for more stimulus spending, along with the authority to raise the debt ceiling whenever he chooses. His idea of compromise appears to me to be pretty simple: Republicans should give him everything he wants in return for a meaningless promise that the White House will somehow, someday get around to reforming and preserving Social Security and Medicare. I ask, is that really a balanced approach? Well, I think the answer is self-evident. Of course it is not.

Until the President supports real reforms to preserve and protect Medicare and Social Security—something he himself has acknowledged is on an unsustainable fiscal path—until he is willing to come up with real ways to rein in Federal spending, where right now we are spending 46 cents out of every \$1 in borrowed money, the Federal Government is, until he comes up with a plan on both of those issues—reining in spending and reforming Medicare and Social Security to preserve them for future generations—he is not offering a serious plan for long-term deficit reduction.

After all, we have a \$1.1 trillion annual deficit. I know we have become a little bit numb to the numbers we have been using. We used to talk about \$1 million being a lot of money. Then there was \$1 billion. Now there is \$1 trillion. Someone said, tongue in cheek: Don't tell the Federal Government what comes after a trillion because we will end up spending it.

If you have a deficit of \$1.1 trillion a year, as we did in 2012, then raising taxes by \$68 billion or \$55 billion does not get you very far. In fact, it would fund the Federal Government for about a week—1 week. That tax increase would also damage economic growth, upon which we depend in order to create jobs, to bring down the unemployment rate, and to put the 20 million-plus people who are either unemployed or underemployed back to work.

Here are some numbers the President does not talk about:

On top of our \$16 trillion national debt, we have more than \$100 trillion in unfunded liabilities. Those are promises we have made to future generations that Medicare and Social Security will be there for them, even though there is not money to pay for those liabilities.

The Federal Government is already spending about \$220 billion a year on interest payments alone. Under President Obama's latest budget proposal, the annual cost of servicing our debt would reach \$804 billion in 2022—an amount greater than total U.S. defense spending in 2012. We all know that interest rates are also at historic lows because of the action of the Federal Reserve. If they were to return to their historic norms—the 4- and 5-percent range—you can easily see how our debt would spin out of control and there would be very little room to spend money either on safety-net programs or on national security.

One more point. The President often says his tax increases would merely restore the top tax rates that prevailed when Bill Clinton was in the White House. But that is demonstrably false. Thanks to new taxes under ObamaCare, including the new 3.8-percent surtax on investment income, the top rates would be significantly higher than they were under the Clinton administration.

And, of course, you are not just talking about Federal taxes. People all around the country have to pay State, local, and Federal taxes, many of whom would end up paying the majority of their paycheck in taxes.

Here is the reality: Tax cuts did not create our fiscal problems, so it is axiomatic that tax increases will not solve our fiscal problems alone. We can and we should reform our Tax Code so that it helps promote stronger growth and higher revenues. The President's own bipartisan fiscal commission, Simpson-Bowles, made a proposal to do just that when it comes to corporate taxes. But ultimately the only way to prevent fiscal Armageddon is through major reforms of Medicare and Social Security and reining in Federal spending.

As we debate various strategies for avoiding the fiscal cliff, it is important for us to remember that our actions—or inactions—will have real-world consequences for millions of Americans. Many folks here in Washington seem too casual about the possibility of a massive tax hike and what that would do to our economy. Indeed, some of my Democratic colleagues apparently think they could quickly undo all of the tax increases that would fall on middle-class workers. In reality, it would not be that simple. Just ask any small business owner trying to meet payroll and plan for the future.

Everyone knows, as I said to start with, we are experiencing the weakest economic recovery since World War II and the longest period of high unemployment since the Great Depression. If you ask me, this is the worst possible moment for a huge tax hike—something the President himself acknowledged when he agreed to extend the so-called Bush tax cuts in 2010 when the economy was growing slower than it is today.

Too many of my colleagues across the aisle seem to be comfortable with threatening the possibility of a recession by driving off the fiscal cliff only to extract more revenue for the Federal Government—by the way, not revenue necessarily used to pay down the debt or to sustain and preserve our programs such as Medicare and Medicaid, but to expand spending even further. I hope cooler heads will prevail.

One final thought. When I talk to people all across the country, who tell me they are watching us here in Washington to see what we are going to do, it is the uncertainty that is freezing them into place and preventing them from starting new businesses, growing existing businesses, or making investments that will help grow the economy.

The saddest part about this is how manufactured this crisis really is. All of these decisions were kicked off until after the election into this so-called lameduck session, and this crisis, this fiscal cliff crisis, was manufactured, as

I say. We should have tackled these challenges a long time ago to give American families and American businesses the certainty they need in order to plan for the future. Instead, we have created a highly volatile situation in which everyone is preparing for the worst. It is hurting investment. It is hurting job creation. Above all, it is hurting millions of Americans who are still unemployed or working part time. And it is completely and totally unnecessary.

Whatever the outcome of these negotiations, I hope we will all resolve to never let this happen again.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 7 minutes, 20 seconds remaining.

Mr. DURBIN. Mr. President, I would like to respond very briefly to my colleagues from Texas. The fiscal crisis was not manufactured, it was enacted—enacted into law, a law passed with the support of both political parties in the hopes that we would never, ever reach this day. We can still avoid it, and we should. I hope cooler heads will prevail and we will reach some bipartisan agreement because I think all of us agree it would be a negative impact on our economy if we, in fact, go over the cliff. I sincerely hope there will be a good-faith effort on both sides. But this fiscal cliff was created by law passed by Democratic and Republican leaders and sent to the President.

So this is clearly something we envisioned as the last straw. Let's hope it is one that we will avoid.

Mr. CORNYN. I am a little confused. I do not know whether the distinguished majority whip is talking about the expiring tax provisions on December 31 as being manufactured or a bipartisan agreement or—what part of this did we have a chance to vote on and create in a bipartisan fashion?

Mr. DURBIN. It was a bipartisan vote on the Budget Control Act, which spelled out how we would reach this terrible moment if the supercommittee failed. I sincerely hope we never reach this moment, that there is a good-faith effort by both parties to avoid it.

Mr. CORNYN. If the Senator would yield for one last question, my understanding is that the fiscal cliff is going to be caused by the expiring provisions of various tax provisions that have been in place for 12 years, the so-called Bush tax cuts that expired 2 years ago that were extended on a bipartisan basis in a negotiation with our friends across the aisle. That is what I am referring to as the fiscal cliff.

I do understand, and the Senator is correct, we also have the second body blow to the economy that is going to be in combination with these tax increases, \$1.2 trillion in cuts that, as I understand it, is the sequester, which is what the Senator is referring to.

Mr. DURBIN. I would call the Senator's attention to our vote on August 2 when he and I both voted for the Budget Control Act. The vote was 74 to 26, with a substantial number of Senators from both sides of the aisle, that brought us to this moment in the negotiations. We all hoped we would never reach this moment. We can still avoid it.

I yield the floor and yield back all remaining time.

Mr. CORNYN. We yield back.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lorna G. Schofield, of New York, to be U.S. District Judge for the Southern District of New York?

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 228 Ex.]

YEAS—91

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Feinstein    | Murray      |
| Alexander  | Franken      | Nelson (NE) |
| Ayotte     | Gillibrand   | Nelson (FL) |
| Barrasso   | Graham       | Paul        |
| Baucus     | Grassley     | Portman     |
| Begich     | Hagan        | Pryor       |
| Bennet     | Harkin       | Reed        |
| Bingaman   | Hatch        | Reid        |
| Blumenthal | Heller       | Risch       |
| Blunt      | Hutchison    | Roberts     |
| Boozman    | Isakson      | Rockefeller |
| Brown (MA) | Johanns      | Rubio       |
| Brown (OH) | Johnson (SD) | Sanders     |
| Burr       | Johnson (WI) | Schumer     |
| Cantwell   | Kerry        | Sessions    |
| Cardin     | Klobuchar    | Shaheen     |
| Carper     | Kohl         | Shelby      |
| Casey      | Kyl          | Snowe       |
| Chambliss  | Landrieu     | Stabenow    |
| Coats      | Leahy        | Tester      |
| Coburn     | Lee          | Thune       |
| Cochran    | Levin        | Toomey      |
| Collins    | Lieberman    | Udall (CO)  |
| Conrad     | Lugar        | Udall (NM)  |
| Coons      | Manchin      | Warner      |
| Corker     | McCaskill    | Webb        |
| Cornyn     | McConnell    | Whitehouse  |
| Crapo      | Menendez     | Wicker      |
| DeMint     | Merkley      | Wyden       |
| Durbin     | Mikulski     |             |
| Enzi       | Murkowski    |             |

NOT VOTING—9

|        |            |        |
|--------|------------|--------|
| Boxer  | Inouye     | McCain |
| Hoeven | Kirk       | Moran  |
| Inhofe | Lautenberg | Vitter |

The nomination was confirmed.

VOTE ON NOMINATION OF FRANK PAUL GERACI, JR.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank Paul Geraci, Jr., of New York, to be United States District Judge for the Western District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 14, H.R. 1.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Motion to proceed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 4:30 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

#### WOMEN VETERANS AND OTHER HEALTH CARE IMPROVEMENTS ACT OF 2012

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 564, S. 3313.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3313) to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Women Veterans and Other Health Care Improvements Act of 2012".*

**SEC. 2. CLARIFICATION THAT FERTILITY COUNSELING AND TREATMENT ARE MEDICAL SERVICES WHICH THE SECRETARY MAY FURNISH TO VETERANS LIKE OTHER MEDICAL SERVICES.**

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(H) Fertility counseling and treatment, including treatment using assisted reproductive technology.”.

**SEC. 3. REPRODUCTIVE TREATMENT AND CARE FOR SPOUSES AND SURROGATES OF VETERANS.**

(a) *IN GENERAL.*—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

**“§1788. Reproductive treatment and care for spouses and surrogates of veterans**

“(a) *IN GENERAL.*—The Secretary shall furnish fertility counseling and treatment, including through the use of assisted reproductive technology, to a spouse or surrogate of a severely wounded, ill, or injured veteran who has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service and who is enrolled in the system of annual patient enrollment established under section 1705(a) of this title if the spouse or surrogate and the veteran apply jointly for such counseling and treatment through a process prescribed by the Secretary.

“(b) *COORDINATION OF CARE FOR OTHER SPOUSES AND SURROGATES.*—In the case of a spouse or surrogate of a veteran not described in subsection (a) who is seeking fertility counseling and treatment, the Secretary may coordinate fertility counseling and treatment for such spouse or surrogate.

“(c) *CONSTRUCTION.*—Nothing in this section shall be construed to require the Secretary to find or certify a surrogate for a veteran or to connect a surrogate with an injured veteran.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1787 the following new item:

“1788. Reproductive treatment and care for spouses and surrogates of veterans.”.

**SEC. 4. ADOPTION ASSISTANCE.**

(a) *IN GENERAL.*—Subchapter VIII of chapter 17 of title 38, United States Code, as amended by section 3, is further amended by adding at the end the following new section:

**“§1789. Adoption assistance**

“(a) *IN GENERAL.*—The Secretary may pay an amount, not to exceed the limitation amount, to assist a covered veteran in the adoption of one or more children.

“(b) *COVERED VETERAN.*—For purposes of this section, a covered veteran is any severely wounded, ill, or injured veteran who—

“(1) has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service; and

“(2) is enrolled in the system of annual patient enrollment established under section 1705(a) of this title.

“(c) *LIMITATION AMOUNT.*—For purposes of this section, the limitation amount is the amount equal to the lesser of—

“(1) the cost the Department would incur if the Secretary were to provide a covered veteran with one cycle of in vitro fertilization, as determined by the Secretary; and

“(2) the cost the Department would incur by paying the expenses of three adoptions by covered veterans, as determined by the Secretary.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 17 of such title, as amended by section 3, is further amended by inserting after the item relating to section 1788 the following new item:

“1789. Adoption assistance.”.

**SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING AND TREATMENT.**

(a) *IN GENERAL.*—Each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility counseling and treatment furnished by the Department of Veterans Affairs during the year preceding the submittal of the report.

(b) *ELEMENTS.*—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The number of veterans who received fertility counseling or treatment furnished by the Department of Veterans Affairs, disaggregated by era of military service of such veterans.

(2) The number of spouses and surrogates of veterans who received fertility counseling or treatment furnished by the Department.

(3) The cost to the Department of furnishing fertility counseling and treatment, disaggregated by cost of services and administration.

(4) The average cost to the Department per recipient of such counseling and treatment.

(5) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, the average number of cycles per person furnished.

(6) A description of how fertility counseling and treatment services of the Department are coordinated with similar services of the Department of Defense.

**SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT AND ADOPTION ASSISTANCE.**

(a) *IN GENERAL.*—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations—

(1) on the furnishing of fertility treatment to veterans using assisted reproductive technology;

(2) to carry out section 1788 of title 38, United States Code, as added by section 3; and

(3) to carry out section 1789 of such title, as added by section 4.

(b) *LIMITATION.*—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary prescribes regulations under subsection (a), the Secretary may not furnish—

(1) to any veteran, any fertility treatment using assisted reproductive technology;

(2) any fertility counseling or treatment under section 1788 of title 38, United States Code, as added by section 3; or

(3) any assistance under section 1789 of such title, as added by section 4.

**SEC. 7. COORDINATION WITH DEPARTMENT OF DEFENSE ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT.**

The Secretary of Veterans Affairs shall coordinate the furnishing of fertility counseling and treatment by the Department of Veterans Affairs with the furnishing of fertility counseling and treatment by the Department of Defense.

Mr. COCHRAN. Mr. President, I will not object to the request made by the Senior Senator from Washington, and I do not object to the policy provisions in this bill. However, I must point out that this bill indiscriminately diverts Overseas Contingency Operations funds, which are necessary to ensure resources, equipment, and supplies are available to our servicemembers deployed across the globe. This is not how the provisions of this bill should

be paid for. Taking away funds intended for our men and women who are currently serving could, in time, place some of the veterans that this bill intends to help at greater risk. This legislation could also divert funding intended for the security of our Ambassadors, Foreign Service Officers, and other State Department officials, placing them at additional risk.

Quality healthcare for those who have honorably served our country is something that I think all Senators, including me, support. If the provisions of this legislation are a priority for this body, we should be deliberate in determining how we should pay for them. The Senior Senator from Washington has put forward a thoughtful bill that merits consideration, but I think this body would prefer to consider other means to pay for new programs that do not divert funds intended to keep our troops well-equipped and safe.

Mr. MCCAIN. Mr. President, I do not intend to object to the request of the Senator from Washington, and I do not object to the policy provision of this bill at this time. But I strongly object to the Senator seeking to fund these new veterans benefits out of the Department of Defense budget that funds the needs of our military men and women serving in combat overseas.

The cost of Senator MURRAY's bill, provided by the Congressional Budget Office, is \$568 million over 5 years. To cover that cost, Senator MURRAY proposes to strip \$568 million from war-time funding for troops in Afghanistan over the next 5 years without even considering the impact of that cut on their safety and security. This is preposterous. This bill assumes that Congress will still be passing emergency spending bills for Afghanistan 5 years from now, and somehow our troops will be able to bear the risk of having hundreds of millions siphoned from their critical needs for a program that has nothing to do with the war they are currently engaged in. Every dollar requested in the defense budget for our combat forces will be needed to keep them adequately equipped, armed, and engaged in defeating the enemy and coming home with honor.

The proposed offset for this new program is an irresponsible budget gimmick designed to shift the funding burden for these new benefits from VA to DOD. Funding for the DOD Overseas Contingency Operations fund is within the jurisdiction of the Armed Services Committee, and should be considered by the full Senate, rather than slipped into a reported bill at the last minute without debate or discussion.

I also am surprised that Senator MURRAY, a vocal supporter of improving the welfare of our troops, would actually propose cuts to funding for our combat troops without even assessing the impact of those cuts. The job of

making that assessment lies within the Armed Services Committee's jurisdiction, and I will seek to ensure that the Senate has an opportunity to make that assessment before passing any legislation that attempts to shift defense dollars from the direct combat needs of our Armed Forces to any new benefits or policies.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the committee-reported amendment be considered; the Murray amendment, which is at the desk, be agreed to; the committee-reported amendment, as amended, be agreed to; and that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3336) was agreed to, as follows:

Purpose: To provide an offset.

At the end, add the following:

#### SEC. 8. FUNDING.

Amounts for a fiscal year to carry out this Act, section 7330B of title 38, United States Code, as added by section 2(a), section 1787 of such title, as added by section 4(a), and the amendments made by this Act shall be derived from amounts made available for an overseas contingency operation in that fiscal year, if amounts were made available for an overseas contingency operation in that fiscal year.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3313), as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3313), as amended, was passed, as follows:

S. 3313

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Women Veterans and Other Health Care Improvements Act of 2012".

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a severely wounded, ill, or injured veteran who has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service and who is enrolled in the system of annual patient enrollment established under section 1705(a) of this title if the spouse or surrogate and the veteran apply jointly for such counseling and treatment through a process prescribed by the Secretary.

"(b) COORDINATION OF CARE FOR OTHER SPOUSES AND SURROGATES.—In the case of a spouse or surrogate of a veteran not described in subsection (a) who is seeking fertility counseling and treatment, the Secretary may coordinate fertility counseling and treatment for such spouse or surrogate.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to find or certify a surrogate for a veteran or to connect a surrogate with an injured veteran."

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##### "§ 1789. Adoption assistance"

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"(1) has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service; and

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"(c) LIMITATION AMOUNT.—For purposes of this section, the limitation amount is the amount equal to the lesser of—

"(1) the cost the Department would incur if the Secretary were to provide a covered veteran with one cycle of in vitro fertilization, as determined by the Secretary; and

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"1789. Adoption assistance."

#### SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING AND TREATMENT.

(a) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility counseling and treatment furnished by the Department of Veterans Affairs during the year preceding the submittal of the report.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The number of veterans who received fertility counseling or treatment furnished by the Department of Veterans Affairs,

disaggregated by era of military service of such veterans.

(2) The number of spouses and surrogates of veterans who received fertility counseling or treatment furnished by the Department.

(3) The cost to the Department of furnishing fertility counseling and treatment, disaggregated by cost of services and administration.

(4) The average cost to the Department per recipient of such counseling and treatment.

(5) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, the average number of cycles per person furnished.

(6) A description of how fertility counseling and treatment services of the Department are coordinated with similar services of the Department of Defense.

#### SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT AND ADOPTION ASSISTANCE.

(a) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations—

(1) on the furnishing of fertility treatment to veterans using assisted reproductive technology;

(2) to carry out section 1788 of title 38, United States Code, as added by section 3; and

(3) to carry out section 1789 of such title, as added by section 4.

(b) LIMITATION.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary prescribes regulations under subsection (a), the Secretary may not furnish—

(1) to any veteran, any fertility treatment using assisted reproductive technology;

(2) any fertility counseling or treatment under section 1788 of title 38, United States Code, as added by section 3; or

(3) any assistance under section 1789 of such title, as added by section 4.

#### SEC. 7. COORDINATION WITH DEPARTMENT OF DEFENSE ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT.

The Secretary of Veterans Affairs shall coordinate the furnishing of fertility counseling and treatment by the Department of Veterans Affairs with the furnishing of fertility counseling and treatment by the Department of Defense.

#### SEC. 8. FUNDING.

Amounts for a fiscal year to carry out this Act, section 7330B of title 38, United States Code, as added by section 2(a), section 1787 of such title, as added by section 4(a), and the amendments made by this Act shall be derived from amounts made available for an overseas contingency operation in that fiscal year, if amounts were made available for an overseas contingency operation in that fiscal year.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title amendment was agreed to, as follows:

Amend the title so as to read: "A bill to amend title 38, United States Code, to improve the reproductive assistance provided



by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.”.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate has just passed legislation that will bring into focus a real need for the VA to help women veterans and the spouses of male veterans access assistance for one of the most impactful and serious wounds of these wars—reproductive and urinary tract trauma.

As many of my colleagues know, the nature of the current conflict we are involved in and the use of improvised explosive devices leave our servicemembers far more susceptible to very serious injuries, such as reproductive and urinary tract trauma. Army data shows that between 2003 and 2011, we had 2,000 servicemembers suffering from these kinds of injuries. Like so many of our veterans, these men and women come home and want to return to their lives, to find employment and to start a family. But today, when they go to the VA, the fertility services that are available don't meet the very complex needs of these serious injuries. In fact, veterans who have suffered from these injuries find that the VA is specifically barred from providing more advanced assisted reproductive techniques, such as in vitro fertilization. They are, in fact, told—despite the fact that they have made such an extreme sacrifice for our country—that they can't be provided with the medical services they need to start a family.

One of those veterans I have come to know is SSG Matt Keil and his wife Tracy, who are here with us today. Staff Sergeant Keil, whom I talked about this morning, was shot in the neck while he was on patrol in Ramadi, Iraq, on February 24, 2007, just 6 weeks after he married Tracy. Staff Sergeant Keil instantly became a quadriplegic. Later, when he came home and they wanted to start a family, Tracy and Matt were faced with the fact that they could not access IVF services through the VA, which meant they had to pay \$32,000 out of their own pocket.

Mr. President, the bill we passed today means those families who are coming behind Tracy and Matt won't have to go through the same fight to take care of something that is so vital to so many American families; that is, having a family of their own. This is an important step we have taken today in passing this out of the Senate. I am hopeful that the House will take it up and pass it. And I assure Tracy and Matt that one day, when this bill is signed into law, they will have made a true difference for those families who come behind them, and for that I am eternally grateful.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I wish to commend Senator MURRAY before she leaves the floor for her tireless dedication to America's Armed Forces, for her commitment to our veterans and her passion for addressing their very real and very human needs, and for bringing examples from her home community as well as from our country at large of just how much we owe our veterans and in just how many different ways they face challenges as they try to move forward with their lives after their service for us. I wanted to thank her and recognize the Senator from Washington.

#### MORNING BUSINESS

##### 376TH ANNIVERSARY OF THE NATIONAL GUARD

Mr. COONS. Mr. President, one of the best things about a good day in the Senate is when we get a chance to visit with friends from home. Earlier today, I had a chance to visit with the Hopkins family. They run a small business in Delaware. And I have had the great joy of spending time with our U.S. Congressman, JOHN CARNEY, our incoming speaker of the house, Pete Schwarzkopf, and friend Quin Johnson today. All of this has brought to mind something I wanted to speak to for a moment, if I might.

I rise today to mark the 376th anniversary of a great American institution that is critical to our safety here and abroad—the National Guard.

The National Guard goes back to the citizen soldier tradition of our colonial-era militia of citizens who took up arms or who came together for collective action in times of natural disaster or of threat. The National Guard today, 376 years later, still has that dual mission—to serve our communities by responding to domestic emergencies and to deploy, when needed, to serve and protect our Nation overseas. While they do all this, they also often hold down full-time civilian jobs. In their daily lives, National Guard troops are teachers and police officers, firefighters and office workers. When called upon by their Governor or Commander in Chief, they change their uniforms and report for duty as civilian soldiers.

In my home State, our Delaware National Guard is on the front lines every day, whether keeping our streets safe after a storm, deploying to Iraq or Afghanistan, or traveling to other parts of the country to help our citizens recover and cities rebuild in the wake of a natural disaster. Organized and managed so capably by Major General Frank Vavala, the Delaware National Guard has the capability to keep us safe. They transport people and supplies on land and through the air. They defend our Nation in cyber space. They

support law enforcement's fight against illegal drugs. They are on the scene of any suspicious chemical or biological event, and they enable friendly forces to communicate with each other in war zones.

When duty calls, the Delaware National Guard is there. The 153rd Military Police Company, for example, was deployed to Iraq, where they logged hundreds of combat patrols on some of the most dangerous streets in the world and trained Iraqi police officers in all aspects of their profession. In January, this unit will deploy again, this time to Afghanistan.

The 126th Medical Aviation Battalion was deployed to Afghanistan, where they flew 400 priority medevac missions for over 500 critically injured patients, about half to unsecured landing zones outside of secure walls or fortified structures.

These are just two examples of the many ways the Delaware Guard protects our Nation overseas. But they are also vital to our security here at home. When there is a blizzard, the National Guard uses their humvees and heavy trucks to transport Delawareans with medical emergencies. When Superstorm Sandy struck last month, 120 soldiers traveled with heavy equipment to assist with recovery efforts in New York and New Jersey. When Hurricane Katrina devastated New Orleans in 2005, two C-130 aircraft left from New Castle airports the next day carrying the first of what would be 400 troops from Delaware who assisted with gulf coast recovery efforts.

The National Guard is resourceful, ready to serve, and they go everywhere they are called. These are truly citizen-soldiers.

When I was the county executive of New Castle County, Delaware, we had as many as seven different county employees at different times deployed overseas, many of them police officers called up for their National Guard service—folks who are the epitome of serving at home and serving abroad. So it is with a very personal sense of the needs and the challenges when I thank those employers who recognize that even when they are not at their desks, even when they are not contributing to their employer, our National Guard members are making a vital contribution to our community and to our country.

Tomorrow morning I am going to the Pentagon, where I will talk with leaders there about critical needs in an age of ongoing budget austerity. One of the priorities I am fighting for is a responsible investment in our National Guard. These heroes deserve more than our gratitude, they deserve our rock-solid commitment to ensuring they have the resources they need to do their jobs.



The National Guard plays a unique dual role in our security—as first responders and as a reserve force for foreign conflicts. We have to make sure they have the equipment and support for both their military missions and their domestic missions.

I am proud this year the President signed into law legislation that would give the Chief of the National Guard Bureau a seat at the table, a seat on the Joint Chiefs of Staff. I was glad to work to help build bipartisan support for this bill because I believe the Joint Chiefs need someone at the table who has seen the full capabilities and range of operations and the unique challenges and resources of the National Guard firsthand.

So 376 years after its founding, the National Guard continues to grow and evolve to meet the security challenges of the United States in the 21st century. I believe the Guard of the future must continue to fulfill both sides of their vital dual mission. Additionally, it must be a place where highly skilled soldiers and airmen can continue to serve their country while also working in and serving civilian communities. The Guard can and should be a bridge between the military and civilian response to threats facing the United States, not the least of which are cyber attacks and terrorism.

On this anniversary, the National Guard remains essential to the safety and security of Americans at home and abroad, and today I would like to thank the soldiers and airmen of the Delaware National Guard as well as the entire National Guard family at home and abroad for their service and dedication to our country. Thank you, and happy birthday.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### THE FISCAL CLIFF

Ms. STABENOW. Mr. President, today I rise because middle-class families are counting on the House of Representatives to do the right thing between now and the end of the year, which is just 19 days away. The House needs to pass the middle-class tax cuts we sent them back in July.

Families need help. When we talk about the fiscal cliff, the most important one is what families are struggling with every day, and we have just 19 days until the taxes on middle-class families will go up by an average of \$2,200 if the House of Representatives doesn't act. We need to make sure that 98 percent of the American public is protected from tax increases. As we know, we passed the Middle Class Tax Cut Act on July 25. So far, the House has not acted. Nineteen days. They have 19 days until the end of this year in order to act. Time is running out.

Now, we know there is a larger discussion going on that is incredibly im-

portant—how we put together a deficit reduction plan for our country, a long-term plan for fiscal solvency and for our economy. By the way, we will never get out of debt with close to 12 million people out of work, so we better be focused on jobs and the economy, as I am each and every day.

We know we need a larger plan, but when we look at the three legs of the deficit reduction stool that everybody talks about, there has been action on two of them. There needs to be action on the third as we go forward to put together the final plan. The first step was an agreement we made last year to cut spending by about \$1 trillion. So that was the first piece, the spending cut reduction. Secondly, we needed to find savings in Medicare, which has lengthened the Medicare trust fund by 8 years. We know there is more that can be done as we look at savings going forward. We passed over \$700 billion in savings by protecting and strengthening benefits for seniors by cutting overpayments to insurance companies and making other reforms to strengthen the system and create more efficiencies.

We have seen step 1 on spending reductions of \$1 trillion. We have seen step 1 on “entitlements,” as we speak of it, which is Medicare savings coming the right way, not by cutting benefits or raising the Medicare age, which I strongly oppose but, instead, by creating savings by cutting overpayments to insurance companies and other efficiencies. But what happens on the third leg of the stool, which is the requirement that the wealthiest among us come to the table and be part of the solution on revenue? That is the third leg of the stool. We continue to see no willingness to take action there.

We find ourselves in a situation where in 19 days the average American will see their taxes go up by, on average, \$2,200 because the House of Representatives has been holding middle-class families hostage to their own politics. What are we talking about when we talk about \$2,200? I asked folks around Michigan: What does that mean to you? One constituent said that is 4 months' groceries. Four months of feeding her family is what we are talking about if the House of Representatives does not act.

Mr. President, \$2,200 would buy 650 gallons of gas. For the average commuter going back and forth to work every day, that gets them back and forth to work for 3 years on the tax increase that middle-class families are facing if the House does not act.

Mr. President, \$2,200 will buy families in Michigan 550 gallons of milk for their families. We are talking about a lot of money that is at stake for families.

In many cases that number is higher than \$2,200, and House Republicans are holding families across this country

hostage at Christmastime over a fight about whether millionaires and billionaires in this country should pay a little bit more to solve our long-term deficit problem.

It is unbelievable to me that we continue to see this kind of inaction coming from the House of Representatives. We all know this can be done in just a few moments. We can send a very strong message to 98 percent of American families, 97 percent of small businesses, that they can go into the Christmas season knowing they are going to continue to get tax cuts in the new year.

I can assure you, in times when families are struggling now, when they want to provide a good Christmas for their families, we are seeing things like layaway—layaway is back because families are having to use a longer time to pay for toys and clothes and other things for their children for Christmas. Mr. President, \$2,200 is a lot of money. There is a lot of uncertainty right now because the House of Representatives has not acted. It is time to get this done.

Everybody says they support the bill we passed. We have a growing chorus of colleagues on the Republican side of the aisle in the Senate and in the House—we have business leaders and people across the country—who all agree we are never going to be able to address our deficit reduction problems without those who are wealthiest among us helping to solve the problem. That is all this is about.

The House needs to get this done. Then we know there is a larger piece. All three legs of the deficit reduction chair need to be addressed, but now the only one where nothing has been done is asking people who are most blessed economically to chip in a little bit more.

#### RIGHT-TO-WORK LAWS

If I might add one more thing that relates to something else happening in Michigan that goes to the heart of the issue about whether we are going to have a middle class in this country, and that is what the Governor and the Republican State legislature have done in passing the most divisive piece of legislation I can remember in my lifetime in Michigan. It is called right to work. It is really a right to have a race to the bottom. It is not about economics, it is about politics, plain and simple.

Instead of coming together and doing the right thing, we see the State legislature pursuing a political attack. Over and over, families in my State and across America, middle-class families, are being asked to sacrifice, to bear the burden for whatever is happening. They are fed up, and they have every right to be.

There are huge crowds at the Michigan State Capitol Building in Lansing showing how frustrated, how angry

people are that one more time, in an age where we have Citizens United and the Supreme Court saying corporations can give not only unlimited dollars to campaigns but secret money; in an age when the House of Representatives in Washington is willing to protect millionaires from chipping in to solve our deficit problem at all costs, even holding middle-class families hostage—over and over again, working people are saying: What is going on here? We will not have an economy if we do not have a middle class, if people do not have money in their pockets to be able to buy things, to be able to drive the economy, to be able to take care of their families.

In Michigan it is one more blow to the whole process of whether we are going to have voices of working people at the table in the workplace able to effectively negotiate good wages, good benefits, safe working conditions, and know that everybody in the workplace who benefits from that is going to chip in to be able to make sure that continues.

We know all across the country we can either have a race to the bottom or a race to the top. When we see wages going down in places where this kind of legislation has been on the books across the country, we know what has been done in Michigan is going to be one more step in creating that race to the bottom. We see wages for union and nonunion workers go down when we have that kind of a race to the bottom. We see health benefits and pensions decrease. We see lower consumer spending because middle-class families have less money in their pocket.

These kinds of laws hurt families. It is not about economics or freedom, it is about raw politics. Workers need to have confidence they will have a voice in the workplace and they will have a decent wage and benefits they can count on to be able to have a good life for themselves and their families.

That is really what this is all about in so many ways, where families are under attack right now. Middle-class people, trying to hold it together, people trying to figure out how to get into the middle class, who have been knocked down over and over. It is time to stop saying the words “middle class” and actually believe and act as if it is important to our country—because it is. It is essential if we are going to have a quality of life and an economy and have families who know that the American dream is not just a couple of words, but they have the ability to create the American dream for their families.

We have 19 days for the House of Representatives to pass the middle-class tax cuts that we sent to them in July, July 25; 19 days before families see their taxes go up and they believe one more time, at least in the House, that they do not get what is happening to families.

I strongly urge the Speaker and Republican leadership to bring up this bill right away, get it done, and let families know they will have economic certainty—at least related to their taxes going into the new year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### THANKING SISTER SHEILA LYNE

Mr. DURBIN. Mr. President, if the rough and tumble of Chicago politics is not where you would expect to find a slightly built Catholic nun, you have never met Sister Sheila Lyne. Sister Sheila has been an icon in Chicago health care for almost half a century. For nearly 10 years in the 1990s she made history as Chicago's public health commissioner.

For 15 years before her work as Chicago's top public health officer and for another dozen years afterwards, this smart, visionary courageous woman also served as president and CEO of Mercy Hospital & Medical Center, a legendary institution that has helped care for poor families on the South Side of Chicago since before the Civil War. As public health commissioner, Sister Sheila was never afraid to tackle the powerful. Her decisions were based on conscience, and an iron will. She was once arrested for ignoring a judge's order to test every child in a Chicago public school for lead poisoning because she believed the edict was unnecessarily broad and could hurt children and deplete her department's limited resources. She was out of jail 2 hours later.

The first time she took over as president of Mercy Hospital, in 1976, Mercy was bleeding money and on the verge of closing. Sister Sheila's business savvy and innovative management ideas helped put the hospital back in the black. In 2000, following a series of management blunders, Mercy was losing \$40 million a year and once again about to go down for the count. Sister Sheila stepped down as Chicago's public health commissioner and returned as Mercy's president and CEO to lead the hospital's turnaround effort. Once again, she succeeded with a series of shrewd business decisions, innovative reforms, and determination. A year ago, Sister Sheila helped engineer the sale of Mercy Hospital to Trinity Health, the tenth-largest health system in the Nation and the fourth-largest Catholic health system.

Last week, at the age of, as she says, “76½”—she insists including the half—Sister Sheila announced that she will step down as president and CEO of Mercy Hospital as soon as her successor can be named. While she will remain with Mercy as senior adviser to Mercy Foundation, the hospital's philanthropic arm, her departure as Mercy's president and CEO will bring to a

close one of the most remarkable careers in Chicago health care in our lifetimes.

Sheila Lyne was born and raised on the South Side of Chicago, one of three children of Irish immigrants who met in America. She attended Little Flower Elementary School and Mercy High School. She joined the Sisters of Mercy, a Catholic religious order, in 1953. She earned a master's degree in psychiatric nursing from St. Xavier College and an MBA from the University of Chicago and served three years as an assistant professor at the University of Iowa before joining Mercy Hospital in 1970. In 1976 she became Mercy's president and CEO.

In 1991, Mayor Richard M. Daley appointed her city health commissioner—the first woman and the first non-physician ever to hold that job. The department's responsibilities ran the gamut from inspecting restaurants, to monitoring and controlling epidemics, and protecting the public against the spread of infectious diseases. Its clinics receive a million patient visits a year and are the “family doctor” to more Chicagoans than any other single entity.

HIV and AIDS were taking a devastating and rising toll on the city and the nation, and gay and lesbian groups protested Sister Sheila's appointment strongly, fearing she would allow Church policies to dictate public health decisions. Sister Sheila surprised her critics by taking on the cause of fighting AIDS, increasing care and prevention funding from \$4 million to \$40 million and promoting aggressive, even controversial prevention efforts. She gained national acclaim for her innovative programs to improve the health of poor women and children.

When she learned that the department had no way to know which areas of the city faced particular problems, she set up an epidemiology department. Data from that department helped her department to focus and improve its efforts. She visited elementary schools, pregnancy crisis centers, welfare clinics, homeless shelters and senior centers throughout the city, listening to people's stories in order to better understand their lives—and always looking for better ways to combat the city's health challenges.

When she started, the infant mortality rate in some poor Chicago neighborhoods was lower than in many developing nations. Sister Sheila recruited two women in the Robert Taylor Homes, a large public housing complex, asked them to find pregnant residents and escort them to one of the department's eight free-standing clinics for prenatal care. During her tenure, she reduced the city's infant mortality rate by 39 percent.

She sent a van to circulate through Chicago's poorer neighborhoods, providing immunizations for children and

dramatically increasing the percentage of kids who are up to date on their shots. She created a citywide plan—hailed by the Centers for Disease Control—as a model to combat what she called the insidious public health epidemic of domestic violence. She created special programs to reach minority and immigrant families and established an Office of Lesbian and Gay Health, only the second such office in the Nation.

Sister Lyne received many honors, including the Excellence in Public Award from the blue-ribbon panel of Chicago's business and industry leaders.

Dr. Joanne Smith, president and CEO of the Rehabilitation Institute of Chicago, recently praised Sister Sheila and said she was one of those leaders who, when she gets behind something, is a train that is difficult to stop.

Three years ago Sister Lyne helped prod the Illinois General Assembly to pass a groundbreaking new law capping how much hospitals could charge uninsured patients, so that instead of being the only people who are billed the full sticker price, their bills are closer to what other patients pay.

She comes to the office 7 days a week—usually by 7 a.m.—half walks and half jogs 3 miles a day. Some days she trades the walk for the elliptical and Stairmaster. She is 76½ years old. She speaks of Mercy Hospital as a mission and believes that health care is a public good. She is, in her own words, “so grateful and so privileged that I have been able to be a part of making things better.”

However, she is troubled and frustrated by all the unmet needs. When asked what changes she has seen in health care in the last half century, she replies very simply: Not enough. She asks pointedly: Who doesn't deserve health care?

In closing, I want to read a short excerpt from the Chicago Sun-Times editorial. Here is what they said:

Some people fight for the poor and dispossessed by marching on the castle, torches high. Others, fighting the same fight, cross the drawbridge and work from the inside, maneuvering the levers of power, mastering the arts of management and poll politics.

Sister Sheila Lyne . . . is the second kind of activist, remarkably so, having done much to make Chicago a more caring city for half a century.

The editorial went on to say:

Sister Sheila . . . says it's time she calls it quits, but we suspect we'll see her again. She is of a generation of Catholic sisters, and of a particularly steely order—the Sisters of Mercy—who tend to work until they can't work anymore. They are smart, educated women who run things. They are tough and ramrod straight. And we would rather they never retire. Certainly not this one.

Well, anyone anywhere who questions the catholicity or the Christianity of American Catholic nuns needs to meet Sister Sheila, a woman who

has given her life to the least of our brethren.

Loretta and I and countless Chicagoans of three generations feel exactly the same way. Sister Sheila Lyne's passionate devotion to health care and justice has made Chicago a healthier and better city, and we are all in her debt.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT DEBT

Mr. DURBIN. Mr. President, every week I hear from students across my State and around the Nation who are struggling with student loans. Congress has acted on important legislation to help students with these loans by keeping the interest rate of Federal subsidized student loans at a low 3.4 percent, but we need to do more for borrowers and their families because the private student loans have become burdensome and unmanageable.

While other types of consumer loan debt are decreasing, there is one category that is increasing, student loan debt. Student loan debt is more burdensome than other debts. Lenders often will not work with borrowers; take it or leave it. As we all know, student loans—because of the action of Congress—are not dischargeable in bankruptcy. Only in extremely rare circumstances when the debtor can establish undue hardship is a student loan dischargeable from a bankruptcy.

Undue hardship is a court-defined term, and most courts use a three-part analysis called the Brunner test that was created by the Second Circuit in 1987 to determine whether a student loan can be discharged in bankruptcy. The Brunner test requires that to establish “undue hardship” and receive a discharge of a student debt, a debtor must show “that the debtor cannot maintain a minimal standard of living if forced to repay the loan.” Second, that this state of affairs is likely to persist for a significant portion of the loan repayment period; and, third, that the debtor made good-faith efforts to repay the loan.

This test—and especially the second part—is almost impossible to satisfy.

Back in March I chaired a hearing in the Judiciary Committee on student loans and bankruptcy. One of the witnesses was Deanne Loonin of the National Consumer Law Center. Ms. Loonin testified that the “undue hard-

ship system is random, unfair and costly” and that “effectively it has become no choice at all for those who most need it.”

Ms. Loonin noted that the second prong of the Brunner test “forces borrowers to prove a negative—they must somehow prove that their future is as hopeless as their present.”

In 2004 the Tenth Circuit Court of Appeals noted that courts have applied the Brunner test to deny discharge under even the most dire circumstances. That is because in many jurisdictions courts have construed that second prong of the Brunner test to require borrowers to show “certainty of hopelessness.”

On August 31, the New York Times ran an article about the Brunner test and this “certainty of hopelessness” standard. It was entitled “Last Plea on Student Loans: Proving a Hopeless Future.” The article said:

Lawyers sometimes joke about the impossibility of getting over this high bar, even as they stand in front of judges. “What I say to the judge is that as long as we've got a lottery, there is no certainty of hopelessness,” said William Brewer Jr., a bankruptcy attorney in Raleigh, N.C. “They smile, and then they rule against you.”

The New York Times discussed a 2008 undue hardship case in my State of Illinois—in deep southern Illinois. The debtor, David Whitener, was visually disabled, unemployed, and living on about \$900 a month of Social Security disability payments. The bankruptcy court rejected the undue hardship request finding that he had not proved “certainty of hopelessness.” Whitener's lawyer, Steve Stanton of Granite City, said of the case:

I didn't even have the client pay me. In all of the cases in 30 years of bankruptcy work, I came away with about the worst taste in my mouth that I've ever had.

Not only is it almost impossible to prove the hardship required by the Brunner test, most student borrowers are not even able to afford to try. That is because debtors have to bring a separate court case in addition to the bankruptcy case in order to seek this exception. That means paying a lawyer for another case and likely for an appeal.

How can it be that the deck is so stacked against students who borrowed to go through school? How can “certainty of hopelessness” be the standard for borrowers to obtain any relief in bankruptcy court. This harkens back to the debtors prisons of Europe and England. Charles Dickens would have a ball with this standard.

Congress needs to address this issue. Right now there is \$150 billion in outstanding private student loan debt that is crushing many borrowers—\$150 billion. I have a bill, the Fairness for Struggling Students Act, that would once again permit private student loans to be discharged in bankruptcy as they were before 2005. Mark my words, there is no good reason why private student loans should be treated

differently in bankruptcy from any other type of private unsecured debt.

This 2005 change in the law was a special interest favor. It was never justified, never debated, and cannot even be explained today. Filing for bankruptcy is never a walk in the park, and it should be the last resort for anyone, including student borrowers. But many private student loans have outrageous terms forced on kids—or just barely beyond being kids—and their families. Students are saddled with those loans. Many of them would not even understand the standard of “certainty of hopelessness” that is required before there is any relief in bankruptcy court. The problem is not going away; it is getting worse. The student debt, when they start to default, just grows in size.

One of my recent e-mails came from a victim of one of these for-profit schools. The initial debt this student had after the student dropped out of the for-profit school was about \$80,000 in private loans. Because the student could not get a job, the debt just grew. It is now \$103,000. The student lives in the basement of the family home and has no hope. She cannot borrow any money for a car to go back to school or for any purpose. She is stuck, and it is not dischargeable in bankruptcy.

Bankruptcy reform would help borrowers like Malissa Peloquin. She left Westwood College—one of the most notorious for-profit schools—in 2007 with \$75,000 in student loan debt. It is a debt that Westwood College advisers and counselors had lured her into. Her Federal loans have an interest rate below 4 percent, but her private student loans are at more than 11 percent.

Malissa has never defaulted on her loans, but with three kids, she struggles to make the payments every month. She fears that she will lose her home because the home payments are difficult to keep up because of the student loan debt.

Her mother, who is 65 years old, co-signed two of her daughter's student loans just to help her.

Malissa worries what will happen when she cannot pay. Will they go after her mother? We know they do. In the past there have been reports about garnishing Social Security checks on the parents and grandparents who co-signed student loans when the student defaulted.

Malissa has considered filing for bankruptcy, but she knows that private student loans are not dischargeable as set by this outrageous standard. She said if she could go back in time, there is no way she would have ever taken out those loans.

How many young people 18, 19, 20 years old sit across the desk from an admissions officer who pushes the papers in front of them and says: If you sign these papers, you will be in class next week. How many think: I have been told, as long as I can remember,

go to school, get a degree? They anxiously sign them never thinking that they are building up a debt in many cases that will dog them for life.

We need to help borrowers such as Malissa who are struggling. I hope my colleagues will take a serious look at this. This is totally unfair. The for-profit college industry is disgraceful. Remember three numbers: 12 percent of all the students after high school go to for-profit schools; 25 percent of all Federal aid to education goes to for-profit schools; and 47 percent of all student loan defaults are of the students at for-profit schools. It tells us the story.

They drag these kids deep in debt, hand them worthless diplomas, watch them default, and then lives ruined by what students thought was the right decision early in life. Who is responsible for it? The Congress? The President? The government? Check all of the above. We have created this circumstance that costs \$32 billion a year, money that we send to these for-profit colleges. If they were a separate Federal agency, for-profit colleges would be the ninth largest Federal agency in Washington, DC. They receive subsidies from 85 to 95 percent of all of their expenses directly from the Federal Government. Calling their employees Federal employees is not a stretch. They are all paid for by the Federal Government as are their advertising and marketing expenses.

When we put this all together, it is rotten. The students who are contacting my office, and many other Senators, are crying out for help and relief. If we cannot help these young people after the exploitation of the for-profit schools and others, shame on us.

I yield the floor and suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Mr. BINGAMAN. Mr. President, in 1981, in his first inaugural address, President Reagan said:

Government is not the solution to our problem; government is the problem.

I came to the Senate 2 years later in 1983 with the firm belief that in most cases his statement was wrong. I believed then and I believe now that the Federal Government can be a constructive force for good, in protecting and maintaining the civil liberties of all Americans, in maintaining and strengthening our economy, protecting our environment, and in helping Americans live productive and fulfilling lives.

As I look back over the last 30 years, many of the arguments that have consumed our time at the Senate, whether on questions of spending or taxes or regulation or fiscal policy, those questions have divided between those who saw government as the problem and those who believed it could and should be a constructive force for helping the American people deal with problems. I consider myself firmly in the second camp. In each of the major areas of national concern, I would like to be able to report progress for the country since I arrived in the Senate. Unfortunately, the record of progress is not so clear. In many areas, we have made progress, but there are also instances where we have lost more ground than we have gained. As issues continue to be reconsidered, I am reminded of the well-known statement that “success is never permanent in Washington.”

With regard to our Nation's security from foreign aggression, the end of the Cold War and the collapse of the Soviet Union were clearly the most positive developments we have seen in the last 30 years. If the end of the Cold War was the most positive national security development I witnessed since coming to the Senate, the invasion of Iraq to bring about regime change in that country was the biggest national security blunder. That blunder cost our Nation dearly in service men and women killed and injured and in resources that should have been used to strengthen our economy here at home. Last month, I was stopped by a woman from northern New Mexico who thanked me for my service in the Senate and particularly for my vote against granting President Bush the authority to take our country into that war.

The Nation's fiscal policy is very much the focus of the Senate's attention during these final weeks of the 112th Congress. On this issue, again, we have made one step forward during the time I have been in the Senate, but, unfortunately, we have taken two steps back. I arrived in the Senate in January of 1983, a period of large deficits compared to anything the country had experienced for several decades. Those large deficits grew and persisted through the Reagan Presidency.

In 1990, a democratically controlled Congress and President George H.W. Bush made a significant step forward, reining in those deficits with the enactment of the Omnibus Budget Reconciliation Act of that year, 1990. That law created the statutory pay-go requirement. It also increased marginal rates for the wealthiest Americans, and I was proud to support the measure. In 1993, another major step was taken when, at the urging of President Clinton, Congress enacted the Omnibus Budget Reconciliation Act of that year, 1993. Again, that measure both raised taxes and constrained spending. It was denounced by many in the Senate as sure to throw the economy into

recession. In fact, the opposite occurred, and the economy prospered. As a result of these policy changes and the strong economy of the 1990s, we enjoyed a period of balanced budgets and even surpluses in 1998, 1999, 2000, and 2001.

Unfortunately, those surpluses were not to continue. President George W. Bush urged Congress to cut taxes and Congress was all too willing to oblige, and although I didn't support the 2001 or 2003 tax cuts, they were passed. At about the same time we were cutting taxes more than we could afford, we were also going to war in Afghanistan and in Iraq and adding a new drug benefit to Medicare. No provision was made to raise revenue or cut spending elsewhere to pay for any of these mammoth undertakings. Of course, the cost of health care, both the cost to government and to families and businesses who purchased private insurance, continued to grow at too rapid a pace. So the result was a return to large deficits and, of course, those large deficits grew substantially larger because of the recession that began in December of 2007.

Today, we are trying to strengthen our economy while at the same time trying to reduce projected deficits. That long-term deficit reduction will, once again, require higher taxes as well as new constraints on spending, and I hope that even in these final days of this 112th Congress, we can reach agreement to proceed.

As regards health care, in the long-standing fight to provide Americans with access to affordable health care, we have seen significant progress. In 1997, we enacted the Children's Health Insurance Program which resulted in nearly 8 million American children obtaining access to health care. Of course, in 2010, we adopted the Patient Protection and Affordable Care Act. This unfairly maligned legislation has the promise of moving us much closer to the goal of universal health care, and I am proud to have worked with my colleagues in the writing of that legislation and in seeing it enacted. Now that the recent election is behind us, I hope the efforts to repeal that legislation are at an end. I also hope the two parties can find ways to improve the legislation with a particular focus on better controlling the growth and the cost of health care.

In addressing the various energy challenges facing the country, again, there is progress to report. In 2005 and 2007, Congress enacted major Energy bills. Those bills moved us toward a better and more comprehensive national energy policy. Those bills promoted an adequate and more diverse supply of energy. They increased the efficiency and effectiveness of how we use energy in our economy. They promoted strong market reforms and consumer protections for electricity, and they struck a balance between meeting

our energy goals and lessening environmental impacts of energy, including overall greenhouse gas emissions. As a result of that balanced approach, we have arrested what had been an increasing dependence on foreign oil. Coupled with technological advances that have opened new sources of supply, we are headed to greater levels of energy independence than we had thought possible even as recently as 7 years ago.

The bipartisan consensus that allowed us to enact those bills has, unfortunately, eluded us in the current Congress. I hope in future Congresses there will reemerge a recognition that climate change is a reality and that our policies to meet our energy needs must also deal responsibly with environmental issues, including the damage caused by greenhouse gas emissions.

As regards our Nation's policy on education, the good news is we seem to have moved past the period where the Republican nominee for President announced a commitment to eliminating the Federal Department of Education. President Clinton deserves great credit for making the support, particularly of higher education, a priority of his Presidency. President George W. Bush deserves credit for making a serious effort to reform and improve elementary and secondary education. Although that effort to improve elementary and secondary education has not succeeded as many of us who supported it had hoped, I remain persuaded the Federal Government needs to persist in trying to play a constructive role in improving education in this country.

The States and local school districts deserve great credit for developing and adopting the Common Core Standards, and I hope future Congresses will strongly support the steps and the funding needed to upgrade student performance by implementing those standards. President Obama and his administration have demonstrated their strong commitment to this goal.

In addition to these areas of concern I have mentioned, we have seen some progress in maintaining and advancing the science and engineering enterprise in this country. As the Cold War came to an end, we successfully found ways to better integrate the strengths of our defense laboratories into the civilian economy, through technology transfer and partnering. We have also seen some important increases in funding for research, particularly in support of the life sciences, and that growth has stagnated in recent years. It needs to continue and be replenished, but as we continue that support, we must also recognize the need to do more to support research and development in the physical sciences and in engineering.

One significant advance I was proud to support was the establishment of ARPA-E, the Advanced Research

Projects Agency-Energy within the Department of Energy. That effort to identify breakthrough science and engineering initiatives to meet our energy challenges holds great promise for our Nation and for the entire world.

We have also seen progress in providing increased protection for public lands. One particular bill in that area was the omnibus public lands bill that was passed in 2009. It added wilderness protection to over 2 million acres, designated 1,100 miles of wild and scenic rivers, and added more than 2,800 miles for the national trail system. I was proud to be part of the effort to enact that legislation.

Finally, I will make a few comments on the way we in the Congress conduct our own business. Any fair assessment has to conclude that in this area, we have lost ground in the last two decades. Public opinion of the performance of Congress is at an alltime low and it is not hard to see why. I will mention three obvious ways in which the functioning of Congress has worsened.

First is the willingness of some in Congress to shut down the government. In 1995, we saw the leadership of the House of Representatives demonstrate that they consider refusing to fund the government as an acceptable bargaining ploy in their efforts to prevail in disputes with President Clinton and Democrats on spending issues. Since 1995, that threat to withhold appropriations has been made several more times. As we saw then, shutting down the government is costly, it is wasteful, and it is harmful to Americans. I hope this irresponsible threat will soon be viewed as unacceptable.

A second way the malfunctioning of Congress became clear was when in August of 2011—just less than 18 months ago—the Republican leadership in Congress determined that another tool at their disposal was the ability to refuse to increase the debt ceiling. By doing so, they could deny the Secretary of the Treasury the authority to borrow money to meet the obligations the government had already undertaken. To my knowledge, this was the first time the congressional leadership of one of our major parties had stated their willingness to see our Nation default on its debt.

This threat to force a default on the obligations of the Federal Government resulted in the sequester of government spending, which is scheduled to begin January 1. It also resulted in a downgrading of U.S. debt by one of the leading credit rating agencies.

We now hear renewed threats to use this so-called leverage as a way to demand cuts in Medicare and in Social Security. Once again, I believe this is an irresponsible action I hope Congress will get beyond.

Of course, a third way in which the functioning of the Senate—not the full

Congress but the Senate—has worsened is the abuse of Senate rules allowing unlimited debate or filibuster. As the Senate currently operates, a threat of filibuster is used routinely to obstruct the Senate from doing its business, even when the issue before the Senate is relatively uncontroversial. Many times following a delay caused by obstruction, an overwhelming number of Senators will vote for the legislation or the nomination which the Senate has been delayed in considering. In the next Congress, I strongly encourage my colleagues to make the necessary changes in Senate rules to limit the ability of one or a few Senators to obstruct the Senate from doing its regular business. My colleague Senator UDALL of New Mexico is on the floor with me. He has been a leader in this effort to get these rules changed, and I commend him for that.

So the record of our progress both as a country and as a Congress over the last 30 years has been mixed. There is progress to report. I have mentioned some of that. There are also many missteps and failures we need to acknowledge.

My conclusion remains that many of our challenges as a nation can only be met with the help of a strong and effective national government. There are times when the actions of the government are more a problem than a solution, but there are many more occasions where enlightened action by the government is important and even essential.

I consider it an honor and a privilege to have represented the people of New Mexico in the Senate for the last 30 years. I thank the people of my State for their confidence in electing me and supporting me during the time I have served here. I thank the very capable and committed men and women who have worked on my staff, both in Washington and in New Mexico, during these 30 years. I thank all my colleagues here in the Senate for their friendship and help to me during this period. Of course, I thank my wife Anne and our son John and his wife Marlene for their support that has allowed me to serve in the Senate.

To all my friends and colleagues who will be here in the next Congress and in future Congresses, I hope you can find the common ground necessary for our country to effectively move forward and meet its challenges. The endeavor is a worthy one, and I wish you every success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### TRIBUTES TO DEPARTING SENATORS

JEFF BINGAMAN

Mr. UDALL of New Mexico. Mr. President, I rise today with a difficult

task: to honor a great Senator and a great friend, Senator JEFF BINGAMAN.

This is difficult for two reasons. First, Senator BINGAMAN is not one to call attention to himself, and, second, he does so as briefly as possible. On both counts—let me just say now—I am going to fall short.

JEFF is that rare combination of character—brilliant and humble. For JEFF, it is about the work, not about his own ego, not about a monument to himself. For three decades in the U.S. Senate, he has been making a difference, for the American people and for our home State of New Mexico.

Public service is a noble profession—when it isn't swamped by money, when it isn't held hostage to hyperpartisanship. JEFF is the best example I know of the nobility of politics. The origin of the word "noble" is "nobilis"—well-known—from the latin "noscere" to come to know. JEFF, who is a scholar, probably knows that. I had to look it up. But, knowing, making sense of the world, using that knowledge to make the world a better place, that is what public service is supposed to do, and that is what JEFF BINGAMAN does.

By Washington standards, JEFF is a man of few words. And when he comes to this floor to speak, we listen. If I am at my desk in my office, I will turn up the television, I will stop what I am doing, because I know that he will say something insightful, something worth knowing, something worth thinking about.

When JEFF came to the Senate 30 years ago, this was a different place. There was a new President. There was a fierce battle of ideas, of ideology, of where the country needed to go. Principles did not matter any less then than they do now. But folks worked together. They clashed, but they also compromised.

We all know what has happened since then. Washington has become more and more polarized. But, time and again, JEFF BINGAMAN has been a voice of reason, of doing what is best for our country—no grandstanding, just hard work, paying attention to details, getting problems solved, getting the job done. He is an inspiring role model.

In his own quiet way, JEFF does something essential: He challenges us to think a little harder, look further down the road, see how we can move our country forward, not just today, but far into the future. He doesn't look for the limelight. He looks for solutions. And his accomplishments make for a very long list.

He has been a truly great chairman of the Energy and Natural Resources Committee. He has done so much to protect our natural resources, to build a clean energy economy, for jobs, for the environment. I was proud to work with JEFF on the first renewable electricity standard in Congress. He led the

Senate bill, and I led the House bill. And, as always, I learned from his example: steady, focused, and reasonable.

We will continue to carry the torch on renewable and clean energy standards in Congress, following in his footsteps. But today, we can be proud that 30 States—including New Mexico—have enforceable renewable standards. Together, these cover the large majority of the U.S. population.

JEFF also shepherded the Energy Policy Act of 2005, the first comprehensive energy bill in 13 years, a "do it all" energy bill that covered renewables, nuclear, clean coal, and oil and gas.

And 2 years later, he took the lead in the Energy Independence and Security Act of 2007. That bill was an even more ambitious effort than 2005. As the National Journal reported, it was "the most sweeping energy efficiency legislation ever put into law."

On both of these bills, JEFF worked in a commendable, bipartisan fashion with Senator Domenici, a Republican from New Mexico. He also achieved these compromise bills with a Republican House in 2005, a Democratic House in 2007, and both were signed into law by Republican President George W. Bush.

The public lands package of 2009 was another great achievement. JEFF reached across the aisle for compromise and protected 2 million acres in nine States as new wilderness areas, and more than 1,000 miles of rivers and streams—one of the greatest land protection laws ever. It will benefit generations to come, and it is part of the legacy of JEFF BINGAMAN.

We are spending time these days debating the failings of the Senate, the gridlock, the partisanship. In contrast, JEFF's committee has been a leading light of cooperation and compromise. When other committees lost their bipartisan way, the Energy Committee kept steady. I believe the standard he set will shape future energy and natural resources policy in years to come. I hope it guides us next year.

When this body has looked for answers, so often it has turned to JEFF. No surprise that he was one of the Gang of 6 to negotiate health care reform. When real solutions are on the agenda, JEFF will have a seat at the table.

JEFF was also one of the key negotiators in the No Child Left Behind Act, and he pushed for the Technology for Education Act and the America COMPETES Act—raising standards for all students, increasing opportunity for all Americans. Because he knows that investments in education and technology and training are crucial, crucial for the jobs of the future, crucial for our country.

Education, health care, jobs, energy, and the environment—JEFF has been a leader in all these areas. And what comes through over and over: he never



forgets the people who brought him here. He never forgets that what we do here is about families, is about communities, is about making a better future for our children and grandchildren. That is what drives him, and that is what has made him such a great Senator.

One of the things I admire most about JEFF BINGAMAN is his courage. You know where he stands, and he is not afraid to go against the current. He was one of 23 Senators who voted against war with Iraq. As he said later: "I think that was the right vote, but it was not a popular vote."

I have valued his counsel on many occasions. It has been an honor to serve with him. He is going to be missed—not just for his good humor, not just for his friendship, but, more importantly, for his character and wisdom. On both sides of the aisle, his absence will be felt.

With typical humility, JEFF would be the first to say he has a great staff, and he does. When I first came to Congress, on the House side, JEFF and his staff reached out to me, and to my staff, always available to help, always ready to work together, to try and do what is best for our State and our Nation.

And, finally, I know JEFF would also say, he could not have accomplished so much without the support of his amazing wife Anne. They met at Stanford Law School, and have walked side by side, equal partners, ever since. Anne Bingaman is as remarkable as her husband, and he would very likely insist more so.

My dad once said that the measure of someone isn't about winning elections or awards or honors. It is what the people who know you best think about you. For those of us who know JEFF BINGAMAN, he is the real deal.

JEFF BINGAMAN has lived a life of service—substantial, enduring, noble service. I have no doubt that—though he is leaving the Senate—he will find other ways to serve, and New Mexico and our Nation will be the better for it.

JEFF, thank you. Thank you for your leadership, for your friendship, and for your always wise counsel. As you and Anne begin a new chapter in your lives, Jill and I wish you the very best.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me thank my colleague, Senator UDALL, for his overly generous comments and indicate that 30 or 40 years from now when he retires from the Senate, I will be glad to make similar comments about his service. I could make similar comments about his service already based on the time he has served our State as attorney general and in the Congress and now in the Senate, but he does a tremendous job for New Mexico and for the entire country here, and it is an honor for me

to get to serve with him. This will be 4 years that we will have completed as the two Senators from New Mexico, and it has been a great pleasure for me to have a good friend and a very capable Senator to work with. So I again appreciate the overly generous comments.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I spoke about Senator BINGAMAN. I know the Presiding Officer is on his committee and she feels the same way about him and all the work he has done. It is going to be a sad day for all of us when he exits at the end of this year, but he is a pretty remarkable leader.

#### ORDER OF PROCEDURE—S. 3637

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that with respect to the vote on the motion to waive earlier today, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CAPITAL GAINS TAXES

Mr. HATCH. Madam President, in less than 1 month, American taxpayers face the greatest tax increase in our Nation's history. It did not have to come to this.

The President claimed he wanted a balanced approach to deficit reduction. He told the American people throughout his campaign we needed to balance tax increases with spending cuts in order to tame our deficits, stop taking on water and, of course, reduce our debt.

Many Republicans objected to this approach on empirical grounds. There is no denying the principal source of our debt crisis is on the spending side. But elections have consequences and many Republicans have now stated a willingness to meet the President half-

way. They are willing to concede some revenue increases in exchange for entitlement reforms—revenue increases, not rate increases.

But the President now says never mind all those campaign promises about a balanced approach. He has taken nearly all meaningful entitlement reforms, including many he previously endorsed, off the table. He has abandoned revenue increases and spending cuts for deficit reduction and replaced that balanced approach with a plan to raise taxes and increase spending.

This is not what he told the American people he stood for, but I would go so far as to say that if he did campaign on this, he would now be looking for new employment. This bait and switch is beyond cynical, particularly when he knows the Republicans have a strong and empirically grounded opposition to revenue increases.

So far, we have focused primarily on the economic impact of the increased marginal tax rates the President is demanding. But it would be wrong to discount the coming tax increase on individual capital gains, should we go over the cliff or if the President gets his way. The evidence seems clear. Any capital gains tax increase is counterproductive to real economic growth and job creation. Allowing these rates to go up puts ideology, partisanship, and class warfare ahead of sound economic and tax policy. For almost the entire history of our income tax system, we have had preferential tax treatment for capital gains.

From 1921 through 1987—and then again after 1990—long-term capital gains have been taxed at a lower rate than ordinary income. The short time, approximately 3 years, the preferential treatment for capital tax gains was not in effect was due to the Tax Reform Act of 1986. The 1986 act is considered by many to be the gold standard for tax reform, and elimination of the preferential tax treatment for capital gains is considered by many to be one of the major accomplishments of the 1986 act.

It is important to recall, however, that elimination of preferential tax treatment for capital gains in 1986 was coupled with a significant reduction in tax rates for individuals, and the lack of preferential treatment did not last long. Today, the top tax rate on capital gains is 15 percent. If Congress fails to act and we go over the fiscal cliff, the tax rate on capital gains will increase to 20 percent on January 1, 2013. In today's fragile economy, with unemployment still hovering around 8 percent, we should not be raising taxes on capital gains.

Two years ago, a study by the American Council for Capital Formation showed that increasing the capital gains tax would cause measurable damage to the economy. The study estimated that if the capital gains tax was



increased to 20 percent from 15 percent, real economic growth would fall by 0.05 percentage points per year and jobs would decline by about 231,000 per year. If the rate is increased to 28 percent, real economic growth declines by 0.1 percentage points per year and 602,000 fewer jobs are created each year.

The fiscal cliff is only part of the story. In less than 1 month, a new 3.8-percent tax on net investment income of single taxpayers earning more than \$200,000 and married couples earning more than \$250,000 will go into effect as part of the so-called Affordable Care Act. As a result, the capital gains for upper income taxpayers is already scheduled to increase by almost 4 percent. We should not add another 5-percent-point tax increase on top of that.

Upper income taxpayers will face a 23.8-percent tax on capital gains in 2013 if Congress fails to act to prevent a rise in the capital gains tax. Sometimes the magnitude of these numbers is lost on folks. They might think that is only a jump from 15 percent to about 24 percent, not that big a deal.

I would like to state just a few points. That represents a 59-percent increase from current law. During the fiscal cliff negotiations, some have posited that all that is at stake is a return to the tax rates of the Clinton era. That is not what is happening with the tax rate on capital gains. During the latter part of the Clinton era, a Republican majority in Congress was able to get an agreement on cutting the top rate on capital gains to 20 percent at that time. If the tax rate on capital gains remains at the 2012 rate of 15 percent—coupled with the new 3.8-percent tax on net investment income—capital gains will be taxed at 18.8 percent, very close to the Clinton-era rate.

A 5-percent increase in the tax on capital gains to 20 percent, coupled with the increases imposed by ObamaCare, will result in a rate of 23.8 percent, well above the tax rate on capital gains at the end of the 1990s. We should not go down this road. This is said specifically by the Senator who, along with Senator LIEBERMAN, pushed very hard for these lower capital gains rates. There was a Hatch-Lieberman bill that was instrumental in bringing rates down to the current level.

There are a number of arguments on behalf of preferential tax treatment for capital gains. For example, there is the lock-in effect. Since capital gains are only taken into account when realized by a sale or exchange, investors can avoid paying the capital gains tax by simply holding on to their capital assets. As a result, the capital gains tax has a lock-in effect, which reduces the liquidity of assets and discourages taxpayers from switching from one investment to another. This impedes capital flows to the most highly valued uses and is, therefore, a source of economic

inefficiency. The higher the rate, the greater the disincentive to make new investments.

The preferential tax treatment for capital gains also counters the two levels of taxation of corporate income. A large amount of capital gains arises from the sale of corporate stock. When a corporation earns income, it pays taxes on that income. When a shareholder sells stock, part of the gain on the stock might be due to the earnings of the corporation, resulting in a double tax of corporate earnings. A low capital gains tax leads to increases in savings and investment, corrects the income tax law's bias against savings, corrects the lack of indexing capital gains for inflation, and increases the incentives for risk-taking.

The tax rate on capital gains can also be viewed as a compromise between an income tax system and a consumption tax system. In a pure income tax system, capital gains would be taxed the same as any other type of income. In a consumption tax system, capital gains would not be taxed at all. Taxing capital gains at 15 percent can be seen as a reasonable compromise of income tax and consumption tax principles.

An increase in the capital gains tax rate will increase the difference between what an investment yields and what an individual investor actually receives. This is known as the tax wedge. The higher the tax wedge, the fewer the number of investments that will meet the minimum rate of return required by an investor, known as the hurdle rate. In short, higher rates equal fewer investments.

So far I have only spoken about the coming increases in capital gains taxes. I know people who are hurriedly selling their stock portfolios now to pay the lesser capital gains rate and after the 1st of the year will buy back the same stock, though it will have a higher basis at that point.

The impact of the fiscal cliff on the taxation of dividends is even more severe. Unless Congress acts, dividends will be taxed at a rate as high as 43.4 percent come January 1. This is because, starting in 2013, dividends will be taxed at 39.6 percent under current law, and then the ObamaCare surcharge of 3.8 percent will be tacked onto that.

Many seniors depend on dividend income. To increase their dividend income taxes to around 40 percent, especially at a time when any bonds they hold essentially yield nothing, hollows out the nest eggs of retirees. Unless we address the fiscal cliff, the taxation of dividends will go from 15 percent to 43.4 percent literally overnight. This is a tax increase of 189 percent—excuse me—yes, it is 189 percent. I thought for a minute it was 18.9 but, no, it is 189 percent.

It is hard to believe but nevertheless true that many Democrats, including

the President's Treasury Secretary, have expressed a willingness to go over the fiscal cliff, when Americans are facing tax increases of this magnitude.

We are in the midst of a sluggish economic recovery. The President and his allies in Congress seem bent on raising taxes, regardless of the impact tax hikes will have on future economic growth or income security of seniors and pension holders. They would have us believe there is no relationship between tax rates and economic growth. If that were true, we wouldn't be seeing major companies scurrying to grant big dividends now, before the year ends and taxes potentially skyrocket—among which is the Washington Post. I read the other day they are going to do their dividends now before the end of the year, before all this taxation occurs after the end of the year.

The coming capital gains tax hike is just one of many tax hikes facing the American people if Congress refuses to act before the end of the year. I think the numbers make a pretty compelling case that raising the capital gains tax rate, particularly when ObamaCare will already raise that rate by nearly 4 percent, will do serious damage to our economy.

I might add, I don't blame anybody for paying their dividends this year—in advance of next year. I don't blame them at all. I certainly don't blame the Washington Post for doing it. But if you think tax policy doesn't affect how things are done in this country, then you don't know what from what.

Let's just say I urge my colleagues to join me in supporting an extension of the current capital gains and dividends tax rate.

The other day I talked about the estate taxes, or what we call death taxes, and how stupid it is to do what the Democrats want to do with regard to death taxes—make them so high so there is a double taxation on families, and especially ranchers, which will go up 24 times the number of last year's ranches and farms that will be hammered by these higher death taxes.

There is a reason it is good to keep tax rates lower, and I hope none of my colleagues on either side, really, but certainly on the Republican side, will agree to raising tax rates because we know once they are raised, our friends on the other side are just going to spend that money. They will not use it to pay down this \$16.4 trillion national debt we have. We are a few bucks short of \$400 billion in that figure, but we are getting there. It will be \$17 trillion before the end of this year, and then it will go up even faster after that with what the President plans to do to this country.

We have to wake up. We have to quit listening to the political talk, and we have to start looking at the economics. We have to start looking at what works in taxation and what doesn't.

Frankly, we have a long history of what works, and we also have a long history of what doesn't. We are about to embark on all kinds of programs that don't. I don't want to see that happen. I hope we will fight against these things. I hope those who really do represent the people will start representing them instead of just asking for more and more money so they can spend more and more and get this country even more and more in debt.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WIND ENERGY TAX CREDIT

Mr. ALEXANDER. Madam President, I have two items I would like to briefly mention. The Nation is consumed by the fiscal cliff. From all I can tell, the Presidential limousine is moving very rapidly toward the fiscal cliff with the President's foot on the accelerator. I am still hopeful we will get a budget agreement that will help us get the economy moving again, but at a time like this, of course, what we all need to be doing is thinking about saving every possible penny to fix the debt.

This government in Washington, DC, is borrowing 42 cents out of every dollar we spend. That is why I come to the floor to point out a proposal that has been made to fleece the taxpayers out of an additional \$50 billion over the next 6 years. This is a proposal that is as brazen as a mid-day bank robbery on Main Street. It is a proposal by the wind developers of America to say to the taxpayers: Please give us \$50 billion or so more dollars over the next 6 years to phase out the Federal taxpayer subsidy for wind power.

Why is this a brazen fleecing of the taxpayers? First, this taxpayer subsidy began in 1992, 20 years ago, as a temporary subsidy for a new form of energy. Of course, windmills are not really new. We have had them for hundreds of years. But the idea was to give them a little boost so they could get bigger and perhaps help us supply electricity.

It was intended in 1992 that this would only be a temporary tax credit. But as President Reagan used to say: There is nothing that comes as close to eternal life as a government program. So this temporary taxpayer credit has been renewed time after time after time. It is 20 years old. Now, after billions of dollars and 20 years, wind power is, according to President Obama's Energy Secretary, a mature technology.

The Congress has decided that Federal taxpayer subsidies for wind power

should end at the end of this year. Everyone knows that. This is no surprise. It has been out there for a while, so businesses can plan on this. In other words, it is time for wind power, the Congress has said, to take its place in our free market system and compete with natural gas, compete with nuclear power, compete with hydropower, compete with solar power—compete with other forms of power producing electricity. After all, we produce and use about 20 to 25 percent of all the electricity in the world, and we want to make sure we have plenty of it and that it is a reliable supply at a low price.

Yet along came the wind developers who have benefited from this giveaway for 20 years—I say giveaway because, according to the Joint Tax Committee and the United States Treasury, from 2009 through 2013 it has cost the taxpayers \$16 billion to subsidize windmills in America. Put that in a little perspective. The federal government spends only \$6 billion a year on all energy research. We could be spending it there. We could be reducing the debt. Instead, we are continuing to subsidize this mature technology.

But the brazenness of those who have been receiving this giveaway money—it is hard to imagine how it could be exceeded by a so-called phase-out proposal. They announced: Phase us out over the next 6 years, through 2018. In 2013 the credit would be 100 percent. We would have the credit for next year at the same level it is this year. That's estimated to cost about \$12 billion. That is twice the amount of money we spend each year on energy research in America. Then, in 2014, they want 90 percent of the previous full tax credit, and then 80 and 70 and 60 and nothing after 2018.

I have not had a chance for the Congressional Budget Office to evaluate how much this phase-out would cost, but it is tens of billions of dollars. One estimate is \$50 billion new taxpayer dollars at a time when we are borrowing 42 cents out of every dollar to keep doing something that is already phasing out on its own terms. We cannot afford that. We simply can't afford that. We cannot afford 1 year more of the wind tax credit—that is \$12 billion—on top of the \$16 billion for grants and the production tax credit from 2009 through 2013.

Second, it is interfering with the marketplace. The subsidy to wind developers is so great they are actually paying distributors of electricity, in some cases, to take their wind power, which undercuts other forms of electricity on which we rely. Why is that so important? We cannot rely on wind power, because it only works when the wind blows. It often blows at night when we really do not need it. We have a wind farm in Tennessee. It is the only one in the Southeastern United States. Why? Because the wind doesn't blow

much in the Southeastern United States.

In Tennessee, somebody has a big contract with extra subsidies by the government to put these gigantic towers on top of our scenic mountains. And how much electricity does it produce? Not very much. Of course, these turbines only generate electricity about 19 percent of the time, and it produces even less electricity when we actually need it. You can fly over it or drive by these giant windmills at 4 p.m. in the afternoon in the summer when everybody has their air conditioning on and they need electricity, and not a single windmill is turning. You might go at night and it is turning, but they don't need the extra electricity at 7 or 8 or 9 o'clock at night. That is the problem around the country. It is a puny amount of unreliable, expensive electricity.

The idea that the United States of America, using 20 to 25 percent of all the electricity in the world, would produce the largest amount of clean and reliable electricity by windmills is the energy equivalent of going to war in sail boats when nuclear submarines are available.

Let's let wind power, after 20 years, find its place in our market. There are clearly places where it should be fine. But there is no need to subsidize it from the Federal Government; to cause the ratepayers of Tennessee, for example, to pay more to import electricity produced by wind from South Dakota when we should be using those dollars either to lower our rates, to pay for air pollution control equipment, and to build nuclear power plants—of which we have several in the Tennessee Valley. They are clean—they emit no sulfur, no nitrogen, no mercury, and no carbon. That is the cleanest form of reliable energy we have in the United States.

There may be some places where windmills work, but not along the tops of the Tennessee mountains or even in the valleys of Tennessee. The idea of continuing to waste \$50 billion of taxpayer money over the next several years to subsidize a mature technology at a time when the government is going broke is as brazen as a bank robbery in the middle of the day on Main Street. I hope we put a spotlight on this \$50 billion giveaway. I hope it becomes the poster child for what is wrong with spending in Washington, DC. I hope the Congress will come to its senses this month and next month and say no to those who come forward with their hand out for this \$50 billion giveaway.

#### THE FILIBUSTER

Madam President, on Tuesday I spoke about the filibuster. I inadvertently made a mistake I would like to correct. When I was looking at the history of filling the tree, which is the gag rule that the majority leader uses to

stop Republicans from offering amendments—we just saw it again today. We had a banking bill. There was a budget point of order that killed the bill. We had a couple of amendments on the Republican side that would fix the budget point of order, and then we could have passed the bill. But the majority leader imposed the gag rule, he filled the tree, and here we are.

I was talking about that, and I said that Senator Robert Dole was the first leader to fill the tree, and I was wrong about that. I was reading some information that the Congressional Research Service had given me, and I did not read it right. When the CRS went back and looked at its information, it would appear that in 1980, Senator Robert Byrd used this filling of the tree on the Tonnage Measurement Simplification Act, H.R. 1197.

That reminds me of a story Senator Baker used to tell me when he was suddenly elected majority leader in 1981, and Senator Byrd became the minority leader unexpectedly. Senator Baker went to Senator Byrd and said: Senator Byrd, I will never know the rules as well as you do. I'll make a deal with you. I won't surprise you if you won't surprise me.

Senator Byrd said to Senator Baker: Let me think about it.

He thought about it overnight and said: It's a deal. And they worked that way for 4 years. Senator Byrd knew the rules.

In 1980, apparently, at least so far as the research shows, he was the first one to use this arcane procedure of filling the tree. Filling the tree sounds very strange, but it is very simple. It means the majority leader can use it to cut off debate over here.

If you bring up a banking bill, and it has a budget problem, and one of us says we can fix that problem, that we have an amendment, if he has filled the tree, we cannot offer amendments. If some Senator—let's not pick on the majority leader—brings up a bill, and, let's say, it is an appropriations bill and it does not include money to rebuild the Center Hill Dam or the Wolf Creek Dam—which is not safe at the moment—and I want to stand up and say, Madam President, my constituents would like to see some money to make this dam safe because if it fails it will flood Nashville—if the tree is filled, I cannot do my job.

On our side of the aisle we do not like filling the tree. We are in the minority, and we believe the majority has the right to set the agenda and that we in the minority have the right to offer amendments. The good news is a number of us on both sides of the aisle are working, with the knowledge of the majority leader and the Republican leader, to see if we can make some suggestions privately to Senator REID and Senator MCCONNELL that they can consider and, hopefully, agree that they

are good suggestions, and as we begin the new year we will be able to move bills to the floor.

I know the majority leader would like to be able to do that more easily, and maybe some of the fault for that is on our side. We on our side, then, would have a right to do what the minority especially wants to be able to do, which is to offer amendments, because this body is established for the purpose of protecting the rights of the minority.

The Congressional Research Service is looking further into the record, but we do have a record of how majority leaders have used this procedure from 1985 to the present. This data supports my larger point which is—what was used rarely is now used too frequently.

According to CRS, these are the numbers. Since 1985, Senator Bob Dole filled the tree, used the gag rule, seven times; Senator Byrd used it three times; Senator Mitchell used it three times; Senator Lott, when he was majority leader, used the gag rule 11 times—that is, cut off amendments—Senator Daschle only one time; Senator Frist 15 times. Those are the majority leaders. So since 1985 all of those majority leaders used it a combined 40 times.

Our current majority leader, Senator REID, has used it, as of yesterday, 69 times since he became leader in 2007. This trend, this gagging the minority, is the primary cause of the Senate's dysfunction.

I wanted to correct the record. I made a mistake, and I am glad to come and correct it. I don't want Senator Dole to get the credit for that when it appears Senator Byrd actually figured it out. I want to conclude with an optimistic point. I think most of us—and I would include the distinguished Senator from New Hampshire in the chair because we have been together in discussions, bipartisan discussions where we have talked about this—most of us believe we are fortunate to be here. We know we are basically political accidents. Since we are here we want to do our jobs. We would like to advocate the things that people sent us here to do.

So if we have a bill, and we are in the majority, we would like to get the bill on the floor. If we have something to say, an amendment, if we are in the minority, we would like to have a chance to offer that amendment. So what a number of us are doing, we have been talking about how we can do two simple things: How can we make it easier for the majority leader to get bills to the floor? And how can we make it easier for the minority especially to be able to offer amendments?

If we can do those two things at the beginning of the year, I think the Senate will begin to function much more effectively. It will be a better place to work. We will get our job done in a better way. There will be less finger-pointing, and there will be more results.

There will be a change in behavior, which is what we need instead of a change in rules, and it will inspire the confidence of the people of the United States about the kind of job we are doing.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COAST GUARD REAUTHORIZATION

Ms. CANTWELL. Mr. President, I rise to say what an important day it is for the U.S. Coast Guard. Our communities benefit from the services provided by the men and women who have answered the call to serve. The reason I say that is because we have passed a bill that gives 43,000 Active-Duty Coast Guard members the support they need.

It is a worthy tribute to a force of men and women who in 2011 alone saved 3,800 lives across the United States, confiscated 166,000 pounds of cocaine, and secured over 472,000 vessels before they arrived at our ports. This will give the Coast Guard the funds it needs to upgrade equipment and purchase the right vessels for carrying out every mission.

This kind of work exemplifies the heroes such as CPO Terrell Horne of California. Officer Horne died in the line of duty last week while chasing down drug smugglers off the coast of California. Our thoughts are with his family, friends and the Coast Guard.

His actions and service remind us of the dangerous tasks the men and women of the Coast Guard do on a daily basis, and that is why it was so important that we passed this reauthorization bill.

We could not have done this reauthorization without the many hours Senator BEGICH put in to help get it across the finish line. He knows how important the Coast Guard is to the men and women in the Pacific Northwest and to my State, Washington.

The Coast Guard is part of our maritime culture in the Pacific Northwest, and this bill helps the Coast Guard watch over our people, our businesses, and protect our coastline.

I would like to expound on three provisions that were particularly helpful for us in the Northwest. One, this legislation helps to protect the *Polar Sea*, an icebreaker based in Seattle; two, it helps us clean up tsunami debris that is already hitting the west coast; and three, it analyzes the potential risk of tar sands supertankers, tankers and

barges in our waters off Washington State.

In October of this year, I visited Vigor Shipyards in Seattle where our heavy-duty icebreaker fleet is currently serviced. These ships are a testament to American shipbuilding prowess and ingenuity, and, inspecting them up close, we can see they are the most critical tool for the United States in our economic security and national security in the Arctic. We see that building icebreakers means jobs to Washington State, and that is why in this final package, the importance of these ships—the *Polar Sea* in particular was prioritized. The *Polar Sea* was in danger of being scrapped before we passed this bill.

There is no denying that we need to build a new icebreaker fleet for our Arctic economic future, and for the Coast Guard and Navy Arctic missions. But, these specialized vessels will take up to 10 years to build. In the meantime, we want to make sure U.S. companies can continue to develop business in the Arctic and keep U.S. Arctic operations running. It is very fitting that the icebreakers that work fine now are not dismantled.

This legislation prevents the *Polar Sea* from being scrapped and helps us protect the resources we need to serve interests in the Arctic. This bill stipulates that we won't scrap our current icebreakers if it is more cost-effective to keep them, and it will make sure our icebreakers are seaworthy so the crews don't go out on faulty equipment. These ships won't go away unless it can be proven that it makes financial sense to replace them.

Last January, the world watched as the *Healy* icebreaker successfully cut through a path in the Arctic Sea to deliver fuel to Nome, AK. The *Healy* is primarily a research vessel but was forced to do the job because our two heavy-duty icebreakers were not currently in active status; they were being repaired.

This bill also ensures that the *Polar* icebreaking fleet will continue to be based in Seattle. Refurbishing a large icebreaker, such as the *Polar Sea*, can take roughly 5 years and employ 300 workers. For us, this means shipbuilding jobs, it means an impact in keeping smaller shipyards in Washington State busy, and it means keeping icebreakers that help save places such as Nome, AK, by cutting paths through the ice.

However, that is not the only thing in this legislation that I am proud we got a decision on. Our economy in Alaska, Washington, Oregon, California, and Hawaii has been threatened by hundreds of thousands of tons of debris washing ashore as a result of the tragic tsunami in Japan nearly 2 years ago.

That is why this legislation asks NOAA to take a closer look at tsunami

debris and makes sure we are putting an accurate assessment in place to protect the west coast. If NOAA decides tsunami debris is a severe marine debris event, then they will need to present a specific coordination plan developed to meet that threat. And they will need to work with local governments, counties, and tribes to ensure there is a coordinated effort to protect our economy and environment from tsunami debris. In the Northwest we have already seen ships, docks, and various other forms of debris float ashore. Oftentimes, our local communities have had to pay more than their share of the burden and expense of cleaning up the tsunami debris.

With over 165,000 jobs and nearly \$11 billion in our coastal economy from fishing, to tourism, to various activities, we want to make sure that tsunami debris does not hurt our coastal economies. All we need to do is ask the mayor of Long Beach, who said, "An uncoordinated or unmanaged response to this debris event is a blow that Long Beach and the Columbia-Pacific region cannot endure." This is about getting a plan in place for local communities to coordinate, to have opportunities to work together, and to remove debris as cost-effectively as possible.

Third, this legislation has important language protecting Washington waterways in very precious parts of the Pacific Northwest. Recently, Canada announced that over the next decade they would double the production of the Alberta tar sands oilfields. Today, fifteen billion gallons of oil is already shipped through Washington waters. A spill in a heavily populated area, around the San Juan Islands or in the waters of the Strait of Juan de Fuca could cause billions of dollars of damage and harm businesses throughout the region. The response cannot be, especially if the spill occurs in Canadian waters, don't worry, just call the Americans.

I am proud this legislation looks at the potential threat caused by supertankers and whether they are equipped to respond to a spill that could occur from corrosive tar sand oil. Thanks to this legislation, the Coast Guard will have to prepare a study that will analyze how much vessel traffic will increase in the region due to the proposed increase in tar sands oil production and transportation, whether the movement of tar sands oil would require navigating through our fragile waters, it would look at the oil spill response plans and response capability in the U.S. and Canada's shared waters, identify the tools needed to clean up this kind of an oil spill and estimate the cost and benefits to the American public of moving this oil through our waterways. And, this assessment has to be completed in 180 days.

I want to make sure our fishing fleets, our restaurants, our resort economy, and everything that is so impor-

tant to us in the Northwest, is protected.

This legislation is good news for coastal communities, for jobs in Washington State and across our country, and I wish to thank both the chair and the ranking member of the subcommittee and full committee for making sure we have given the Coast Guard the resources it needs to protect our economy, keep our public safe, and protect our environment. We have much more work to do, but in a Congress that is down to its waning days, it is important that this legislation has seen action and is on its way to the President's desk.

I thank the President, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

#### LIMITING SPENDING

Mr. SESSIONS. Mr. President, something special happened earlier today. An important principle is being established in the Senate, and that principle is that we will adhere to the budget agreement we made with the American people 16 months ago. In other words, we agreed, in at least certain accounts, to have a limit on spending. Spending will still increase every year over 10 years, but not as much as it would have increased. We agreed that we would abide by the limit and we would not spend more than that.

We have had four consecutive bills brought to the floor of this Senate—cavalierly, I would suggest—directly in violation of the spending limits we agreed to just a little over a year ago. As a result, I or some other Member of the Senate made a budget point of order. That budget point of order said that the legislation before us violates the budget limits, it spends too much, and we object.

Each time, our Democratic leadership moved to waive the budget point of order. To forget the budget. To spend above the budget. To not worry about the budget. Just spend the money because this is a good bill, they said. It has good proposals, and anybody who opposes it is against these good proposals.

So we now have had four votes and for all four of those votes, the Senate has said: No, we are not going to waive the budget. We are going to live within the agreement of spending we reached just last year.

There is no reason these bills couldn't have been brought in within the budget. There has been no reason they shouldn't be within the budget. Some were not over the budget spending by much, but we have to adhere to that principle. I have been very proud that Members of this Senate in sufficient numbers have said: No, we are going to honor the promise we made to the American people, and we are going

to do that, and we are not going to bust the budget.

So I think it is sending a message, and the message needs to be received.

Initially, the spin in this body has been, Oh, Senator SESSIONS and his objectors don't want any good legislation to pass. They are just using the Budget Act to block it.

But I think we are changing that now, and I think the American people are going to see what has happened. We have had seven votes on the budget. The last four have been successful in enforcing the budget. I think the American people are going to start asking, why are you, Senator, voting to waive the budget every single time? Didn't you agree to certain spending limits? Every time a bill came up, why did you vote to spend more than you agreed to spend, spend more than you told us you were going to spend?

I think that is the message that ought to be coming out of here. I will go a little further. If somebody has to have legislation passed, don't blame the people who raised the budget point of order; blame yourself if you don't bring it to the floor in a way that does not violate the budget. That is important. I think that is being established now, and that is what I think we should expect of anyone who wants to move legislation in the U.S. Senate. If a Senator wants to get the vote and get the legislation passed, be sure they comply with the agreement we made.

What agreement was that? Sixteen months ago, in August, the debt limit had been reached, and it was put off and delayed, and we got to the very last minute, and they reached this secret agreement—not publicly as it should have been, but we reached an agreement, and the agreement included at least some limits on spending. I didn't like the way it was done, but it did propose certain limits. It exempted 98 percent of Medicare spending from being cut. It exempted the food stamp program. Medicaid was totally exempted from any cuts. But many parts of the budget were controlled, had their spending levels controlled by the budget. As a result, the agreement was passed and the debt ceiling—the limit on the amount of money that can be borrowed by the U.S. Government—was raised by \$2.1 trillion.

We are now borrowing about 40 cents of every dollar we spend, and the Congress can limit, as the Constitution provides, how much the U.S. Government can borrow. We had just about reached that limit. Spending was going to have to drop 40 percent—right across the board, perhaps, unless the debt limit was raised. So we raised it so we could continue to borrow. But the promise was that over 10 years, the level of spending would be reduced by the same amount that we raised the debt limit.

So we raised the debt limit by \$2.1 trillion, and spending was promised to

be reduced over the next 10 years by \$2.1 trillion. Now we have already spent that \$2.1 trillion. I hate to tell my colleagues but by January and February, this body is going to be right back here dealing with the question of hitting the debt limit again. This year, it looks as though we will have another deficit well over \$1 trillion. In fact, the first 2 months of this calendar year were extraordinarily bad—almost \$300 billion in debt in the first 2 months. If we continued at this rate, the deficit would be the largest ever in the history of the Republic. So something needs to be done about that.

We made an agreement the last time we increased the debt limit. For us to go back on that, to not follow the budget agreement before the ink is dry on it—before barely a year is gone—to continue bringing up bills that violate that agreement, then the American people would have a right to have no confidence in us and to wonder what is going on: You promised us you were going to reduce the growth of spending, and as soon as the shoe starts getting a little tight or the belt starts squeezing, you cut and run, Senators.

So far, at least in recent weeks, we have been doing rather well on this path of saying we will adhere to the budget agreement. I think on each one of the votes, we have had some Democratic support, but it is mostly Republicans that have held to the budget.

Where are we today? We are talking about the fiscal cliff. The President campaigned around this country, and he said: I have a balanced plan, and that balanced plan is going to have so much in spending cuts and so much in tax increases, and it needs to be balanced. You Republicans have to have more tax increases. Our country needs to get itself on a sound financial path. And I have a deficit reduction plan.

He ran a television advertisement in the last months of his campaign that said: I have a plan to pay down the debt. Earlier this year, his budget director came before the committee and would not disavow the claim that the President has a plan to pay down the debt. I would just say that is one of the greatest financial misrepresentations ever, that the President of the United States would tell the American people: Don't worry, elect me, I have a plan to pay down the debt. He has no such plan—nothing close to it.

Under the score of the Congressional Budget Office, over the next 10 years, we will add \$9 trillion in debt to the deficit of the United States.

That is almost \$1 trillion a year for 10 years in additional debt. It goes down some in the midyears, but in years 6, 7, 8, 9, and 10, the deficits go up every year. That is not what I thought the President was talking about or, I think, the American people thought he was talking about when he said: I want a plan that will pay down the debt. I

am going to raise taxes and we are going to pay down the debt and we will have spending cuts also.

What is it we now know about his plan? This is the essence of it, as shown on this chart I have in the Chamber. This chart is an outline of the President's deficit reduction plan. This is what the President is proposing to do. He started off a few weeks ago at \$1.6 trillion in new taxes. Now he is talking about \$1.4 trillion, I understand. That is the latest iteration of the tax increases: \$1,400 billion in tax increases.

Where will that money go? Will it change the debt course of America? Will it put us on a sound path? Can we go home at night and say: Wow. I am glad they finally got their act together.

Let's examine what they are proposing. They are proposing to spend above the BCA, Budget Control Act, limits I just talked about that we agreed to only 16 months ago. Those limits include the sequestration of \$1.2 trillion in spending. Those limits are in law. The law would have to be changed to avoid these cuts. The President proposes to change the law and to eliminate \$1,200 billion of those cuts—\$1.2 trillion off the table—that is 60 percent of the cuts that were agreed to when we raised the debt ceiling by \$2.1 trillion. It would wipe out 60 percent of it just like that. That is new spending above the law in effect today, busting the limits I just mentioned. Busting the limits that we have been successfully enforcing.

In addition to that, he has no funds to pay for the doc fix, also known as the sustainable growth rate for doctor payments. If we do not fix the sustainable growth rate, physicians will have a 25 percent or so cut in their reimbursement rates for doing Medicare work. For many of them, it is half the work they do. Such a reduction could not be tolerated, so it has to be fixed and the President knows that. It costs about \$400 billion to fix it but the President provides no money for that. That cost must be added to the spending in his plan.

The Social Security contribution holiday, or payroll holiday, is another is more spending he doesn't include, that has to be accounted for. If we do not pay as much into Social Security as we would otherwise, then the U.S. Treasury has to borrow that money and put it into the Social Security trust fund. People get more money in their paycheck but less money goes into Social Security. That is another \$110 billion in spending in the President's plan.

The Administration wants to spend \$50 billion more on transportation and \$30 billion more on an unemployment insurance extension.

Overall that totals \$1,790 billion in new spending in the President's plan. Do they have any reductions in spending? Yes. They are talking about \$400

billion in mandatory spending reductions. Most of that, apparently, will be reducing—maybe \$300 billion of it—payments to providers in Medicare and Medicaid—providers: that is your doctor and your hospital—cut them some more. They were already cut deeply when the President's health care law passed. Whether that will ever stick, I have my doubts.

But let's assume it does stick. That would mean the President's plan results in \$1,390 billion in higher spending—\$1.39 trillion. Remember he wants new higher taxes of \$1,400 billion. Recall, under the current path, under the current spending limits in the Budget Control Act, we are increasing the debt by \$9 trillion over the next ten years. Under the President's plan, whereby he raises taxes \$1.4 trillion and raises spending \$1.39 trillion, we would add to the debt \$8.99 trillion. What does it mean? It means we are going to have a major tax increase and virtually the same amount of new spending—no net cut in spending but a major new increase in spending of \$1.39 trillion. That is a fact, and it is a very troubling fact.

I would add one more thing. I see my colleague is here. I believe the President of the United States should not lull the American people into believing that he has a plan that is going to pay down our debt or get us on a sound financial course. He has two goals, it seems to me: raise taxes and raise spending. That is exactly what this plan does. It has no reform of Medicare, Social Security, Medicaid or food stamps—the largest and fastest growing entitlement programs we have—no plans to fix any of that. He refuses to talk about that, saying anybody who talks about that just does not like old people and does not care about America.

We need some leadership. We need some honesty. We need a President of the United States who will look the American people in the eye and explain to them we are living beyond our means. We do not have the money to continue to borrow 40 cents of every \$1 we spend. We cannot continue on this path, as expert after expert has warned us.

I will just say, I am proud that, again, today this Senate—at least a good, solid minority—stood firm—and said: No, we are not going to waive the budget. We are going to stand by the limits on spending that were part of the Budget Control Act.

But I am not pleased how this whole process is going right now with Speaker BOEHNER and the President. It looks like it is not likely to lead to any changes in our debt course. Even after raising taxes \$1.4 trillion, if the President had his way, we will still be on basically the same debt course. How can we allow this opportunity to get away from us? We are going to raise taxes

big time yet not use any of it, in effect, to pay down debt. The question is, will we reduce the annual deficits that will average almost \$1 trillion a year for the next 10 years and get worse in the outer years?

We have to deal with that. There is no escape from that. There is no way we can get around it. Any mature person who loves this country knows we have to confront it. It cannot just be done by raising taxes. We are going to have to reduce spending in this country. Cutting spending is not going to hammer the economy. We do not have to throw people in the streets, but we need a sustained effort to reduce the growth in spending in this country. If we just do that, we would surprise ourselves that we could get on a sound course before too many years.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### MEDICARE

Mr. FRANKEN. Mr. President, I have come to the floor to talk about Medicare. My esteemed colleague from Alabama just talked about Medicare reform. The Presiding Officer and I—all of us—pay into Medicare every month, so we are entitled to Medicare benefits when we reach age 65. The fact that we are entitled to these benefits is not bad. In fact, it is very good for so many millions of American seniors. The fact that many call it an entitlement only means we have a right to expect to get the benefits we paid in for. Entitlements, in this case, should not be a pejorative.

We have heard a lot about entitlement programs recently and about the place of Medicare in the conversation about our Federal deficit. We just heard the Senator from Alabama talk about that. He said there is no discussion of reform of Medicare. But in these discussions sometimes I think a critical component is missing, which is we already reformed Medicare, and these reforms extended the life of Medicare by 8 years while expanding benefits for seniors.

During the recent campaign, as the Presiding Officer has pointed out, we saw a lot of ads about the so-called \$716 billion in cuts to Medicare and how terrible that was, is, and will be. I would like to take just a few minutes to explain what these savings were, what they are, and what they will be.

The two biggest sources of the \$716 billion are, one, insurance companies overcharging the government for Medicare Advantage and savings in payments to hospitals.

First, Medicare Advantage. As the Presiding Officer knows, as people watching no doubt know, seniors can choose to get their Medicare benefits directly from the Medicare Program or

get them through a private insurance program that gets paid by Medicare, which is called Medicare Advantage.

Before we passed the Affordable Care Act, we were overpaying those private insurers by 14 percent. These insurers were getting much more than they should have based on the benefits they were providing to seniors. So we cut what Medicare gives to these private insurance companies. Over the next 10 years, we are going to cut these insurance payments by 14 percent, which CBO scored in 2010 as saving Medicare \$136 billion over 10 years.

We were told by some of our colleagues that insurance companies were going to leave the market, that we were not going to have Medicare Advantage anymore. So far, enrollment in Medicare Advantage has gone up by 11 percent. That is many billions of dollars we were able to take—instead of overpaying insurance companies—to extend the life of Medicare.

Second is the lower reimbursements to hospitals. Why does this work out for hospitals? When we insure 31 million more people, and those 31 million people go to the emergency room, go to the hospital, the hospital is no longer on the line to pay for that.

They are not left holding the bag. Those 31 million people now have insurance that pays for it. So the hospitals are now able to take lower reimbursements for Medicare patients. That is why it works out. So when people talk about the \$716 billion, this is a huge part of what they are talking about. It is not cuts to benefits. It is not shifting costs to seniors. It is streamlining the program and making it more efficient.

We took these savings and we reinvested the savings in the program. We overall extended the life of Medicare by 8 years. That is entitlement reform, extending the life of the program. That is what we are talking about when we talk about reforming Medicare. That is what we did. But not only that, we actually expanded benefits for seniors.

I go to a lot of senior centers around Minnesota, nursing homes. I have to tell you seniors are very happy we expanded their benefits. They are happy about the new free preventive care they get, wellness checkups, colonoscopies, mammograms. They know an ounce of prevention is worth a pound of cure. This saves us all money and keeps people healthier.

What else are we doing with this money in addition to expanding the solvency by 8 years? We are closing the doughnut hole, the prescription drug doughnut hole. I have to tell you, seniors are very happy about that too. For more than one-third of seniors, for them, Social Security provides more than 90 percent of their income. For one-quarter of elderly beneficiaries, Social Security is the sole source of retirement income. So when they hit their doughnut hole, that is serious.



Sometimes they have to make choices between food and heat and medicine. Because we are closing the doughnut hole, in many cases, people do not have to make that choice anymore. This is important stuff. When I was running for the Senate, a nurse who worked in Cambridge, MN, a town north of the Twin Cities, came to me and told me that in the hospital she worked in very often they would admit a senior who was very sick and the doctors would treat this senior and get them back on their feet and send them home with their prescriptions.

As this started happening, they would call the drug store, the pharmacy a few days later, 1 week later, and say: Has Mrs. Johnson filled these prescriptions? The pharmacist would say: No; because she was in her doughnut hole. A couple weeks later, Mrs. Johnson would be back in the hospital. How wasteful is that? How wise? That costs a tremendous amount of money to our system. This is saving money. This is health care reform. This is Medicare reform. It is improving people's health and saving money at the same time. So we have increased benefits. We have extended the life of Medicare. That was done as part of health care reform. That is Medicare reform.

In the election we had a discussion about this. There were a lot of ads about it. We know what Governor Romney would have done to Medicare. He said very explicitly that—and again the Presiding Officer has quoted this. He said very explicitly he would restore those billions and billions of dollars in overpayments to private insurance companies for no reason, for no good effect, just so, I guess, these insurance companies could have more profit. Instead, we reinvested this money into Medicare. But he would have given it to the insurance companies. He would have replaced this health care law. He would have made the 8 years we extended Medicare vanish. Governor Romney supported raising the Medicare eligibility age. If we raise the age from 65 to 67 as he suggested, that means hundreds of thousands, if not millions, of seniors would no longer have access to Medicare.

They would end up receiving Federal subsidies in the exchanges and some of them would go to Medicaid. They would be—these 65- to 67-year-olds—by definition, older and as a population sicker than the other people in the exchanges and in Medicaid. So they would make both these programs more expensive.

They would also make Medicare more expensive because they would be the youngest and least sick and be taken out. Although this sounds like a reasonable compromise, trust me, it is a bad idea. It would cost the health care system twice as much as it would save Medicare. This is exactly the kind of bad idea which explains why we pay

twice as much as other developed countries around the world for our health care and in many, if not most, cases with worse outcomes.

Medicare reform was an issue in the campaign because we already did it. We extended the program by 8 years. It is not like it was a secret. It was part of the conversation during the election. In the election, the American people voted to keep those reforms. As we continue this conversation about our fiscal future, I would love to hear from my colleagues across the aisle about how they would reform Medicare, how they would expand its life by 8 years while expanding or at least, at the very least, not cutting benefits. How would they do it? Because we extended its life for 8 years and increased benefits—very meaningful benefits.

I would ask my colleagues why, before the election—and this is the very point the Presiding Officer made a few days ago on this floor—why they were attacking us—incorrectly I might add, inaccurately—for making cuts in Medicare, but since the election they have been insisting we make cuts to Medicare.

Going forward, I think we need to move from talking points to taking a thoughtful look at policies and working together to tackle our Nation's fiscal challenges and do it based on a little bit deeper look at what we have done and what the health care reform was that we passed in the Senate and the House, now the law of the land, what that does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### TRIBUTES TO DEPARTING SENATORS

KENT CONRAD

Mr. HARKIN. Mr. President, with the close of the 112th Congress, the Senate will lose its most determined champion of fiscal prudence and balance, Senator KENT CONRAD of North Dakota. Senator CONRAD is best known nationally for his leadership as chairman of the Committee on the Budget.

Again, that committee has limited legislative power, but that did not stop Senator CONRAD from using that committee relentlessly for fiscal restraint, for honest budgeting. As we all know, he has spent countless hours on the floor educating, exhorting Senators on budget issues, driving home his points by displaying a seemingly endless array of charts and graphs.

Indeed, I would note in 2001, the Committee on Rules and Administration assigned Senator CONRAD his own printing equipment because he was producing more charts than all his colleagues combined. The other day, we had this so-called Secret Santa that Senator FRANKEN had established, where we draw names out of a hat and

we exchange these little gifts. You never know who is going to give you a gift. You know to whom you are giving, but you do not know who is giving you a gift. It turned out my gift giver was Senator CONRAD.

So I got a nice little book. But most importantly, I got three charts. They were charts from the 2008 farm bill we both worked on, and of which I was chairman at that time. I thought that was a great gift, both to get some of his charts but the charts pertaining to a major piece of legislation on which both he and I had worked very closely. We have been long-time colleagues on the Committee on Agriculture, Nutrition and Forestry. He joined that committee as a freshman Senator in 1987, just 2 years after I got here in 1985. We were in the midst of the worst economic crisis in the farm sector since the Great Depression.

Senator CONRAD left a major imprint on the Agricultural Credit Act of 1987, advocating strongly for measures to help farm families and rural committees persevere through circumstances beyond their control, to preserve a family farm system of agriculture as well as to preserve small towns, the fabric of rural America. Over the years Senator CONRAD has been a key advocate in enacting major drought relief bills and other disaster assistance.

He has consistently fought for effective programs to protect and enhance farm income through the farm commodity programs and crop insurance. For many years we have been allies in advancing farm bill initiatives to promote renewable energy production on farms and in rural communities.

Let no one doubt that Senator CONRAD has always been a relentless, fierce advocate for the interests of his constituents in North Dakota. I know KENT is very proud of a framed resolution presented to him by his State's Standing Rock Sioux tribe. It bears his honorary Sioux name, Namni Sni, which translates as "never turns back." I think that describes KENT CONRAD. He never turns back.

KENT CONRAD and I are proud of our shared roots in the upper Midwest. He has been an outstanding Senator, a good friend for more than two and one-half decades in this body.

I join with the entire Senate family in wishing KENT and Lucy all the best in the years ahead.

DICK LUGAR

In these closing weeks of the 112th Congress, the Senate is saying farewell to a number of retiring colleagues. One of our most poignant farewells is to a Member respected and esteemed on both sides of the aisle. I speak of Senator DICK LUGAR of Indiana.

He is a friend, a fellow Midwesterner. But to all of us, he is much more. DICK LUGAR is truly a Senator's Senator. He epitomizes the very best in this institution, and it is a sad commentary on



the state of our Nation's politics that the main reason why Senator LUGAR is leaving the Senate is because his primary opponent attacked him for the very qualities we admire and need here: his readiness to forge fair and honorable compromises, his insistence on putting country ahead of party or ideology, his enormous decency and civility.

As we all know, Senator LUGAR has been the Senate's most passionate and effective advocate of arms control and nuclear nonproliferation. The program he created with former Senator Sam Nunn has assisted Russia and other countries of the former Soviet Union to secure and dispose of their weapons of mass destruction. What an amazing accomplishment by Senator LUGAR. I also want to salute Senator LUGAR's record of principled, conscientious leadership on the Committee on Agriculture, Nutrition, and Forestry, including as chairman from 1995 to 2001.

He is a key author of landmark measures strengthening Federal agricultural conservation policies and programs, particularly in the 1985 farm bill and succeeding farm bills.

He has been instrumental in strengthening—and in fighting for at critical junctures—Federal nutrition assistance, including school lunch, breakfast, and other child nutrition programs through the Supplemental Nutrition Assistance Program and through support for food banks and other emergency food assistance. DICK LUGAR has also been an outstanding leader in enacting Federal initiatives to research, develop, and market farm and forest commodities by converting them to energy and bio-based products.

For me, it has been a great honor to be Senator LUGAR's friend and colleague for 36 years and to serve all of that time with him on the Agriculture Committee. Our friendship, of course, will continue, but I will miss, as we all will, Senator LUGAR's calm, positive, always constructive influence on this body. Across 36 years of distinguished service, this Senator and statesman has faithfully served the people of Indiana and the United States. There is no doubt that he will pursue new avenues of public service in retirement.

So I will miss his day-to-day friendship and his counsel in the Senate. I wish DICK and his wonderful wife Char all the best in the years ahead.

DANIEL AKAKA

Mr. President, we are bidding farewell to one of our most respected and beloved Members, Senator DANIEL AKAKA of Hawaii or, as we all know him, "DANNY."

With his retirement, our friend is bringing to a close a remarkable and distinguished career in public service spanning nearly seven decades. Having witnessed, as a 17-year-old boy, the Japanese attack on Pearl Harbor, he took a civilian job with the Army

Corps of Engineers before joining the U.S. Army in 1945. We honor him, along with his senior colleague from Hawaii, Senator INOUE, and Senator LAUTENBERG, as the only veterans of World War II still serving in the Senate.

Not surprisingly, Senator AKAKA has been a leader on veterans issues. He served as chairman of the Committee on Veterans' Affairs in the 110th and 111th Congresses, and he remained active on that committee despite relinquishing his chairmanship in the current Congress in order to chair the Committee on Indian Affairs.

We will not soon forget Senator AKAKA's retort when another Senator was holding up a package of veterans benefits, demanding that the costs of the veterans benefits be offset.

Senator AKAKA calmly, very deliberately argued that the costs did not need to be offset, stating:

The price has already been paid, many times over, by the service of the brave men and women who wore our Nation's uniform.

Needless to say, Senator AKAKA carried the day.

Senator AKAKA has played a leading role in demanding improvements in the handling of post-traumatic stress disorder and traumatic brain injuries sustained by service men and women. In 2009, he joined with Senator INOUE in securing compensation for Filipino veterans of World War II who fought for the United States.

Senator AKAKA is the only ethnic, Native Hawaiian to serve in this body. Throughout his congressional career, including 4 years in the House and 22 years in the Senate, he has been a determined and impassioned advocate for the people of his State of Hawaii. He has fought for legislation that would grant Federal recognition to ethnic Native Hawaiians, the same recognition we have granted to American Indians and Native Alaskans.

In 1993, President Clinton signed a resolution sponsored by Senator AKAKA officially apologizing on behalf of the U.S. Government for overthrowing Hawaii's last monarch a century earlier.

In so many ways, Senator AKAKA represents the Senate at its very best—the Senate the way it used to be in less partisan times. He works tirelessly behind the scenes, and he shuns the media limelight. He prides himself on reaching across the aisle and forging honorable compromises. He is the ultimate gentleman, and his word is his bond.

Across these many years DANNY AKAKA has been a wonderful friend and colleague. Of course, that friendship will continue, and I will miss him in the Senate.

I join with the entire Senate family in wishing DANNY and Millie all the best in the years ahead.

JEFF BINGAMAN

Mr. CONRAD. Mr. President, I rise today to honor my colleague from New

Mexico, Senator JEFF BINGAMAN, who is retiring from the Senate at the end of this year. Senator BINGAMAN has been a strong voice for the people of New Mexico, first as their attorney general and then during 30 years of service in the Senate. He has brought a keen intellect and a commonsense perspective to the Senate that should make the people of New Mexico proud. He has worked to build consensus across party lines to help strengthen our Nation.

Senator BINGAMAN and I serve together on the Finance Committee, and we also worked together on the Energy and Natural Resources Committee during my first term in the Senate. I greatly admire the thoughtfulness he applies to every issue. Throughout his career, he has focused intently on finding solutions to the challenges facing our country.

For example, in 2009, I worked closely with him and other colleagues on the Finance Committee in crafting the health care reform bill that was signed into law as the Patient Protection and Affordable Care Act. He was a key author of that legislation, which has already improved millions of people's lives.

Senator BINGAMAN has brought a tremendous breadth of knowledge to his chairmanship of the Energy and Natural Resources Committee. He has long understood the need to reduce our Nation's dependence on foreign energy and has worked diligently to push Congress to create a national energy policy suited to the 21st century. That includes the Energy Independence and Security Act, which helped put us on the right path by improving gas mileage in the vehicles Americans drive, increasing production of domestic biofuels, and boosting energy efficiency in homes and businesses across our country.

Senator BINGAMAN also understands the importance of education as a source of opportunity to our people and a key investment in the ongoing prosperity of our country. As a member of the Senate Health Education, Labor, and Pensions Committee, Senator BINGAMAN has worked to advance teacher training, student technological literacy, and boosting graduation rates at underperforming schools. He also helped pass legislation that increases student aid and caps Federal student loan payments to assist students struggling with excessive debt.

Senator BINGAMAN has been an outstanding public servant for the people of New Mexico and our Nation. I will miss having him as a colleague in the Senate, but I also know that his wife Anne will be excited to have him back home. I wish him happiness and success in whatever he chooses to do in the next chapter of his life.

OLYMPIA SNOWE

Mr. CONRAD. Mr. President, I also pay tribute to my friend and colleague,

Senator OLYMPIA SNOWE, who is retiring from the Senate after 18 years of exemplary service representing the people of Maine.

Though thousands of miles apart, Maine and North Dakota face similar challenges. In particular, we share very similar climates. Our States' residents must endure long winters, and, for the most vulnerable, keeping their homes warm is sometimes a challenge. Senator SNOWE has always understood how difficult it can be for some families to pay their utility bills and keep their heat on through harsh winters and has been a tireless supporter of the Low Income Home Energy Assistance Program, which provides struggling families in our States with the certainty of a warm home.

Senator SNOWE's constant attention to constituent concerns have made her one of the most popular Senators in the Nation, and her dedication to her State and country has not gone unrecognized. Throughout her 37 years of public service, Senator SNOWE has earned many honors and distinctions. In 2005, *Forbes* rated her as the 54th most powerful woman in the world. Later, in 2006, *Time* magazine recognized her as one of America's Best Senators. She was also recognized as one of eight female politicians that could run and be elected President of the United States.

Senator SNOWE is a true statesman and public servant, never hesitating to put people over politics and fiercely representing the values and needs of her constituents. Throughout all her years of service, her steady resolve, moderate voice, and willingness to work across the aisle have been a force in Washington. It has truly been an honor working with her to find practical solutions to our Nation's most pressing issues. In a time of partisan excess, Senator SNOWE's ability to reach compromises with Members on both sides of the aisle was extremely valuable to this venerable institution. She will be sorely missed.

I thank Senator SNOWE for her service to her country in the U.S. Senate and wish her the very best in the future.

HERB KOHL

Mr. President, today I honor my colleague, Senator HERB KOHL, who will be leaving the Senate at the end of this term. Senator KOHL has served the people of Wisconsin for 24 years since first being elected to the Senate in 1988. Throughout his time in Congress, Senator KOHL has stayed above political partisanship, while remaining true to his Midwest roots. He has represented the people of Wisconsin well and answered to no one but the citizens of his State. When he announced his retirement from the Senate, he said "The office doesn't belong to me. It belongs to the people of Wisconsin, and there is something to be said for not staying in

office too long." These words describe a humble man who truly believes that it is his duty to represent the ideals of his constituents, even in an era of political polarization.

Born and raised in Wisconsin, Senator KOHL is known throughout the Senate as a philanthropist. He had a successful career in business, eventually purchasing the Milwaukee Bucks. Throughout his time in Congress, Senator KOHL has proven that he is as openminded as he is honest, while continually holding on to his core principles. From expanding the coverage of health care to promoting education advancements, Senator KOHL's legislative history is truly impressive.

Wisconsin and North Dakota have a lot in common. We share a similar culture and geography as well as an agriculture industry that is a crucial component of both our States' economies. In 2011, the National Farmers Union recognized Senator KOHL as a champion of dairy and competition issues. But that is only part of the story concerning Senator KOHL's support for family farmers. Senator KOHL has served as chairman of the Appropriations Subcommittee on Agriculture. In that capacity, he has been instrumental in ensuring that the partnership between the Federal Government and rural communities contributes to economic development throughout rural America. He has enhanced the conservation of our natural resources and ensured the United States remains at the forefront in agricultural research and innovation. In addition, Senator KOHL has been a stalwart supporter of food assistance programs for those who are the least fortunate among us.

On a personal note, Senator KOHL recommended my wife Lucy for a position with Major League Baseball. It has been my wife's dream job, so I am personally indebted to him for that.

Senator KOHL's commitment to the people of Wisconsin has been unwavering. The Senate will miss his honesty and hard work. I thank Senator KOHL for his service in the Senate and wish him the best in his future endeavors. Wisconsin should be proud of Senator KOHL, he remained true to his 1988 Senate campaign slogan, serving as "Nobody's Senator But Yours."

JIM WEBB

Mr. CONRAD. Finally, Mr. President, I am proud today to honor my colleague from Virginia, JIM WEBB. In just 6 years in the Senate, he has proven himself to be an agile and independent thinker on both military matters and issues of economic fairness, as well as a tireless advocate for veterans. His candid and moderate voice in the Senate will be sorely missed.

JIM WEBB has spent an impressive career working in public service and on behalf of our veterans and active troops overseas. The importance of dis-

cipline and service to country was instilled in him as a young boy, as he moved with his father, a career Air Force officer, to various Air Force Bases across the country. A graduate of the U.S. Naval Academy, Senator WEBB served as the Assistant Secretary of Defense for Reserve Affairs under President Reagan, as well as the U.S. Secretary of the Navy, before coming to the Senate in 2007.

Senator WEBB demonstrated his unwavering commitment to our troops and veterans on his very first day in the Senate when he introduced the Post-9/11 G.I. Bill of Rights. He won passage for this important piece of legislation, the most comprehensive G.I. bill since World War II, in only his second year as a Senator—a remarkable feat. Since its passage, more than 1 million post-9/11 veterans have applied to use their G.I. bill benefits. The G.I. bill has been instrumental in providing a great opportunity and a demonstration of gratitude for our troops as they separate from service.

I personally had the privilege of working closely with Senator WEBB on a bill that aims to preserve the valor of our decorated military heroes. I was proud to join him in introducing the Military Service Integrity Act, which creates criminal penalties for individuals who lie about receiving military medals for personal gain. On behalf of the nearly 60,000 veterans in North Dakota and all of our active troops, it was an honor to work with him on this legislation in ensuring that the integrity of our Nation's military awards are not belittled by those attempting to seek a profit.

But apart from his dedication to our military heroes, I also respect Senator WEBB for his commitment to fiscal responsibility. Together with Senator MCCASKILL, he formed the US Commission on Wartime Contracting in Iraq and Afghanistan to analyze the efficacy and expenditures of Federal contractors abroad. When the findings of the Commission were published, he subsequently introduced comprehensive reform legislation to address the failures and mismanagement of overseas contractors. As chairman of the Senate Budget Committee, I deeply respect his initiative and commitment to eliminating any waste, fraud, or abuse in our national security operations.

It is a deep loss for the Senate to be losing such a candid and independent voice. Senator WEBB has set an extraordinary example of discipline, initiative, and candor in his work on behalf of working-class Americans and military families. I thank Senator WEBB for his career of service in the Senate and the armed services and wish him all the best.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNIZING DR. JAMES "JIM" JONES

Mr. REID. Mr. President, I rise to recognize and honor one of Nevada's great sons and my friend, Jim Jones, on the important milestone of his 80th birthday. I appreciate the longtime friendship Jim and his son, Jimmy, have afforded me. Jimmy worked for me and has remained a good friend ever since.

Jim Jones hails from one of Las Vegas' railroad families. In 1921, after Jim's father proudly served our Nation in World War I, he pioneered West in a boxcar and not much else. Jim's father arrived in Las Vegas, walked into a railroad shop and stayed for 21 years. It was on South Third Street that Jim remembers his early childhood, as he watched the trains go by in his small railroad town of Las Vegas.

Jim has spent a lifetime working hard and giving back to his patients and community. His commitment to service began at the age of 12 as a Boy Scout in Troop 63. Jim grew interested in dentistry while a student at Las Vegas High School. But he knew he was unable to afford college, so he joined his father to work the railroad at 15. Jim tirelessly worked nights, weekends and summers; after graduating from Las Vegas High School, he attended East Los Angeles Junior College. During his second semester of college, he served in a Naval Reserve Unit when he was called into active duty during the Korean War. Although he could have applied to be exempted, he chose to serve as a dental technician and proudly worked on a Marine base in San Diego fixing recruits' teeth before they would head overseas. He later attended BYU's pre-dental/medicine program and graduated with honors from dental school in Seattle.

He returned to Las Vegas to work for the Nevada State Department of Health's Dental Division, which led him all across Indian country in Nevada. He traveled with a fold up chair in a station wagon across the most rural parts of Nevada providing dental

care and services to Native American children in Schurz, Gabbs, Tonopah, Overton and Mesquite. The time he spent in Native American communities across Nevada taught him much about our State, and its first people, and because of this formed longtime friendships.

In 1961, Jim opened his private dental practice, thus beginning a long career of providing dental care to many in Southern Nevada. He retired from his full-time practice in 2002, though he still works weekly caring for patients including Landra and me. He's lived a life of service as a longtime member of service organizations like Kiwanis Club and Rotary. He served in the leadership of Rotary as director, vice president, and president. He is passionate about Las Vegas, and he has remained involved in these service organizations, as well as in local commissions.

Mr. President, I share only but a glance at Jim's life as we reflect upon his many contributions on the momentous occasion of his 80th birthday. My friend, Jim, embodies the story of Nevada, that the son of a working class man can build a good life for his family and still have legacy of that small railroad town, Las Vegas.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, a week ago, I came to the Senate floor and said it was time for the Senate and the House to come together to pass the Leahy-Crapo Violence Against Women Reauthorization Act. I expressed hope because I thought there was a basis for compromise on a provision that had been a sticking point for House Republicans. I am dismayed that we have not seen progress toward that compromise despite my outreach and the urgency of the situations for thousands of victims of domestic and sexual violence.

Senator CRAPO and I included in our bill a key provision to allow tribal courts limited jurisdiction to consider domestic violence offenses committed against Indian women on tribal lands by non-Indians. The epidemic of violence against Native women is appalling, with a recent study finding that almost three in five Native women have been assaulted by their spouses or intimate partners. This provision would help end an untenable situation where non-Indians assaulting their spouses or intimate partners on tribal land are essentially immune from prosecution.

This is a commonsense proposal with important limitations and guarantees of rights, but I know that House Republicans have continued to object to it. That is why I was heartened when two conservative House Republicans with leadership positions introduced a bill providing a compromise on the tribal jurisdiction provision.

Representative ISSA of California and Representative COLE of Oklahoma introduced the Violence Against Indian Women Act, H.R. 6625. Their cosponsors include Republicans from North Carolina, Minnesota, and Idaho. They all have tribes within their States and are concerned about the violence our Senate bill is trying to combat. Their bill includes a provision that allows defendants to remove a case to Federal court if any defendant's rights are violated. This modification should ensure that only those tribes that are following the requirements of the law and providing full rights can exercise jurisdiction and that defendants can raise challenges at the beginning of a case.

Last week, I called on House Republican leadership to abandon their "just say no" approach to any grant of tribal jurisdiction and give serious consideration to the Republican compromise proposal introduced last week. I have heard that Republican leaders are meeting today to finally discuss the issue. It is my hope that they will show real leadership by supporting crucial protections for tribal women, rather than offering empty proposals that do not change existing law and will not move us forward or help us to address this crisis.

I have reached out to House leaders throughout the year and very recently to find a path forward on VAWA, and I know others have conducted similar outreach. While I am very disappointed that I have yet to see meaningful movement despite the opportunity for reasonable, bipartisan compromise to enact this needed legislation, I do believe House leaders still have an opportunity to do the right thing and pass VAWA, but that window is closing.

Passing the Leahy-Crapo VAWA bill will make a difference. It will lead to a greater focus on the too often neglected problem of sexual assault and rape. It will lead to important new programs to identify high risk cases and prevent domestic violence homicides. It will lead to better protections for students on campuses across the country and better housing protections for victims of domestic and sexual violence. These improvements are most meaningful if they apply to all victims. I am willing to explore compromise language to make progress, but we should not leave out the most vulnerable victims.

As partisan objections continue to hold up this bill, we continue to read each week about new and horrific cases of domestic violence and rape. It is heartbreaking that women continue to suffer as our efforts to compromise and pass this crucial legislation hit roadblock after roadblock. I hope that our last ditch effort will finally break this frustrating impasse.

## TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, as the end of this Congress quickly approaches, I urge the Senate—Republicans, Democrats, and Independents—to come together and pass our bipartisan Trafficking Victims Protection Reauthorization Act.

More than a century after the Emancipation Proclamation and despite the fact that slavery is now illegal everywhere in the world, modern-day slavery, or human trafficking, still occurs throughout the world—including in the United States of America. The Polaris Project estimates that there are more than 27 million victims of human trafficking worldwide today. To put that in perspective, that is more people than the population of Texas.

The Trafficking Victims Protection Reauthorization Act is a bipartisan bill that was carefully crafted with the input of victims and service providers to reflect critical improvements to existing law. I have worked hard to try to address concerns expressed by Republican Senators and to ensure bipartisan support for this legislation, which Congress has reauthorized three times before. The result is that our current bill, which was voted out of the Senate Judiciary Committee more than a year ago, now has 54 cosponsors—including 14 Republicans.

This bipartisan legislation seeks to stop human trafficking at its roots by supporting international and domestic efforts to fight against the causes and punish the perpetrators of trafficking. It also provides critical resources to help support victims as they rebuild their lives. We have included new accountability measures to ensure that Federal funds are used for their intended purposes, and we have streamlined programs to focus scarce resources on the approaches that have been the most successful.

Earlier this week, several Senators spoke on the floor of the Senate in commemoration of Human Rights Day. I was pleased to see that Senator RUBIO, with whom I have worked on this issue, mentioned the need to pass our anti-trafficking bill by the end of the year. We agree that it is imperative for the Senate to act now so that we can take steps toward ending human trafficking and providing the survivors with the support they desperately need in order to get back on their feet.

I have checked with my caucus to see if we can move this bill today. I can report that every Democratic Senator has agreed to pass this legislation now by unanimous consent. I hope my friends on the other side of the aisle will join us to pass the Trafficking Victims Protection Reauthorization Act without further delay.

This is the type of bipartisan bill about an urgent human rights issue that should pass by unanimous con-

sent. I hope we can work together TODAY to make that happen.

The United States remains a beacon of hope for so many who face human rights abuses. We know that young women and girls—often just 11, 12, or 13 years old—are being bought and sold. We know that workers are being held and forced into labor against their will. No one should further delay action while these injustices continue. I am calling on Congress to do the right thing and enact the Trafficking Victims Protection Reauthorization Act before the end of this year. Millions of people around the world are counting on us and they cannot wait.

## NEWEST UNITED STATES COURTHOUSE

Mr. GRASSLEY. Mr. President, last Friday, December 7, 2012, the new United States Courthouse in Cedar Rapids, IA was dedicated. This facility was built to replace the previous courthouse, built in 1932, that was closed due to the extensive flood damage that occurred in June 2008.

The new courthouse has five courtrooms and associated facilities for the United States Courts operations and also houses a number of Federal Government agencies. Groundbreaking took place in April 2009. The new courthouse opened to the public on November 5. It is my understanding the courthouse was completed within budget and on time.

At the dedication ceremony last week, the keynote address was delivered by the Honorable David R. Hansen, Senior United States Circuit Judge of the United States Court of Appeals for the Eighth Circuit. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Chief Judge Reade, Senator Grassley, Senator Harkin, Distinguished Members of the Federal and State Judiciaries, Mayor Corbett, Honored Guests, Ladies and Gentlemen:

May It Please The Court:

We gather today to dedicate this, the newest United States Courthouse in these United States of America. It stands as a fitting testament to the Federal Government's Design Excellence program which employs the Nation's leading architects and designers to design the country's newest federal public buildings. In our case those professionals were William Rawn and Associates of Boston and OPN Architects of Cedar Rapids, and they have produced, with the excellent efforts of the Ryan Companies this beautiful, eye-catching, and awe-inspiring structure to house the components of the United States District Court for the Northern District of Iowa. The Northern District is composed of the northernmost fifty-two counties in this state, with the dividing line between the Northern and Southern districts basically along Highway Thirty. The best news is that it was done on time and within the budget.

Fifty years ago there were six Congressionally authorized federal court points across

this district. They were in Dubuque, Cedar Rapids, Waterloo, Mason City, Fort Dodge, and Sioux City. Not one of them was a stand-alone United States Courthouse. All of them were buildings which principally housed the United States Post Office for that city and provided space for a courtroom and a judge's chambers, usually on the second floor, along with some jury space. Other non-court federal agencies were housed there too, and they were really federal buildings. The players in the federal court system had been and were scattered across the district as well, with the Clerk of Court in Dubuque, the Bankruptcy Referee in Fort Dodge, the United States Marshal in Dubuque; and the Probation Office in Waterloo. The United States Attorney was at times in Dubuque, Cedar Rapids, Waterloo, Mason City, Fort Dodge, and Sioux City. Over the years, and principally because of Judge Edward J. McManus's initiatives, the various court functions were centralized here in Cedar Rapids (for the eastern two-thirds of the district) and in Sioux City for the Western Division.

The centralization meant that the United States Post Office and Federal Building at 101 First Street SE, now City Hall, here in Cedar Rapids, soon became way too small for the Court and its offices, and we began our efforts to build a new courthouse to bring the Federal Court family under a single roof. It has taken more than twenty years' time, and a monumental flood to make this United States Courthouse a reality. It is also a reality because of the untiring efforts of the entire Iowa Congressional delegation to make it so, and of the unwavering support of this city's leaders, both public and private, for which the Courts are very grateful.

But what is a courthouse? Or more specifically, what attributes should a United States Courthouse have? Surely, as you can easily discern, a courthouse is stone and steel, glass and polished wood, art and architecture, pleasing lines and soaring columns. But it is all those things combined to inspire those who view it, those who work within it, and those who are called to it, to the pursuit of the most lofty goal of our democratic society—the attainment of justice for all. As the ancient writer in the Old Testament enjoined his readers—"Justice, Justice Thou Shalt Pursue."

But it is not justice, in some raw or abstract sense, that is to be pursued in this United States Courthouse: It is as the inscription supporting the pediment of the United States Supreme Court Building in Washington proclaims—It is Equal Justice Under Law—that is, justice based on an equality of treatment for those who seek it here, arrived at by applying the Rule of Law. It is a justice based upon our First Principles as outlined in the Declaration of Independence and our Constitution. It is a justice arrived at by employing the statutory laws, both Federal and State, that our democratically elected representatives pass and our presidents and governors approve, all of them acting in the good faith pursuit of justice. It is a justice obtained by the systematic weighing of the merits of each seeker's claim to justice, pursuant to regularly established rules of procedure by experienced and highly trained judges and well-intentioned juries of the seeker's peers, together with the assistance of able lawyers, all of whom have sworn an oath to administer justice equally and to serve the rich and poor alike. Oftentimes the line between justice and injustice is not a bright one. Statues of Lady Justice are abundant—they always show her

holding a balance scale. Sometimes the scales are shown to be evenly balanced and sometimes they are out of balance.

Those who come here seeking justice for themselves will sometimes leave disappointed, and they will go away mumbling that "Justice was not done" when they really mean "I didn't win". But because one didn't win doesn't mean that justice under the Rule of Law wasn't administered in the process of deciding their claim to it. The justice to be obtained in this building is one informed by the law, based on human reason, and guided by ancient precepts and common sense. It is not an arbitrary judgment, nor is it dispensed at the whim of the one who has the power to dispense it, be it judge or jury.

Administering justice under law admits of no caprice and permits no whimsy. In order to be true to its purpose, it is to the tireless pursuit of justice that this building must be dedicated.

In his 1951 Requiem For A Nun, the American novelist William Faulkner described the courthouse in his fictional Yoknapatawpha County this way:

"But above all, the courthouse: The center, the focus, the hub, sitting looming in the center of the the county's circumference like a single cloud in its ring of horizon; laying its vast shadow to the uttermost rim of horizon; musing, brooding, symbolic and ponderable, tall as cloud, solid as rock, dominating all; protector of the weak, judicate and curb of the passions and lusts, repository and guardian of the aspirations and hopes"

Much of that description can be used to describe this real courthouse. It is the center, the hub, the focus of the Third Branch of government, the Judiciary, and of those who have business with it. It is symbolic of the majesty and grace of the law. It is nearly tall as cloud, solid as the tons of rock used to build it, and it may be seen by some as rather dominating in its appearance. It is emblematic of the trust and confidence the people of the United States place in the enduring National Government Lincoln described—"a government of the people, by the people and for the people."

But it is more than it appears to be—it is more than the transcendent qualities it evokes when first seen. It is the place where the rights of all citizens are protected, where the passions of the majority are tempered by overarching fundamental principles, and as Faulkner wrote, it is a place where citizens with hopes and aspirations can repair for redress.

This courthouse is all those things and more. The "more" is a goal that those of us who helped design it made clear at the outset—it had to be as transparent as possible. It was to be neither a castle on a hill nor a fortress of thick, impenetrable walls. Rather than Faulkner's brooding and formidable structure, we wanted one that, while imposing, was also open and inviting. We wanted the citizens to be able to see into the building, to see through it. As you approach the entry, coming down First Street, you can easily see, behind the glass wall, the entrances to each of the courtrooms. Once inside, you can appreciate the abundance of natural light everywhere. Every courtroom, every public space is filled with it. This is not a dark place, where the forces of evil can find repose. It has been purposely designed so that natural sunshine will light the way of all who enter its doors, of all who seek the truths to be found here, and of all who engage in the never ending pursuit of justice to which it is dedicated.

Thank you.

#### FHA EMERGENCY FISCAL SOLVENCY ACT

Mr. JOHNSON of South Dakota. Mr. President, today I wish to encourage my colleagues to pass the FHA, Emergency Fiscal Solvency Act, H.R. 4264.

Since 1934, the FHA has been helping stabilize the mortgage market by ensuring that qualified low-to-moderate income and first-time home buyers have access to mortgage credit. Since the beginning of the financial crisis, the FHA increased its market share from below 5 percent in 2006 to approximately 30 percent at its peak volume in 2009 in pursuit of that mission. This counter-cyclical expansion was essential to the mortgage market—especially for first-time homebuyers who comprised 78 percent of the single-family purchase loans insured by the FHA in 2011. According to Mark Zandi, Chief Economist at Moody's Analytics, without the FHA's counter-cyclical support, and I quote, "the housing market would have cratered, taking the economy with it."

However, the FHA is now facing a potential crisis of its own—but this time we have the opportunity to act. On December 6, I held a hearing in the Banking Committee entitled Oversight of FHA: Examining HUD's Response to Fiscal Challenges. Through the course of the hearing, HUD Secretary Shaun Donovan described how loans made from 2000 to 2009—and especially those loans made at the height of the mortgage crisis from 2007–2009 before the ban on seller-funded downpayments took effect—were weighing heavily on the FHA's finances. As I stated in the hearing, I am very concerned about the FHA's condition and will not hesitate to take action to prevent the FHA from needing taxpayer support.

This is only an immediate first step. I fully intend to engage my colleagues on and off the Banking Committee to find bipartisan consensus to provide the FHA with the additional authorities Secretary Donovan described during our hearing and address any technical fixes to this language. While this bill is not perfect and the path forward will not be easy, it is essential that we come together to protect taxpayers and this essential program.

I yield the floor.

#### GREAT APE PROTECTION AND COST SAVING ACT

Mr. WYDEN. Mr. President, consistent with Senate standing orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to and pass S. 810, the Great Ape Protection and Cost Saving Act.

Oregon is home to one of the eight National Institutes of Health, NIH-supported National Primate Research Cen-

ters, and it is already subject to strong local and national oversight to ensure the highest quality and ethical care for animals. These Centers provide outstanding research and powerful research tools that are vital to our understanding of human health and disease and hold enormous potential for finding treatments for life-threatening disorders.

While ensuring the highest quality and ethical care for animals is of utmost importance, there is already significant oversight and regulation of these facilities.

In addition to meeting the high standards required by NIH to obtain and retain Federal health research dollars, centers are also already responsible for meeting the lengthy, detailed and often-updated Federal requirements within the Animal Welfare Act. Facilities are subject to thorough, regular, and unannounced inspections by U.S. Department of Agriculture, USDA, Animal and Plant Health Inspection Services and are subject to regulations from the Public Health Service, PHS, and Food and Drug Administration, FDA. Experiments must also be approved by the Institutional Animal Care and Use Committee, IACUC, at the Institution where the scientist works before research can begin.

While I support protecting animals from unethical and inhumane treatment, the NIH is in the process of reviewing and implementing related recommendations from the Institute of Medicine. At this stage, passing legislation would circumvent this ongoing process. For this reason, I object to the Senate taking up and passing S. 810.

#### TRIBUTE TO 405TH CIVIL AFFAIRS BATTALION

Mr. HELLER. Mr. President, today I wish to welcome home some of our Nation's greatest servicemembers. This weekend, 29 soldiers from the great State of Nevada will be reunited with their families and loved ones after a grueling 9-month tour in Afghanistan. They have served our country with honor, and I am proud to welcome them home to the Silver State.

Nevada is grateful to these soldiers for their unwavering commitment to America. I want to thank them for fighting bravely for this Nation. I am humbled for their service to our country, and it is a privilege to help welcome them home.

Earlier this year, the North Las Vegas-based Army Reserve Delta Company, 405th Civil Affairs Battalion was deployed to fight the war in Afghanistan. Each and every day of their tour, this company faced dangerous situations in order to our protect freedom

and democracy. Participating in missions to some of the most volatile provinces of eastern Afghanistan, they encountered deadly firefights and roadside bombs. This company's courageous acts have been awarded with 5 Purple Heart medals, 18 Army Commendation medals, and 7 Bronze Star medals for meritorious service. These decorated soldiers have made significant sacrifices for our country, and I am so grateful they have the opportunity to return home to their families.

The brave men and women in our Armed Forces have made grave sacrifices on behalf of our Nation and we owe them a debt of gratitude. The families of our troops also deserve our heartfelt appreciation for their unwavering strength and support.

I wish these soldiers a joyful homecoming this weekend and happy holiday season with their loved ones. I ask my colleagues to join me today in honoring this company for their service to our country.

#### CONGRATULATING TEA IMPORTERS

Mr. BLUMENTHAL. Mr. President, today I wish to congratulate a father and son team and their family from Westport, CT, whose company, Tea Importers, Inc., was recently recognized by Secretary of State Hillary Rodham Clinton with the 2012 Award for Corporate Excellence.

Every year, the Secretary of State honors two American owned, global companies, that are both successful and humanitarian. They are companies doing well and doing good. This year, Joseph and Andrew Wertheim of Tea Importers, Inc. were celebrated as international leaders of fair trade standards, democratic principles, and diplomacy in the small-medium sized category. Intel Corporation received this year's award in the large business category.

After escaping from Nazi Germany, Joseph Wertheim settled in Connecticut and began importing tea in 1953. Since then, he has grown his company and forged strong ties with customer tea companies in the United States, Canada, Europe, Asia, and the Middle East. In 1960, he began working to market and import tea from Rwanda, and developed a particularly strong relationship with the Government of Rwanda, who requested that Mr. Wertheim partner with them in building a tea processing factory. What started as the first facility in a remote area in Kigali, Rwanda, has grown into the largest single producer of tea in the entire African nation.

This tea factory named Sorwathe has helped the people of Rwanda make remarkable progress. Sorwathe ensures equal working conditions for its 5,242 employees, guided by the principle that every small farmer is a stake holder. In

addition, Sorwathe has assisted the Government of Rwanda in building roads, bringing in water, and working with the USAID to start schools and medical clinics. The Wertheims and Tea Importers have worked with Rotary International to teach literacy to at least 15,000 adults, fund the town's public library, and provide high school scholarships. Their efforts have helped to ban child labor and facilitate collective bargaining agreements. Sorwathe has implemented environmentally sustainable agricultural practices, and organic farming, and formed alliances with important organizations in support of these efforts, to include the Rainforest Alliance and Ethical Tea Partnership. These accomplishments give you a sense of the spirit that guides this company that is financially successful, environmentally conscious, and socially aware.

This small business of only six domestic employees in Westport has furthered American diplomacy around the world. As Secretary of State Clinton said in her address at last month's awards ceremonies, our businesses operating abroad are "how millions and millions of people find out about our values, what we really stand for, what kind of people we are." I saw firsthand this spirit of inclusivity when I attended this awards ceremony. Video conferencing was set up to include both employees of Sorwathe and members of Intel's office in Vietnam inviting all members of those innovative ventures to be congratulated and acknowledged.

I congratulate Joseph and Andrew Wertheim and all employees of Tea Importers, Inc. and Sorwathe in this well-deserved award, which highlights how a family-owned business can make an enormous impact on a global scale.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO C.W. FLOYD

• Mr. BEGICH. Mr. President, today I would like to honor C.W. Floyd, Vietnam veteran, skeet-shooting champion, advocate for servicemembers everywhere, friend, and one of my longtime staff. On December 22, 2012, C.W. will retire after more than 30 years of service in and to the military. Although his retirement is much deserved, his absence will leave a void that will be hard to fill. In our extensive search to find a replacement for him, it has become clear that finding an ever-smiling, gun-collecting war veteran who provides the office with doughnuts is no easy task.

Mr. Floyd gave the U.S. Army 22 years of service, including a tour of duty in the Vietnam war. From 1979 through 1985, he served as a member of the Alaska Army National Guard. Those years with the U.S. Army would have been commendable and worthy of

thanks in and of themselves, but it is actually the work that C.W. has done since retiring from the Army that sets him apart and needs to be honored. Since his Army retirement, Mr. Floyd has lived and worked to help Alaska's military members at every level. He was appointed the municipality of Anchorage's first military and veterans liaison and was then hired on as special assistant to the Senator in Veteran and Military Affairs. During his time in the U.S. Senate office, Mr. Floyd helped to pass legislation to gain Federal pension and benefits for members of the Alaska Territorial Guard who served during WWII but were overlooked because Alaska was not yet a state when they were active.

C.W. Floyd not only works professionally for veterans and military members, he also volunteers his own time to support the cause. He spent 15 years on the Alaska Employer Support of the Guard and Reserve Committee and works as an organizer and volunteer for Alaska Operation STANDOWN, a program advocating for and supporting homeless veterans. C.W. was named Civilian Volunteer of the Year by the Armed Services YMCA of Alaska and was also honored with the Patrick Henry Award, which provides recognition to local officials and civic leaders who distinguish themselves with outstanding and exceptional service to the Armed Forces of the United States, the National Guard, or the National Guard Association of the United States. The Patrick Henry Award states, "Mr. Floyd is an inspirational role model for selfless service in support of our total Homeland Security Team and the National Guard of the United States."

C.W. is a shining example of all that our country has to offer and all that we can be. He has a smile and wise words of advice for anyone who walks into our office looking for assistance with veterans or military issues. No problem is too small or too big for C.W. to give attention to. My staff and I have witnessed him helping thousands of servicemembers, and I know that there are thousands more we did not witness. It should also be mentioned that his personal experiences and his articulate nature provide a voice that can explain veterans issues to those of us who do not know what it is like.

C.W. Floyd might be retiring but he will always be a good friend to me, my wife Deborah, and all of my staff. •

##### TRIBUTE TO DON JACKSON

• Mr. CHAMBLISS. Today I wish to commend the career of a man who has devoted his entire life to agriculture. After more than 35 years serving in various leadership capacities in the U.S. poultry and agricultural industries, Dr. Don Jackson, president and chief executive officer of JBS USA, is retiring.



Don's agricultural career arguably began in the early 1950s on his father's ranch in Phoenix, AZ. Don, the fifth out of seven children, was one heck of a high school football athlete—securing a game-clinching interception in the State semifinal game and helping to lead his team to the State championship in his senior year.

Don studied as an undergraduate at Arizona State University and then moved to Colorado State University, where he graduated in 1978 with a master's degree and Ph.D. in animal science.

Don officially began his career in agriculture as a nutritionist in the feed and poultry division of Central Soya. When the company's poultry division was sold to Seaboard, Don remained with the organization, serving in several operational and executive roles. From 1996 to 2000, Don served as Seaboard's chief executive officer.

In 2000, ConAgra acquired Seaboard's poultry division and Don moved to Foster Farms, where he served as president for 8 years. In late 2008, Pilgrim's Pride Corporation called on Don to serve as chief executive officer and lead the company out of bankruptcy.

In December 2009, Don helped successfully negotiate the sale of a controlling interest in Pilgrim's Pride to JBS USA, and a short year later, Don was selected as president and chief executive officer of JBS USA, a leading processor of U.S. beef, pork, poultry, and lamb and Australian beef and lamb.

Don has been married to his high school sweetheart, Teresa, for 41 years, and they are the proud parents of six children who have given them seven beautiful grandchildren. For the past 28 years, Don has called Athens and Atlanta, GA, home, and he passionately roots for the Atlanta Braves and the University of Georgia Bulldogs.

I commend Don for his years of service and congratulate him on an incredibly successful career. American agriculture has benefitted from his passion, energy, wisdom, and humor, and I am proud to call him a Georgian. We wish Don well as he embarks on his well-deserved retirement.●

#### COMPUTER SCIENCE EDUCATION WEEK

● Mr. CASEY. Mr. President, today I rise in recognition of Computer Science Education Week, which started on Sunday, December 9, 2012, and continues through Saturday, December 15, 2012. This week long celebration is an opportunity for educators and students to participate in activities that will elevate computer science education at all levels. The date for Computer Science Week honors Grace Murray Hopper, who was born on December 9, 1906, and who pioneered new programming languages and standards for com-

puter systems that laid the foundation for many subsequent advances in computer science. In my home State of Pennsylvania and across the Nation, this annual celebration helps to spark interest in a subject of critical importance to our economy now and in the future.

Computers touch nearly every corner of our economy and mastery of computer science is a valuable skill set for jobseekers. According to the Bureau of Labor Statistics, there will be 9.2 million jobs in the science, technology, engineering, and mathematics, STEM, fields by the year 2020. Half of these jobs, or 4.6 million, will be in computing. That is one in every two STEM jobs.

Unfortunately, not enough high school students are mastering these STEM subjects. According to the College Board, in 2011, 3.4 million advanced placement exams were administered to high school students. Fewer than 1 million of these exams tested a STEM subject. Only about 20,000 of these exams were in the subject of computer science, accounting for 2 percent of the total science exams and 1 percent of all AP exams administered last year. Of even greater concern, only 4,000 females took this AP exam. Our policies, schools, and education systems must respond to the demand for a larger, more diverse computing talent pipeline. Computer Science Education Week brings attention to these issues and builds enthusiasm for potential solutions.

In Pennsylvania, computer science educators and supporters have planned a number of events to observe Computer Science Week. At a high school outside of Philadelphia, ninth graders are converting room numbers to binary representation and relabeling the classrooms in their school. Springfield will further host an event for students, families, and community members to present information about that district's upcoming computer science curriculum, as well as hold an exposition of student projects. For the third consecutive year, students from Haverford and Bryn Mawr Colleges will present their summer and senior work in computing. At Villanova University, computer science projects and computer scientists are being showcased at the library all month. Drexel University will host a series of events that honor computer science's contribution to society and raise awareness of its importance in education, economic growth, and technological innovations.

The inclusion of computer science in K-12 education is of vital importance to prepare students for work in this field and to access emerging available jobs. Earlier this Congress, I was pleased to introduce S. 1614, the Computer Science Education Act, which would strengthen computer science education in elementary schools and

high schools. The Computer Science Education Act would help to ensure that American students not only use technology in school but also learn the technical computing skills needed to grow our economy and invent the technology that will drive our economic future. Technology firms and backers of computer science education in Pennsylvania and elsewhere strongly support this legislation as a necessary investment in our future economic competitiveness.

I look forward to working with my colleagues on these issues. America simply cannot afford to continue wasting talent and opportunities in the computing field. This Computer Science Education Week, I applaud the efforts of educators, students, and activities organizers who are showcasing the importance of this subject.●

#### TRIBUTE TO JAMES E. HOGGE

● Mr. CRAPO. Mr. President, today I wish to congratulate James E. Hogge on his upcoming retirement from serving as State director of the Idaho Small Business Development Center, SBDC, and recognize his remarkable career.

As State director of the Idaho SBDC for nearly 18 years, Jim has led the center with distinction and helped shape it into a highly regarded resource for small business consulting and training. He has provided strategic planning and financial and programmatic oversight and guided the center through challenges, including limited budgets. During his time leading the center, the Idaho SBDC was one of the first SBDCs in the country to be accredited and has received the highest accreditation possible in the past two reviews. The Idaho SBDC has also been in the top 10 percent of SBDCs in the country based on productivity and impact, which includes the growth of sales and jobs, capital raised, and return on investment.

Jim recognizes the immense value of partnerships in assisting businesses and has worked to utilize the expertise of individuals and organizations for the benefit of the entrepreneurs and businesses seeking assistance and all those involved in the partnerships. Some of his collaborative achievements during his time as State director include the development of a partnership with Boise State University, the University of Idaho, and Idaho State University to help Idaho's manufacturers increase their sales and reduce costs. Jim also planned and developed funding for the Technology and Entrepreneurial Center at Boise State University. Additionally, he developed collaborative projects with the University of Idaho Law School, the Idaho National Laboratory, the city of Boise, the Idaho Hispanic Chamber of Commerce, Zions Bank, and the U.S. Forest Service.



Prior to his work at the Idaho SBDC, Jim spent 20 years serving our Nation in the U.S. Air Force as a weapons systems operator in F-111 and EF-111 aircraft. He has also provided significant service to the community and Nation through volunteering and serving on various local and national boards. This includes his service on the board of the Association of Small Business Development Centers, ASBDC, and his service as ASBDC Accreditation chair. He also served on the board of directors for Drug Free Idaho and the Idaho GemStars and was a founding board member for the Idaho Non-Profit Center. In addition, he was appointed to the Governor's Rural Task Force to help develop long-term strategies to help Idaho's rural communities, and he served on the Criminal Justice Council and as president of the Boise Sunrise Rotary Club.

Outstanding service has been the hallmark of Jim's career. I congratulate Jim on his many successes and thank him for his service to the community, State and Nation. I wish him a very happy retirement.●

#### TRIBUTE TO FRANCIS J. BUTTERFIELD

● Mr. CRAPO. Mr. President, I wish today to commemorate Francis James Butterfield's 92nd birthday and pay tribute to his remarkable life.

Francis, who was born on November 2, 1920, to Millard E. and Margaret C. Payne Butterfield in Franklin County, NE, has led a positive life of dedicated service. His devotion to his country started early. His mother was active in the women's suffrage movement and looked forward to voting for the first time. Margaret was in labor with Francis on election day and braved the labor pains to cast her ballot before giving birth to Francis. As Francis describes it, "So, that's how I got here—my Mom voted first, then she went home and had me."

This dedication and resolve runs deep in Francis. He grew up during the Great Depression in a happy, resourceful, and grateful family despite the challenges. He helped with his two brothers' mechanic operation and worked retail sales before volunteering for the U.S. Army in 1942. He completed Officer Candidate School and served in the Pacific Theater during World War II. He was assigned to an Amphibian Tractor Battalion that served in Okinawa. He also served as a Tank Destroyer Unit commander and rose to the rank of captain before his honorable discharge from Active Duty in 1946. The military honors he earned for his service to our Nation include the American Theater Service Medal, Asiatic Pacific Service Medal, and World War II Victory Medal. He continued to serve in the U.S. Army Reserves until his honorable discharge from Reserve service in 1953.

On October 18, 1959, Francis married Doris Jo Runge, and they were blessed with two daughters: Georgia Jo and Virginia Jo. Francis had a 23-year career with the U.S. Postal Service. He served as a mail carrier, and he walked 25–30 miles per day delivering mail in Sidney, NE. Since Doris' passing in 1998, Francis spends time traveling to visit his family, including his daughters and granddaughter, Aleah. His daughters keep him busy fixing things, and he also enjoys shopping.

Francis is a positive, outgoing, friendly, and patriotic American. He is a problem solver with a "can do" spirit who does not let challenges get in his way. I commend him for his example of optimism and devotion and wish him great happiness.●

#### TRIBUTE TO SOUTH DAKOTA NATIONAL GUARD

● Mr. JOHNSON of South Dakota. Mr. President, today, on the 376th birthday of the National Guard, I wish to honor all those who have served in the National Guard and to pay tribute to the South Dakota National Guard, which this year celebrates its 150th anniversary. The South Dakota National Guard has served in every major American conflict since the Civil War, in addition to helping countless communities recover from natural disasters and other emergencies. This June, South Dakotans participated in celebrations across the State to commemorate the Guard's important milestone.

The history of the South Dakota National Guard dates back to the early days of the Dakota Territory. On January 27, 1862, the Guard first formed in Yankton, SD, to protect settlers in the fledgling territory. Since that time, the South Dakota National Guard has served our Nation in every major conflict, sending units to the Spanish-American War, World Wars I and II, and Operations Just Cause and Desert Storm. The Guard has also been called to aid in our country's military efforts during the Mexican border conflict, the Korean war, the Vietnam war, and peacekeeping missions in Bosnia and Kosovo.

Since the attacks of September 11, over 8,000 South Dakota guardsmen have served in Iraq and Afghanistan, and we honor the service of those guardsmen who have made the ultimate sacrifice in the line of duty. As the father of a soldier in the National Guard, I personally understand the sacrifices these service members make and the burdens placed on their families during deployments. I know our entire Nation shares in my gratitude for their service.

When disaster strikes, the South Dakota National Guard comes to the aid of our State and Nation. Throughout its history, the men and women of our Guard have battled floods, fires, bliz-

zards, tornadoes, and a host of other disasters. Last year, when flooding from the Missouri River threatened communities along its banks, guardsmen were there to shore up levees, pile sandbags, and help citizens prepare for the worst. When Hurricanes Katrina and Rita devastated states along the gulf coast, units from the South Dakota National Guard were deployed to help the region recover.

The Guard personnel from the Mount Rushmore State represent the best South Dakota has to offer. They have consistently served our State and country with resolve, compassion, and honor. On the occasion of the South Dakota Guard's 150th anniversary observance, please join me in commending Guard personnel for their great service, both to the citizens of South Dakota as well as to the Nation. I applaud their willingness to answer the call to duty.●

#### TRIBUTE TO BARBARA KOIRTYOHANN

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the work of Barbara Koirtyohann, a friend and long-time Hallmark executive who is retiring this year. Barbara has worked at Hallmark for 39 consecutive years, and has been active in the Kansas City community.

Barbara is from the Kansas City area and still calls Kansas City home. She is currently the Director of Public Affairs for Hallmark Cards and she is the founding member of the Greeting Card Association's Postal Affairs Committee. She has worked tirelessly to ensure that any postal reforms have minimum negative impact on the "citizen mailer."

During her time away from the office Barbara has been a solid member of Kansas City's civic community. She has been active with the Greater Kansas City Chamber of Commerce, and currently serves as the chairman of their Public Policy Council. In addition, Barbara is a current board member at Hope House, a shelter for battered women and their children. She has also served on the boards of Children's Mercy Hospital and Missouri Citizens for the Arts. Kansas City is a better place because of Barbara Koirtyohann.

Mr. President, I ask that the Senate join me in congratulating and honoring Barbara Koirtyohann on her retirement.●

#### REMEMBERING FREDERICK LADD POTTER

● Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the late Frederick Ladd Potter, who passed away on February 18, 2012. I wish to pay my respects to Fred's family and to note the important role he played in

assisting me and my colleagues in developing and passing the Renewable Fuels Standard, RFS, as part of the Energy Policy Act, EPAAct, of 2005.

Fred Potter began his lifelong commitment to ethanol and clean-burning transportation fuels in 1979 when he helped to open the Office of Alcohol Fuels within the U.S. Department of Energy. In 1981 he started Information Resources Inc., IRI, a private communications business, to promulgate information by publishing newsletters and holding press conferences. During this time, IRI played a major support role in removing the lead from gasoline, to be replaced by oxygenates which met the octane needs of gasoline.

In 1991 Fred worked out a merger with Hart Energy in forming Hart/IRI to greatly expand the publications business to include a wider range of newsletters, studies, research efforts, and conferences. The International Fuel Quality Center was established, to be followed by the Global Biofuels Center, all with the goal of improving fuel quality worldwide and reducing harmful emissions from the automotive sector.

Because of the pioneering work Fred accomplished in developing biofuel policy, Congress was able to put into place the first renewable fuel volume mandate for the United States. As required under the EPAAct, the original RFS Program, RFS1, required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012.

Fred's contribution to achieving this foothold in our nation's comprehensive energy policy is well recognized by those of us who have been supportive of ethanol and biofuels throughout our careers.

Due to these achievements in 2005, Congress was able to expand the RFS program under the Energy Independence and Security Act of 2007. RFS2 laid the foundation for achieving a significant reduction in greenhouse gas emissions and imported petroleum, as well as the development and expansion of our Nation's renewable fuels sector with the established goal of 36 billion gallons of first-generation and advanced biofuels by 2022. I can think of no better remembrance for Fred than knowing his fundamental work was essential toward providing our Nation's transportation sector with clean-burning, high-octane fuels.

In addition to his work in renewable fuels, Fred Potter will be remembered for his unflagging service to America, his amazing cadre of friends, and his great and loving family. I, therefore, join with Fred's friends in the Senate in honoring his achievements, his memory, and his devoted family.●

#### RECOGNIZING JEN'S PLACE

● Ms. SNOWE. Mr. President, our Nation's small business owners know

what it means to sacrifice every day for a dream. The risks, the fears, and the uncertainty are all familiar to those brave enough to strike out on their own and open a small business. Our country's entrepreneurs routinely prove that through dedication, hard work, and spirit, any vision can be realized. Few know the challenges of opening a small business like Jen Burton, who has overcome seemingly insurmountable obstacles to build from scratch one of Brunswick, Maine's most popular restaurants. I rise today to recognize Jen and her outstanding achievements at Jen's Place.

Jen Burton understands the value of hard work. An inspiration and an example of the can-do spirit of Maine, Jen worked her way from welfare recipient to entrepreneur and restaurateur. As a single mother, she balances the personal demands of family with the professional challenges of running a restaurant. Jen's Place is now so popular that customers happily wait in a line that stretches out the door and around the side of the building. It is clear that her popularity is no passing trend. Jen's Place is a favorite of locals, students, and visitors, with its mouthwatering reputation constantly bringing hungry new patrons to its tables.

Jen spent many years working in restaurants before opening Jen's Place. From those experiences, she learned the right and wrong way to run a restaurant. She learned the priorities and details that were important to master in her own business. Jen devoted months to perfecting her menu items, focusing on quality and taste rather than cost efficiency. She also values supporting other Maine small businesses and buys many of her ingredients locally. Her menu features dishes named after frequent patrons, and the eclectic decor is reminiscent of a family's cozy kitchen. The relaxed hometown feel and delicious comfort food is the essence of Jen's Place and is a product of Jen's tireless effort, perseverance, and culinary know-how.

From humble beginnings to successful entrepreneur and local favorite, Jen Burton embodies the American dream. When the restaurant landscape seems dominated by fast-food and chain restaurants, it is heartening to see the success of restaurants like Jen's Place. Her passion and commitment to quality set her apart. I am proud to offer my congratulations to Jen and best wishes for her continued success.●

#### TRIBUTE TO TYLER STENBERG

● Mr. THUNE. Mr. President, today I recognize Tyler Stenberg, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Tyler is a graduate of Mobridge-Pollock High School in Mobridge, SD. Cur-

rently, he is attending The University of South Dakota, where he is majoring in political science and criminal justice. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Tyler for all of the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO LOGAN PENFIELD

● Mr. THUNE. Mr. President, today I recognize Logan Penfield, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Logan is a graduate of Northwestern High School in Mellette, SD. Currently, he is also a graduate of South Dakota State University, where he majored in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Logan for all of the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO COLLEEN GUINN

● Mr. THUNE. Mr. President, today I recognize Colleen Guinn, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Colleen is a graduate of Brandon Valley High School in Brandon, SD. Currently, she is attending Georgetown University, where she is majoring in government and English. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Colleen for all of the fine work she has done and wish her continued success in the years to come.●

#### TRIBUTE TO JASON SIMMONS

● Mr. THUNE. Mr. President, today I wish to recognize Jason Simmons, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Jason is a graduate of New Underwood High School in New Underwood, SD. Currently he is attending the University of South Dakota, where he is earning his master of business administration in health services administration. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jason for all of the fine work he has done and wish him continued success in the years to come.●

## MESSAGES FROM THE HOUSE

## ENROLLED BILLS SIGNED

At 9:34 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

H.R. 3319. An act to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

H.R. 4367. An act to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. UDALL of New Mexico).

At 9:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5817. An act to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement.

H.R. 6364. An act to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

The message further announced that pursuant to section 3(b) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202), the Minority Leader appoints the following member on the part of the House of Representatives to the Medal of Valor Review Board: Joanne Hayes-White of San Francisco, California.

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for

claims relating to services furnished within the scope of employment with the Service.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

## ENROLLED BILLS SIGNED

At 4:13 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. UDALL of New Mexico).

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5817. An act to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement; to the Committee on Banking, Housing, and Urban Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1546. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes (Rept. No. 112-249).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska (Rept. No. 112-250).

By Mrs. MURRAY, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3313. A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY (for himself and Mr. WARNER):

S. 3678. A bill to help ensure the fiscal solvency of the FHA mortgage insurance pro-

grams of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 3679. A bill to provide for Indian trust asset management reform, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN (for himself, Mr. UDALL of New Mexico, and Mr. SANDERS):

S. 3680. A bill to amend the Internal Revenue Code of 1986 to modify and extend the making work pay credit; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3681. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. WARNER (for himself, Mr. KIRK, Mr. WEBB, Mr. MENENDEZ, Mr. CASEY, Mr. WHITEHOUSE, Mr. KERRY, and Mr. DURBIN):

S. 3682. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3683. A bill to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 616. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 617. A resolution congratulating the recipient of the 2012 Heisman Memorial Trophy; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Ms. STABE-

NOW, Mr. SESSIONS, Mr. ALEXANDER, Ms. LANDRIEU, Mr. COCHRAN, Mr. HARKIN, Mr. SHELBY, Mr. CORNYN, Mrs. BOXER, Mrs. MURRAY, Mr. COBURN, Mr. KERRY, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. REID, Ms. MIKULSKI, Mr. DURBIN, Mr. PRYOR, Mr. NELSON of Florida, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. CONRAD, Mr. LAUTENBERG, Mr. KOHL, Ms. CANTWELL, Mrs. MCCASKILL, Mr. WYDEN, Mr. COONS, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. MANCHIN, Mr. BENNET, Mr. CARDIN, Mrs. HAGAN, Mr. CASEY, Mr. BEGICH, Mr. MENENDEZ, Mr. WARNER, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. INOUE, Mr. CORKER, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. ROCKEFELLER, Mr. UDALL of Colorado, Mr. BLUMENTHAL, Mr. AKAKA, Mr. REED, and Mrs. SHAHEEN):

S. Res. 618. A resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3623

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from New York (Mrs. GILLIBRAND), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. HARKIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3623, a bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes.

S. RES. 613

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 613, a resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 3681. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: Federal disaster assistance. As you know, along the Gulf Coast we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike in 2008. Unfortunately, our region also has had to deal with the economic and environmental damage from the Deepwater Horizon disaster in 2010 and more recently Hurricane Isaac. Due to this history, as Chair of the Senate Committee on Small Business and Entrepreneurship, ensuring Federal disaster pro-

grams are effective and responsive to disaster victims is one of my top priorities. While the Gulf Coast is prone to hurricanes, other parts of the country are no strangers to disaster. The Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. This certainly hit home when the northeast was struck by Hurricane Sandy in October of this year. With this in mind, we must ensure that the Federal government is better prepared and has the tools necessary to respond quickly and effectively following a disaster.

In order to give the U.S. Small Business Administration, SBA, better tools to respond after a future disaster, I am proud to have filed S. 3672, legislation that will make a small but important improvement to SBA's disaster assistance programs for impacted businesses. This provision builds off of SBA disaster reforms enacted in 2008 and ensures that SBA is responsive to the needs of small businesses seeking smaller amounts of disaster assistance. These are the businesses that are burdened the most by liens on their primary personal residential homes when they could conceivably provide sufficient business assets as collateral for the loan. In particular, the bill I am filing today would clarify that, for SBA disaster business loans less than \$200,000, SBA is required to utilize assets other than the primary residence if those assets are available to use as collateral towards the loan. The bill is very clear though that these assets should be of equal or greater value than the amount of the loan. Also, to ensure that this is a targeted improvement, the bill includes additional language that this bill in no way requires SBA to reduce the amount or quality of collateral it seeks on these types of loans.

I note that this provision is similar to Section 204 of S. 2731, the Small Business Administration Disaster Recovery and Reform Act of 2009 that Senator BILL NELSON and I introduced last Congress. A similar provision also passed the House of Representatives twice last Congress. H.R. 3854, which included a modified collateral requirement under Section 801, passed the House on October 29, 2009, by a vote of 389–32. The provision also passed the House again on November 6, 2009, by a voice vote as Section 2 of H.R. 3743. So this provision has a history of bipartisan Congressional support. I want to especially thank Ranking Member OLYMPIA SNOWE for working with me to improve upon this previous legislation. The legislation that I am filing today is a result of discussions with both her and other stakeholders. I believe that this bill is better because of improve-

ments that came out these productive discussions.

This bill addresses a key issue that is serving as a roadblock to business owners interested in applying for smaller SBA disaster loans. After the multiple disasters that hit the Gulf Coast, I and my staff have consistently heard from business owners, discouraged from applying for SBA disaster loans. When we have inquired further on the main reasons behind this hesitation, the top concern related to SBA requiring business owners to put up their personal home as collateral for smaller SBA business disaster loans. This requirement is understandable for large loans between \$750,000 and \$2 million. However, business owners complained about this requirement being instituted for loans of \$200,000 or less. I can understand their frustration. Business owners, in many cases who have just lost everything, are applying to SBA for a \$150,000 loan for their business. SBA then responds by asking them to put up their \$400,000 personal home as collateral when the business may have sufficient business assets available to collateralize the loan. While I also understand the need for SBA to secure the loans, make the program cost effective, and minimize risk to the taxpayer, SBA has at its disposal multiple ways to secure loans.

Furthermore, SBA has repeatedly said publicly and in testimony before my committee that it will not decline a borrower for a lack of collateral. According to a July 14, 2010 correspondence between SBA and my office, the agency notes that "SBA is an aggressive lender and its credit thresholds are well below traditional bank standards. . . . SBA does not decline loans for insufficient collateral." SBA's current practice of making loans is based upon an individual/business demonstrating the ability to repay and income. The agency declines borrowers for an inability to repay the loan. In regards to collateral, SBA follows traditional lending practices that seek the "best available collateral." Collateral is required for physical loans over \$14,000 and Economic Injury Disaster Loans, EIDL, loans over \$5,000. SBA takes real estate as collateral when it is available, but as I stated, the agency will not decline a loan for lack of collateral. Instead it requires borrowers to pledge what is available. However, in practice, SBA is requiring borrowers to put up a personal residence worth \$300,000 or \$400,000 for a business loan of \$200,000 or less when there are other assets available for SBA.

While I do not want to see SBA tie up too much of a business' collateral, I also believe that if a business is willing and able to put up business assets towards its disaster loan, SBA should consider that first before attempting to bring in personal residences. It is unreasonable for SBA to ask business

owners operating in very different business environments post-disaster to jeopardize not just their business but also their home. Loans of \$200,000 or less are also the loans most likely to be repaid by the business so personal homes should be collateral of last resort in instances where a business can demonstrate the ability to repay the loan and that it has other assets.

In closing, I believe that this commonsense fix will greatly benefit businesses impacted by future disasters. This provision does not substantively change SBA's current lending practices and it will not have a significant cost. I believe that this legislation would not trigger direct spending nor would it have a significant impact on the subsidy rate for SBA disaster loans. Currently for every \$1 loaned out, it costs approximately 10 cents on the dollar. Most importantly, this bill will greatly improve the SBA disaster loan programs for businesses ahead of future disasters. If a business comes to the SBA for a loan of less than \$200,000 to make immediate repairs or secure working capital, they can be assured that they will not have to put up their personal home if SBA determines that the business has other assets to go towards the loan. However, if businesses seek larger loans than \$200,000, then the current requirements will still apply. This ensures that very small businesses and businesses seeking smaller amounts of recovery loans are able to secure these loans without significant burdens on their personal property. For the business owners we have spoken to, this provides some badly needed clarity to one of the Federal Government's primary tools for responding to disasters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION OF COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after "which are made under paragraph (1) of subsection (b)" the following: "Provided further, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection

with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral".

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 616—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 616

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients.

##### SENATE RESOLUTION 617—CONGRATULATING THE RECIPIENT OF THE 2012 HEISMAN MEMORIAL TROPHY

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 617

Whereas, for the 78th time, the Heisman Memorial Trophy has been awarded to the

most outstanding collegiate football player in the United States;

Whereas Johnny Manziel overcame intense competition and defied expectations during Texas A&M University's first year in the Southeastern Conference;

Whereas Manziel led the 2012 Texas A&M Aggie football team to a regular season record of 10 wins and 2 losses;

Whereas Manziel was awarded the Davey O'Brien National Quarterback Award as the top quarterback in the National Collegiate Athletic Association;

Whereas Manziel became the first freshman, and only the fifth player ever, in National Collegiate Athletic Association Football Bowl Subdivision history to achieve 3,000 passing yards and 1,000 rushing yards in a season;

Whereas Manziel became the first player in the Football Bowl Subdivision to pass for 300 yards and rush for 100 yards in the same game 3 times in his career;

Whereas Manziel holds the freshman record for quarterback rushing yards (1,114) and total yards in a season (4,600);

Whereas Manziel was assisted by the leadership of Southeastern Conference Co-Coach of the Year Kevin Sumlin, the exceptional protection of the offensive line anchored by Outland Trophy winner Luke Joeckel, and Texas A&M's 12th Man;

Whereas Manziel became the second Heisman Trophy winner at Texas A&M, preceded by John David Crow in 1957;

Whereas Manziel started the development of his athletic capabilities before attending Texas A&M in the cities of Tyler, Texas, and Kerrville, Texas;

Whereas 2012 marks the eighth time a player at a university in Texas has won the Heisman Trophy and back-to-back years of keeping the award in Texas;

Whereas the hullabaloo of Manziel becoming the first freshman to win the Heisman Trophy is another testament to the strength and skill of Texas football; and

Whereas Manziel has combined incredible talent with hard work and a good heart: Now, therefore, be it

*Resolved*, That the Senate congratulates the recipient of the 2012 Heisman Memorial Trophy.

Mrs. HUTCHISON. Mr. President, today, Texas A&M University students, faculty, alumni, and fans—known as the 12th Man—are filled with pride and joy over the first Aggie to win the Heisman Trophy since John David Crow's Heisman-season in 1957. Johnny Manziel was named the 2012 Heisman Trophy winner for his incredible accomplishments on the gridiron. Texas A&M finished this season ranked No. 9 nationally with a record of 10 wins and 2 losses including an impressive victory in Tuscaloosa, Alabama over the previously ranked No. 1 University of Alabama, Crimson Tide.

At a young age, Johnny Manziel's parents, Paul and Michelle Manziel instilled a discipline to succeed. Their parenting laid the groundwork for his competitiveness and strong work ethic. Raised in Tyler, Texas, and a graduate of Tivy High School in Kerrville, Texas, Johnny was a high school star athlete never willing to back down because of his size or age.

Johnny's time at Texas A&M may not be extensive but his freshman year

statistics and accomplishments are not short of anything but extraordinary. Johnny is the first freshman in National Collegiate Athletic Association, NCAA, history to ever win the prestigious Heisman Trophy. Johnny also became the first freshman and only the fifth player ever, in NCAA Football Bowl Subdivision, FBS, history to achieve 3,000 passing yards and 1,000 rushing yards in a season. Incredibly, Johnny became the first player in the FBS to pass for 300 yards and rush for 100 yards in the same game three times in his career. He also earned the Davey O'Brien Award, presented annually to the best NCAA quarterback.

On Saturday, December 8, 2012, Johnny Manziel was recognized as the greatest college football player of the year. The Heisman Trophy is the most prestigious award in college sports, and no one is more deserving of this honor than Johnny Manziel.

Congratulations to Johnny Manziel on a truly memorable season; to his family, who provided the foundation for his abilities; to his teammates and to all of Aggieland. This is truly a historic ending to a tremendous freshman season.

#### SENATE RESOLUTION 618—OBSERVING THE 100TH BIRTHDAY OF CIVIL RIGHTS ICON ROSA PARKS AND COMMEMORATING HER LEGACY

Mr. LEVIN (for himself, Ms. STABENOW, Mr. SESSIONS, Mr. ALEXANDER, Ms. LANDRIEU, Mr. COCHRAN, Mr. HARKIN, Mr. SHELBY, Mr. CORNYN, Mrs. BOXER, Mrs. MURRAY, Mr. COBURN, Mr. KERRY, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. REID, Ms. MIKULSKI, Mr. DURBIN, Mr. PRYOR, Mr. NELSON of Florida, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. CONRAD, Mr. LAUTENBERG, Mr. KOHL, Ms. CANTWELL, Mrs. MCCASKILL, Mr. WYDEN, Mr. COONS, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. MANCHIN, Mr. BENNET, Mr. CARDIN, Mrs. HAGAN, Mr. CASEY, Mr. BEGICH, Mr. MENENDEZ, Mr. WARNER, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. INOUE, Mr. CORKER, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. ROCKEFELLER, Mr. UDALL of Colorado, Mr. BLUMENTHAL, Mr. AKAKA, Mr. REED, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 618

Whereas Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

Whereas Rosa Parks dedicated her life to the cause of universal human rights and truly embodied the love of humanity and freedom;

Whereas Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary;

Whereas news of the arrest of Rosa Parks resulted in approximately 42,000 African Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation law was changed on December 21, 1956;

Whereas the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

Whereas the civil rights movement led to the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241), which broke down the barrier of legal discrimination against African Americans and made equality before the law a reality for all people of the United States;

Whereas Rosa Parks has been honored as the “first lady of civil rights” and the “mother of the freedom movement”, and her quiet dignity ignited the most significant social movement in the history of the United States;

Whereas, in 1987, Rosa Parks and her close associate Elaine Steele cofounded the Rosa and Raymond Parks Institute for Self Development to motivate and direct youth to achieve their highest potential through Rosa Parks’ philosophy of “quiet strength” and cross-cultural exposure for nurturing a global and inclusive perspective;

Whereas Rosa Parks was the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Congressional Gold Medal, the Spingarn Award, which is the highest honor of the National Association for the Advancement of Colored People for civil rights contributions, and the Presidential Medal of Freedom, which is the highest civilian honor in the United States, and was named one of the 20 most influential and iconic figures of the 20th century;

Whereas Rosa Parks sparked one of the largest movements in the United States against racial segregation, and by her quiet courage symbolizes all that is vital about nonviolent protest because of the way she endured threats of death and persisted as an advocate for the basic lessons she taught the people of the United States;

Whereas Rosa Parks and her husband Raymond Parks relocated to Michigan in 1957, and remained in Michigan until the death of Rosa Parks on October 24, 2005;

Whereas, on Tuesday, October 26, 2005 the United States Senate adopted a Resolution expressing its condolences on the passing of Rosa Parks, and honored her life and accomplishments;

Whereas, in recognition of the historic contributions of Rosa Parks, her remains were placed in the rotunda of the Capitol from October 30 to October 31, 2005, so that the people of the United States could pay their last respects to this great American;

Whereas, in November 2005, Congress authorized the Joint Committee on the Library to procure a statue of Rosa Parks to be placed in the Capitol;

Whereas the United States Postal Service will issue a stamp in February 2013 to honor Rosa Parks and her courage to act at a pivotal moment in the civil rights movement;

Whereas, the bus on which Rosa Parks sparked a new era in the American quest for freedom and equality is one of the most significant artifacts of the American civil rights movement and is on permanent display in the Henry Ford Museum in Dearborn, Michigan;

Whereas, on February 4, 2013, the Henry Ford Museum, will commemorate the 100th birthday of Rosa Parks by calling for a Na-

tional Day of Courage and sponsoring a program that highlights her contributions to the civil rights movement, including a day-long celebration, with both virtual and on-site activities featuring nationally-recognized speakers, musical and dramatic interpretative performances, a panel presentation of “Rosa’s Story” and a reading of the tale “Quiet Strength”, featuring the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks’ extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up; and

Whereas the Rosa Parks Museum at Troy University and the Mobile Studio will commemorate the birthday of Rosa Parks with the 100th Birthday Wishes Project, culminating on February 4, 2013, with a 100th birthday celebration at the Davis Theatre for the Performing Arts in Montgomery, Alabama, where 2,000 birthday wishes submitted by individuals throughout the United States will be transformed into 200 graphic messages: Now, therefore, be it

*Resolved*, That the Senate—

(1) observes the 100th birthday of civil rights icon Rosa Parks; and

(2) commemorates the legacy of Rosa Parks to inspire all people of the United States to stand up for freedom and the principles of the Constitution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3335. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3312 submitted by Mr. PAUL and intended to be proposed to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

SA 3336. Mrs. MURRAY proposed an amendment to the bill S. 3313, to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.

SA 3337. Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 2045, to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3335.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3312 submitted by Mr. PAUL and intended to be proposed to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 3, add the following:

#### **SEC. . ELIMINATING CONFLICTS OF INTEREST IN THE FEDERAL RESERVE SYSTEM.**

(a) FINDINGS.—Congress finds the following:

(1) In October 2011, the Government Accountability Office found the following:

(A) Allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses



reputational risks to the Federal Reserve System.

(B) Eighteen former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis.

(C) Many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions.

(D) Under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in "hazardous" condition.

(E) Twenty-one members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System.

(F) The Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

(b) ENDING CONFLICTS OF INTEREST.—

(1) CLASS A MEMBERS.—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking "chosen by and be representative of the stockholding banks" and inserting "designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank".

(2) CLASS B.—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking "be elected" and inserting "be designated by the Board of Governors of the Federal Reserve System".

(3) LIMITATIONS ON BOARDS OF DIRECTORS.—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

"No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

"No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception."

(c) REPORTS TO CONGRESS.—The Comptroller General of the United States shall report annually to Congress, beginning 1 year after the date of enactment of this Act, to ensure that the provisions in this section and the amendments made by this section are carried out.

**SA 3336.** Mrs. MURRAY proposed an amendment to the bill S. 3313, to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes; as follows:

At the end, add the following:

**SEC. 8. FUNDING.**

Amounts for a fiscal year to carry out this Act, section 7330B of title 38, United States Code, as added by section 2(a), section 1787 of such title, as added by section 4(a), and the amendments made by this Act shall be derived from amounts made available for an overseas contingency operation in that fiscal year, if amounts were made available for an overseas contingency operation in that fiscal year.

**SA 3337.** Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 2045, to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes; as follows:

On page 2, line 19, strike "the District of Columbia" and insert "the Washington, D.C., metropolitan area".

**NOTICE OF INTENT TO OBJECT TO PROCEEDING**

I, Senator RON WYDEN, intend to object to proceeding to S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes; dated December 13, 2012.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FINANCE**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 13, 2012, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Improving Care for Dually-Eligible Beneficiaries: A Progress Update."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 13, 2012, at 2 p.m. to hold a briefing entitled "National Security Brief on Attacks in Benghazi."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 13, 2012, at 4 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on December 13, 2012, at 10 a.m. in room 432 of the Russell Senate Office Building, to conduct a hearing entitled "Hurricane Sandy: Assessing the Federal Response and Small Business Recovery Efforts."

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 13, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON NEAR EASTERN AND SOUTH CENTRAL ASIAN AFFAIRS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 13, 2012, at 10 a.m., to hold a Near Eastern and South Central Asian Affairs subcommittee hearing entitled, "Terrorist Networks in Pakistan and the Proliferation of IEDS."

The PRESIDING OFFICER. Without objection, it is so ordered.

**UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that on Monday, December 17, at 5 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 833 and 875; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed, with no intervening action or debate, to vote on Calendar Nos. 833 and 875, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**TO AMEND THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS**

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6116 and the Senate proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.



The clerk will report the bill by title.  
The legislative clerk read as follows:

A bill (H.R. 6116) to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6116) was ordered to a third reading, was read the third time, and passed.

#### U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Mr. REID. I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 2045 and the Senate proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2045) to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Burr amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; that the motion to reconsider be made and laid upon the table, with no intervening action or debate; and that any statements related to this bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3337) was agreed to, as follows:

(Purpose: To improve the bill)

On page 2, line 19, strike "the District of Columbia" and insert "the Washington, D.C., metropolitan area".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (S. 2045), as amended, was read the third time and passed, as follows:

S. 2045

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE WITHIN FIFTY MILES OF DISTRICT OF COLUMBIA.

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 of title 38, United States Code, is amended to read as follows:

#### "§ 7255. Offices, duty stations, and residences

"(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area, but the Court may sit at any place within the United States.

"(b) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

"(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge's official duty station.

"(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of the Washington, D.C., metropolitan area.

"(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 of such title is amended by striking the item relating to section 7255 and inserting the following new item:

"7255. Offices, duty stations, and residences."

(b) REMOVAL.—Section 7253(f)(1) of such title is amended by striking "or engaging in the practice of law" and inserting "engaging in the practice of law, or violating section 7255(c) of this title".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255 of such title, as added by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

#### AUTHORIZING THE PRODUCTION OF RECORDS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 616.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 616) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a Federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollar services, and access to the U.S.

financial system to high risk affiliates, high risk correspondent banks, and high risk clients.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the subcommittee in the course of its investigation, in response to this request and requests from other government entities and officials with a legitimate need for the records.

I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 616) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 616

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients.

#### SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Thursday, December 13, through Monday, December

17, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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ORDERS FOR MONDAY, DECEMBER 17, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 17, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following morning business, the Senate be in a period of morning business until 3 p.m. with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate

begin consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill.

I will also say we are going to have an amendment process there. People should be able to offer amendments. We ought to be able to finish the bill very quickly. If people have amendments, they should visit with the two managers of the bill. I assume the managers will be Senator LEAHY and Senator COCHRAN.

Finally, at 5 p.m., the Senate proceed to executive session under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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PROGRAM

Mr. REID. On Monday we will begin consideration of the supplemental appropriations bill. There will be a 5:30

vote on confirmation of the Olguin nomination.

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ADJOURNMENT UNTIL MONDAY,  
DECEMBER 17, 2012, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Monday, December 17, 2012, at 2 p.m.

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CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, December 13, 2012:

THE JUDICIARY

LORNA G. SCHOFIELD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

FRANK PAUL GERACI, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK.

## EXTENSIONS OF REMARKS

CONGRATULATING ARCHBISHOP  
MOELLER HIGH SCHOOL ON WIN-  
NING OHIO STATE FOOTBALL  
CHAMPIONSHIP

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. BOEHNER. Mr. Speaker, as a proud graduate of Archbishop Moeller High School in Cincinnati, I rise today to congratulate and recognize the Crusaders on their recent Ohio State Football Championship.

It is my pleasure to report that on December 1, 2012, the Crusaders won the OHSAA Division I state football championship, defeating Toledo Whitmer High School 20–12. This is Moeller High School's eighth Ohio football championship in the school's storied history.

Under the guidance of Coach John Rodenberg, the 2012 Crusader football team ended its season with a record of 12–3.

As a Crusader from the class of 1968, I congratulate Coach Rodenberg, Athletic Director Barry Borman, Principal Blane Collison, President Bill Hunt, and all the faculty, students, and alumni of the Moeller Family on this tremendous achievement. This victory honors the entire school community and extends the winning tradition of Moeller Football that began decades ago under my friend, coach, and mentor, Gerry Faust.

Moeller High School has provided a center of learning in the finest Marianist tradition for generations of young men from my congressional district and the Greater Cincinnati area. A Catholic school, Moeller has established a reputation for excellence in academics, athletics, faith, and community service, a reputation that is renewed and reinforced by this latest achievement.

On behalf of the United States House of Representatives, I proudly salute Coach Rodenberg, the 2012 Crusader football team, the Men of Moeller and the entire Moeller Family for this memorable victory.

HONORING CHIEF CHRIS MOORE  
UPON HIS RETIREMENT FROM  
THE SAN JOSE POLICE DEPART-  
MENT

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Chief of Police Chris Moore upon his retirement from the San Jose Police Department.

Chris has been a police officer since 1982. He worked for UC Berkeley campus police for three years before joining the San Jose Police

Department in 1985. Chris earned his Bachelor of Arts degree from UC Berkeley, a Masters of Public Administration from San Jose State University, and a Juris Doctorate from Lincoln Law School. In 1999, he was selected as a White House Fellow to serve one year as Counsel to US Attorney General Janet Reno. In 2004, Chris received the Fulbright Police Research Fellowship to study police accountability at the London School of Economics and New Scotland Yard.

In 2011, City Manager Debra Figone appointed Chris as San Jose's 9th Chief of Police since 1912. During his tenure, Chris reached out to minority groups in the community to regain the public's trust. Chris changed the official police handbook to make sure officers are not unfairly profiling members of the public. He implemented a Community Advisory Board and personally met with community members to address their concerns. During talks with the community about the implementation of Secure Communities, Chris reached out to the Latino community and emphasized that he would not be involved in civil immigration enforcement. In 2011, Chris received the Dr. Martin Luther King Jr. Association's Mover of Mountains award for Public Safety and Community Bridge Building for his efforts.

Chris served as Chair for the Public Safety Alliance. He traveled to Washington to testify before Congress to fund the creation of a broadband network specifically for law enforcement and public safety agencies to move large amounts of video or audio data during an emergency. The bill allows police, firefighters, and other first responders to transmit images, voice, and video back and forth from the field to the emergency room. Police are able to obtain pictures from bank robberies in progress and fire departments are able to obtain building plans en route to calls. When President Obama signed the \$7 billion bill to reallocate the 700 MHz spectrum to first responders, Chris stood behind the President.

Chief Chris Moore is retiring after over 27 years with the San Jose Police Department and I wish him all the best in the years to come. I commend Chris for his valuable service. The community is very fortunate to have benefited from his dedication, commitment, and advocacy. He has left his mark in San Jose and I know he will continue to play a positive role in our community during his retirement.

HONORING AVONDALE, ARIZONA  
MAYOR MARIE LOPEZ ROGERS  
ON HER ELECTION AS PRESI-  
DENT OF THE NATIONAL  
LEAGUE OF CITIES

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. PASTOR of Arizona. Mr. Speaker, I rise today to recognize Avondale, Arizona Mayor Marie Lopez Rogers on her election as President of the National League of Cities (NLC). Mayor Lopez Rogers is the first Latina in NLC history to lead the advocacy group, which is dedicated to helping city leaders build better communities.

Since she was first elected to the Avondale city council in 1996, Mayor Lopez Rogers has demonstrated a deep commitment to public service. From her time on the council to when she was elected as Avondale's first Latina mayor in 2006, Mayor Lopez Rogers has been instrumental in transforming Avondale from a once tiny community to one of the nation's fastest growing municipalities.

Having served in local, state, and national organizations such as on the board of the National Association of Latino Elected and Appointed Officials (NALEO), as a member of the League of Arizona Cities & Towns' Executive Committee, and as President of the Arizona Women in Municipal Governments, Mayor Lopez Rogers' skills and talents have reached well beyond Avondale.

In 2011, Mayor Lopez Rogers was recognized by President Barack Obama for her dedication to and accomplishments in local government at a national conference of Hispanic leaders. Additionally, she has received the Hispanic Leadership Institute-West Public Service Award, the Valle Del Sole Profiles of Success 2009 Special Recognition Award, and the 2010 Jacques Steiner Public Leadership Award for Children from Children's Action Alliance.

Mayor Lopez Rogers knows the meaning of hard work and does not shy away from a challenge. She worked alongside her parents in a farm labor camp as a girl and then became the first member of her family to go to college. Today, as the head of NLC, I am confident she will use her resolve to fight for initiatives important to cities in Arizona and across the United States.

I have known Mayor Lopez Rogers and her family for over thirty years and I extend my sincerest appreciation for the support and friendship they have shown to me.

Mr. Speaker, I ask my colleagues to join me in recognizing the many achievements of Mayor Marie Lopez Rogers and in wishing her the best during her tenure as President of the National League of Cities.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING RICHARD H. (DICK)  
PLAND

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Tuolumne County Supervisor Richard H. (Dick) Pland on his retirement from the Tuolumne County Board of Supervisors and to thank him for his dedicated, life-long spirit of community service.

Richard Pland has been a resident of Tuolumne County for 53 years; and throughout his life in Tuolumne County, Dick has served with distinction in both the private and public sectors.

Dick is well known and respected throughout the state of California for his knowledge and contributions to the forest industry. In 41 years of private service in the forest industry, 38 of those were in Tuolumne County. During his forestry career, Dick was a member of TuCARE and the California Licensed Foresters Association. He also served as a Director of the California Forestry Association, President of the Sierra Cascade Logging Conference, and received the 1990 California "Logger of the Year" award.

Dick's private sector contributions also included 15 years of service as a Director of El Capitan Bank, and his legacy of leadership within the public sector began early when Dick served as a Platoon Leader with the United States Marine Corps. While balancing his career in forestry with raising a family, Dick still found the time to serve for 30 years on the Tuolumne County Board of Education.

Mr. Pland is wrapping up a 16-year run as the District 5 representative on the Tuolumne County Board of Supervisors. During his time on the Board, Supervisor Pland was frequently called upon to bring common sense and effective leadership to some of the most difficult challenges facing the County, such as the decision to privatize Tuolumne General Hospital; advocating for sound budgetary goals and policies helping to navigate the County through "The Great Recession"; chairing numerous Board Committees aimed at improving County land use and regulatory policies; creating the Tuolumne County Economic Development Authority; establishing the Board's Natural Resources Committee; and championing healthy forest practices within the Stanislaus National Forest to promote the long-term health and sustainability of the forest as well as to reinvigorate forest-based jobs. With such accomplishments, it is easy to understand why Dick was selected to receive the Tuolumne County Chamber of Commerce's "Excellence in Government Award" in 1999.

Mr. Speaker, please join me in honoring Tuolumne County Supervisor Dick Pland on his retirement and thanking him for his exemplary leadership, service to the community, and his time on the Board of Supervisors.

IN HONOR AND RECOGNITION OF  
MARIAN R. CAREY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Marian R. Carey, whose exemplary leadership in serving as my Deputy District Director and Director of Constituent Services raised constituent services to the highest level possible—making the 10th Congressional District Office of Ohio the most impactful, responsive and successful constituent response center of any Congressional District Office in the nation.

For fourteen years, Ms. Carey directed and oversaw a multileveled and ever-evolving system of federal services available to constituents. Her expertise in legislative services, federal regulations and procedures, as well as her knowledge of government and non-profit programs and agencies, allowed her and my entire District staff to successfully conduct an immense amount of complex casework in a streamlined, effective manner—built upon an unyielding foundation of support and collaboration.

During her tenure, Ms. Carey created critical partnerships with numerous leaders throughout local and federal government agencies, non-profit organizations, and the private sector. These key bonds supported constituent casework efforts by fostering mutual cooperation between our staff and outside agencies, which were vital elements needed to secure successful outcomes in resolving issues—many of them dire—for tens of thousands of constituents who sought our help.

Beyond her dynamic leadership in the area of constituent casework, Ms. Carey also successfully developed and managed the United States Military Academy Nomination Program. Due to her efforts, doors were opened for many young men and women from the Cleveland community, who were accepted onto this historic pathway of educational opportunity and service to our nation.

Consistently reflecting grace under fire, integrity, kindness, professionalism, a sense of fairness, a calm demeanor and a disarming wit, Ms. Carey gained the trust and respect of constituents, colleagues and community leaders. Whether helping an elderly veteran in need, a young man coming home from the war in desperate need of services, or a young woman suffering from mental illness, Ms. Carey left no pathway unexamined and never wavered in her commitment to find the assistance and resolution needed.

Mr. Speaker and Colleagues, please join me in honor and recognition of Marian R. Carey, Director of Constituent Services and Deputy District Director of the 10th Congressional District of Ohio. Her leadership, tenacity, dedication and accomplishment raised my work into the light of the American consciousness, as she, without fail, maintained the strongest framework of casework service possible—casework which will have a lasting impact on the lives of thousands of citizens and their families. I am forever grateful and honored to have had the opportunity to walk beside her on this journey of public service.

DEPARTING MEMBERS OF THE  
CALIFORNIA DEMOCRATIC CON-  
GRESSIONAL DELEGATION

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize the departing Democratic Members from California who have faithfully served their constituents as representatives in the U.S. Congress. I would like to commend my colleagues Reps. PETE STARK, HOWARD BERMAN, Bob Filner, LYNN WOOLSEY, JOE BACA, and LAURA RICHARDSON for their years of service. Their achievements have not only helped their constituents, they have helped create a better America.

Mr. Speaker, Golden State Members have never known Congress without PETE STARK in it. Elected in 1972, PETE STARK is the longest serving Member from California and serves as our delegation's Dean. His list of accomplishments is long and impressive. As one of the highest ranking Democrats on the Ways and Means Committee, and Ranking Member and former Chair of the Subcommittee on Health, PETE has been a vocal leader and advocate for ensuring that all Americans have access to affordable health care. From creating COBRA, creating electronic and easily transferrable medical records, or in helping to draft the historic health care reform bill, PETE has fought tirelessly for better patient care at lower cost. As his long-serving Chief of Staff said recently in Roll Call, "... no one can question Pete Stark's commitment to those who don't have a voice and his firm belief that government is here to improve people's lives. He has never wavered in his willingness to challenge special interests and take on powerful groups in order to pursue the right public policy." PETE's compassion and determination will be missed.

Our next longest-serving Member, HOWARD BERMAN, has been an extraordinary Member since 1983. As the Ranking Member and former Chairman of the Foreign Affairs Committee, he has worked to strengthen U.S. relations with foreign governments abroad and keep Americans safe. Widely-regarded as a brilliant and effective legislator in the House, some of his biggest accomplishments include programs critical to the global fight against HIV/AIDS and improving U.S. foreign aid programs. And as a colleague and senior Member on the Judiciary Committee, he has valiantly fought on behalf of immigrants. His role in drafting immigration law is unique and important. When we disagree on copyright and patent issues, I still consider HOWARD a friend. I will deeply miss his bipartisanship and legislative prowess.

Bob Filner was elected in 1992 to Congress and is widely known for his commitment to our servicemen and women. As the Ranking Member and previous Chairman on the Veterans' Affairs Committee, Bob Filner worked to ensure that our veterans receive increased healthcare services, low interest-rates for home loans, and helped pass the GI Bill for veterans of the Iraq and Afghanistan Wars. Bob also had a long history as a civil rights

activist and professor. Fortunately, we'll continue to work with him as he was elected—and is now serving—as the Mayor of San Diego.

As a senior Member on the Education and Labor Committee, and Ranking Member and former Chair of the Subcommittee on Workforce Protections, LYNN WOOLSEY has been a tireless fighter to protect working Americans by improving working conditions and legislating equal pay. As a colleague of mine on the Science, Space and Technology Committee, she has supported clean energy initiatives and the preservation of our fragile ecosystem, including protecting the California coastline. First elected in 1992, in the year of the woman, LYNN WOOLSEY certainly helped put a few more cracks in that glass ceiling, and she now leaves Congress in a year that saw a record number of women elected to the House and Senate.

As a senior member on the Agriculture Committee, JOE BACA has worked to preserve and ensure that our most needy families have access to nutritious food. First elected to Congress in 1999, JOE also served as Chair of the Congressional Hispanic Caucus during the 110th Congress and is a member of the House Financial Services Committee.

LAURA RICHARDSON was elected to Congress in 2007, and has served on the Transportation and Infrastructure and Homeland Security Committees, serving as a key advocate for Long Beach's port and California's development of high speed rail.

Mr. Speaker, the aforementioned Members have served a combined 128 years in the House of Representatives. As the Chair of the California Democratic Congressional Delegation, I want to thank them for their commitment to our country, to California, and to their constituents who elected them. Together we've worked to ensure that America is a prosperous and safe society where everyone has equal opportunity. I've enjoyed being with them on this journey and wish them all of the best in the years ahead.

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#### TRIBUTE TO JOSEPH E. ROSS

### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on behalf of myself and Mr. BRADY of Pennsylvania, our Ranking Member, I would like to take this opportunity to pay tribute to the life of Joseph E. Ross, former Director of the Congressional Research Service. Joe Ross passed away on November 23, survived by his wife of 66 years, Joan, 8 children, 15 grandchildren and 20 great-grandchildren. He also leaves behind many friends and colleagues who fondly recall his many years of public service.

Joe was the Director of CRS from 1986 to 1993. Before that he led CRS' American Law Division for 13 years. Prior to his career at CRS, Joe served in the Navy during World War II. Returning from that service, he earned his law degree and entered private practice from 1948–1951. He was called back to active duty, eventually rising to the rank of Captain in

the Navy and retiring from the military in 1969. This distinguished military career was followed by 2 years at the Department of Justice and then his 21-year career at CRS which saw him rise from Chief of the American Law Division to eventually lead the agency for over 7 years.

Joe Ross' years as CRS Director saw Congress grapple with the Persian Gulf War, the Iran/Contra investigation, deficit reduction, financial regulatory reform, the Strategic Defense Initiative, multinational trade agreements and early efforts at welfare and health care reform. CRS deployed its staff to assist with these and the many other issues on the legislative agenda and streamlined and modernized its product offerings. Congress celebrated its bicentennial in 1989 and CRS supported and participated in the many events surrounding that anniversary. That year was also CRS' 75th anniversary, an occasion marked by programs on the history of Congress and the Congress of the future.

Under Joe Ross' leadership, CRS became a key player in the Frost-Solomon Task Force. Established by Congress in 1990, the task force provided assistance to emerging democracies in Central and Eastern Europe and the former Soviet Union. CRS helped administer the task force's programs and provided much of the sought after expertise needed to help establish democratic legislatures in those countries. During Joe's tenure as CRS Director, the Service also modernized its technological infrastructure with the introduction of more advanced hardware and software to enhance the products and services CRS was able to provide to Congress and increase the productivity of its staff. CRS staff also benefited from innovative recruitment programs launched during this period to increase the diversity of the CRS workforce.

Joe was active in bar activities throughout his career, serving in several capacities with the Federal Bar Association, including president, and also serving on the governing body of the American Bar Association. After retirement, he was actively involved in providing legal assistance to Habitat for Humanity.

Mr. Speaker, Joe Ross was the epitome of the dedicated public servant. He served his country for over 20 years in the Navy which included involvement in decisive battles of the Pacific theater. He followed that career with service in the Executive Branch as an attorney in the Department of Justice. The United States Congress was then the beneficiary of Joe's second career, over 20 years in leadership positions in the Congressional Research Service, including 7 years as its Director. We are grateful for his dedication to the public good. To his wife, Joan, and his extended family, I extend our deepest sympathies.

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#### HONORING SUPERVISOR KENDALL SMITH OF MENDOCINO COUNTY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my friend, my colleague, stalwart community member and out-

going Supervisor Kendall Smith for decades of giving back to Mendocino County.

I first met Kendall when she was a student at Sonoma State University at a graduate class she was taking in Public Administration. She already had a Bachelor of Arts degree from San Jose State University and had been a long time member of the American Association of University Women.

Kendall is also a member of the National Women's Political Caucus of Mendocino County, a group I am proud to say picked me as their last male candidate to endorse, an achievement in no small part supported by Kendall.

As a 32-year resident of the North Coast, Kendall knows the territory. That's why I hired her in 1997 to be a field representative when I was a State Senator. Two years later, when I became a Member of Congress, Kendall continued as my Mendocino County district representative, attending to constituent services, working with all parts of the county and supporting businesses, tribes, environmental groups, nonprofits and government entities in a multitude of ways.

In 2004, when Kendall decided to run for Fourth District Supervisor, I had mixed reactions—pride that she wanted to take that step into the life of an elected representative and sadness that she wouldn't be on my staff. Her record speaks for itself, and we have remained close throughout her eight years on the Board. I was honored to support her appointment by the Secretary of the Interior to the Bureau of Land Management's Northwest California Resource Advisory Council, one of the many boards and associations for which she is a stalwart advocate and member.

Kendall is a model public servant. A dogged researcher and diligent policy maker, she earns her admiration through selfless, hard work. Mr. Speaker, it is appropriate at this time that we pay tribute to Kendall Smith, a fine legislator, worthy representative and esteemed citizen.

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#### HONORING FAIRFIELD COUNTY COMMISSIONER JUDITH K. SHUPE

### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. AUSTRIA. Mr. Speaker, I rise today to honor Ms. Judy Shupe, a long time Commissioner of Fairfield County, Ohio. After twenty exemplary years of service, Commissioner Shupe will be retiring at the end of this year. Commissioner Shupe first took office on January 2, 1993 and is now serving out the remainder of her fifth term as Commissioner.

Commissioner Shupe has always expressed a passion for public service. Before becoming a Commissioner she served as Clerk of Madison Township where she spent 13 years.

Commissioner Shupe has given her time and dedication to Fairfield County by attending workshops and seminars. These events have given her the knowledge and expertise to better understand the needs of the residents of Fairfield County. Judy has also been a member of the County Commissioners Association

of Ohio which has strengthened her ability to effectively and successfully serve all of Fairfield County.

Commissioner Shupe serves on various committees including the Workforce Investment Area; Resource Conservation and Development; Prevention Works for a Drug Free Fairfield County; OSU Extension Advisory Committee; Geographic Information System Committee; Revolving Loan Funding Committee; Tax Incentive Review Council; and the Multi-County Juvenile Detention Center Board of Trustees and Board of Directors.

Thus, today I ask my colleagues to join me and the constituents of Ohio's Seventh Congressional District to recognize the service and dedication of Commissioner Judy Shupe.

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HONORING THE LIFE OF ESTHER  
JACHIMOWICZ

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to honor the inspiring life of Esther Jachimowicz, who passed away in her San Francisco home on November 5, 2012.

Born as Esther Bendzinski in Poland on October 11, 1925, she was the last remaining Holocaust survivor in her family. The tale of her life—as she would recount to her family and friends—is one of tremendous loss, struggle, and incredible perseverance. Esther and her family were among those forced to live in the Lodz Ghetto by Nazi troops in German-Occupied Poland. In recounting her story to the San Francisco Chronicle, she told of how life for the Jews trapped in the infamous ghetto was a daily struggle to survive starvation, beatings, and shootings.

Esther and her family were among the thousands who were sent from the Lodz Ghetto to Auschwitz. There, she and her father were selected by the Nazis to be kept as slave labor—never to see her mother and younger sister again. From Auschwitz, her father was taken to Dachau, and Esther and another sister were sent to another concentration camp called Stutof. There she experienced unspeakable horrors, including the death of her sister.

After being liberated, Esther searched for her family in the immediate aftermath of the war. Hearing that her father survived Dachau, she went to a hospital where he was being treated. It was there in that hospital where she also met her future husband, Nathan Jachimowicz, a few beds down from her father. The two had similar tales of survival, both being trapped in the Lodz Ghetto, both were taken to Auschwitz. Out of their combined families, only Nathan, Esther and her father had survived.

Years later, during an interview, Esther would say she was lucky to find Nathan, to whom she would be married for fifty-eight years. Soon after they were wed, and along with Esther's father, they left Europe to start a new life in America. By 1962 they had settled in San Francisco and opened Emerald Cleaners and Tailoring shop on Noriega Street, near

25th Avenue. With hard work and an unyielding belief “that every day is a new day,” they pursued the American Dream of a better life for themselves and their children.

Mr. Speaker, the number of Holocaust survivors is rapidly dwindling, and we must not let their tales be forgotten, we must record their history for future generations to learn from. As it was said in the Hebrew Bible's Book of Joel: “Tell your children about it, and let your children tell theirs, and their children the next generation.” That is why I wanted to share Esther Jachimowicz's inspiring story.

More than just the story of an individual, her story is that of a kind of person who lived through one of the darkest, most brutal chapters in the Twentieth Century, and held firm to the belief of a future without hate. Her family—and indeed our country—will forever remember and cherish that spirit of perseverance, survival, and hope in a better future. I join with our community in mourning her passing. While I know Esther's family feels her loss, I hope they can draw comfort through the pride they must feel in the heritage and legacy they inherit from this incredible woman.

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IN RECOGNITION OF THE NEW  
BEDFORD WHALING MUSEUM  
AND THE WILLIAM M. WOOD  
FOUNDATION

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the New Bedford Whaling Museum and the William M. Wood Foundation for their collaboration in celebrating the history of Cape Verdean and Azorean culture in southeastern Massachusetts.

Our nations' histories are forever interwoven, as the ancestors of today's Azorean—and Cape Verdean-American families remain an integral part of Massachusetts' economic prosperity. Many of these immigrants were first drawn to New England's ports on whaling and fishing vessels in the early nineteenth century, often finding work in the region's nearby cranberry bogs. Cape Cod and southeastern Massachusetts are home to the fastest growing Cape Verdean and Azorean communities in the United States.

Today, it is estimated that over 40% of the southeastern Massachusetts population are of Portuguese descent. The strong influence that the Cape Verdean and Azorean cultures have had on our local community cannot be understated, and it is essential that we honor and celebrate this important part of southeastern Massachusetts culture.

In keeping with this spirit the William M. Wood Foundation has generously approved a \$300,000 grant to support the initiatives at the New Bedford Whaling Museum geared toward preserving the history of Azorean and Cape Verdean communities in southeastern Massachusetts. Among other things, this grant will support a major traveling exhibit detailing the lives of Azorean and Cape Verdean whalers that will make an appearance at various coastal communities throughout New England. Ad-

ditional community events will be supported by this funding, including an international symposium on the history of Azorean and Cape Verdean immigration in Massachusetts that will be held at the Museum.

In order to ensure that Cape Verdean and Azorean culture is not only preserved but celebrated in southeastern Massachusetts, I have worked closely with many local and international officials, including Cape Verdean President Jorge Carlos Fonseca, Cape Verdean Prime Minister Jose Maria Neves, and President of the Regional Government of the Azores Vasco Cordeiro. It gives me great pride to work with these individuals and to see such strong support for honoring Azorean and Cape Verdean culture in southeastern Massachusetts. The funding given by the William M. Wood Foundation will establish a strong base as we move forward, and we envision many more opportunities for collaboration in the future.

Mr. Speaker, please join me in recognizing the New Bedford Whaling Museum and the William M. Wood Foundation as they join together to celebrate the history of Azorean and Cape Verdean culture in southeastern Massachusetts. I thank my colleagues for joining me in recognition of these organizations for celebrating such an important aspect of Massachusetts history.

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IN HONOR OF NANCY MARIANNA  
EMMONS

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor and celebrate the 100th birthday of Nancy Marianna Emmons.

Nancy Marianna Pierson was born January 5, 1913 to Grace Monkhouse Pierson and Temple Guy Pierson in the small southern Indiana town of Spencer, near Bloomington, Indiana. Her paternal grandmother, Cassandra Conant Pierson, had been a schoolteacher in Kentucky before marrying Joseph Liston Pierson, a private in the Union Army during the Civil War. Her maternal grandmother was a member of the Tyson family in Maryland, descendants of Elisha Tyson (1750–1824), a wealthy merchant and early abolitionist.

After attending the University of Indiana in the early 1930s, she decided to move to Chicago with her best friend to find work—a time she always referred to as “her salad days.” Nancy had a good job with N.W. Ayre, an advertising agency, but after a time the glamour of California lured her West. She had some relatives in the Bay Area and chose to move to San Francisco. After being there a few weeks she wandered into an ad agency looking for a job, and was immediately offered a job as “Miss Oakland” on a float inaugurating the opening of the Bay Bridge in November 1936.

It was around this time that Nancy noticed a handsome blond man who walked down the hill past her apartment everyday to his car. She “accidentally” happened to be out on the street one morning, and of course charmed

him. He was Donn Emmons, a shy young architect, who was working for William Wilson Wurster, already a well-known Bay Area architecture firm.

Nancy married Donn in 1942, after he joined the Navy as a Lieutenant. Through her husband Donn, Nancy met my parents Fred and Janet Farr. She was present at my birth at the Children's Hospital in San Francisco on July 4, 1941. The Emmons and Farr families have been close ever since.

After the war years, the family settled in Mill Valley, California, and had three children, Zette (b. 1946), Janet (Luli, b. 1949), named after my mom Janet Farr, and Andrew Pierson Emmons (b. 1953). My mother Janet named her second daughter after her friend Nancy.

Though the Emmons separated in 1955 and were later divorced, Nancy maintained a close friendship with the Farr family.

Nancy outlived Janet, Fred and Donn and saw me, young "Sammy", get elected to Congress in 1993.

In her professional life, Nancy became very active in the local artistic community of Mill Valley, California, and was a member of the Ann O'Hanlon's "Sight and Insight" gallery. She made large sculptural collages using found objects and natural materials, which were abundant in her large garden. She also maintained a large circle of friends in the greater Bay Area, especially in San Francisco. She has outlived all of her own generation of friends, and has a special place in the lives of the children and grandchildren of that artistic and architectural community that sprang up in the Bay Area after World War II.

Mr. Speaker, I know the whole House joins me in wishing Nancy a happy, healthy and joyful year as she celebrates her 100th birthday!

HONORING LANCE CORPORAL  
SCOTT SMOLIK

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today to welcome home an exemplary young Marine from Illinois' 3rd District, Lance Corporal (LCpl) Scott Smolik. Having recently returned safely from his first tour in Afghanistan, it is a privilege to recognize LCpl Smolik's commitment to serving our nation.

LCpl Smolik was originally stationed with the 1st Battalion/7th Marines at Twentynine Palms Base in California. During Operation Enduring Freedom, LCpl Smolik served with the 1/7 in Southern Afghanistan, contributing to counterinsurgency efforts and support for local Afghan National Security Forces operations. While stationed in the volatile Helmand Province in the cities of Sangin and Musa Qala, his duties switched from mortarman to machine gunner atop Armored Mine-Resistant Ambush Protected (MRAP) vehicles, a role requiring particular fortitude and bravery.

LCpl Smolik will be welcomed by his mother, Sharon, and his younger sister and brother, Katie and Jimmy. They will be celebrating his safe arrival this Saturday, December 15, at St. Linus Catholic Church in Oak Lawn, IL.

I am proud to honor, commend, and thank LCpl Smolik for his service, and wish him the best in the future.

RECOGNIZING THE CAREER OF DR.  
CHARLES B. REED AFTER 14  
YEARS OF SERVICE TO THE  
CALIFORNIA STATE UNIVERSITY

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with other members of the California Delegation; Rep. LYNN WOOLSEY, Rep. KEN CALVERT, Rep. SUSAN DAVIS, Rep. HOWARD MCKEON, Rep. ZOE LOFGREN, Rep. JERRY LEWIS, Rep. NANCY PELOSI, Rep. MIKE HONDA, Rep. JERRY MCNERNEY, Rep. ANNA ESHOO, Rep. KAREN BASS, Rep. JUDY CHU, Rep. GRACE NAPOLITANO, Rep. PETE STARK, Rep. JOHN GARAMENDI, Rep. BRAD SHERMAN, Rep. MIKE THOMPSON, Rep. BARBARA LEE, Rep. LINDA SANCHEZ, Rep. LOIS CAPPES, Rep. JIM COSTA, Rep. MAXINE WATERS, Rep. JANICE HAHN, Rep. HENRY WAXMAN, Rep. HOWARD BERMAN, Rep. LUCILLE ROYBAL-ALLARD, Rep. ADAM SCHIFF, Rep. LORETTA SANCHEZ, Rep. XAVIER BECERRA, Rep. DORIS MATSUI, Rep. LAURA RICHARDSON, Rep. JOE BACA, Rep. JACKIE SPEIER, Rep. SAM FARR to thank Chancellor Charles B. Reed for his service to the California State University (CSU) system, California, and the country. Dr. Reed has served as the head of the California State University system for the past 14 years, and will be stepping down in the coming weeks. During his tenure, Dr. Reed demonstrated an unwavering commitment to serving the needs of all students and significantly improving access to underrepresented students.

Including his 13 years as the chancellor of the Florida State University system, Chancellor Reed spent more than a quarter-century as the leader of the country's largest higher educational systems. He earned national and international recognition as an innovator, problem-solver and strategic thinker and as one of the country's premier experts on P-16 collaboration, institutional aid, and outreach to underserved students. More than 1.5 million students have earned degrees that bear his signature.

During his time at CSU, Dr. Reed championed a number of efforts to promote access to postsecondary education for all qualified students, regardless of family background. Chancellor Reed reached beyond the walls of CSU to ensure that disadvantaged and first generation students and their families were prepared for, and had the tools to succeed in, postsecondary education. To do so, he created the "How to Get to College" poster—printed in eight different languages which describes the steps that middle and high school students and their families need to take to prepare and apply for college and financial aid. Additionally, Dr. Reed was the driving force behind efforts to enroll minority students in postsecondary education. Every February, CSU leaders visit more than 100 African-

American churches in California, and the CSU system partners with the Parent Institute for Quality Education to help Latino families prepare for college success. Today, 52 percent of students at CSU are minority. CSU, under the Chancellor's direction, has become a leader in helping veterans, service members, and their families by working with California's military base commanders and taking significant steps to make its campuses veteran friendly.

Chancellor Reed is a champion for a number of higher education issues critical not only to CSU and California, but to the country as a whole. As Chancellor, he fought for increases to the Pell Grant program, and fought to prevent eligibility changes that could have reduced aid to the neediest students. Today, CSU graduates over 35,000 Pell recipients each year. Further, Dr. Reed was a leader in designing and implementing the Voluntary System of Accountability, a program created by public colleges and universities to provide families with accessible, transparent, and comparable information about institutions of higher education. The Chancellor has also been supportive in sparking innovative approaches to teacher preparation, including using evaluation for continuous program improvement. And, Dr. Reed was a driving force behind a new California law that established a transfer Associate of Arts degree, and simplifying the process for community college students to transfer to CSU.

We again thank Dr. Reed for his service. He is an ardent supporter of CSU and a champion for affordable, high quality higher education in California and throughout the country. We hope Dr. Reed will continue to advise and engage policymakers on these issues, especially as Congress prepares for the next reauthorization of the Higher Education Act.

MIKE THOMPSON, JERRY MCNERNEY, KAREN BASS, JUDY CHU, FORTNEY PETE STARK, BRAD SHERMAN, LYNN C. WOOLSEY, ANNA G. ESHOO, ZOE LOFGREN, GRACE F. NAPOLITANO, JOHN GARAMENDI, MICHAEL M. HONDA, BARBARA LEE, LOIS CAPPES, MAXINE WATERS, HENRY A. WAXMAN, LUCILLE ROYBAL-ALLARD, SUSAN A. DAVIS, LINDA T. SANCHEZ, JIM COSTA, JANICE HAHN, HOWARD L. BERMAN, ADAM B. SCHIFF, LORETTA SANCHEZ, HOWARD P. "BUCK" MCKEON, XAVIER BECERRA, JACKIE SPEIER, LAURA RICHARDSON, SAM FARR, DORIS O. MATSUI, KEN CALVERT, JOE BACA, JERRY LEWIS, NANCY PELOSI.

IN RECOGNITION OF THE REV.  
EREND JOHN NEWLAND MAFFITT

**HON. MIKE MCINTYRE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the Reverend John Newland Maffitt, who was appointed Chaplain of the U.S. House of Representatives on December 6, 1841, and sworn in on December 13, 1841.

John Newland Maffitt was born in Dublin, Ireland, on December 28, 1795. His parents belonged to the established church, but Maffitt embraced the Wesleyan doctrines in 1813 and



grew determined to become a minister. Upon meeting opposition at home, Maffitt immigrated to the United States in 1819, and in 1822 entered the New England conference of the Methodist Episcopal Church. He preached in various cities in the eastern United States before establishing "Western Methodist" in Nashville, Tennessee in 1833, in conjunction with Reverend Lewis Garrett. This church was subsequently transformed into the "Christian Advocate," and adopted as the central organ of the Southern Methodist Episcopal Church. Great numbers assembled to listen to his sermons, and many converts joined his congregation. He also served as an agent and professor of elocution and belles-lettres for La Orange College, Alabama from 1836-1837, but resided chiefly in the Atlantic cities.

In 1841, Maffitt was sworn in as Chaplain of the U.S. House of Representatives, where he continued the tradition established by the Continental Congresses of each day's proceedings opening with a prayer.

After his service to the U.S. House, Maffitt went on to edit a literary and religious monthly, called the "Calvary Token," and authored reflections of his life and religious experiences including, Tears of Contrition, Pulpit Sketches, a volume of poems, an oratorical dictionary, and an autobiography.

Reverend John Newland Maffitt died near Mobile, Alabama, on May 28, 1850. It is noteworthy that his son, also named John Newland Maffitt, would become one of North Carolina's great historical figures, first as a Naval Surveyor, charting much of the Atlantic coastline, and then as a blockade runner for the Confederate Navy. I paid tribute to him in the House of Representatives on May 5, 2010.

Mr. Speaker, Reverend John Newland Maffitt was a man of faith and duty who served the U.S. House of Representatives honorably. I ask my colleagues to join me in recognizing his contribution to our tradition of faith and service.

#### HONORING CAPTAIN DAN GRIFFIN

#### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LIPINSKI. Mr. Speaker, I am pleased today to honor Captain Dan Griffin for his dedicated service in the U.S. Army, and to commemorate his safe return home to his friends and family in Oak Lawn, IL.

Captain Griffin recently completed a tour in Afghanistan with the First Brigade of the 82nd Airborne Division. Stationed in the Ghazni province as an Army attorney, Griffin utilized his experiences from working as a State's Attorney at the Cook County Criminal Court-house in Chicago. He provided legal insight on rules of engagement to U.S. Commanders and also advised troops on personal legal issues. In this role, he was pivotal in helping other soldiers to do their jobs effectively.

His homecoming celebration will be held this upcoming Saturday, December 15th, at St. Linus Catholic Church in Oak Lawn, IL, where Captain Griffin has been a parishioner his whole life. He will be welcomed home by his

mother and father, Ginny and Jim, brothers, Ed and Jim, and sister, Coleen.

Please join me in recognizing Captain Griffin's service and dedication to our country. His expertise and skill have contributed significantly to our nation's effort in Afghanistan, and I am happy to welcome him home.

#### INTRODUCTION OF THE FOSTER YOUTH HIGHER EDUCATION OPPORTUNITIES ACT

#### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LEWIS of Georgia. Mr. Speaker, I am proud to join my good friend and colleague, Senator JOHN KERRY (D-MA) in sponsoring the Foster Youth Higher Education Opportunities Act.

This bipartisan proposal is simple and straightforward. The Foster Youth Higher Education Opportunities Act directs the U.S. Department of Education to ensure that foster care youth know about specific programs and benefits for which they are eligible. The bill will also require that the Department highlights specific federal education initiatives for foster youth on their website.

As a Member of the Ways and Means Human Resource Subcommittee, I listened to testimony from countless former foster care youth in our hearings. Witnesses over the years included two of my constituents—Anthony Reeves and Shalita O'Neale; both young people "aged-out" of Georgia's foster care system, and fought hard to beat the odds and become successful adults.

Mr. Speaker, this is a long, hard road. The transition from foster care to adulthood and independence is very difficult, and there are countless obstacles facing them. It breaks your heart to listen to their stories about how hard it is to find housing, health care, education, livable wage jobs, security, and stability.

The Foster Youth Higher Education Opportunities Act is a small bill, but it is an important one. Every Member of Congress knows that education is the key. This basic, common-sense bill helps to tear down just one of those barriers.

I hope all of my colleagues will join me in support of this goodwill effort.

#### HONORING GEORGIA INDUSTRIES FOR THE BLIND

#### HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, today, I rise to recognize an organization working hard throughout my home state, Georgia Industries for the Blind. This organization is a part of the AbilityOne Program, a Federal purchasing program that enables more than 50,000 Americans who are blind or severely disabled to work and provide prod-

ucts and services to Federal and commercial customers.

Today in America, roughly seventy percent of blind and visually impaired working-aged adults are not employed. Federal opportunities through the AbilityOne Program have played an important role in bringing people with disabilities into the workforce. For example, Georgia Industries for the Blind—employing over 100 blind individuals throughout the state—has been the door of opportunity for economic independence and professional growth for its associates.

Recently, I visited the GIB operation at Robins AFB, and I was impressed by the opportunities the organization provides their associates to develop personally and professionally. A great example of one of GIB's associates is Stanley Parham. Stanley is both hearing impaired and legally blind. He is a 1996 graduate of Jordan Technical School in Columbus, GA. He has been employed at the Robins Air Force Base site under Georgia Industries for the Blind for two years where he has been recognized as Employee of the Month from Vocational Rehabilitation of Georgia in October 2010. Prior to joining GIB, Stanley worked for ten years at Sign Graphic Printing in Dalton, where as a screen stretcher, he cleaned frames and remade or hung new mesh on the screens. An accomplished artist, Stanley has been honored at the White House for his previous work. In 1993, as a middle school student, his art teacher nominated him for an art contest with President George H. W. Bush. He won the opportunity and produced a chalk drawing of Mrs. Barbara Bush removing her husband's portrait from the wall of the Oval Office. As one of five employees at Robins Air Force Base that sanitizes or cleans paste-board boxes for reuse in shipping parts/supplies that maintain C-5, C-17, C-130, F-5, F-15 aircraft Stanley exemplifies the skill and professionalism that is common among AbilityOne associates.

This organization focused on his skills and abilities, giving him the chance to serve those who serve our country. It is a place that truly lives up to its mission.

The AbilityOne Program harnesses the purchasing power of the Federal government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. It affords Americans with disabilities the opportunity to acquire job skills and training, receives good wages and benefits, and gain greater independence and quality of life. It is for this reason that I stand in support of the work Georgia Industries for the Blind does each day to open doors of opportunity for Americans who are blind.

#### TRIBUTE TO CHAD BOYER

#### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. SIMPSON. Mr. Speaker, I stand here today to express my gratitude to Chad Boyer who served as my Congressional Fellow this year. I want to thank Chad and commend him,

for a job well done. After a year on my staff, he is now a seasoned veteran on the appropriation's process.

Chad served as my point person on the Energy and Water Appropriations Subcommittee and was responsible for all energy related issues in my office. His engineering background and construction management experience provided me with unique technical knowledge of nuclear power and other energy issues.

In the appropriations process, Chad developed well-researched and insightful positions, which properly prioritized the spending on energy projects based on their potential impact. His astute political insights and his willingness and ability to learn the legislative process served me very well. I benefited greatly from Chad's advice, knowledge and work ethic over the past year.

I also want to thank his wife Melissa, and their daughter Megan for moving to the Washington, D.C. area for the year so that Chad could have this experience. It could not have been an easy move but it was great seeing them make the most of their time here.

It was a pleasure having Chad serve as my fellow, but I now like to think of him as another one of my staff members. I'm sad to see his fellowship end but I know that he will have other great opportunities due to his knowledge and expertise in the energy field.

I wish him and his family the best of luck and give them my sincerest thanks for being a part of the Simpson office "family" the past year.

Finally, I want to thank the Nuclear Society for sponsoring Chad as a Congressional Fellow. At a time when the world is becoming increasingly technical and competitive, Congress benefits from the advice of experienced and educated experts.

#### LEAST COSTLY ALTERNATIVE POLICIES: IMPACT ON PROSTATE CANCER DRUGS COVERED UNDER MEDICARE PART B

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. CALVERT. Mr. Speaker, I rise today to bring to the House's attention a November 2012 report by the Department of Health and Human Services (HHS) Office of Inspector General (OIG), which I requested, titled Least Costly Alternative Policies: Impact on Prostate Cancer Drugs Covered Under Medicare Part B (OE1-12-12-00210). I ask that the Findings, Conclusion and Recommendation of the report be entered into the CONGRESSIONAL RECORD. The full report can be found at: <https://oig.hhs.gov/oei/reports/oei-12-12-00210.asp>.

In 2004, the HHS OIG concluded that Medicare carriers should apply parity reimbursement to a group of drugs covered under Medicare Part B known as LHRH agonists. This recommendation was in part to remove economic incentives for providers from the prescription process. The HHS OIG further concluded that the implementation of parity pricing for LHRH agonists would produce savings of

\$40 million per year. Following this recommendation, the Centers for Medicare and Medicaid Services (CMS) encouraged carriers to apply parity reimbursement policies to LHRH agonists. In response to a court decision concerning another class of Part B drugs, CMS withdrew utilization of parity reimbursement for LHRH agonists in April of 2010.

In response to concerns expressed to me that the withdraw of parity reimbursement may have created an unintentional economic incentive for providers to prescribe the costliest drugs in the LHRH class, I requested HHS OIG look into the matter.

In their November 2012 report, HHS OIG found that parity pricing would have saved the Medicare program \$33.3 million dollars had it been in place between the third quarter of 2010 and the second quarter of 2011. What's more, \$6.7 million of these savings would have been realized by Medicare beneficiaries in the form of reduced coinsurance payments. Additionally, the November 2012 HHS OIG report stated that parity pricing policies may be a useful tool for conserving taxpayer funds in the Medicare program.

Mr. Speaker, given Medicare's current fiscal outlook, it is imperative that policy decisions be made with the program's fiscal health, as well as the patient's health, in mind. I encourage my colleagues to read the HHS OIG report and I look forward to working with my colleagues in Congress to address the OIG's recommendations and ensure the fiscal health of Medicare for generations to come.

#### FINDINGS

MEDICARE AND ITS BENEFICIARIES WOULD HAVE SAVED \$33 MILLION IN 1 YEAR IF LCA POLICIES FOR LHRH AGONISTS HAD NOT BEEN RESCINDED

If LCA policies had been in effect between the third quarter of 2010 and the second quarter of 2011, payment amounts for Lupron, Eligard, and Zoladex would have been based on that of the least costly alternative, Trelstar. As shown in Table 2, the potential savings per dose in each quarter would have ranged from \$1.61 to \$33.49 for Zoladex and from \$17.70 to \$40.85 for Lupron and Eligard.

If the more expensive products had been reimbursed at the lower price in each quarter under review, total expenditures for monthly injections over the year period would have been reduced from \$264.6 million to \$231.3 million, yielding a total savings of \$33.3 million (13 percent). Twenty percent of these savings (\$6.7 million) would have been realized by Medicare beneficiaries in the form of reduced coinsurance amounts.

TABLE 2: PAYMENT AMOUNTS FOR MONTHLY INJECTIONS

| HCPCS Code   | Brand           | Third Quarter 2010 | Fourth Quarter 2010 | First Quarter 2011 | Second Quarter 2011 |
|--|-----------------|--------------------|---------------------|--------------------|---------------------|
| Payment Amounts for the Least Costly Product       |                 |                    |                     |                    |                     |
| J3315  | Trelstar        | \$164.59           | \$181.93            | \$176.27           | \$197.31            |
| Additional Amounts Paid for More Expensive Product |                 |                    |                     |                    |                     |
| J9202  | Zoladex         | +\$33.49           | +\$12.36            | +\$26.08           | +\$1.61             |
| J9217  | Lupron, Eligard | +\$40.85           | +\$26.28            | +\$32.83           | +\$17.70            |

Source: Medicare reimbursement amounts published by CMS for third quarter 2010 through record quarter 2011.

During the year before LCA policies were rescinded, the most costly LHRH monthly injections—Lupron and Eligard—were administered at about twice the rate of the least costly alternative, Trelstar (Figure 1). However, utilization of these pricier drugs was declining during this time, decreasing 11

percent from the second quarter of 2009 through the first quarter of 2010. Meanwhile, utilization of Trelstar was rising, increasing almost 5 percent over the same four quarters.

As shown in Figure 1, utilization patterns for monthly injections shifted dramatically in favor of the costlier products almost immediately after LCA policies were rescinded. Utilization of Lupron and Eligard increased substantially, rising a total of 31 percent from the beginning of the second quarter of 2010 through the end of the second quarter of 2011.

During the same period, the administration of Trelstar plummeted by 74 percent, with the largest utilization drops occurring in the quarter during which the LCA policies were removed and the first full quarter after. By the end of the second quarter of 2011, Lupron and Eligard were administered at almost 10 times the rate of Trelstar.

Although the administration of Zoladex decreased over the entire 27 months under review, utilization remained extremely low relative to utilization of Lupron; Eligard; and, to a lesser extent, Trelstar.

#### HOWEVER, THE OVERALL UTILIZATION OF LHRH AGONISTS HAS BEEN STEADILY DECREASING

Despite variations in the administration of individual LHRH agonists, the number of doses of LHRH agonists administered overall for the treatment of prostate cancer began decreasing at least a year before CMS instructed contractors to rescind LCA policies and continued to fall for more than a year afterward. This downward trend was evident not only for the more commonly administered monthly injections, but also for annual implants.

The number of monthly injections used to treat prostate cancer decreased about 7 percent during the year before elimination of LCA policies and continued to decrease another 5 percent in the 15 months after, resulting in an overall decrease of 12 percent from the second quarter of 2009 through the second quarter of 2011. (See Figure 2.)

The overall decrease in the administration of the annual Vantas implant was even more pronounced. The number of these implants used to treat prostate cancer fell by 23 percent in the year prior to elimination of LCA policies and continued to fall another 23 percent in the 15 months after, resulting in an overall decrease of 41 percent.

Although the use of LHRH agonists has been decreasing, we did not find a compensatory increase in another type of hormone therapy, the simple orchiectomy. The number of these procedures performed to treat prostate cancer declined 15 percent during the year before the elimination of LCA policies and continued to decline an additional 16 percent afterward.

A study published in 2009 in The Journal of Urology identified a similar reduction in the use of hormone therapy to treat prostate cancer. This study, which examined claims and payment data from 2003 to 2007, attributed the overall reduction in hormone therapy to a number of different factors, including a decrease in Medicare payment amounts following the implementation of the ASP-based reimbursement methodology, the increased use of intermittent hormone therapy, and an increased recognition of the adverse effects associated with hormone therapy. The study authors conclude that these factors, taken together, may have resulted in a more discriminating physician practice pattern and shrinking pool of appropriate candidates for LHRH agonists.

## CONCLUSION AND RECOMMENDATION

In 1995, Medicare contractors began using LCA policies to control the cost of LHRH agonists used to treat prostate cancer. However, CMS eliminated these policies in April 2010 as a result of a 2009 court ruling stating that Medicare law did not authorize the use of an LCA policy for an inhalation drug covered under Medicare Part B. Congressman Ken Calvert subsequently raised concerns that elimination of LCA policies for prostate cancer drugs may have provided physicians with an incentive to administer costlier drugs to patients.

Our results indicate that Medicare spending on clinically comparable LHRH agonists is higher in the absence of LCA policies, costing Medicare and its beneficiaries \$33 million in 1 year. Our results also confirm changes in utilization patterns for LHRH agonists, some of which appear to have occurred independently of LCA policies and some of which coincided with their removal. Specifically, the use of hormone therapy has been decreasing overall, which may be attributable in part to Medicare reimbursement but may also be influenced by clinical factors, such as an increased awareness of hormone therapy's health risks. In contrast, the shift in utilization patterns in favor of costlier products coincided directly with the removal of LCA policies.

LCA policies may be a useful tool for conserving taxpayer funds, provided that patients retain access to appropriate care; however, in light of the 2009 court ruling, LCA policies are not likely to be restored without legislative action. Therefore, we recommend that CMS:

## CONSIDER SEEKING LEGISLATIVE AUTHORITY TO IMPLEMENT LCA POLICIES FOR PART B DRUGS UNDER APPROPRIATE CIRCUMSTANCES

By seeking a legislative change to amend the current statutory Medicare provisions applicable to Medicare Part B drugs, CMS could regain the flexibility to implement LCA policies for certain clinically comparable products under circumstances it deems appropriate.

HONORING LIEUTENANT COLONEL  
JIM KOKASKA

## HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Lieutenant Colonel Jim Kokaska, who has safely returned from his most recent tour in Afghanistan. With a distinguished career in the U.S. Army spanning over two decades, his efforts and sacrifices deserve our recognition and gratitude.

Lt. Colonel Kokaska's overseas service began when he was deployed to Germany, and later to Bosnia, where he served as a combat engineer on de-mining operations. More recently, he has completed one tour in Iraq and two tours in Afghanistan with the 416th Engineer Battalion. Although his position as an engineer is incredibly stressful and taxing, he has continued to serve admirably and deserves the respect of all Americans. His impressive service record is not only defined by his skills and expertise abroad, but by the continuous commitment and loyalty that he has demonstrated throughout his long career.

Lieutenant Colonel Kokaska is also a devoted husband to his wife, Jane, and father to their five children: Ashlynn, Matthew, Lauren, Julia, and Ella. He will be joined by his friends and family to celebrate his homecoming on Saturday, December 15th, at St. Linus Catholic Church in his hometown of Oak Lawn, IL.

Mr. Speaker, I ask that my distinguished colleagues join me to pay tribute to Lieutenant Colonel Kokaska for his selfless contributions and long-time service to our nation.

HONORING BENJAMIN S.  
SCHMIDLING

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Benjamin S. Schmidling. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Benjamin has earned the rank of Brave in the Tribe of Mic-O-Say and has led his troop in many capacities, including Assistant Senior Patrol Leader, Patrol Leader, Den Chief and National Youth Leadership Training staff member. "Prairie Spirit," as he is also known by, has earned 33 merit badges, his favorite of which is golf. Benjamin has also contributed to his community through his Eagle Scout project. Benjamin remodeled and restored a playground area at Seven Dolores Catholic Church in Easton, Missouri, planting butterfly bushes and cleaning up the garden area. Benjamin hopes to continue pursuing his passion for hockey into high school, juniors, and college, where he plans on studying medicine with the hope of becoming a doctor.

Mr. Speaker, I proudly ask you to join me in commending Benjamin S. Schmidling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

275TH ANNIVERSARY OF THE NEW  
HERRNHUT MORAVIAN CHURCH  
ST. THOMAS, U.S. VIRGIN ISLANDS

## HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mrs. CHRISTENSEN. Mr. Speaker, I rise to congratulate the New Herrnhut Moravian Church on its 275th Anniversary. New Herrnhut, in my district of St. Thomas, U.S. Virgin Islands, is the oldest Moravian Church in the Western Hemisphere. This weekend,

the church and its extended fellowship will celebrate the almost 3 centuries of service to the people of the Virgin Islands and as a fellow Moravian I will proudly join them as they do so in scheduled activities.

Upholding its mission and vision to spread the Gospel and serve people, missionaries of this church, founded in what is present day Czechoslovakia, came to St. Thomas, which was then a Danish possession, on December 13, 1732, exactly 275 years ago today. Freed slave Anthony Ulrich, Leonard Dober and David Nichman arrived in St. Thomas to bring the Good News of Christ and salvation to the enslaved population.

Historical church documents show that despite the resistance and criticism of plantation owners and the general community, one missionary, Brother Frederick Martin purchased Estate Posaunberg, on the eastern end of St. Thomas and renamed it New Herrnhut in 1737. The acquisition of this property allowed the missionaries to minister directly to the slaves, which began the work of the church in the New World.

The original church was destroyed by hurricane and the one that now stands is more than 200 years old. The plain and simple design is modeled after the original Moravian Church in Herrnhut, Germany.

The New Herrnhut congregation today is ably led by Pastor Reverend Anique Elmes-Matthew, who grew up in the Friedenstahl Moravian congregation on St. Croix. More than 50% of its membership may be able to trace their roots to the original slave members who formed the first church on St. Thomas. The Moravian Church in the U.S. Virgin Islands, present on all three main islands, St. Thomas, St. Croix and St. John has been a pillar of strength to the community at large, serving as a source of spiritual strength and continuity. The New Herrnhut congregation is renowned for its rich musical tradition which they have shared with the faithful around the world.

On behalf of the people of the U.S. Virgin Islands and the 112th Congress of the United States, I would like to congratulate the Pastor, the Board of Elders, the Board of Stewards, the 275th Anniversary Committee, and the wider congregation on this historic and auspicious occasion.

HONORING THOMAS COX, PURPOSE  
PRIZE RECIPIENT

## HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Ms. PINGREE of Maine. Mr. Speaker, I would like to recognize an attorney in my District who has been awarded one of only five Purpose Prizes this year for his role in uncovering irresponsible and fraudulent foreclosure practices. The Purpose Prize recognizes people over 60 who do great things for the public good.

After years of representing banks during foreclosure proceedings—and literally writing the book on how attorneys perform foreclosures in Maine—Thomas Cox became disillusioned with the industry. He left his firm and

didn't know if he would ever practice law again.

Long soul-searching led Thomas to return to law—but this time on the other side of the table. Volunteering for the Maine Attorneys Saving Homes Project, he represented families facing foreclosure. Using his years of experience, he worked with dozens of families to make sure their rights were represented and that everything possible was being done to keep them in their homes.

Representing one homeowner in a battle with GMAC Mortgage—one of the largest mortgage servicers in the country—Thomas helped uncover a practice that came to be known as “robosigning.” To speed along foreclosures, the bank was approving documents without verifying their accuracy. His discovery led to a larger uncovering of systematic foreclosure fraud at the nation's largest mortgage servicers. In the end, 49 states sued these banks, winning a settlement of \$25 billion to help those who are at risk of foreclosures and imposing new loan-servicing standards.

As Thomas continues this important work today, he now recruits, mentors, and inspires young attorneys to focus less on making money and more on making positive change in their communities. “I feel more alive than I think I've ever felt in my life because it's good work,” he said.

I am so grateful that Thomas took his career and life in this direction. It's a decision that has benefited thousands of families across the country and will have a lasting impact in inspiring young lawyers for years to come. My best wishes to him as he receives this well-earned honor.

IN HONOR AND RECOGNITION OF  
MALAK JADALLAH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Malak Jadallah, whose exemplary work as a Member of my Congressional Staff in the role of Immigration Liaison brought clarity, resolution and hope to complex immigration issues for thousands of constituents and their families throughout the 10th Congressional District and beyond.

Since 1996, Ms. Jadallah worked as a tireless advocate on behalf of those seeking immigration assistance, including those walking that complex path to legal residency and citizenship. Ms. Jadallah pierced through red tape and a cultural climate that rained paranoia and discrimination by providing a steady light of resources and guidance for numerous individuals seeking U.S. citizenship.

Throughout her 16-year tenure, Ms. Jadallah created strong bonds with key individuals locally, nationally and internationally. Her dedication to her work, her easygoing nature, and above all her unyielding belief in, and true compassion for the people she advocated for, made her so effective, her expertise was sought by the most powerful immigration attorneys and the most influential national and international leaders. From foreign ambas-

sadors to directors of humanitarian agencies, Ms. Jadallah's vital connections strengthened my work and supported successful resolutions for thousands of immigration cases.

Ms. Jaddallah's efforts also supported my legislative work. Her work spanned volumes of cases that ranged in complexity and scope, from helping constituents obtain travel or work visas to critical cases in which her collaboration with global rights leaders and organizations enabled innocent victims of war safe passage to America for emergency medical treatment, to cases in which she worked to prevent the deportation and separation of a Cleveland mother from her children. With every case, Ms. Jadallah's determination and expertise changed many lives forever.

Mr. Speaker and colleagues, please join me in honor and recognition of Congressional Staff Member Malak Jadallah, who leaves a legacy of fierce determination, unwavering advocacy, compassion and justice. Her work will continue to have a profound effect on the lives of the men, women and children here in Cleveland, across the country and around the world as she continues to advance in her field. I remain forever grateful for her friendship and for her unyielding commitment and work that led numerous individuals and their families along pathways to a better life.

NORTH KOREA MISSILE LAUNCH  
CLEAR THREAT TO NATIONAL  
SECURITY

**HON. TOM REED**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. REED. Mr. Speaker, I rise today to express my grave concern over the three-stage missile launch yesterday by North Korea. While described by Pyongyang as a simple weather satellite, the launch clearly violates United Nations Security Council Resolutions that ban the use of nuclear and missile-related technologies. The launch comes just days before the South Korean presidential election is held, timing I am sure is not a coincidence.

Pyongyang's dismissal of international pressures, as well as its continued work on missile-related technologies, pose a direct security threat to the United States and our allies, particularly South Korea. Yesterday's launch puts North Korea one step closer to obtaining a weaponized missile. As there are over 28,000 American troops currently serving on the Korean Peninsula, yesterday's actions are unacceptable and now more than ever, the United States needs to stand strong in solidarity with our South Korean counterparts.

The United States, South Korea, and other countries have been trying to engage the North Korean regime diplomatically for many years to end its program to develop nuclear weapons and delivery devices that could threaten Northeast Asia and the Western Pacific.

Despite offers of many positive incentives in the form of humanitarian aid to North Korea, Pyongyang has persisted in its belligerence. North Korea has stubbornly refused to adhere to peaceful international protocols that would

boost stability and economic prosperity. This will be the second time this year it has violated its agreements.

Political stability and security of the Korean Peninsula are vital to U.S. interests and to our allies. Beyond South Korea, nations including Japan and the Philippines could be threatened by the existence of North Korean nuclear missiles. Further North Korean provocations could easily and seriously disrupt the Trans-Pacific trade relations that have developed over the past six decades.

It is the obligation of Congress to speak out when U.S. security and our economic interests are under threat. This is a clear sign that the Administration's previous policies of diplomacy, as well as the retaliatory steps taken after the failed April 13, 2012 launch, are not deterring Kim Jong-un. A stronger response is necessary.

I was pleased to see the United Nations Security Council swiftly condemn the attacks yesterday and I urge my colleagues to join me in condemning the Pyongyang regime's belligerent behavior as a threat to regional and global security. I call upon the Administration and the National Security Council to work with our counterparts in the United Nations to take appropriate steps to ensure that these actions are followed with clear consequences.

HONORING DAVID J. SCHMIDLING

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize David J. Schmidling. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many Scout activities. Over the many years David has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, David has earned the rank of Brave in the Tribe of Mic-O-Say and has led his troop in many capacities, including Webmaster, Librarian, Chaplain's Aide and National Youth Leadership Training staff member. “Swift Spirit,” as he is also known by, has earned 33 merit badges, his favorite of which is aviation. David has also contributed to his community through his Eagle Scout project. David remodeled and restored a playground area at Seven Dolors Catholic Church in Easton, Missouri, constructing a playground set and cleaning up the playground area. David hopes to continue pursuing his passion for hockey into high school, juniors, and college with the hope of becoming a corporate pilot.

Mr. Speaker, I proudly ask you to join me in commending David J. Schmidling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE SERVICE OF  
MARTHA INGLE

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Ms. Martha Ingle upon her retirement after 36 years of faithful and dedicated service to the citizens of Walton County, Florida.

Ms. Ingle began her career in public service with the Walton County Clerk of Court, where she served for a combined 21 years as Deputy Clerk and later Chief Deputy Clerk. After leaving the Clerk's office, Martha continued her career as a dedicated public servant, working for four years as Budget Officer for the Walton County Board of Commissioners. Ultimately, Ms. Ingle was elected to serve as Walton County Clerk of Court. As Clerk of Court, she served in myriad roles, including Chief Financial Officer for the Court, Ex-Officio Clerk of the Board of County Commissioners, Accountant and Auditor, Recorder, and Custodian of county funds.

A shining example of commitment to public service, Ms. Ingle received numerous accolades during her tenure, including ten consecutive annual Certificates of Achievement for Excellence in Financial Reporting; and during fiscal year 2011, under her leadership, Ms. Ingle's office was the only Clerk's office in the state to meet every performance measure set by the Clerk of Court Operations Corporation.

Mr. Speaker, on behalf of the United States Congress, it is my privilege to recognize Ms. Martha Ingle for her dedication and thank her for her service to Northwest Florida. My wife Vicki and I wish Ms. Ingle, her daughters Donna and Melissa, and grandchildren Luke, Laura, Graham and Emma, all the best.

INTRODUCTION OF A BILL TO DIRECT THE SECRETARY TO ESTABLISH A ROAD USER FEE PILOT PROJECT

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. BLUMENAUER. Mr. Speaker, as vehicles become more fuel efficient, they increase the demand on our transportation system without contributing as much to its maintenance. The Congressional Budget Office analysis shows that the newest fuel economy standards for automobiles will result in a 21 percent reduction in Highway Trust Fund revenue by 2040, based on current driving patterns. Already, during the past four years, Congress has transferred over \$48 billion from the General Fund into the Highway Trust Fund. Estimates suggest that when current transportation authorization expires, the Highway Trust Fund will require almost \$15 billion a year in addition to current gas tax receipts, simply to maintain 2009 funding levels. Until we tie our transportation revenues to our transportation demands, this situation will worsen.

Failure to adequately fund transportation infrastructure imposes huge costs on American citizens and businesses:

Congestion costs urban Americans 4.2 billion hours and 2.8 billion unnecessary gallons of fuel each year; expressed in dollar terms this is \$87.2 billion, or \$750 per traveler. By 2015, this cost is expected to increase to more than \$900 per traveler.

Roughly 40,000 people every year are killed on our streets and highways, with 2.5 million more injured, at a staggering annual economic cost to society.

Higher transportation costs and higher inventory carrying costs—partially attributable to an unreliable transportation system—have pushed logistics costs to nearly 10% of GDP.

Analysis by the American Society of Civil Engineers suggests that the cost of our failing transportation system could result in the loss of 876,000 jobs by 2020.

We must find innovative solutions to these challenging revenue problems.

A number of states, including Nevada, Minnesota, Iowa, Texas, and New York have tested small pilot projects where they charged drivers for the number of miles they traveled rather than the fuel they consumed. The tests have proved convenient for drivers, protected personal privacy, and been easily administrable. The Oregon Department of Transportation is now embarking on a second phase of their pilot project, which will expand the pool of users and test alternative different collection methods to address questions raised by their first pilot.

Two blue ribbon commissions established in the prior transportation authorization SAFETEA-LU, as well as numerous other policy experts, have suggested that transitioning to a vehicle miles travelled system, rather than a gas tax, will provide the most stability to the Highway Trust Fund, and will most accurately reflect the user fee concept it is based upon. The National Surface Transportation Policy and Revenue Study Commission noted that a vehicle miles traveled charge is the "the most promising alternative revenue measure" to our existing gas tax, while the National Surface Transportation Infrastructure Financing Commission reported that "a charge for each mile driven . . . has emerged as the consensus choice for the future." Both commissions found that this system was efficient at raising revenue, closely linked system demand to revenues, and could win broad public support.

The legislation I am introducing today calls on the Department of the Treasury to study the viability of this revenue source in every State. While evaluating mileage based revenue sources, Treasury will ensure the system protects privacy and is simple to administer. It will also convene working groups to address the most complex aspects of this transition, including road use, demand management, climate change, and technological needs. The bill also creates a grant program to ensure the necessary technology is available. I look forward to working with stakeholders to advance and refine this proposal.

The condition of our national highway and transit systems and the maintenance of our infrastructure, and the investments that we make in these systems, touches the life of every American. Improving those systems

strengthens our economy, expands personal freedom and mobility, and can help protect our environment. I look forward to stakeholder feedback on this proposal, and am eager to work with my colleagues to support a vehicle miles travelled user fee, and explore other alternatives to ensure that the Highway Trust Fund is adequately funded.

COMMEMORATING THE CHARTER  
TOWNSHIP OF ROYAL OAK

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LEVIN. Mr. Speaker, I rise to commemorate the Charter Township of Royal Oak, and express my gratitude to the residents who have provided me with the honor of representing them in Congress for 30 years. The Township represents an important place in the history of the racial and economic struggles our nation and state have confronted. It is not a history that should be forgotten.

I want to submit segments of this history from the Township's website.

"The Eight Mile segment of the Township is imprinted with the social history of the country. It reflects the social status and the physical segregation of African-Americans throughout the country's history.

"African-American families had settled in Detroit prior to 1763, when the British took possession of the city and found them in residence. Aided by the Underground Railroad, which used Detroit because of its proximity to Canada as a dispersal point, growth of the African-American population was fairly rapid. By 1860, the African-American population in Detroit had grown to 1,403 people, with a few of such families settling on scattered farm locations throughout the region. These farmland holdings later were sold to White families, with the exception of an area spanning Eight Mile, centered around Wyoming Road.

"Families in advance of Detroit's outward growth settled the Eight Mile area. Its initial development represented a hopeful "leapfrog" movement of African-American families from the inner city to outlying areas beyond the normal growth area of Detroit. Because of the effectiveness of restrictive covenants and other discriminatory practices, African-Americans seeking less dense areas were constrained from relocating to the immediate surrounding areas of city, as then defined. The Wyoming/Eight Mile Road area was a feasible and desirable option for African-American families seeking an escape from crowded areas of the City.

"The African-American population within the City increased dramatically in three different waves before World War I, with industrial expansion following both World Wars. Coming from the rural south, many African-American families seeking escape were attracted to the Eight Mile area because of their desire to replicate an open rural environment, which they had left. Many of the homes were built with sweat equity on a payday-to-payday basis, resulting in what might have been described as a "shack town." Many homes were constructed of makeshift materials. Around 1925, the portion of this area lying south of Eight Mile Road was annexed by the City of Detroit and became subject to the housing and building

controls enforced by the City. The area north of 8 mile within the Township, subsequently felt the housing pressures exerted on African-American families seeking other residential options than those offered by the City of Detroit.

"With the need for emergency housing during World War II, the federal government for temporary wartime housing acquired much of the available land in this part of Royal Oak Township.

"The dramatic increase in population created burdens for the Township including burdens on the existing housing stock. Because of the war effort, many of the homes were overused with families doubling up. Garages, sheds and attics were also pressed into use as housing. In 1944, the population of this segment of the Township was only 2,989 persons. Temporary housing added 1,464 families by 1945 or an increase of 5,500 persons. In 1950, the population rose to 10,508 and a special census in 1956 indicated a population of 11,000, which appeared to be the saturation point for the one-half square mile area. By 1959, 1,708 or 75 percent of the approximately 2,300 units in the Township were adjudged dilapidated.

"Beginning in the 1940's while the Township was feeling the deterioration pressures, the surrounding areas were being built up by an affluent white population whose exodus from the City of Detroit had grown to the Township's border. The African-American segment of Royal Oak Township thereby effectively became an isolated and deteriorated community in the midst of an affluent white area.

"Taking advantage of the Housing Act of 1954, the Township in 1959, finally approved an urban renewal project covering most of the Eight Mile Segment. The project area, encompassed all of the area east and west of Wyoming, north of the north end, plus a couple of adjacent blocks. Activities were carried out over a 16-year period in accordance with the officially adopted urban renewal plan. The project (which had been officially amended for the seventh time by 1972) was terminated under "close-out procedures", as a federally supported urban renewal project as of 1975. Project activities remaining to be completed now fall to the Township's community development department.

After the annexation of the north end of the Township to the City of Oak Park, the current population is approximately 2,840 people."

This is not an easy history, but it is one that we must remember. The financial collapse and the economic recession have also been difficult for the Township and its residents. But I have always been struck by the fabric of community that exists in Royal Oak Township, the generations of families whom have called it home and the determination to maintain the identity of the Township and build a stronger future.

I have enjoyed participating in many activities and events in the community like the annual Dr. Martin Luther King Day commemoration and the ever popular Pearls of Wisdom luncheon, which honors citizens of 90+ whose lives represent the splendor of the American story.

Newly elected Township Supervisor, Donna Squalls, along with all of the dedicated Township Trustees and other local elected officials are poised to move the Charter Township of Royal Oak forward, and I look forward to following their success in the years to come.

As I close, I can say with confidence that Royal Oak Township and its residents are in good hands with Congressman GARY PETERS. My office will, of course, stay in close touch on issues that impact Oakland County and south-east Michigan as we all work together to revitalize our Michigan economy.

#### TRIBUTE TO PATRICIA HICKS, SATSUMA EDUCATOR AND HALL OF FAME COACH

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. BONNER. Mr. Speaker, I rise to join with the citizens of Satsuma, Alabama in mourning the loss of one of their most distinguished and beloved citizens, Patricia Hicks, who passed away December 8, 2012, at the age of 71.

A native of Satsuma, Pat Hicks was a graduate of Satsuma High School and William Carey University in Hattiesburg, Mississippi.

She embarked on a life-long career of coaching in 1975 when she helped petition the Mobile County Board of School Commissioners for support of girls' sports activities in the city.

As coach of the Satsuma High School "Lady Gators" softball team, she led her players to state championships in 1986, 1987 and 1990. She also coached the Lady Gators to the 1994 title game. The 1986 championship team garnered the first state title won by any Satsuma High School team, boys or girls, earning a 43-1 record.

She was also an accomplished volleyball coach, totaling an impressive 476-175 record. She was named Mobile County softball coach of the year nine times and twice as Mobile County's volleyball coach of the year. She was also a member of the Mobile Bay Sports Authority.

In 2001, Pat's lifetime of contributions to sports were recognized on the state level when she was inducted into the Alabama High School Sports Hall of Fame. On December 2, 2012, Satsuma High School named the "Pat Hicks Softball Field" in her honor.

In addition to her distinguished teaching and coaching career, Pat was active in giving back to her community as a long-time member of the Satsuma City Council, serving for twelve years. She also was a member of the Satsuma City School Board since June 2011.

Pat has been described by many of her friends and former players as both a legend and an inspiration. She was a role model and advocate for our youth and her presence in Satsuma will be sorely missed.

On behalf of the people of South Alabama, I offer my personal condolences to her husband of 49 years, Neal; her son, Chris; mother Mary Piece; and many family and friends. You are all in our thoughts and prayers.

#### RECOGNIZING THE NORTHVIEW HIGH SCHOOL FOOTBALL TEAM AS CLASS 1A FLORIDA STATE CHAMPIONS

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Northview High School Football Team as Class 1A Florida State Champions.

No single component by itself renders a champion, but rather it requires a combination of discipline, desire, focus, and determination. The Northview High School Football Team found the perfect blend of each element, and these student athletes proved that this year was theirs by capturing the championship title after their 42-21 win over the Trenton Tigers at the Florida Citrus Bowl.

While the Northview Chiefs Football Team may have entered the championship as the underdog, under the leadership of Coach Sid Wheatly and with the help of over 1,500 fans who made the 450 mile journey to Orlando to cheer them on, the Chiefs came out on top and dominated the state's previously number one ranked team. After a scoreless first quarter, the Chiefs went on to have a 21-point run in the second quarter that helped propel them to victory. The win was a team effort with excellent defense that forced turnovers in the air and on the ground and with an offense that produced over 226 total yards. The Chiefs made school history on November 30, 2012, earning their first state championship.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the players, coaches, students, faculty and staff at Northview High School and their continuing commitment to excellence. My wife Vicki joins me in congratulating the Chiefs on this impressive victory, and we wish them all the best for continued success.

#### EPA'S FOOD RECOVERY CHALLENGE

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. POE of Texas. Mr. Speaker, in the United States, more than 34 million tons of food waste is generated each year. Individuals, households, businesses, restaurants, hospitals, and schools are some of the many institutions that are contributing to this national dilemma. As a result, our landfills overflowing with food waste.

We are challenged daily by the economic impacts that food waste has on our society. Clearly, we need to take action.

The Environmental Protection Agency is confronting this issue with their Food Recovery Challenge. Specifically, the EPA is asking for participants to reduce their food waste through donation and recycling.

Among food that is thrown away, a majority of it is wholesome and unspoiled. This could



be donated to help feed American people at soup kitchens or shelters. In other words, we should use food to feed people, not fill our landfills. Other food that is unfit for human consumption can be disposed of in an environmentally safe way, for example, composted.

Two major universities in Houston are currently participating in the Environmental Protection Agency's Food Recovery Challenge. The University of Houston and Rice University have committed their efforts to reducing food waste on their campus.

These Houston universities are setting a great example of how our country should be addressing issues at home. They are taking preventative action through the Food Recovery Challenge to fight our economic and environmental issues of tomorrow.

This is one EPA idea that I support.  
And that's just the way it is.

HONORING ELIZABETH E. (LIZ)  
BASS

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Tuolumne County Supervisor Elizabeth E. (Liz) Bass on her retirement from the Tuolumne County Board of Supervisors and to thank her for her dedicated public service.

Liz Bass has been a resident of Tuolumne County for 40 years, and her entire time in Tuolumne County has been spent serving in either public education or local government.

Liz began her local public service career in 1972, when she joined the faculty at Sonora High's "Opportunity School," a continuation program, as a teacher. She continued her service in public education until her retirement as Principal of Cassina High School in 1996. Even before her retirement as a teacher and school administrator, Liz made time to run a successful election to the Sonora City Council in 1994, where she served for 10 years.

Also, unique to any other locally elected official, Liz hosted a radio show on KVML called "Talk Back" between 1997 and 2000. On the show, Liz would hold on-the-air conversations with everyday residents, as well as local political figures.

One of Liz's most cherished accomplishments is to have served as the first female Mayor of Sonora between 2000 and 2002. Liz stepped down from the City Council, when she was elected to the Tuolumne County Board of Supervisors in 2004. In 2002, she was recognized for her service on the City Council with the Tuolumne County Chamber of Commerce's "Excellence in Government Award."

Liz is leaving the Board of Supervisors after eight years of service as the District 1 Supervisor. During her time on the Board, Supervisor Bass worked hard to bring civility to boardroom dialogue; champion issues related to youth, seniors and affordable housing; privatize Tuolumne General Hospital; support recreation, library and behavioral health services; push for reforms in the County's solid

waste program; initiate and complete an overhaul of the Board's committee and commission system; and provide the political leadership needed to establish the first ever Tuolumne County Flag.

Mr. Speaker, please join me in honoring Tuolumne County Supervisor Liz Bass on her retirement and commending her exemplary service to the community as an educator, member of the Sonora City Council, and representative on the Board of Supervisors

IN HONOR AND RECOGNITION OF  
MORRIS PETTUS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of my friend, Morris Pettus, for his unyielding service, accomplishment and leadership as a key member of my Congressional staff.

For nearly 10 years, Mr. Pettus worked with expertise, compassion and perseverance in addressing numerous issues of constituent concern. From veterans and military issues, to critical cases involving individuals in immediate crisis—he approached everyone who sought assistance with unwavering respect and dignity, working diligently to find a solution.

Mr. Pettus' concentration in the area of Veterans Services was invaluable to the citizens of northeast Ohio. As a liaison connecting veterans with local and Federal agencies, his work enabled thousands of veterans and active military members to find resolutions across a wide array of casework. Most significantly, Mr. Pettus' expertise and determination enabled countless veterans and their families to obtain crucial medical and disability benefits they rightfully earned and deserved.

Mr. Pettus quickly emerged as a trusted leader in my Congressional office. His positive energy, strong work ethic, insightful nature and wonderful sense of humor easily drew staff members to him, and he cultivated not only dynamic working partnerships, but lifelong friendships with his Congressional Staff colleagues.

His ability to connect with others extended outside the District Office, where he effectively represented me at numerous events, forming vital bonds with community leaders throughout northeast Ohio. Everyone from colleagues to Members and leaders within our Cleveland community consistently sought his collaboration, ideas and advice. His influence upon all of our lives is immeasurable.

Mr. Speaker and colleagues, please join me in honor and recognition of Morris Pettus, whose service as a member of my Congressional staff reinforced and advanced my work as a United States Congressman. His ability to tackle difficult cases on behalf of countless citizens, especially our veterans, served to empower, uplift and renew their lives. His service, framed by integrity and heart, will forever impact our entire community.

TOWN OF SHARON ADOPTS RESOLUTION TO PROTECT DEMOCRACY

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. FRANK of Massachusetts. Mr. Speaker, the Town of Sharon, MA adopted a resolution calling on us to adopt a Constitutional amendment that would protect in the Constitution two important principles that have recently been undermined by narrow majorities in the Supreme Court. The Town of Sharon asks us to make it clear in the Constitution that only human beings and not corporations are to be given the rights of citizenship, and that unlimited election spending is not free speech, but rather a threat to democracy.

Mr. Speaker, it is particularly appropriate that the Town Meeting in Sharon, a very democratic forum of government, adopted these two principles in this resolution and asked us to put them into the Constitution because they are both important for the protection of our democracy. I submit the resolution from the Town Meeting of Sharon.

TOWN CLERK

*Sharon, MA, December 3, 2012.*

Article 10.

Voted: That the Town adopt the following resolution: To call upon the United States Congress to pass and send to the States for ratification an amendment to the Constitution of the United States that would firmly establish two principles:

1) Only human beings, not artificial entities such as corporations, are entitled to the rights and privileges guaranteed by the Constitution of the United States.

2) Election spending is not free speech guaranteed by the First Amendment, and is therefore subject to regulation by federal and state governments.

A True Copy.

Attest:

MARLENE B. CHUSED,  
*Sharon Town Clerk.*

IN HONOR OF DR. YVONNE  
KENNEDY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding educator and public servant, Dr. Yvonne Kennedy. Sadly, Dr. Kennedy passed away on Saturday, December 8, 2012. A number of tribute events will be held in Mobile, Alabama starting December 14, 2012 and culminating with a State Funeral on Saturday, December 15 at 11:00 a.m. at the Mobile Convention Center.

Dr. Yvonne Kennedy was born on January 8, 1945. A Mobile, Alabama native, she and I were schoolmates in high school. She received an Associate's degree from S.D. Bishop State Junior College, a Bachelor's degree from Alabama State University and a Master's from Morgan State University. She



also earned her Ph.D. from the University of Alabama and was awarded an Honorary Doctor of Letters from Lane College in Jackson, Tennessee.

Dr. Kennedy was elected to the Alabama House of Representatives in April 1979, representing the 97th District in Mobile County. Dr. Kennedy was at the forefront of the fight against Alabama's voter ID law. She was also a strong advocate of extending voting rights to ex-felons in Alabama. She served as Ranking Minority Member of the Economic Development and Tourism and the Children and Senior Advocacy House Committees. She also served on the Transportation, Utilities and Infrastructure Committee.

Dr. Kennedy served as president of Bishop State Community College from 1981 to 2007. She was appointed as the second president after the passing of the first president, my father, Dr. Sanford D. Bishop, Sr., for whom the college was named. During her tenure, the college was expanded from one campus to three and dramatically broadened the curriculum.

After being initiated into Delta Sigma Theta Sorority, Inc. in 1964 at Alabama State University, Dr. Kennedy served in several leadership positions from the local to the national level. She served as the sorority's 19th National President from 1988–1992. During her tenure as president of Delta, she launched SCHOOL AMERICA, a program to promote literacy issues. Under her leadership, Delta Sigma Theta completed the renovations of its national headquarters and made significant achievements in advancing its global impact.

Dr. Kennedy loved her community dearly, and in addition to representing it in the state legislature, she was actively involved within it. She served as Chairman of the Mobile County United Negro College Fund Campaign, Youth Director for the Board of Christian Education—Southeast Alabama Conference, and former Chairperson of the Alabama Legislative Black Caucus. She was also a member of the Board of the American Association for Higher Education and America's Junior Miss Scholarship Foundation, Inc., as well as a Trustee of Miles College in Fairfield, Alabama. She was a lifelong member of Stewart Memorial Christian Methodist Episcopal Church.

On a more personal note, I first met Yvonne as a 12-year-old having to speak behind her on a Youth Day program at the Stone Street Baptist Church in Mobile. She wowed the congregation and made me determined never to follow her on a program again! While she matriculated at Bishop State Junior College, she was a student assistant in the President's Office. The President, my father, spoke often and proudly of her intellect, eloquence and leadership potential. While he died before she was named to succeed him, he was proud that she and another former student were among the final candidates. Moreover, upon my father's death, she faithfully supported and assisted my mother, Mrs. Minnie S. Bishop, a "Delta Dear," during the sunset years of her life.

Dr. Benjamin E. Mays often said: "You make your living by what you get, you make your life by what you give." Dr. Yvonne Kennedy certainly made a life worthy of emulation. We are all blessed that she gave so much to

the Mobile community, the state of Alabama, and our great nation. The world is better because she passed this way. She will be missed.

Mr. Speaker, my wife Vivian and I would like to extend our deepest sympathies to Dr. Kennedy's family and friends during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

#### WALL OF HOPE

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. POE of Texas. Mr. Speaker, although the newborn babies at Texas Children's Hospital are being cared for by high quality, experienced doctors, this does not ease the emotions that the parents are experiencing.

Their delicate newborn child is being examined, poked at, and operated on. As they sit there helplessly, the parents are given updates on their baby's complications and, consequently, their low odds of survival.

When the only news these parents hear is bad, it is difficult to remain hopeful. The environment created in the Neonatal Intensive Care Unit, NICU, is disheartening. Nevertheless, Texas Children's Hospital has found a way to inspire a light of hope for these parents and families.

The center's Family Advisory Committee has created a "Wall of Hope" to encourage families that have a baby staying in the NICU.

This wall presents pictures of the hospital's "miracle babies" and includes a writing of their unique stories. For future parents at the NICU, instead of pacing up and down the hallway worrying, they can now read success stories and hope that their child will be one of them, too.

Hope can provide a sense of strength. And for these parents, hope is the only thing that makes the situation bearable. To know that others have been in similar situations and now have beautiful, healthy children that survived against all odds.

And that's just the way it is.

#### DEPARTING MEMBERS OF THE CALIFORNIA DEMOCRATIC DELEGATION

#### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. WAXMAN. Mr. Speaker, I rise to pay tribute to a distinguished group of Democratic California Members whose terms will expire at the close of the 112th Congress: HOWARD BERMAN, JOE BACA, Bob Filner, LAURA RICHARDSON, PETE STARK, and LYNN WOOLSEY.

HOWARD BERMAN and I met in 1960 and were active members of the Young Bruin Democrats at UCLA. He has been one of my closest friends and confidants and it has been an honor to serve in the House of Representa-

tives with him for the last thirty years. HOWARD is one of the smartest, hardest working, and most effective members of Congress. As the chairman and ranking member of the House Foreign Affairs Committee, he has used his unique skills to enhance America's security, strengthen our alliances, and advance the cause of peace between Israel and its neighbors. As the second most senior member of the Judiciary Committee, HOWARD is an expert on the complicated intricacies of copyright law and he has championed strong copyright protections to ensure the vitality of our nation's film, television, and music industry.

JOE BACA is the realization of the American Dream. The youngest of fifteen children, JOE worked as a laborer, served in the Army, and later earned a college degree. He was the first Latino elected to the Board of Trustees for the San Bernardino Valley College District and was later elected to the California State Assembly and the California State Senate. He came to Congress in 1999 and has served on the Agriculture Committee and the Financial Services Committee.

Bob Filner, who was just elected as Mayor of San Diego, also has a long history of public service. He was first elected to the San Diego Unified District Board of Education and served on the San Diego City Council and Deputy Mayor of San Diego. He was elected to Congress in 1992 and served on the Committee on Veterans Affairs, which he also chaired from 2007–2011, and was most recently the Committee's ranking member.

LAURA RICHARDSON has also devoted her career to public service. She started on the Long Beach City Council and was elected to the California State Assembly in 2006. She won a special election to Congress in 2007 and has worked hard during the last three years on the Committee on Transportation and Infrastructure and the Committee on Homeland Security.

PETE STARK's experience and knowledgeable voice on health care is leaving a void on the Ways and Means Committee that will be hard to fill. A champion of quality health care for four decades, PETE has been a strong partner in protecting the Medicare program and getting the Affordable Care Act enacted into law. PETE has never wavered in his commitment to the interests of seniors, the unemployed, children, and the disabled and our nation is stronger because of his service.

LYNN WOOLSEY has devoted her congressional career to the improving the lives of families and children in our nation and ending our wars abroad. As a member of the Education and Workforce Committee, LYNN has been a strong advocate for paid family leave, adequate child care, pre-school education, and a universal school breakfast program.

California and the nation owe a debt of gratitude to Reps. BERMAN, BACA, Filner, RICHARDSON, STARK, and WOOLSEY for devoting their careers to public service and working to improve the lives of others.

HONORING RUSSELL LIBBY, MAINE  
ORGANIC FARMING LEADER

**HON. CHELLIE PINGREE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Ms. PINGREE of Maine. Mr. Speaker, I would like to recognize the recent passing of an influential leader in the sustainable agriculture movement, whom I have had the privilege to call a friend and colleague.

For over 30 years, Russell Libby worked to create and support a food system in Maine that is healthier for our bodies, Earth, and communities. He spent 17 years of that serving a critical post as Executive Director of the Maine Organic Farmers and Gardeners Association (MOFGA), the largest organization of its kind in the country.

During his tenure, the organization was instrumental in recruiting and mentoring the next generation of farmers, providing support for organic, sustainable agriculture practices, and connecting more consumers to local food and the people who produce it. A testament to MOFGA's success is its annual Common Ground Country Fair. The event now draws crowds of 60,000 people who want to learn about sustainable living, connect with local farmers and craftsmen, and enjoy Maine-grown food.

As someone who started a small farm 40 years ago, it's been a pleasure to watch Maine's revitalized agricultural economy over the last decade. Today, our farmers markets are thriving, our restaurants receive national acclaim for their focus on local ingredients, and two trends have arisen in contrast to the national picture. Our acres of land in agricultural production are rising and the average ages of our farmers are declining. Much of this is due to Russell's leadership.

But Russell's impact has not been contained to Maine. He was an effective and tireless advocate for national policy change. I was honored to invite him to Washington last May to testify before the House Agriculture Committee on the importance of passing a Farm Bill that better supports small, diversified farms.

As an economist, farmer, and poet, Russell knew what he was talking about. He could point to the numbers to show positive effects smaller-scale food systems have for our economy. He could speak from experience of the difficulties of operating a small farm. And he could clearly illustrate the good things that happen when we have a closer connection to the land and each other.

Earlier this month, we lost Russell to cancer at age 56. It's a tragic loss for our state and country, considering all we still have to do. Personally, I will deeply miss his friendship, wisdom, and advice. It's my hope that this body will do well by him and take his vision to heart. "I'm really not interested in standing over here in the local and organic corner for the rest of my life and waving, 'Hi, we're having fun over here,'" Russell said. "I'm really interested in this kind of food being available to everybody under the basic principle: enough for everyone, always."

IN HONOR AND RECOGNITION OF  
MICHAEL PATTERSON

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Michael Patterson, whose role as scheduler for events in the district is only a small part his full value to constituents of the 10th District of Ohio, and to the workings of my Congressional office.

Michael held several other jobs, including his own personal favorite, Tax Services Clerk for the Los Angeles County Tax Collector. During the time that I have had the pleasure to work with him, he has been meticulous, painstakingly thorough, and earnest. In 2009, he joined my Congressional staff as a case worker.

In January, 2010 Michael put his flexibility and versatility on display by becoming the Cleveland scheduler. He enjoyed researching the newspapers for local events and arranging for congressional records and certificates of special congressional recognition to be written/prepared and presented to people being honored by community groups and organizations. He also attended many of these community events himself and represented our office.

Special mention should also go to Michael's son Brendan Patterson who resides in Long Beach, California and will probably choose social work as a career. If Brendan hadn't have been such a trustworthy and responsible young man, his dad wouldn't have been able to move from California to Cleveland and do the good work for us that he did. Finally, Michael Patterson is one of a kind, for his dedication, his diligence, his tireless advocacy and his love of country.

HONORING LIEUTENANT COLONEL  
KARL INGEMAN AND STAFF SER-  
GEANT JEFFERY SALAZAR

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to honor Lieutenant Colonel Karl Ingeman and Staff Sergeant Jeffery Salazar, who have distinguished themselves in their service to our country and who have been honored along with 18 other airmen in the 2012 volume of Portraits in Courage. These two Airmen, natives of Modesto, California, are exemplars of the courage, daring and professionalism of an Air Force that has been at war for over a decade.

Colonel Karl Ingeman was selected to be included in the volume after his heroic action over Libya during Operation Odyssey Dawn on the night of March 21, 2011. At this time Colonel Ingeman was leading a two-ship formation of F-16's on a mission to protect the civilian population of Benghazi from the depredations of Kaddafi's forces. The mission rapidly changed however when Colonel Ingeman heard the mayday call of an F-15E pilot and

his weapons systems officer who had been forced to eject when their plane suffered a malfunction.

Colonel Ingeman swiftly flew across hostile territory to the site of the crash where he coordinated the retrieval of the downed pilots. As enemy forces raced to capture the downed airmen, Colonel Ingeman twice flew low into the range of Kaddafi's surface-to-air missiles, this show of force caused the enemy to retreat and allowed Colonel Ingeman to identify the location of the crash site for the rescue team.

Also honored in the same volume was Staff Sergeant Jeffery Salazar, a joint terminal attack controller who had the critical and dangerous job of coordinating close air support for an Army Special Forces team in the Konar Province of Afghanistan from January to July 2011.

On one particular operation Sergeant Salazar's team was split into two elements to conduct a patrol. The patrol was quickly engaged by Taliban fighters who attacked the element which had split from Sergeant Salazar. When Sergeant Salazar and his element moved to support their comrades they in turn began to receive small arms fire from four Taliban fighters. Sergeant Salazar swiftly eliminated two of the Taliban fighters and engaged a third who managed to injure Sergeant Salazar with a hand grenade before he was killed.

Despite the fragmentation wounds he sustained to his knees, Sergeant Salazar continued to coordinate air support from two F-16's and advance towards the other element which had been hit by an IED during the course of the four-hour engagement in order to provide medical support.

In this operation and in the many others Sergeant Salazar proved his valor and was awarded the Bronze Star for his service in Afghanistan.

Mr. Speaker, I could not be prouder as an American or an Air Force veteran to honor Colonel Ingeman and Sergeant Salazar in particular and all our servicemen and women who defend this country every day.

KINGWOOD HIGH SCHOOL NJROTC

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 13, 2012*

Mr. POE of Texas. Mr. Speaker, Pierre Claeysens, a Belgian immigrant who was rescued by U.S. forces from German occupation in WWII said, "To be killed in war is not the worst that can happen. To be lost is not the worst that can happen . . . to be forgotten is the worst." Since 2009, the Kingwood High School Navy Junior Reserve Officer Training Corps (NJROTC) has worked to ensure that Mr. Claeysens' sentiments never become reality. The high school continues to participate in a community project, which helps to remember and show respect for those who have died defending our freedom.

The program is called Wreaths Across America. The Houston branch places wreaths on soldiers' graves every year at Christmas time at the Houston National Cemetery. More

than 26,000 wreaths were placed on graves last year at the Houston National Cemetery. This year, KHS NJROTC will present the Colors at this year's Wreath Across America Ceremony.

I rise today to recognize the outstanding achievements of the Navy Junior Reserve Officer Training Corps of Kingwood High School. I want to thank them for their service to second district of Texas. I congratulate them on their many accomplishments that have led to them being chosen to present Colors at this year's Wreaths Across America Ceremony. I am proud that a well-qualified group of cadets

from Kingwood will be representing the state of Texas.

The KHS NJROTC has a history of success since its beginnings four years ago. Under the direction of Lieutenant Commander Gregory Boucher and Master Chief Damond Banks, the cadets do much more than competitions and parades. They are involved in serving their school and community, through many different service projects and duties performed throughout the year. The cadets volunteer its services for numerous color guard events, Veterans Day events, parades and Toys for Tots. The Wreaths Across America project is one of their

main events. The cadets have raised over \$70,000 over the past four years for WAA. There are countless other local service projects this group participates in throughout the community, all of which testify to the quality of students at Kingwood High School.

The cadets' service and patriotism to our nation sets them apart as role models to other students. I know that the residents of Kingwood are proud of their many accomplishments. I applaud them for their tremendous achievement and wish them the best of luck in the future.

And that's just the way it is.

**SENATE—Monday, December 17, 2012**

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, in whom we live and move and have our being, as we grieve the loss of life in the Newtown, CT, shooting, show us Your way and teach us Your path. Make us all responsible stewards of Your most precious gift of time by teaching us to number our days that we may have hearts of wisdom.

May the incomprehensible destruction of lives still framed by springtime remind us of the importance of not delaying in seizing our opportunities to do good. Make our lawmakers willing to act promptly, remembering that time is fleeting and that they shall not pass this way again.

Bless those who mourn, eternal God, with the comfort of Your love that they may face each new day with hope and with the certainty that nothing can destroy the good that has been given them. May their memories become less painful as You encircle their lives with Your love.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**MOMENT OF SILENCE**

Mr. REID. Mr. President, I ask unanimous consent that the Senate observe a moment of silence for the tragedy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence)

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 3 p.m. today.

Following morning business, we will begin consideration of H.R. 1, the legislative vehicle for the supplemental appropriations bill. That bill will be managed by Senator PAT LEAHY.

At 5 p.m. the Senate will proceed to executive session to consider the Olguin and Durkin nominations, both to be U.S. district judges of Illinois and California, respectively.

At 5:30 p.m., the Senate will vote on confirmation of the nominations. It is expected there will be a rollcall vote on the confirmation of the Durkin nomination and a voice vote on the confirmation of the Olguin nomination.

**NEWTOWN, CONNECTICUT TRAGEDY**

Mr. REID. Mr. President, this afternoon the families of Newtown, CT, are burying two 6-year-old boys—Noah Pozner and Jack Pinto. Noah turned 6 last month. Even though he was only 6, Jack was a New York Giants fan.

In the days to come, many of their classmates will also be laid to rest—the victims of a tragedy too terrible to comprehend. Twenty little girls and boys, twenty tiny daughters and sons, sisters and brothers, friends and playmates, twenty children who will never grow up to learn to drive, go on a first date or graduate from high school, twenty 6- and 7-year-olds who will never have the chance to fall in love, get married or have children of their own: Noah and Jack, Charlotte, Daniel, Olivia, Josephine, Ana, Dylan, Madeline, Catherine, Chase, Avielle, Jesse, Grace, Emilie, Caroline, Jessica, Benjamin, Allison, and James.

No words of condolence could possibly ease the pain of families who lost

cherished little children, but I hope it is some small comfort that the entire Nation mourns with them. My heart and warm wishes go out to all those affected by Friday's massacre. My thoughts are with the students and faculty of Sandy Hook who witnessed such unspeakable violence.

Newtown and the Nation have seen great evil. We have also seen incredible bravery.

In her final act on Earth, 27-year-old Victoria Soto hid the children of her first grade class in closets and cabinets and then sacrificed herself to save them.

Dawn Hochsprung, the principal, forcibly—as the word goes—attacked the assailant, and he killed her.

Mary Sherlach, Lauren Rousseau, Rachel Davino, and Anne Marie Murphy also died trying to safeguard the children in their care.

These six educators devoted their lives to teaching Newtown's children how to read, how to add and subtract, and how to be good boys and girls. They gave their lives to keep these children safe. They are a source of hope in a hopeless situation.

I commend the teachers of Sandy Hook Elementary who didn't hesitate when they saw danger coming. Some barricaded their students inside classrooms or hid them in closets, preventing an even greater loss of life.

I thank the first responders who rushed into the school, despite the danger and horrors around them, knowing they had a job to do.

It is hard to comprehend this type of tragedy, let alone recover from it. But in the words of Helen Keller: "Although the world is full of suffering, it is also full of the overcoming of it."

As the families of Newtown mourn, all America mourns with them, and we will stand with them as they overcome this suffering and begin the healing process.

Part of the healing process will require Congress to examine what can be done to prevent more tragedies such as the ones in Newtown, CT; Aurora, CO; Oak Creek, WI; and Portland, OR. These are fairly recent.

As President Obama said last night, no one law can erase evil. No policy can prevent a determined madman from committing a senseless act of violence. But we need to accept the reality that we are not doing enough to protect our citizens.

In the coming days and weeks, we will engage in a meaningful conversation and thoughtful debate about how to change laws and culture that allows this violence to continue to grow. We

have no greater responsibility than keeping safe our most vulnerable and our most precious resource—our children. Every idea should be on the table as we discuss how best to do just that.

#### HURRICANE SANDY

Mr. REID. Mr. President, today we have an opportunity to pull together to help the citizens of New York, New Jersey, and other parts of the Northeast as they recover from the damage of Hurricane Sandy.

As we did when Hurricane Katrina struck the gulf coast and Irene struck communities up and down the eastern seaboard, we have an opportunity to help make families and communities whole again. I hope my colleagues on both sides of the aisle will join me in moving quickly to send aid to those affected by Sandy as they continue to recover and rebuild.

The Senate must move swiftly to approve the supplemental disaster act and act to give the intelligence community the tools it needs to keep our Nation safe before the Christmas holiday. In short, before we leave for Christmas, we are going to have to finish our work on Sandy and FISA. They are both extremely important and they have to be completed. So everyone should understand we have that to do. We will see if anything changes, but it appears we are going to be coming back the day after Christmas to complete work on the fiscal cliff and a few other leftover items.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### NEWTOWN, CONNECTICUT TRAGEDY

Mr. MCCONNELL. Mr. President, I wish to start by extending my deepest sympathies to the families of the victims of Friday's massacre and to the whole community and to thank the first responders and all those who are helping in the aftermath of this darkest of tragedies.

Three days after the horrors of Newtown, we are all still reeling from what happened. Anytime there is a shooting such as this, we are crushed with sorrow. But there is no escaping the fact that the massacre at Sandy Hook Elementary stands out for its awfulness. The murder of so many little children and the adults who tried to save them doesn't just break our hearts, it shatters them.

The last few days have been searing for all of us, and the days ahead will be too. Over the weekend, we began to see the faces of the children and to hear their stories.

One parent, Robbie Parker, stood in front of the cameras on Saturday and shared with the Nation an impromptu eulogy of his 6-year-old daughter Emilie. It was a remarkable moment. Emilie was bright and creative and very loving, he said, and we marveled at his courage. Now the funerals—10 of them this week in 1 church alone.

It has been said many times that no words are adequate to lift the agony of a parent such as Robbie Parker. What happened in Newtown on Friday is something for which no parent of a young child could ever prepare. But I think President Obama spoke for all of us in the very moving meditation he offered last night on the singularity of parental love.

There is literally nothing we wouldn't do for our kids and that is one of the things that makes this massacre so terrible and which makes the stories of courage we have heard so inspiring; the young teacher who stood between the gunman and her students and lost her life in the process; the principal and the school psychologist who sprang into action and gave their lives too. As the President said, these luminous acts of self-sacrificing love are the moments that will define this tragedy in the years ahead because the heroism and the courage we never fail to see in the midst of tragedies such as this become the starting points of something better and more lasting than the vagaries of this life. They give us the hope we need in the face of so much evil and sorrow.

We stand with the people of Newtown today and in the days ahead. We can do nothing to lessen their anguish, but we can let them know we mourn with them, that we share a tiny part of the burden in our own hearts, and that we will lift the victims and their families and the entire community in prayer.

The Scripture says that while "now we only know in part, in the life to come we shall know, even as we are known."

Scripture also says that in that day "... every tear will be wiped away, because there will be no more death, or sorrow, or crying, or pain, for the former things will have passed away."

May the people of Newtown and all Americans be consoled by this certain hope. May their burdens be lightened by the loving care of their neighbors and friends and even strangers in the days and weeks ahead. May this terrible tragedy prompt all of us to cherish the lives we have been given, our family members and friends and all who surround us in our daily tasks.

This is no lasting city, we know. May we pass through it with a little more gratitude and with a firmer determination to live the kind of lives we have been called to live.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NEWTOWN, CONNECTICUT TRAGEDY

Mr. MENENDEZ. Mr. President, I rise with a heavy heart at the senseless tragedy in Newtown, CT, that took place this Friday. We are all shaken from that day, and we ask ourselves: Why? How could this happen in America? We grope for answers and I hope we will find them.

Today I join, first with every American, in expressing our deep and abiding grief as a Nation and our deepest, most heartfelt condolences to the families of the victims. I am the father of two. As a father of two, this strikes painfully close to my heart, and painfully close to the heart of every parent. There is no greater sorrow, no deeper pain than the enormous grief these families are suffering for those 20 innocent children, 6 teachers, and school employees and their families; and no parent—no parent—should ever have to bear the unspeakable pain of losing a child, especially to this type of tragedy.

All too often I have come to this floor having to say those same words—one tragedy after another, time and time again, having to stand here and say that our thoughts and prayers are with the victims of another tragedy involving gun violence, semiautomatic weapons, high-capacity clips, and the families of those victims who have lost loved ones to senseless, sick gun violence.

But this time we are talking about children—elementary schoolchildren—the youngest, most innocent among us taken away. Enough is enough.

Matthew 18 says:

At that time the disciples came to Jesus, saying "Who is the greatest in the Kingdom

of Heaven?" And calling to him a child, he put him in the midst of them and said, "Truly, I say to you, unless you turn and become like the children, you will never enter the kingdom of heaven . . ."

The children have entered the kingdom of heaven today. I hope we honor them and their memory in what we do now to end the violence. Let Newton finally be the turning point when we are all willing to come together and do what is right. As we pray for the victims, let us commit ourselves as a Nation to a long overdue debate about violence and guns and how we deal with those who suffer mental illnesses in our society, and let us finally pass commonsense gun laws. No more politics; no more excuses. We cannot allow this sort of senseless violence to continue. We need a national debate about the role of firearms in our society, we need to address mental health issues, and we need to act immediately.

This shooter had hundreds of rounds of ammunition—reportedly enough to kill everyone in the school—and had it not been for the brave first responders, there could have been even more tragic killings on Friday. These high-capacity clips must be outlawed. I don't believe there is any reason why a law-abiding citizen would need the capability to shoot multiple rounds like a street sweeper.

Words cannot express my sadness that another shooter used a weapon that has no legitimate purpose, from my perspective, in a civilized society, using high-capacity 30-round clips that defy any reasonable use. And there are even greater capacity clips than this.

I don't understand why the same type of weapon used by the DC sniper is still readily available, and I don't understand how we can see the same high-capacity clips used over and over by maniacal murderers during these strategies and not act.

After Tucson, Aurora, and now Newtown, we need to finally do something about these dangerous clips. We need to make sure nobody with a criminal record or mental illness can purchase a firearm, and that means we need a comprehensive, mandatory background check system. It is no use that my State of New Jersey has some of the toughest laws but then over a third of the guns that come into our State and commit an act are from outside our State.

I have cosponsored legislation to outlaw high-capacity clips, improve our background checks, and I have supported and helped pass the original assault weapons ban, and I will support an assault weapons ban this next year as I have in the past.

This doesn't need to be a political debate. This is about keeping little children safe in their first-grade classroom. I am for reasonable use of guns, but first and foremost I am for protecting our children, our teachers, our fami-

lies. That is our No. 1 responsibility. If we can't do that, shame on us.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I thank the Senator from New Jersey for his comments.

The Presiding Officer and I and others have discussed how we felt this weekend. I can't think of anything that has more emotionally roiled the Nation. There have been few such events in my lifetime. All of us feel the senseless killings last Friday in Newtown, CT, made no sense—just hit everybody. If we feel so deeply, we can't begin to imagine how the families must feel—the families, the parents of the children, the siblings or spouses of the adults killed. We pick up the paper, turn on the radio, listen to the television, and there is one more wrenching story after another.

In my family, and I know in families from coast to coast, parents called their children. Brothers called sisters. Neighbors reached out to neighbors. We huddled with two of our three children, soon to be with a third one in Vermont, hugged our grandchildren. Over the weekend and again today, in discussions in churches, synagogues, houses of worship, on the sidewalk, in the grocery line, at the worksite and in our offices, we have all struggled for words to describe our feelings of shock and our feelings of immeasurable sadness.

I think we can all agree no matter what our political background, no matter what part of the country we come from, that last night President Obama gave voice—our voice, 325 million Americans gave voice to let these stricken families know how deeply we wanted to help relieve their suffering as we share their grief. It was a time when the President can and should and did speak for the whole Nation.

But there are so many questions about this unspeakable tragedy that have yet to be answered. The President has pointed out it is unlikely any single step or package of steps or this move or that move can erase the chance of such a tragedy happening again. We know it could have even been worse if the brave first responders hadn't rushed into the school even though they knew they might be facing death themselves. We know that sometimes things are beyond our understanding. We know situations vary widely from State to State and community to community. But whether it is in the State of Connecticut or, God forbid, in the State of the Presiding Officer or my State, we all share the responsibility of searching for an answer not just for the people of Connecticut but for people throughout the United States, and some can honestly say the people throughout the world who look to the United States as a bastion of freedom, of democracy.

I think Congress can and should be part of this national discussion in the search for answers. We will come back into a new session in a few weeks. The Judiciary Committee will be holding a hearing very early in the next congressional session to help in the search for understanding and answers. I know all of us will take part in that no matter what our feelings might be.

There are other committees also that have different types of jurisdiction and will have to take part in this national discussion. It isn't a matter of just guns—which is a significant part of this, of course—it is the matter of mental illness; it is a matter of how we run our educational facilities. All of these things should be talked about. If there are practical and sensible and workable answers to prevent such unspeakable tragedy, we should make the effort to find them and then we should have the courage, each and every one of us, to vote for those steps.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 1, which the clerk will now report by title.

The legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

AMENDMENT NO. 3338

(Purpose: In the nature of a substitute)

Mr. LEAHY. Mr. President, on behalf of Senator INOUE, the chairman of the Senate Appropriations Committee, I have a substitute amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. INOUE, proposes an amendment numbered 3338.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3339 TO AMENDMENT NO. 3338

Mr. LEAHY. Mr. President, on behalf of the Senator from Hawaii, Mr. INOUE, I have an amendment to the substitute, which is at the desk. I ask for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:  
The Senator from Vermont [Mr. LEAHY], for Mr. INOUE, proposes an amendment numbered 3339 to amendment No. 3338.

The amendment is as follows:

(Purpose: To make a technical correction)

On Page 16, line 8, strike "was", and insert "were" in lieu thereof.

Mr. LEAHY. Mr. President, I am going to speak briefly in just a moment, but in the meantime I will suggest the absence of a quorum. I will call it off very quickly.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on behalf of the distinguished chairman of the Senate Appropriations Committee, Senator INOUE, I have introduced an emergency supplemental and disaster aid bill. This is to respond to the devastation wrought by Hurricane Sandy.

The eyes, ears, and hopes of tens of millions of our fellow Americans who were in this storm's path are now trained upon the U.S. Senate. And with us in this effort, as well, is the good will of the entire Nation.

I say that because in my almost 38 years here, I have been on this floor time and time again—different Presidents, sometimes in the majority, sometimes in the minority—where there has been devastation in different parts of this country, and in every single instance—every single instance—the Senate has come together to provide relief to those hit by hurricanes, tornadoes, fires, earthquakes, or anything else.

Superstorm Sandy was remarkable, and I use that in the broadest sense of the word. It hit the east coast 7 weeks ago. What it did is it swelled to become the largest Atlantic hurricane in history. It was hundreds of miles wide, much wider than my own State of Vermont. Its reach was greater than even that of Hurricane Katrina along the gulf coast.

Sandy claimed the lives of more than 120 of our fellow Americans. It destroyed more than 340,000 homes and 200,000 businesses. More than 8.5 million families were without power in 15 States and the District of Columbia.

The scale of the damage is almost hard to fathom. I remember seeing the damage caused by Irene last year, including the devastation from which my home State of Vermont is still recovering. Because of my involvement in that, I am acutely aware of the need for a rapid and unified response from Federal, State, and local authorities to meet the needs of so many of our fellow American citizens.

As of last week, the Homeland Security Subcommittee reports that the Federal Government has already provided over \$2.7 billion in relief through FEMA, the Small Business Administration, the Department of Agriculture, the Department of Transportation, the Department of Health and Human Services, and other agencies. As of today, 12 States have active major disaster or emergency declarations as a result of Sandy, and there is no question it is going to cost billions to rebuild these devastated communities.

Anybody who has seen them knows they are devastated. It is a word that we sometimes use too easily but appropriate when you have a whole downtown, block after block, homes that people have lived in sometimes for generations—it was their parents' home or their grandparents' home—and now it is kindling wood.

The Obama administration has requested money for recovery and repairs—just as every administration in the past has, Republican and Democratic alike—they have requested \$60.4 billion for recovery and repairs, and the amendment we consider today meets that request. But we have not simply rubberstamped the request. The Appropriations Committee, working with the Senators from all the States that have been hit so hard, has made numerous changes to ensure that the dollars put into this response are used as effectively and efficiently as can be.

As a member of the Appropriations Committee, I know the budget constraints we are facing, and the Appropriations Committee has done its best to allocate the funds in such a way that States will have the flexibility required to respond to the individual needs of their citizens, while at the same time reducing the possibility for waste, fraud, or abuse.

Senator LANDRIEU, who is on the floor, is the chair of the Homeland Security Subcommittee. Well, this is a Senator who is no stranger to tackling the incredible challenges of responding to and recovering from natural disasters of this scale. I know she is going to speak in a short while. We all know Louisiana is still rebuilding from the catastrophes of Hurricanes Katrina and Rita, and Senator LANDRIEU—both as an individual Senator and from her position as chair—has worked tirelessly ever since to help her State and others recovering from storms and other calamities. I know how hard she works because she stepped in to help Vermont when we were in a similar situation last year. It is an example, I might say, of how even States that are not hurt help those that are. It has always been our tradition in the Senate. In this supplemental, she has worked to incorporate that experience into vital emergency funding for FEMA and other disaster relief programs.

Since the supplemental we reconsider today contains funding that will help

millions of Americans recover from this terrible storm, I want to highlight a few specifics.

We include \$10.8 billion in emergency relief for public transportation systems. This is not a rural area. It is not like rural Vermont. We understand that public transportation, especially in this area, is necessary for millions of Americans—millions—to function day by day. It is especially vital around New York City. The subway and bus systems in New York and New Jersey allow people to get to work and students to go to school. The resources in this supplemental will help pay for the repair and restoration of some of the most heavily used public transportation systems in the country. Just as importantly, it is going to help fund projects to help public transportation prepare for and resist future storms. Because as much as we like to think there will be no future storms, every one of us knows there will be future storms.

The supplemental recommends \$812 million for the Small Business Administration. Every one of us knows small businesses are essential to the American economy. They are responsible for employing about half of all workers in America. So this amount will help fund the SBA's disaster loan program, helping small local businesses in recovering from physical damage to their storefront operations, as well as in recovering from economic losses suffered when they had to close their doors during Hurricane Sandy.

We have seen the devastation to iconic neighborhoods and places such as the Jersey shore or Staten Island or Long Island—neighborhoods that were destroyed by the storm or by the fires that followed. So many of the businesses destroyed in these communities are mom-and-pop operations—small businesses like the one my mother and father ran—and they simply cannot afford to reopen without Federal disaster assistance. They need the loans, but, more importantly, they need the loans now—not 6 months from now. I point out especially, a number of these are shops that make their living during the summer beach season. They want to be able to open by Memorial Day. I can tell you, as one who has seen how long it takes to reopen after a disaster like this, Memorial Day is tomorrow for these people. They need the loans today.

We have recommended \$500 million for the Administration for Children and Families Social Services Block Grant to be used primarily for childcare services, for reopening damaged childcare facilities, but also—and we have to understand how important this is—for mental health services for both children and adults who have gone through this disaster and probably have seen members of their family lose their lives.



Another \$100 million will pay for repairs to Head Start facilities affected by Hurricane Sandy. These provide essential education and health services to low-income, prekindergarten children. And we all know that interruptions in programs such as these are detrimental to the development of the children but also the families they serve. So we cannot wait to rebuild these centers, and we cannot wait to provide essential health care services to those who have lost so much. If you have a health need, we cannot say: Well, we will get back to you in a few months. Your health need is today.

I have heard two arguments against moving to the emergency supplemental as quickly as possible. I have found them surprising. The first is that the cost of this bill should be offset with cuts to other programs. This is the same argument we heard last year when we needed emergency funding to respond to Hurricane Irene. Well, it made no sense a year ago. It makes no sense today. It will make no sense tomorrow. The suggestion that we should cut funding from base budgets of departments and agencies that are carrying out the essential functions of our government in order to pay for an unanticipated natural disaster—that is absurd. Mandating offsets means cutting funding from law enforcement to pay for replacing a vital roadway destroyed by Sandy. It means cutting funding for education through Head Start in order to provide clean drinking water to those who have been left with nothing in the wake of Sandy. The point is obvious: These are emergencies. That is why they are called emergencies. We do not do offsets to pay for emergencies.

I think of what Chairman INOUE has said. He has said it so many times, whether with Republican or Democratic administrations: "It has long been the tradition of the Congress to approve disaster assistance without need for offset."

And then he continued:

Others will likely come to the Senate floor to challenge that remark . . . However, in the case of disaster assistance, I challenge my colleagues to review all Appropriations bills for the past decade and find a single instance where the Committee paid for disasters by rescinding funds from other programs.

Then Chairman INOUE concluded with the obvious:

No one would find an example, because quite simply there aren't any.

Well, he is right. The President requested and the committee is recommending \$60.4 billion to respond to this storm. The total budget authority for nondefense spending is about \$500 billion a year. Using the logic that all emergency spending should be offset would cut the discretionary spending needs—if we see seven more disasters, well then I guess we eliminate every

single agency, department, and program except the Pentagon. Come on. Is that what this country is about? Some may think that is a good idea—eliminate all government. We would not have any road to drive on to go state our beliefs. The rest of America disagrees.

I have also heard discussion of taking a downpayment approach to the supplemental—do a little and come back next year. Well, that sounds familiar. I remember hearing a lot of it last year. Talk to the person whose house has been destroyed. It is a week before the Christmas season. It is getting cold. Tell them that we Senators—it is true, we all live in comfortable homes. We work in a place that has not been touched—think you should wait and come back later next year.

I would defy any Member of this body to say that directly to one of the firefighters who saw their home destroyed or the senior citizen who saw their home destroyed or the person who has worked all their life to build up their business and saw it destroyed. No. They want to recover now, not when a Congress that has not been known to move very rapidly of late gets around to doing something for them.

After all, we are asking homeowners to rebuild, saying go back and provide their own place to live. We are asking businesses to reinvest so they can hire people who are out of work. They need the assurance that we are going to do our part. You cannot just say: Put your money up now, and maybe, just maybe when we start talking about all of these things that have no bearing on what you are facing, we might come through 6 months from now and we might not.

Come on. That is not how we want to encourage rebuilding. Homeowners and businesses in New York, New Jersey, Connecticut, Rhode Island, and elsewhere need to know that the funding will be there to complete the rebuilding of public infrastructure. Only the Federal Government has the resources to make this happen.

The President's request is comprehensive. And we know the needs to recover from Superstorm Sandy. Now, we stood up, Democrats and Republicans together, to respond to disasters in the past. We have to do the same now.

When Irene—then a tropical storm—hit Vermont last year, no one could have anticipated the devastation we saw: roads washed away, bridges collapsed, communities cut off because all entrances and exits for the community were destroyed, bridges that had been there from the time I was born—I remember them as a child, had always been there, were there when my parents were living there, were there when my grandparents were living there—gone in a matter of minutes. Vermonters know that when one of us

is hurting, all of us are hurting. Vermont appreciated the assistance from other States near and far and from the Federal Government.

New Jersey, New York, and other States hit by this superstorm are now depending on us. So let's do what is right. There is no need for delay. Christmas is coming. Thousands of families have lost everything. Their hope, their future is in our hands. They need our help. They deserve our help. We are Americans. We come together to help. So let's do it.

I will speak further, but I see the distinguished senior Senator from New York. He and I have discussed this. He has seen more. As bad as Irene was in Vermont, the number of businesses and homes destroyed pales in comparison to what he has seen in his State and the neighboring States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to thank our chairman of the Judiciary Committee and ranking Democrat on the Appropriations Committee for his leadership, his caring, his concern, and his expertise. The people of New York are very grateful to the Senator from Vermont for his concern and caring. We thank him for that very much.

Today we begin debate on one of the most momentous proposals to effect New York's future that we have ever debated, a proposal equal in magnitude and importance to the debate about aid to New York after the horrible attacks on our city on 9/11. I must say the debate is off to a good start. Our colleagues on both sides of the aisle have shown tremendous concern. Leader REID has agreed to allow amendments so that those in this Chamber, particularly those on the other side, can make modifications. Leader MCCONNELL and the Republican minority have not insisted on a motion to proceed. So we are beginning this bill in very auspicious way, in a way that people think the Senate should work, not one side blocking amendments and not the other side blocking the bill. I hope it can lead to an equally auspicious result.

I rise today to discuss the greatest natural disaster in the history of my State and the importance of passing the President's request—the President's full request for supplemental disaster aid.

As you know, Mr. President, Superstorm Sandy was a catastrophic shock to the coastline of the Northeastern United States. In the blink of an eye, the Atlantic Ocean turned from our greatest natural resource into a nightmarish monster, swallowing whole communities in its path. The beating heart for many parts of the Nation's economy, New York City, was

paralyzed for days, and parts are paralyzed to this moment. Whole neighborhoods, from Long Beach, NY, to Long Beach Island, NJ, were ripped from their foundations and washed away. I saw whole communities where almost every house suffered severe damage, where the water came in, because of the geography, from the north and south and sometimes from the north, the south, and the west. I saw the devastation. It was incredible. You know that when God's hand strikes, those who are affected are usually severely hurt—a tornado, a forest fire, a flood, a hurricane.

What was incredible about this disaster was not the depth of it—we have always seen the depth of tragedies from natural disasters with our constituents—but it was the combination of the depth and the breadth. It was not just one small area in which a tornado, say, lighted down and then left; it was a huge swath of territory, all flooded by a perfect storm, a huge nor'easter that combined with a tropical storm, a full Moon, and a high tide.

Experts had said the East River, the Hudson River, Great South Bay would never rise—never—more than 11 feet above its previous record, and in place after place that record was exceeded, unfortunately, with terrible, tragic consequences to that occurrence.

The tragic storm was an unfortunate wake-up call for New York and the rest of the country that we need to do much more at the Federal level, the State level, and the local level to prepare, protect, and fortify our vulnerable infrastructure from future storm surge activity. Our region suffered, according to mainstream estimates, nearly \$100 billion worth of damage. That is just the damage that has been measured up to now. We are going to see future damage that has not yet been uncovered, estimated, or even found.

Governors Cuomo and Christie requested about \$80 billion of recovery and mitigation funds. President Obama called for approximately \$60 billion. He scrubbed the proposals of our Governors. OMB was very careful. They spent about a week looking over the proposals and tried to narrow it down to the most essential and most immediate needs. Our delegation—Democrats and Republicans from the New York-New Jersey area—believes that \$60 billion is a fair starting point.

The damage numbers are mind-blowing. Here are a few examples. This is from New York alone. New Jersey received almost as much damage as New York. Transportation: \$7.3 billion. Our subway system, which is an amazing system—it brings 3½ million people on and off Manhattan every day—the subway and railroad system was devastated. Much of it was built over 100 years ago. There was no thought of such floods, and the system was unprotected. Housing: \$9.6 billion. Mr. Presi-

dent, 305,000 homes, according to the Governor's estimate, have already applied for insurance in New York alone.

My good colleague from Louisiana is here. She has been invaluable in guiding us, helping us, and being at our side. She has been through this. She knows better than any other Member of this Chamber, I daresay, what this kind of disaster can do, but more importantly for us, she knows how to deal with these problems because she has been through it. She is recommending to us to keep the places where the Federal response worked and modify the responses in places where the Federal response did not. That has been invaluable. I take off my hat. I speak on behalf of all of us in the northeast area to the Senator, the chair of the Homeland Security Subcommittee of the Appropriations Committee.

Anyway, in Katrina about 270,000 homes received that type of damage, so we have many more homes damaged, gone, flooded.

This is a picture, by the way, of the 86th Street subway, way up in Manhattan, far away from the points of New York Harbor. But there was so much flooding—look at it. Remember, this water is saltwater. It corrodes every signal, every light. If it were freshwater, the damage from this storm would have been a lot less. There it is, 86th Street.

I mentioned that homes were destroyed. Here are two examples. This is a house on Staten Island. Whole communities like Midland Beach were totally upended. Water was 6, 7, 8, 10 feet high. It did not just go in 1 street but 10 streets, the powers of the ocean were such. Home after home looked like this. It is incredible. I have held these homeowners in my arms—children, women, grown men who were distraught about the future. Who can blame them?

Here is another. In some places, because the saltwater created fire in the electrical systems of the houses, whole communities were knocked out. In Breezy Point, 101 homes burned to the ground amidst the rain and the wind because the water systems—when the electricity failed, the firefighters could not pump, and the fires spread from house to house to house.

There is a shrine here. It is a statue of the Virgin Mary. It is the only thing left in this whole area. Now people come and place flowers and pray and meditate by that statue.

Incidentally, one of the homes that was destroyed was that of our Congress Member, Congressman TURNER of Brooklyn and Queens, Republican of Brooklyn and Queens, whose home was destroyed out in Breezy Point.

Utilities were \$1.5 billion. Many of our utilities were outdated, no question. They had no way to communicate. But even if they weren't, because their power lines are above

ground, not below, they suffered huge damage, as did people.

Four major hospitals are still closed—thousands of beds. They range from Long Beach Hospital, a hospital that serves a local community that is right on the waterfront, to NYU, New York University Hospital, which is one of the great research and teaching facilities in America. It alone lost over \$1 billion of equipment.

They were told by the companies that make their machinery—the radio coaxial tomography, the MRIs—to put them in the basement because these machines have to be carefully calibrated given the sea level and the slight slant of the floor. They were all washed away, \$1 billion of machinery, not to mention decades of research.

I visited—I think they call it the vivarium. It is where the animals are that they have done genetic experiments on. The white mice that they test for generation after generation were wiped out.

Government and schools were \$2 billion. Government buildings were destroyed. I think we have over 40 schools in New York City that were destroyed, mostly by the water. Roads, bridges, you name it—the devastation is everywhere. It is wide, and it is deep.

So with this kind of devastation, even a large area such as New York cannot handle it on its own. Fortunately, we have had a wisdom here in this government for close to a century; that is, when nature strikes, when the hand of God comes down on Earth and creates the kind of damage that man can't comprehend, no locality can handle it on its own, then the Federal Government steps in, which means the country as a whole steps in. When there were hurricanes in Louisiana and Mississippi, the whole country stepped in. We said: We know this is too much for you to handle alone. When there were forest fires out west, the whole country stepped in, saying: We know you can't handle this kind of devastation on your own. When there was flooding in the Missouri and Mississippi valleys, the Federal Government came in.

We in New York—hundreds of millions—over the decades, probably billions of our tax dollars went to help these regions, and I never heard any complaints about it. We are one Nation. When one part of our Nation suffers, we all suffer, particularly in these days of an interrelated economy. New York buys billions of dollars of products from New Jersey and the rest of the country, and so people did it.

Now, of course, the devastation has hit us, and we know our colleagues will stand by us as we have stood by them. We know they will give a careful look to our proposal, but they will not deliberately put barriers in the way because they don't want to treat New York differently. They don't want to treat New

Jersey differently than they treated the others.

We have heard three questions about this package, and the questions are these:

First, should we have offsets to the monies that are proposed here?

Now, we have not done that in the long history of disasters, for a good reason. You will never get the disaster money if you have to pit an existing Federal program against disaster money. We have always said that disaster is treated separately, and we would hope that would continue. It would not be fair or right to do this now. I would say to my colleagues, if we begin a pattern of offsetting now—there was some attempt to do it with Irene, but in a bipartisan way we rejected that in this body. If your whole area is hit next and you have to sit there and wait while Congress fights over offsets, what are you going to do? It would be an awful precedent to start that.

Second, we have heard: Why—what is this mitigation?

Some people have used the word “stimulus” to be equal to “mitigation.” The two words are totally different. As I understand stimulus, in the stimulus bill there was a percentage of programs that were put in that had nothing to do with the stimulus, and that was probably a mistake. I don’t think it was a large percentage of the stimulus, but it sure stuck in people’s minds.

Any proposal that has nothing to do with a storm, a natural disaster, shouldn’t be in this proposal. We agree to that. We believe OMB has scrubbed it, so there is no stimulus-type money here. There is mitigation money. What does mitigation mean? Mitigation means, quite frankly, that you rebuild but you rebuild in such a way that if, God forbid, there is another storm, you don’t suffer the same damage. You don’t put all those machines in the basement of NYU again; you move them up to the third floor even if it costs a little more. You don’t simply rebuild the South Street subway station the exact same way; you put in either steel doors or those air bag-type things so that if, God forbid, another flood comes, the station won’t be flooded and we won’t have to spend the money all over again. Mitigation means that if the dunes are wiped out across the Rockaways and Long Beach, you build them up. You probably build them up a little higher so the damage—God forbid another storm comes—won’t be as great and the expense won’t be as great. We have always done mitigation. It has always been part of our bill.

I am glad to see my good friend from Mississippi here, who has been of such help and encouragement to us. All of us in New York and New Jersey so appreciate his wise, quiet, kind, and intelligent counsel.

I remember there was a proposal on the floor after Katrina. There was a railroad that was very close to the shore. Yes, it would have cost more money to rebuild the railroad a distance inland. I don’t remember how much. I think it was about a mile inland, and it cost about \$700 million more to do. Senator COCHRAN and Senator Lott made the argument on the floor, and it made sense to me, and I voted for it. I think all of us in the Northeast did. So mitigation makes sense.

The third argument we have heard, which is probably the one gaining the most weight now, is let’s just spend a year of this money now, and we will see what happens later.

That would be nice, but there are three things wrong with that. First, sort of esoteric—it is the way we budget. We have outlays, and we have budget authority. While the outlays may not be great for this year because not all the money will be spent, we have always had budget authority that recognizes that things take more than a year to build. To cut back on the budget authority, not the outlays, would be against the way we budget around here and a new double standard, I would think, that would tie us up in knots in the future.

The second argument: How can you build a year at a time when many of these projects take more than a year to design, plan, and construct?

We have to redo the Brooklyn-Battery Tunnel—the largest underwater tunnel in the world, certainly in the country. Are we going to say: We will give you enough money to build a quarter of it today, and then come back next year and see if we should build a second quarter. No business would work that way. No government should work that way. Most of these projects need to begin now but may take more than a year. To say we are only giving money for the year doesn’t make much sense. That is the second argument against this 1-year policy.

Third is the way FEMA and many of these agencies work. They don’t reimburse you ahead of time. You don’t submit a proposal and say: My house has \$80,000 worth of damage. Send me the money, FEMA, and then I will hire a contractor and pay for it.

No, no. What FEMA tells the government, individuals, small businesses—it says: You go contract it. We will approve that that is actually the money that was needed due to the storm, and then we will pay you.

So if we don’t have the money there now, how can we expect businesses and homeowners and governments to outlay billions of dollars that are needed and hope that maybe next year, we might allocate some money? It will at best dramatically slow down the growth or the rebuilding we desperately need, and it could halt it in its tracks.

There has been a CBO study that says that only a small amount of the money will be paid for now. But the CBO study, like many things CBO does—we all know this—was based on very narrow assumptions that don’t apply. Let me give an example. There is \$17 billion of CDBG money requested. That is where most of the help is. Senator COCHRAN and Senator LANDRIEU learned this when they had their problems. It goes for the housing and some of the other things, and it gives a little flexibility to the governments that they need—not a wide berth but a little more flexibility.

CBO said that only \$75 million of it would be spent this year. Well, that was based on an old program that existed during Katrina. It was based on the fact that many of those who were hurt in the area, particularly in New Orleans, fled, and it took them months and months to even come back, let alone begin building homes. It was based not on the new legislation that has been proposed—which allows building to occur quickly and more easily based on some of the recommendations of my colleague from Louisiana, Senator LANDRIEU—but on the old stuff.

CBO said we will only spend, I believe it is \$1.8 billion on transportation this year. The MTA has already bonded for \$4.6 billion in repairs they need to make over the next 2 years.

It makes no sense, and I think there is a chart here—it says “point to chart,” but there is none, so I would point to the atmosphere. It just didn’t match up to what the MTA’s needs were. When I told the MTA what the CBO said, they said, “What planet are they on?” The FTA is now going to be the spend-out program. That was a recommendation made by the folks from the Gulf States after Katrina.

The FTA said it is much better to have a transit agency deal with rebuilding transit than to have FEMA do it; payout would be much quicker. But CBO based its estimates on the old FEMA model because they don’t work on new models. We have learned that in the health care and other debates.

So the CBO study is wrong. It is just wrong. Those are the three arguments made against it, and none of them really hold up.

I say to my colleagues, if you can find stuff that is not disaster related in here, that is a legitimate argument, and we will work with you and scour the package more. But on offsets, on mitigation, and on this idea, let’s just give the money needed for 1 year and wait and see what happens in the second year. You just can’t rebuild an area if you do those things, most of which are counterintuitive.

There are a few more points I wish to make. New York has to do several things at once. We have to simultaneously rebuild, but we also have to protect against future storms, and to

rebuild now makes sense and to protect makes sense. We can either invest in protections now or we will pay later. That is vital to know.

Second, I would make the point that within about 2 weeks after Katrina, Congress passed \$61 billion in aid. This idea we are moving much too quickly is belied by what happened there.

Third, on the issue of mitigation, the Stafford Act says there is a need and an ability to do mitigation. And in fact, it has shown that \$1 invested in mitigation saves \$4 down the road. So we have lots of things here that are brought up legitimately but don't make sense.

In conclusion—and after this I want to say a brief word about what happened at Sandy Hook, so close to my area—I hope we can come together in a bipartisan way and pass this legislation. I appreciate so much that we are off to a good start—no blocking the motion to proceed and allowance of amendments—and I look forward to working with my colleagues on both sides of the aisle to solve this serious problem.

#### NEWTOWN, CONNECTICUT TRAGEDY

I will be very brief, Mr. President, but I wanted to say a few words about Sandy Hook.

I rise this afternoon to join our Nation in grieving for the 28 lives that were lost at Sandy Hook Elementary School in Connecticut on Friday. Words are not sufficient to describe the horror we feel as a Nation as the days go by and the events of last week gradually sink in. I see the pictures in the newspapers of these beautiful young children and, like others, I don't know what to do. There is a lump in the throat, and I wish I could make it go away. I wish this man who did the shooting didn't exist or didn't do what he did. It is horrible.

I read about the parents of the 300 or 400 children in the school who were brought to a firehouse, and as they found their child had survived, the names of the parents were called out so they could reunite with their kids. As the numbers grew less and less and less, imagine being in the group that remained. Horrible, just horrible.

Today the conversation turns to what do we do about this and what do we do about gun violence. I believe we need a new way forward on guns that breaks through the gridlock that has paralyzed us on this issue. We cannot have each side just yelling at each other and accomplishing nothing. We cannot be gridlocked on this issue as we are on others. Both sides need to recognize something. Those of us who are pro gun control have to realize there are large parts of the country where guns are a way of life.

I know a little bit. When I was a kid, I got instructions on how to shoot a .22 rifle from an NRA-trained supervisor at my camp—summer camp—and I

wasn't a bad shot. I won a couple of those merit badges for marksmanship and sharpshooter. A few years ago, I had the opportunity to visit with our colleague BEN NELSON. He took me out pheasant hunting. I enjoyed the experience. So we have to acknowledge that guns are a way of life and that the second amendment has a rightful place in the Constitution. We cannot interpret the first, third, fourth, fifth, and sixth amendments as broadly as possible and then say the second amendment should be seen through a pinhole of militias, that it only affects militias. That is only fair. But then our colleagues on the other side must acknowledge that, yes, there is a second amendment right—and by the way, the Heller decision now makes that the law of the land, so I hope our folks who are pro gun realize no one is going to take their guns away. Before the Heller decision there was a view every bit of gun control is a way to eventually confiscate the hunting rifle your Uncle Tommy gave you when you were 12 years old. But there is a Heller decision and that is a bulwark against it.

I think those of us on the gun control side should accept it, that it is only fair, only right the second amendment to the Constitution is there just as the others are and deserves respect and not an endless effort to chip away at it. But then our colleagues on the pro gun side should admit another thing, and that is that no amendment is absolute. As important as it is, as constitutional, as enshrined as it is, no amendment is absolute.

Take the first amendment. We can't falsely scream fire in a crowded theater. That creates such danger. That is an impingement on someone's first amendment rights. We have anti-child pornography laws. We should have them, but that too is a limitation on the first amendment. Even libel laws, in a pure first amendment world, you could say and defame anything about anybody you wanted. We say no. That is a limitation on the first amendment. Well, just as there can be limitations on the first amendment, and yet the essence of the first amendment is preserved, the same should be true of the second amendment.

I was the author of the Brady law. I don't think it has interfered with a legitimate owner's right to have a gun in all the years it has been around, while at the same time it has saved tens of thousands of lives. There are some on the extreme side of the right who say: Oh, no, get rid of the Brady law. They believe the second amendment should be absolute. But they are wrong.

I would argue that other changes—making it harder for mentally ill people to get guns or saying assault weapons are weapons of war and don't belong on our streets but belong on the battlefield—do not interfere with the enjoyment I experienced when I went

hunting with BEN NELSON, nor with the right of a small shopowner in a bad neighborhood who feels he needs a gun or she needs a gun to protect themselves.

We can come together. There can be a way of moving forward in the middle, with the left admitting the second amendment is important and as much a part of the Constitution as the others, and with the right admitting that limitations on that amendment—as there are limitations on the first, third, fourth, fifth, and sixth—do not interfere with the fundamental right and, in fact, that no amendment can be absolute.

I believe you can be both pro gun and pro gun safety just as you can be in favor of free speech but also against child pornography.

We need to start this conversation now, without delay. We owe it to ourselves as a Nation but in particular to our children.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise today for the people of New Jersey whose lives have been turned upside down by Superstorm Sandy. I rise for families and small businesses still trying to recover, for homeowners in Little Ferry, shopkeepers in Moonachie, and for every family who lost property, possessions, and homes in Union Beach and Seaside Heights, and all along the Jersey shore.

I rise, for example, for this resident in Pleasantville who, you can see from this photograph, pretty much lost everything. This is the side of his house, totally ripped out. It looks like a dollhouse. But he was optimistic and hopeful for the future despite his challenges. This Sandy relief package is for him. By the way, he is a veteran.

I rise today for the 40 New Jerseyans who lost their lives in this powerful, devastating, and destructive storm.

As we come to the floor in the face of that tragic loss of life, I know all of my colleagues join me in offering our thoughts and prayers to the loved ones of the victims of Superstorm Sandy. I hope all of my colleagues will join me in casting a vote that tells those families they are not alone, that we are all in this together; a vote that says we are ready as a Nation to help families and businesses and communities recover when there is disaster.

I join with Senators LAUTENBERG, GILLIBRAND, and SCHUMER, and every Senator from the affected States, to

thank the President for the request of \$60 billion in aid to help our States begin the rebuilding process. This package is certainly a very good start.

The damage we saw after Hurricane or Superstorm Sandy is difficult to describe, in part because this was not only a powerful storm but it was an incredibly massive storm. We felt the greatest impact in New Jersey and New York, but as you can see from this NASA photo, the storm obscures almost all of the Northeast in this satellite photo.

The numbers are staggering across the region. We lost 40 people in the storm. Based on preliminary estimates, over 300,000 homes in New Jersey were severely damaged, over 20,000 homes were absolutely destroyed or made uninhabitable. But we fear the numbers will be even much higher as reporting continues. The preliminary damage estimate provided by the State of New Jersey is now up to \$36.9 billion in damage, and everyone expects that number will rise.

These are numbers. They may be a way to quantify the damage, but they fail to paint a picture of what we have seen throughout the State: the level of destruction, the faces of many thousands of displaced people who find themselves homeless and basically nothing left from their homes—their possessions, their keepsakes, their memories, all gone. Entire neighborhoods, where several generations of families lived in close-knit communities, gone, thousands of decades-old small businesses ruined, their owners unsure if they will have the ability or the means to rebuild. We are getting more damage numbers, but the human toll is truly incalculable.

The sheer scope of the damage is also difficult to fathom, but to get a better sense of that, we have compiled some pictures that I hope to show our colleagues. Let me thank the Star-Ledger, New Jersey's largest newspaper, for helping me compile these images from their photo gallery to tell the story of the devastation Sandy caused to our great State.

This is the Mantoloking Bridge which crossed Barnegat Bay and connected Brick with Mantoloking before the storm, and here it is after the storm. As you can see in this picture, the storm surge ripped a gash right through Mantoloking. These homes were largely all destroyed. As a matter of fact, the nature of the New Jersey coastline has now changed and there are inlets where there were none before, and it has totally rewritten the geography of the New Jersey shoreline.

The relief package we are debating today will help us repair, yes, this bridge, as well as some of the surrounding homes that were clearly lost and part of the highway that will need to be rebuilt, and it will help us defend this community from the fear of this

happening again, of part of the community totally being ripped out.

While much of the damage was on the Jersey shore, northern New Jersey communities such as Little Ferry, as seen on this photo, and Moonachie saw extensive river flooding when a berm failed. I was actually by this location and saw FEMA emergency management teams, as well as local police and firefighters, getting people out of their homes in rafts in order to be able to get to dry land. Private property damage to both towns has been estimated to exceed \$15 million. This bill will help these people rebuild and provide the State the resources it needs to build the berm back stronger.

In Sayerville, this is the third time in 3 years they have experienced severe flooding. In this picture, Mei Zhu surveys the damage inside her home. And that look of absolute fear and terror of what is before them is a look I have seen far too many times on the faces of New Jerseyans.

The foundations of some homes were ripped away, causing fear of physical collapse. Other homes were condemned and residents were told to leave. According to construction officials, in this borough alone a list of 39 homes with collapsed foundations and 246 other homes were severely damaged.

After these repeated floods, many are now asking for their homes to be bought out, but an additional \$55 million is needed to allow these residents to move on. This bill has the resources needed to allow the State to fund these buyouts and allow Sayerville to deal with its new realities.

Here now are two pictures of Union Beach, NJ, a working-class town that could not afford the local \$30 million to \$40 million match for an Army Corps beach engineering project.

In this photo, you can see the storm devastated entire neighborhoods. Rebuilding defenses only to the standard that existed before the storm will give us more of the same in the next storm. If we don't do things differently, we shouldn't expect a different result.

In this next photo, you can see houses that were crushed by the storm's surge. Yes, we can help these homeowners rebuild, but if we don't rebuild smarter, better, and with stronger coastal protections, we will be back here again after the next storm paying the same price both in terms of human suffering and Federal funds.

I appreciate that colleagues came to see the devastation, the many administration officials, and the Vice President. We saw the difference between an Army Corps-engineered beach and one that is not. Where there was an Army Corps-engineered beach, you had very little destruction. Where you did not, you had massive destruction. The storm proves what the Army Corps of Engineers, academic studies, and local communities have been telling us for

years: Beach engineering works. It protects lives, it protects property, and it saves us money in the long run from repetitive loss.

This next image is what you can see by helicopter all up and down the Jersey shore. This is one part, Ortley Beach, where many homes were destroyed and totally encased in sand. Many communities going back blocks and blocks off the beach will be found in very similar sets of circumstances.

Just to give you a sense of the magnitude, this is one community. Multiply that by a whole host of communities along the Jersey shore going back literally blocks and blocks of this picture.

In a different context, hundreds of thousands of New Jerseyans have had their commutes disrupted because of the storm. Every single New Jersey Transit rail line was affected. Most service has been restored, but even today the Port Authority's PATH terminal at Hoboken, which brings thousands of riders back and forth between New York and New Jersey and the major financial markets of this Nation, is inoperable and it still won't be back on line for some time, affecting the commutes, the lives, and pocketbooks of 30,000 passengers who use that station every weekday. This closure has hurt many local small businesses and is forcing some workers to take a 6:30 a.m. bus every morning instead of an 8 a.m. train. Others are taking ferries, of course far more costly than their PATH ride, meaning that their personal budgets are hit dramatically each and every week that they are going to work. Superstorm Sandy caused an estimated \$7 billion in damage to transit systems across the region, disrupting not only people's commutes but taking time from them to spend with their families and money out of their pockets.

Here is a picture from a security camera showing the rushing corrosive seawater into the station of Hoboken, NJ. The saltwater has been pumped out and the silt that had accumulated has been dug out, but electrical equipment will need to be replaced and rebuilt before we see the tens of thousands of riders who rely on this station traveling again.

Other than the destruction wrought by the storm surge itself, arguably the biggest impact of the storm was the loss of power. At the outage peak, approximately two-thirds of the entire State was without power. Ten days after the storm, 10 percent of the State was still without power. Without power, these customers did not have heat, despite temperatures in the low 40s. Of the 40 New Jersey deaths, about half were directly related to the loss of power, including oxygen machines shutting off, people falling in the dark,

carbon monoxide poisoning from generators, and hypothermia. Fully restoring power was a Herculean task, requiring utility crews from as far away as Oklahoma and Quebec to help local line workers.

At this moment our defenses are so low. It is like your immune system; when your immune system is depleted and at its lowest, you are most susceptible to getting ill. Up and down the New Jersey shoreline, we are totally defenseless. All we need is a northeaster—God forbid—and we will be in critical shape, unless we get this money to rebuild.

The Jersey shore was the epicenter of the destruction caused by Superstorm Sandy, as the storm made landfall near Atlantic City. From Sandy Hook to Cape May, tens of millions of people visit the shore every year. It generates \$38 billion in revenue to thousands of businesses annually. Here you can see the tremendous damage at the iconic Casino Pier at Seaside Heights. This photo shows more than just a mangled roller coaster; it symbolizes the destruction of an entire community—the small businesses that rely on this and other attractions and fuel this shore community.

New Jersey small businesses have suffered a combined \$8.3 billion in damages, according to preliminary analyses. Here in Seaside Heights, many shore businesses were devastated. Here in Bay Head, a salon has its flood-damaged furniture piled out front awaiting removal. When we went to Long Beach Island with about four of our Senate colleagues, they saw block after block of businesses totally closed. This isn't about seasonal businesses. These are businesses that actually would be open but for Superstorm Sandy.

Here is a business owner cleaning up after flooding at Elsy Auto Repair in Newark. It gives you a sense of the breadth and scope of the shore, Newark and all types of communities affected.

I wanted to walk through these photos to give my colleagues and fellow Americans a sense of the damage we have seen throughout my home State. But what I have shown you still does not do justice to the full impact of the storm or the devastation people went through. Every part of New Jersey was affected by the storm and we need your help to recover.

Unfortunately, there are those voices saying the cost to help families rebuild and recover is too much, that it should be reduced; that in this emergency, unlike many other similar emergencies in the past, we should do something smaller and wait to do the rest later.

Those who make such arguments could not, respectfully, be more wrong. We cannot rebuild half a PATH station, a little now and more sometime in the future; we cannot permanently repair half the Mantoloking Bridge; half a bridge is not a bridge at all. We cannot

hire a contractor to rebuild half a house or restore half of a community. We need the money in place to rebuild entire projects and entire areas to ensure that families and businesses devastated by the storm can recover.

Right now there are tens of thousands of small business owners trying to decide—their life is on hold—whether I will have some assistance by the government that will help me reopen or I will pack it in. They need to see a full Federal commitment right now to know they have the resources and the customers they need to make it. Half a loaf or a wait-and-see commitment is simply not good enough.

I do not want our small businesses to pack and move on. I do not want multigenerational businesses to end because of a superstorm. I know Governor Christie doesn't want them to move on either. We want them to recover and stay in New Jersey. Disaster reimbursement from FEMA and agencies such as the Department of Transportation only flows when a project is completed. That makes the spending seem slow but actually the rebuilding happens much more quickly. Local communities are able to budget and contract for a project, knowing the money will be there at the end. If we wait, if we do not put up the money, then some of the rebuilding will also wait and a piecemeal recovery is a stalled recovery and, in all likelihood, a failed recovery.

The need is clear for passage of the Sandy relief package for my State and for the entire region devastated by the storm and the ruin it left in its wake. We have just gone through an election at the heart of which we debated the role of government in our lives. I submit we need to focus on what government does to help build the spirit of community we have seen in action in the aftermath of this devastating storm. Americans across the country were riveted by the stories of the immediate aftermath of the storm: the pictures of entire communities underwater, homes moved blocks down the road, homes and train cars blocking Federal highways, hospitals closed, gas lines miles long, people waiting hours for fuel to run generators to keep their homes heated and families warm, weeks of fuel rationing and no transit or Amtrak service for the entire region for people to get to work or visit their families.

Without a doubt, these were trying times for New Jersey. But now, just because those scenes are no longer showing in living rooms across the country, does not mean the pain is not there. It does not mean the recovery is over. Thousands of families are still displaced from their homes and will be for months to come.

We face this at the beginning of a winter. Many of these superstorms and hurricanes come in tropical times. We

are in the midst of winter. The bite is even worse. Transit lines are still out. Community infrastructure still has to be rebuilt. Now is not the time for the Federal Government to walk away. It is more crucial now than ever for the Federal Government to help devastated communities rebuild, to help families get the assistance they need to repair their homes and put their lives back together. I, for one, will not rest until the rebuilding is done.

Whether in the Senate or before in my role in the House of Representatives, I have never said no to disaster funding—whether that was a result of Hurricane Katrina, for the people of Louisiana, Alabama, Mississippi; whether there was flooding along the Mississippi; in another context, whether it was tornado disasters in the Midwest; whether it was crop destruction for our farm States, I have not said no because I believe that is the essence of why we call this country the United States of America.

The only difference is the location and extent of the destruction. Now it is time for my fellow Americans to stand with New Jersey. We have been battered, but we are not broken. We are stronger and more united in our efforts to work to recover, rebuild, and recommit ourselves to uniting around common concerns and shared values rather than being divided by our differences. This is the lesson we learn and together we will rebuild and the Garden State will bloom once again.

I look forward to my colleagues supporting us in this effort as I have supported our fellow Americans, their people in their State and their challenges. This is one in which we need them to join hand in hand with us and to remember that but for the grace of God there go I.

This will happen someplace, sometime in another part of the Nation, and I will be proud at that time to once again say, yes; this is the United States of America.

Mr. LAUTENBERG. Mr. President, on October 29, one of the largest Atlantic hurricanes on record slammed into the Jersey shore. At the same time, a winter storm system hit New Jersey from the west, creating a superstorm that did unprecedented damage to my State.

When the sun came up the next day, parts of New Jersey looked like a war zone.

Reports indicate that more than 30 people in New Jersey were killed, and at least 100 in the U.S. lost their lives as a result of this storm.

Across New Jersey, 350,000 housing units were damaged or destroyed.

Imagine how all of those families felt. Imagine having to evacuate, and coming home to find nothing there. The place where you raised your children and created so many memories—gone.

Across our State, 75 percent of small businesses were affected; big parts of our transportation system were shut down; and our electrical grid was crippled. There were approximately 2,400,000 power outages in New Jersey, affecting roughly two-thirds of all power customers in the State.

In response to this devastation, I was proud to see New Jersey Governor Chris Christie and President Obama put aside their political differences and join together to help people in a desperate situation. This bipartisan leadership made the whole country proud.

We have an opportunity with the bill we are considering this week to show that kind of leadership here in the Senate.

The Superstorm Sandy supplemental appropriations bill will help New Jerseyans recover from this storm and rebuild our State so we are stronger for the next storm.

The bill extends \$60,000,000,000 of aid to New Jersey and the region.

That's about \$20,000,000,000 less than New Jersey and New York estimated the States would need—and those State estimates took weeks to compile and were done with help from third party analysts.

Simply put, the bill before us is a reasonable down payment on the basics of our recovery and rebuilding effort.

Where private insurance wasn't enough, this bill will help residents and small businesses pick up the pieces and begin to restore their lives.

It helps fund the repair of our devastated transportation network, our damaged electrical grid, and other public infrastructure.

And the bill provides for proven Federal programs that will help reduce flood risk along New Jersey's shore and protect the investment we are making in rebuilding coastal communities.

The situation in New Jersey is still desperate.

Tens of thousands of New Jerseyans face unemployment because of the storm.

And 7 weeks after Sandy, more than 40,000 people in New Jersey are still out of their homes. Their suffering will only increase as we enter the coldest months of the year.

And the Hoboken PATH station remains closed as well, causing local businesses to shut their doors.

How long are we going to make people wait for relief?

When other States have suffered overwhelming disasters, Congress has helped them rebuild and restore. That is what we do as Americans—we help each other in times of need.

We saw the worst of Mother Nature in Superstorm Sandy. But we saw the best of the American people. Neighbors helped neighbors, and leaders put politics aside.

Now it is our turn in the Senate to join together across party lines and

help rebuild New Jersey, New York, and the other States that were devastated by Superstorm Sandy.

Let's pass the Sandy supplemental appropriations bill this week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

#### NEWTOWN, CONNECTICUT TRAGEDY

Ms. MIKULSKI. Madam President, I rise to speak as the chair of the Subcommittee on Commerce, Justice, and Science, to talk about the aspects of my bill, the parts of my bill that are in the supplemental. But before I do, I want to join with other Americans in extending my deepest condolences to the families in Connecticut, those 26 families who faced a tragedy of such enormity that it is impossible for the mind to comprehend and the heart to endure—the murder of 20 sweet, innocent children and 6 teachers who died protecting their children.

When we look at the photos of the children, we see in many of them the faces of our own families. We can only imagine the agony they are facing right now. I wish to extend my heartfelt support to them and also to all those who responded to the tragedy: those on the scene, the school principal who literally put herself in the line of fire to protect her students and tried to alert them through the intercom system; to teachers in the classrooms and a teacher's assistant who literally shielded them with their own bodies and their own know-how. Then there were the police and other law enforcement who went into the school, not knowing what danger and horror they would face or how they could rescue the children. There were the ambulance drivers who raced to the scene, paramedics, and even grief counselors needed counseling at one point.

In this situation, the families bear this incredible grief, but we all do too. Whether for those people on the scene, for those who have the permanent wounds of the bullet or those in Connecticut or those families who will bear the permanent impact of this tragedy, we lift our hearts in prayer for these victims and we lift our voices to end violence in America. We must look at ending violence in our country. We need to be able to look at the issues around gun control and ammo control, but that is only one aspect of it. We also have to look at issues related to mental illness because for those who suffer mental illness—whether it is those who have the illness themselves or their families who try to cope with it—they are often alone and helpless.

That is not by way of explanation or excuse for what happened in Connecticut or Colorado—what happens now all too frequently in our society. But there is a pattern, particularly of young men over the age of 18 and below 30 who seem to fall between the cracks, missing the help they need to be able to deal with those demons inside themselves. We need to be able to focus on that.

I agree with the President who said last night:

No single law—no set of laws can eliminate evil from the world, or prevent every senseless act of violence in our society. But that can't be an excuse for inaction. Surely, we can do better than this.

We must do more to protect our children and our communities, not only with words, prayers and vigils but actually with the deeds here.

So know I will join with my colleagues to reinstate the assault weapons ban. I plan to work with Senator FEINSTEIN to introduce a bill that will deal with military-style weapons and high-capacity bullet clips. Weapons of war have no place on our streets, in our schools or in our homes.

For those who cry: Oh, it is regulation—we regulate food for our safety. We regulate cars for our safety. We need to now look at regulating guns. But know that, as I also said, we must also look at the issue of mental illness, particularly in young adults.

Our colleague Senator LIEBERMAN is proposing a commission on violence. I am often skeptical of commissions, but I believe if JOE LIEBERMAN headed up that commission and we looked at it, it would come out with an action plan. If there was a pledge to support the recommendations of that commission, I would also be able to support it.

We need to look at guns, mental health, and those things that glorify violence in our society or glorify that somehow or another guns are a solution to every problem we have.

Today, the funerals in Newtown begin. Our mourning will go on for a long time, but our work as well must continue over the days and the weeks ahead. I intend to work with my colleagues to change the law and change the culture of violence.

I also rise to speak on my commerce and justice bill. I want to focus on my national responsibilities as the chairperson of the Appropriations Committee on Commerce, Justice, and Science. I also wish to point out that Maryland was hard hit too, especially the communities in the lower shore and in particular the community of Crisfield. I will speak more about Maryland and what we faced during Hurricane Sandy tomorrow.

It was ironic that when the hurricane hit, we faced hurricane winds in one part of our State and a blizzard and nor'easter in another part of our State. So we had State troopers on snowmobiles trying to go in to rescue vulnerable populations in Garrett County. We



also had our State troopers and guards on rafts and on swiftboats going in to rescue vulnerable populations being hit by the flooding waters and the horrific hurricane winds. Although we were not hit in Maryland the way New York and New Jersey were, we face damages too.

Up and down the Atlantic coast, there was tremendous damage. I am here to talk about the CJS portion of this urgent supplemental. It provides \$513 million to repair, replace, restore, and rebuild our communities and our critical assets. In our case, the CJS bill is about restoring critical assets for Federal law enforcement, our weather prediction and weather facilities, NOAA, and what was damaged in our fisheries program. Even NASA's spaceport Wallops facility was damaged by Hurricane Sandy.

When a storm such as Sandy hits, it devastates everything in its path, including Federal facilities, such as the offices and equipment of our law enforcement agencies. Our Federal law enforcement agencies—the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, and Firearms—were also hit. We need to make sure we maintain support for these law enforcement agencies, and therefore we have in this appropriation \$15 million for the Department of Justice to repair these facilities by replacing equipment and operational tools damaged by Hurricane Sandy.

This will also help FBI facilities in New York and New Jersey that were hit. The New York field office, resident agencies, and even labs and case record storage facilities were damaged. They are all important in dealing with fighting crime, whether it is terrorism, organized crime, or financial fraud. Sewage and mud destroyed the New York field office mobile command center, specialized laboratory trucks, and evidence response team vehicles.

This appropriation also has \$1 million to restore the tools the Drug Enforcement Agency needs to go after drug traffickers. Radio communications and the antennas to stay connected were damaged. The New York division's information technology system needs all the help it can get to be able to replace those 15 vehicles used for important kinds of forensic detection and wiretap that were lost to flooding or crushed by falling trees.

Also included in the appropriations is the Bureau of Alcohol, Tobacco, and Firearms, which will get \$25 million. Flooding swept through the ATF offices in Brooklyn and Manhattan. It damaged communication, security systems, and other tools Federal agents need to detect crime, fight crime, identify the perpetrators of crime, and gather the evidence.

We have \$10 million in here for the Bureau of Federal Prisons. Ten Federal prisons were affected by Hurricane Sandy, located in four States: New

York, New Jersey, Pennsylvania, and West Virginia. We need these repairs to meet safety and security requirements to make sure the inmates are kept secure and the prisons are fit for duty. They will need \$10 million to be able to do that.

Let's talk about the science side. Our Federal science facilities along our coast were also damaged. Repairs are needed in Federal laboratories, research facilities, and monitoring equipment.

NOAA needs \$15 million for ocean and coastal equipment damaged by Hurricane Sandy. For example, 45 tide stations and data buoys were damaged. What does that mean? It is absolutely crucial for these buoys to give us the navigational information for safe navigation into and out of affected ports. The Presiding Officer knows, as the Senator who represents Washington State, how important access to a port is and how important the NOAA facilities are to help our ship captains and our port pilots have accurate and reliable data. They were damaged up and down the coast. They will need \$63 million to repair and improve weather forecasting equipment and capabilities. Nine NOAA weather radio sites were damaged, including broken transmitters and antennas. Repairs are needed so they can be able to give us the right weather forecast even during a storm, to be able to give us the right information to protect our communities. For every mile we can be accurate, we will save \$1 million in evacuation costs by the State, local, and private sector. Every dollar we spend that can provide accurate forecasting saves lives and saves money. In addition, even the NOAA hurricane hunter planes were damaged. We have three of them. Only one plane was able to work during the 2012 hurricane season. Two other planes desperately need repairs, and we are going to do it.

Also, we need to repair NASA facilities that were damaged along the coast. Beaches were washed away near the NASA launch pad at Wallops Island. The launch pad sits steps from the beach, and workers had to stop testing the rocket that will be used to take cargo to the space station. After Hurricane Sandy, they said they had not seen this much damage in over 6 years. This is a very important facility. There were other NASA facilities that were damaged because of the impact and their closeness to the beach.

We also need cleanup. Entire coastal communities were washed away. The magnitude was amazing. Right now we have debris from storm damage that can be dangerous to fishing vessels, public health and safety, and to marine life. This funding is important for the communities hit by Hurricane Sandy and also for the west coast communities that are still struggling with debris. I understand in Oregon, Wash-

ington State, and in California they are still dealing with debris from the Japanese tsunami. I know the Senator from Washington State as well as Senator MURRAY have spoken to me about it.

We need to clean up what was washed up. It is important not only for the safety of our beaches but also so that ships have clear navigation. We are also going to be looking at coastal habitat.

Due to the hurricane, not only were people displaced but fisheries were destroyed as well. I am not equating the two, but for many of us who are coastal Senators, we know that the fisheries are an important part of our identity, an important part of the economy, and an important part of jobs in our communities. We call them watermen in Maryland. Our colleagues from New England call them lobstermen or fishermen. I know the Presiding Officer calls them fishermen. Whatever name we use, those men and women who work and harvest the sea depend on their fisheries.

There were several fisheries which were damaged because the storm created such an aquatic and habitat upheaval. Assistance is needed for our fishermen and our fishing communities which depend on this for their livelihoods to get help. We will be focusing in this bill on New England groundfish; Mississippi's—which was hit by another hurricane—oysters and blue crabs; as well as Alaska and its salmon. Those who were affected at the salmon fisheries will benefit from this bill as will New York and New Jersey.

At the same time we will provide assistance to legal aid for mobile resources and disaster coordinators. There is a tremendous demand for their services to help people sort out many of the aspects of this. They help them with their benefits and their insurance. They need help just sorting things out when they don't have the documents they need.

We are going to have lawyers on the ground to work with the community. Legal aid will be doing this, and they will be also coordinate pro bono orders.

We see this bill not just as spending on these items, we see this as helping the communities get back on their feet and ensuring they have vital Federal services in law enforcement and the safety and protection of their community. We need to maintain the safety of our Federal prisons and make sure there is safety and access to our ports in order that safe navigation will be provided.

For every dollar we spend, we are going to be creating jobs. It is going to take jobs and human beings to replace and replenish our beaches. This is important. It is a jobs bill. When we talk about going in and stabilizing our prisons or helping with the New York field office, and so on, these are going to be

jobs in construction, in office space restoration, and mold mitigation.

Item after item will help provide an opportunity that even men and women whose jobs were displaced because of this storm will have the opportunity to be able to participate in these Federal contracts to rebuild the very communities that they are from. I know we hope that happens.

After all of this, we are going to have safer beaches and safer navigation. We are also going to continue the excellent work that has been done by NOAA and weather forecasts. They gave us plenty of warning so that we were able to save as many lives as we could, but unfortunately we could not save those homes and we could not save those livelihoods.

This supplemental helps people get back in their homes, get those communities back, and hopefully we will restore those livelihoods. I look forward to ensuring that my aspect of the bill moves in an expeditious, speedy, and smooth way.

I thank the ranking member, Senator KAY BAILEY HUTCHISON. She worked with me on a bipartisan basis to put together my part of the supplemental. This will probably be the last bill she will help move. I appreciate her help.

I hope my colleagues, as they look at the overall aspects of this bill, will move it. Tomorrow I will be talking more about the FEMA and HUD aspects, particularly as they affect Maryland. I hope that as the lameduck moves along, we move in a bipartisan way to get our people back into their homes, back to work, and get back the faith that the Federal Government is on their side and responds to them.

The Senator and I thank President Obama for his leadership and giving us the right framework. We have it all lined up here, and we are ready to go.

I yield the floor.

The PRESIDING OFFICER. The Senate majority whip.

#### NEWTOWN, CONNECTICUT TRAGEDY

Mr. DURBIN. Madam President, as I was coming to work today, I drove past St. Peter's grade school which is on the House side of the Hill, and there was a group of students—little kids—who were being escorted by their teacher down the sidewalk. As they walked along I couldn't help but flash back to that image all America remembers from last Friday—the children at the Sandy Hook school in Newtown, CT, filing out, heading for safety at the firehouse.

I don't know that I can look at the faces of these children as their names have been reported and not think of my own kids when they were that age, and especially of my own grandchildren now, who are just a little over a year old. But I saw in the eyes of those children what all of us see: innocence, happiness, an interest in the future, and the greatest dreams in the world.

Well, in one brutal, depraved moment, those dreams ended when that gunman forced his way into Sandy Hook school and shot those poor innocent children. At that moment, some people stepped forward who really became heroes of the day: Four teachers, including Rachel Davino, Anne Marie Murphy, Lauren Rousseau, and Victoria Soto, and the school psychologist, Mary Sherlach, and Dawn Hochsprung, the beloved school principal who apparently walked right into the face of this gunman to try to stop him from harming any of the children in the school. These school employees lost their lives because they were trying to stop the gunman or shield their students from him.

We would like to think all of us called into a moment such as that would rise to the standard of courage they showed. I hope we would. They did, and in so doing reminded us that even those who just go to work every single day can be called on to show bravery. These teachers did, the school psychologist and the principal, and we owe them a great debt of gratitude, as I am sure the families of all of the students in the school feel.

We pray for all the children were lost on Friday, for the six school employees, and for all their families and loved ones. We also pray for the first victim that morning, the shooter's own mother, Nancy Lanza. And we thank the first responders who responded so bravely in the face of such horror.

We reflect now on our responsibility. I thought about it over the weekend, and I wrote an article for the Chicago Tribune this morning and here is what it said:

What will it take? What will it take for a majority of Americans to speak out for sensible firearms policy in our nation? It will take more than a Congresswoman being shot point-blank in the face as she gathers for a town meeting in Arizona. It will take more than a deranged gunman with a 100-round magazine spraying bullets into a crowded movie theater in Aurora, CO. It will take more than the kids who die playing with guns carelessly stored. It will take more than killings on the university campuses in my home State of Illinois and in Texas and Alabama and Virginia; and it will take more than the shootings on the streets of Chicago, my hometown of East St. Louis, and so many other cities across the country. Sadly, it will take more than 27 victims, including 20 children, at Sandy Hook grade school.

What it will take is for a majority of Americans and a majority of thoughtful gun owners and hunters to agree that there must be reasonable limits on gun ownership and weapons. The U.S. Supreme Court acknowledged that our second amendment rights are not absolute. So can we come together and agree that Americans have the right to

own and use firearms for sport and self-defense, but with certain limits?

We must institute reasonable, commonsense limits, such as barring those with a history of mental instability, those with a history of violent crime or who are adjudged dangerous and subject to restraining orders, and those whose names have already been placed on a terrorist watch list from owning guns. Those "straw purchasers" who are literally fencing for drug gangs and other criminal thugs, and the gun dealers who look the other way when they come to buy those weapons? We have to deal with them realistically and firmly.

There are certain classes of weapons that are strictly military. They have no useful purpose in sport, hunting, or self-defense. They should not be legally sold in America. The gun used at Sandy Hook grade school in Newtown, CT, was just such a gun, an AR-15, originally an M-16, developed for military purposes. Then, with clips attached that held countless numbers of bullets, he turned it on those little babies, these infants, and killed them with that assault weapon. Magazine clips with more than 10 rounds should be prohibited from civilian use.

No one should be allowed to purchase more than two firearms—maybe only one firearm per month. And those who own firearms that are within the reach of children should have protective locks on their weapons.

What holds us back are political organizations that are well-funded and organized and determined to resist even the most reasonable limitations. There is a close political parallel between the gridlock in Washington on dealing with our economy and national debt and the eerie silence in Congress as the list of horrific gun crimes grows by the day.

I am encouraged by several of my colleagues who have spoken out today. Traditionally they have been on the side of those who have opposed any type of limitation on firearms, but they believe, after Newtown, CT, we have to reopen that conversation in a good-faith effort to find common ground.

But too many of my colleagues just shrug their shoulders when gun issues come to the floor for a vote. They have made Grover Norquist-like pledges and feel dutybound to vote "right" on every scorecard issue.

My wife and I grew up in families of hunters. We know the rite of passage when a father can take his son or daughter out hunting for the first time. I know the fun of watching the Sun come up from a duck blind and hearing a seasoned hunter calling them in over the water. The hunters I know are good people who love their sport and hate those who misuse firearms, terrorize, and kill. We need for these hunters to join with many Americans,

some of whom have never owned a gun or used a gun, to establish a reasonable standard for gun use and ownership in this great Nation.

I was thinking over the weekend how much we have focused on texting and driving, and I looked up the numbers. Last year it is estimated that 6,000 Americans died because they foolishly were texting while they were driving. We now have a national campaign to stop texting and driving, and we should: 6,000 American lives lost. Last year we lost 30,000 American lives to gun deaths, to put it in perspective. It is time for us to view safety and ownership of guns as seriously as we do when it comes to the safety of operation of automobiles. Until we do—until we come together as a Nation and come forward with reasonable limits on guns that can be sold, magazines and cartridges that can be sold, even the body armor which I can't even understand the purpose for in this country—until we do that, the number of victims of gun tragedies will continue to grow and the silence of the funerals that follow will be matched by the silence of those in Congress who have the power to change it.

It is time for us to step forward in memory of these poor children in Newtown, CT, their grieving families, these heroic teachers, and so many others who reminded us last Friday that we are all part of the same American family.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, before the Senator from Illinois leaves the floor, I commend him for his statements, first on his nominee for the Illinois judgeship that has been delayed for far too long, through no fault of the Senator from Illinois.

This weekend was a very difficult and trying weekend for our families and so many other families, although nothing compared to the families in Newtown, of course. I pretty much stayed off the phone and spent time with children and grandchildren. I made an exception for a couple of phone calls with the distinguished senior Senator from Illinois. I told him that when we come back in in a couple of weeks for the new Congress, I will work with him to make sure the Senate Judiciary Committee has full and thorough hearings on the subjects he has just spoken about, as he stated here so eloquently and as he did in his television interviews this weekend.

The President was absolutely right when he said there is a number of issues. Obviously the issue of guns is one of them. Mental health is another. There are several issues. Several committees will look at these issues, and should. But I think the Senate Judiciary Committee has a very particular role to play, and I pledge to the Senator from Illinois he will have my com-

plete cooperation in that regard. He was one of the rare phone calls I made this weekend, as well as to a couple national law enforcement officials.

I thought I had seen some of the most horrific crime scenes in my career, but they don't even begin to compare to what the first responders and others, including school officials and parents, saw in that elementary school. The memory is fresh for us, but can we imagine the memories for the families of both the adults and the children who died? It is a memory that will never, ever fade. I think we ought to show our responsibility and step forward to find out what can be done not as Democrats, Republicans, conservatives, liberals, but as Americans. I believe it can be done.

I see the time of 5 o'clock has nearly arrived, but I also see the distinguished Senator from Maryland on the floor. He wishes to speak on the supplemental. I ask unanimous consent Senator CARDIN be permitted to speak on the supplemental and that if he goes past the time of 5 o'clock he be allowed to continue using my time on the judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Madam President, first let me thank Chairman LEAHY for those words in his exchange with Senator DURBIN. I wish to offer my deepest condolences on behalf of all of the people of Maryland to the 20 students who lost their lives, and the 6 adults, at the hands of a single shooter at Sandy Hook Elementary School in Newtown, CT.

It is heart-breaking to listen to the stories of innocent lives cut cruelly short. The pain and grief of the families and friends of these students and teachers is unimaginable.

I want to echo some of the comments Senator DURBIN and Senator LEAHY made. We know the teachers and the aides put their lives on the line in order to try to save the children, as well as the unbelievable task of the first responders coming to the scene and not knowing what they would find. We send our prayers to all.

This is a tragedy beyond words. I think President Obama said it best last night that our hearts are broken. But as Senator DURBIN has said—and I say to Senator LEAHY, I particularly want to thank the Senator—we need to take action. Congress needs to come together and take action to protect the safety of our children. We must do better. There have been too many episodes in which children's lives—and others—have been lost that we must figure out ways to prevent these types of tragedies.

This conversation must include a discussion about the culture of violence that permeates our culture today, including the glorification of violence to

our children and young adults. We see too much of this violence, and it has to have an impact on young children. We need to know how we can responsibly deal with this circumstance.

It must include a discussion of the mental health services provided to Americans, including our students. Many of us have talked about this in the past. We have to be more aggressive in dealing with the mental health needs of all the people in our community.

As Chairman LEAHY pointed out, we must discuss the issue about the ready access of individuals to weapons. I know there are different views in this Congress. I must tell you, I do not understand why we need to allow access to military-style assault weapons and ammunition.

I strongly support Senator FEINSTEIN's efforts to reinstate the expired 1994 ban on assault weapons, including a ban on ammunition magazines that hold more than 10 rounds.

Senator DURBIN has raised a very valid point: We regulate automobiles. We regulate consumer products. We regulate a lot, as we should, for public safety, and we should regulate firearms for public safety reasons.

There is no need for assault weapons to be held by the public. In my view, there is no legitimate reason for a civilian to possess a military-style weapon or to have large capacity ammunition clips. Congress should also examine whether we can strengthen our background check system for gun buyers, along with criminal penalties for those who illegally purchase or transfer guns.

We need to take a look at safety locks for children. We need to look at those who make multiple purchases. We need to look at the gun show purchases. I think we should examine all those to see whether we can make our communities safer, without infringing upon the legitimate right of individuals to possess guns, sportsmen to be able to use guns for hunting. I think all that, obviously, will be protected. But we can do a much better job of protecting public safety.

We have talked about this before, and we need to act. We need to act in a comprehensive way to make our society safer. I pledge to the chairman of the Judiciary Committee—I have had the honor of serving on that committee for 4 years. He is an extremely fair leader who believes in letting all sides be heard, and I very much appreciate his commitment in so many different areas that have dealt with public safety. We have great confidence in his leadership on that committee, and other committees of the Senate need to act as it relates to the safety of our children.

(Mr. BEGICH assumed the chair.)

Mr. CARDIN. Mr. President, I know we have pending the supplemental appropriations bill. I urge my colleagues

to act on this as quickly as we can. Sandy was a devastating storm. Eight million people were without power. There were over 100 deaths, including 7 in the State of Maryland.

Maryland was hit hard, not as hard as New Jersey or New York—and our prayers go out to all the communities that have been affected—but Maryland was hit pretty hard. We had sustained winds for hour after hour after hour after hour. We had rainfall records—9 inches. We had storm surges with 7 foot waves. We had flooding of the Eastern Shore of Maryland. We had a storm in the western part of our State that dropped 30 inches of wet snow.

So we suffered from the flooding on the Eastern Shore and the storms in western Maryland. In many of the communities, people who live below the poverty line are elderly. Senator MIKULSKI was just on the floor and talked about the circumstances in the city of Crisfield. In that city, 32 percent of the population lives below the poverty line. Mr. President, 585 homes were severely damaged, 71 sustained major damage. The watermen, which is one of the major industries for that community, found that they were literally unable to work, and they are still unclear as to what is going to happen to their crops.

We have a serious problem. I will give you just two examples of people who have lived through this storm.

In Crisfield, Mary lived in an apartment with Cody, her trained medical dog. Mary suffers from epileptic seizures, and Cody serves as her lifeline when these seizures occur.

Mary has no family in the area. She cannot work due to her disability. Her only source of income is a small Social Security check.

When Hurricane Sandy hit Crisfield, the water rose rapidly in her apartment. Mary was forced to grab Cody—and nothing else—jump out the window and swim to safety. She lost all her belongings, including all her records, which might be helpful for her to be able to get the benefits she is entitled to.

She is now in temporary housing at a local motel, paying \$60 a night, which she cannot afford, until she can qualify for the assistance. In an area that has a high number of low-income elderly persons, Federal assistance is needed to help deserving senior citizens severely impacted by this storm.

Then there is Diane, who also lives in Crisfield with her family in her childhood home. According to Diane, she has weathered many storms over the years but never in her lifetime has she ever seen the water rise so high and so quickly, inundating the first floor of her home and creating huge whitecaps around her neighborhood. Diane decided to ride out the storm in her home, fearing the possibility of drowning if she left.

The family lost all their possessions. With housing vouchers, they are now living in temporary housing. A church group gutted her home, but she still needs building materials in order to be able to rebuild her home. She does not have the resources to do that. She needs Federal assistance in order to get her life back in order.

They are just two stories, and I could give you numerous others in the State of Maryland. In the western part of our State, in Garrett County—Garrett County is a community of 30,000—15,000 homes were without power. That is just about every home. Trees fell everywhere. This is a remote Appalachian community, where people were isolated because of the storm. They need help. They need partners.

I wish to congratulate Governor O'Malley and our State leaders and our county leaders. FEMA did a great job. I want to thank the Red Cross and other private sector groups.

But now it is time for the Federal Government to act as a true partner.

I thank President Obama for the disaster declaration for our State, including individual relief for the County of Somerset. This legislation strengthens the Federal partnership. It provides the resources so we can help people such as Mary and Diane who have been devastated by the storm. It will provide the resources necessary so they can put their lives back together. I particularly note the \$17 billion in CDBG funds. Those are flexible funds that will help people such as Mary and Diane so they can get their lives back together.

I also wish to point out how important the mitigation funds are that are in the supplemental appropriations bill. That will allow us to build to prevent this type of damage in the future. For those who may question the feasibility of this type of investment, let me point to one in Maryland: Assateague Island. We widened and put more beach down on Assateague Island. It was kind of pricey, many people thought, but it acted as a buffer for Sandy coming in and causing more damage in Ocean City. Literally millions of dollars were saved because of Assateague Island acting as a bumper to the storm. Mitigation is important, and we should invest in mitigation.

The next step should be the passage of the supplemental appropriations bill. I have heard many of my colleagues come to the floor who represent States that are directly affected. I have listened as my colleagues around the Nation have talked about disasters in their communities, and we have always come together as a nation. I know we are in the last days of this legislative session. I just urge my colleagues to let us move this bill forward now. Let's get it done so the Federal Government can be there to help the communities that have been affected by this storm. It is the right thing to

do, and I hope my colleagues will support that effort.

I yield the floor.

#### EXECUTIVE SESSION

NOMINATIONS OF FERNANDO M. OLGUIN TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA AND THOMAS M. DURKIN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California and Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, originally we were planning to vote at 5:30 p.m. The distinguished ranking member has no objection. I ask unanimous consent that the time be divided between now and 5:30 p.m. in the normal fashion and the votes be at 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, so Senators will know, it is my understanding that the first vote, on the confirmation of Fernando Olguin, of California, will be a voice vote, and the second one for Mr. Durkin will be a rollcall vote, which is what I understand from the Senator from Iowa, which, of course, is perfectly acceptable to the Democratic side.

Mr. LEAHY. Mr. President, today the Senate is finally being allowed to vote to confirm two consensus judicial nominees who should have been voted on months ago. Both Judge Fernando Olguin and Thomas Durkin were voted out of the Judiciary Committee before the August recess. Both will finally fill judicial emergency vacancies in the Central District of California and the Northern District of Illinois that were needlessly held vacant since this summer by partisan delay tactics. Their service to the American people has been unnecessarily delayed by over four months.

In the Central District of California, there are over 12,000 cases pending before its judges, and in the Northern District of Illinois there are close to 11,000 cases pending before its judges.

Every single judge in each district has approximately 450 or more cases pending on their dockets. This enormous backlog of cases exists in many of our Federal courts in this country and it means that the American people are not able to receive speedy justice.

More than twice the number of judicial vacancies exists compared to the vacancies left at the end of President Bush's first term. The Senate should be voting on all 16 of the judicial nominees reported to the Senate by the Judiciary Committee. I have also been urging Republicans to expedite consideration of the four judicial nominees who participated in hearings last Wednesday. That would lead to 20 more confirmations before the Senate adjourns later this month.

Historically, the Senate has confirmed hundreds of judicial nominees within 14 days of their Judiciary Committee hearings, including more than 600 confirmed since World War II within just one week of their hearings. In contrast, obstruction by Senate Republicans has caused President Obama's district court nominees to wait an average of 103 days for a Senate vote after being reported by the Judiciary Committee, which Committee consideration has itself often been delayed 30 days or more after their hearings. This destructive practice of delaying for no good reason should be abandoned.

Republican filibusters and pocket filibusters are also preventing votes on circuit court nominees who should be confirmed by consensus before the Senate adjourns for the year. For example, one of the nominations Senate Republicans are holding up is that of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who they filibustered earlier this year. Senator COBURN, one of his home state Senators, said: "He has no opposition in the Senate. . . . There's no reason why he shouldn't be confirmed." That also applies to Richard Taranto, who was reported more than eight months ago to a vacancy on the Federal Circuit. That applies to William Kayatta of Maine, who was reported nearly eight months ago and has the support of his two home state Republican Senators.

After today's votes, there will still be nine judicial nominees stalled on the Senate Executive Calendar who were reported before the August recess, and who should have been confirmed months ago. Most are consensus nominees. All have the support of both their home state Senators, including their home state Republican Senators. The Senate should be voting to confirm all these nominees before the Senate adjourns for the year.

When George W. Bush was President, Senate Democrats cooperated in moving judicial nominees quickly through the Committee and to a confirmation vote at the end of the year. I did so whether I was Chairman or the ranking

member. By way of example, in 2008 we confirmed five of President Bush's nominees just three days after their hearing. We have often been able to do this at the end of a Congress, and this year should be no exception especially given the high level of judicial vacancies plaguing our Federal courts.

Judge Fernando Olguin is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California, where he has been serving as a Magistrate Judge for over a decade. He was the first Latino-American to serve as a Magistrate Judge in that District. Prior to that, Judge Olguin was in private practice for several years and also served as a Trial Attorney at the Civil Rights Division of the U.S. Department of Justice. He earned his law degree from the University of California at Berkeley. After law school, he clerked for the Honorable C.A. Muecke of the U.S. District Court for the District of Arizona. His nomination has the support of both his home state Senators. Judge Olguin was approved by the Judiciary Committee nearly five months ago by voice vote.

Thomas Durkin is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Northern District of Illinois. Currently a partner at the Chicago office of Mayer Brown LLP, he also served as a Federal prosecutor in the Northern District of Illinois for 13 years. During his time as a Federal prosecutor, he rose to become the Chief of the Criminal Receiving and Appellate Division as well as the Chief of the Special Prosecutions Division. From 1991 to 1993, he served as the First Assistant United States Attorney of that District. Upon graduation from law school, he served as a law clerk for the Honorable Stanley J. Roszkowski of the U.S. District Court for the Northern District of Illinois. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of "Well Qualified." His nomination has the bipartisan support of his home state Senators. He was approved by the Judiciary Committee more than four months ago by voice vote.

The Senate should finally confirm these two nominees today and proceed to vote on all the other judicial nominees stalled on the Senate Executive Calendar. We can fill 10 more judicial emergency vacancies before adjourning this year. We can help our Federal courts uphold their constitutional responsibility to provide speedy justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, would it be appropriate if I ask for a rollcall vote on Judge Durkin?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I will not use my entire time. If anybody else wants to speak, there will be time between now and 5:30 to speak. I think both these nominees will be approved overwhelmingly; obviously, the one with the voice vote probably will be, and I think the other one will be as well.

Today, the Senate turns to the confirmation of these two U.S. district judges.

#### NEWTOWN, CONNECTICUT TRAGEDY

Before I address that issue, I express my condolences to the victims and families in Newtown, CT. As a nation, we join to express our grief and to offer support and comfort to this community. Our thoughts and prayers are with the families who have suffered from this senseless act.

From time to time I have given my colleagues an update regarding the facts of judicial confirmations. Despite our steady progress on confirmations, we continue to hear complaints from bar associations, interest groups, editorial boards, and even some fellow Senators. Of course, these are the same groups that remained silent or at the time cheered on the efforts to block judicial nominees of the previous President. Multiple filibusters, failure to hold hearings, pocket filibusters of one sort or another, and other tactics of delay and obstruction were routinely used against President Bush's nominees. By the end of his Presidency, President Bush had 53 nominees who were not confirmed. That is nearly one out of every seven who were blocked. Somehow that history seems to have faded.

Today we continue to confirm this President's nominees, even in a lame-duck Presidential election year. As I have stated before, the Senate rarely confirms judicial nominees during lame-duck sessions in a Presidential election year. It did so in a very limited fashion in 1944, 1980, and the year 2004.

The last time a President was re-elected—President Bush in 2004—only three judicial nominees were confirmed following the election.

That year, following President Bush's reelection, 23 judicial nominations that were pending either on the Senate executive calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December. Today President Obama will have 10 confirmations in this lame-duck session, and obviously a lame-duck session in a Presidential election year.

This is a new record. No other President can claim that success. So for those who say this President is being

treated differently, I must agree. President Obama will have the most post-election judicial confirmations of any President.

This year has been a productive year for judicial confirmations. We have already confirmed 39 district judges and 5 circuit judges. Today's vote meets or exceeds the confirmations for Presidential election years in recent memory. During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges, 24 district and 4 circuit. This Presidential election year we have exceeded those numbers. We have confirmed 5 circuit nominees, and these confirmations will bring the district confirmations to 41. That is a total of 46 judges this year versus 28 in the last Presidential election year. In fact, going back to 1984, there has been only one Presidential election year in which more district judges were confirmed.

Let me emphasize that point. In only one of the past Presidential elections have more district nominees been confirmed. During this Congress, the 112th, we have confirmed 106 judges. That is the third highest total for any Congress going back to 1989 or, in other words, the past 12 Congresses. In total, the Senate has confirmed 168 district and circuit nominees during this President's first term. So I think by any objective measure one would have to conclude we are treating this President and his nominees quite fairly.

I stated at the beginning of my remarks, I expect these nominees to be fairly noncontroversial or totally noncontroversial. I intend to support them.

Today we vote on the nomination of Fernando M. Olguin, to be United States District Judge for the Central District of California and Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois.

After graduating from University of California Berkeley School of Law in 1989, Judge Olguin clerked for the Honorable C.A. Muecke, U.S. District Court Judge for the District of Arizona. In 1991, Judge Olguin began working as a trial attorney in the Civil Rights Division of the United States Department of Justice. There he prosecuted violations of the Fair Housing Act and the Public Accommodations Act.

From 1995 to 2001, Judge Olguin was a partner at Traber, Voorhees & Olguin, where he litigated housing and employment cases on behalf of underprivileged clients. Since 2001 he has served as a United States Magistrate Judge for the Central District of California.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a rating of Substantial Majority Qualified, Minority Not Qualified.

Mr. Durkin received his B.S. with honors from University of Illinois at

Champaign-Urbana in 1975 and his J.D. with honors from DePaul University College of Law in 1978. Upon graduation, he clerked for Stanley J. Roszkowski, United States District Court Judge for the Northern District of Illinois. After his clerkship, Mr. Durkin joined the U.S. Attorney's Office for the Northern District of Illinois. There, he handled a variety of cases, including bank robbery, postal theft, narcotics, immigration cases, firearms cases, commodities, securities and tax fraud, and political corruption. Mr. Durkin also held a number of supervisory roles in the office, including Deputy Chief of Special Prosecutions, Chief of the Criminal Receiving and Appellate Division, Chief of the Special Prosecutions Division, and First Assistant United States Attorney.

In 1993, Mr. Durkin joined Mayer Brown and focused on white collar criminal defense, internal investigations, patent litigation, securities litigation, civil rights litigation, consumer class action litigation, and product liability litigation. According to his questionnaire, Mr. Durkin has exclusively been a litigator and has frequently been in court his entire career. He estimates that he has tried approximately 95 cases to verdict.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a Unanimous Well Qualified rating.

I support these nominees and congratulate them on their votes for confirmation.

Mr. DURBIN. Mr. President, pending on the Senate calendar today for consideration is the nomination of Tom Durkin to serve on the U.S. District Court for the Northern District Court of Illinois.

Tom Durkin is a consensus bipartisan nominee. Senator KIRK and I strongly support his nomination. We believe he has all of the necessary attributes to be an effective Federal judge. Our view was shared by bipartisan screening committees in Illinois. Senator KIRK's committee, and my own committee, recommended Tom Durkin.

It is no secret that he has the qualifications, independence, and integrity to serve in a distinguished manner on the bench. The nonpartisan American Bar Association has awarded Mr. Durkin its highest rating of unanimously well-qualified.

Throughout his career Tom Durkin has demonstrated strong leadership in his community and a solid commitment to public service.

A native of Chicago, Tom received his bachelor's degree with honors from the University of Illinois at Urbana-Champaign, and received his J.D. with honors from DePaul University College of Law. After graduating from law school, he served for 2 years as law clerk to the Honorable Stanley J. Roszkowski, a personal friend of mine,

and an excellent judge for the District Court for the Northern District of Illinois.

Following his clerkship, Mr. Durkin joined the U.S. Attorney's Office for the Northern District of Illinois where he worked for 13 years and served in numerous leadership positions, including first assistant U.S. attorney. He joined the law firm of Mayer Brown as a partner in 1993 where he works to this day. His practice concentrates on complex commercial litigation and criminal defense. He has received numerous awards, including listings in "The Best Lawyers in America" and "Illinois Super Lawyers."

Mr. Durkin also has an impressive record of community service. He served for 9 years on the board of Legal Assistance Foundation in Chicago, and for nearly a decade he was the chair of Mayer Brown's pro bono committee. He has also taught as an adjunct professor of law at DePaul and at the John Marshall Law School.

Tom Durkin was reported out of the Judiciary Committee by a unanimous vote on August 2, 4½ months ago. I am relieved we are finally moving ahead with his confirmation. This vacancy, incidentally, has been declared a judicial emergency, and I am glad it is now going to be filled.

In closing, I wish to note that he comes from an extraordinary family, well known throughout Chicago, and especially in legal circles. There is only one black sheep in the family; it is Tom's brother, Jim, a Republican State representative who ran against me for the Senate in 2002 the famous Durkin-Durbin race in Illinois. But we ended that race friends. I have great respect for Jim and Tom Durkin and for their whole family.

I wish Tom Durkin the very best and commend his nomination to my colleagues. I believe he will be an excellent Federal court judge and I am glad he and several other Federal district court nominees are going to be confirmed this week.

● Mr. KIRK. Mr. President, I offer my strong support for Thomas Durkin to fill one of the four vacancies on the U.S. District Court in the Northern District of Illinois.

Because of his outstanding experience and record of public service, I submitted Thomas Durkin's candidacy to the White House in July 2011, following the recommendation of my nonpartisan Judicial Review Commission. Senator DURBIN had previously forwarded Mr. Durkin's name to President Obama in 2009, based on the recommendation of his screening committee.

The judgeship for which Mr. Durkin has been nominated is considered a "judicial emergency" by the Judicial Conference of the United States. Confirmation of this qualified nominee will ease the backlog of cases and allow the dispensation of justice in a fair and timely manner.

I thank Senator DURBIN for his leadership, and I urge my colleagues to support this bipartisan nomination and confirm Mr. Durkin to the Federal bench.●

Mrs. FEINSTEIN. Mr. President, I wish to express my strong support for the nomination of Fernando Olguin, whom I recommended to President Obama to be a U.S. District Judge for the Central District of California after he earned a strong recommendation from my bipartisan judicial selection committee.

Born and raised in the greater Los Angeles community of Azusa, Judge Olguin lives in the Los Angeles area today.

He is a graduate of Harvard University and the University of California, Berkeley School of Law.

After serving for 2 years as a law clerk to a Federal district court judge in Arizona, Judge Olguin joined the U.S. Department of Justice through the Attorney General's Honors Program.

From 1991 through 1994, Judge Olguin served as a trial attorney in the Civil Rights Division in Washington, DC, enforcing numerous Federal statutes, including the Fair Housing Act and the Public Accommodations Act.

He then joined the Mexican-American Legal Defense and Education Fund, or MALDEF, serving as its national education program director from 1994 to 1995 in Washington, DC.

Judge Olguin then came back to California, becoming a partner at the law firm Traber, Voorhees, and Olguin, where he practiced civil litigation from 1995 to 2001.

He was appointed to serve as a magistrate judge in 2001, where he has built a stellar record. In his 11 years on the bench, he has managed a docket of hundreds of cases at a time and issued hundreds of published opinions, as well as nearly 2,000 decisions and orders.

In 2011, he had the best record of any magistrate judge on the court at working with litigants to settle their disputes. This is very important in a busy district like the Central District, whose judges carry the seventh-highest civil caseload in the Nation.

Judge Olguin is well respected in the L.A. community, and he is supported by the law enforcement community including L.A.P.D. Chief Charlie Beck, L.A. County Sheriff Lee Baca, and the Los Angeles Police Protective League.

Chief Beck says Judge Olguin's record "has been characterized by fairness, thoroughness, sound judgment, and evenness of temperament."

In short, Judge Olguin is well-qualified, seasoned, and fair. I am very proud to support him, and I urge my colleagues to support him as well.

I also want to urge the confirmations of other judicial nominees from my home State, many of which have been pending on the executive calendar for months.

Including Judge Olguin, four of the 13 District Court nominees on the executive calendar are from California. The other nominees are: Superior Court Judge Jon Tigar and Bill Orrick, nominees to the Northern District recommended by Senator BOXER; and Superior Court Judge Troy Nunley, a nominee to the Eastern District whom I recommended to the President.

All three were approved by bipartisan votes in the Judiciary Committee, two of them by voice vote.

Each of these districts is in a judicial emergency according to the Judicial Conference of the United States.

The Northern District's caseload is over 20 percent above the national average. It now takes over 50 percent longer for a case to go to trial than it did a year ago in the Northern District, which hears some of our country's most complex technology cases.

The Eastern District is the most overworked district in the Nation by far. With over 1,100 weighted filings per judgeship, its caseload is over twice the national average.

With this extreme crisis, I especially urge my colleagues on the other side of the aisle to allow Judge Troy Nunley to be confirmed this year.

Judge Nunley essentially was a career prosecutor and State Department of Justice lawyer before joining the State bench over 10 years ago. He is highly qualified and experienced. He also earned unanimous support in the Judiciary Committee, so he is uncontroversial.

I am very pleased we recently confirmed Jesus Bernal to the Central District, and I urge my colleagues to support Judge Olguin as well.

My State—more than any other—urgently needs us to take prompt action on judicial nominees. I am pleased with the progress we have made in the lame-duck, and I very much hope the three other California nominees who remain on the calendar will be confirmed.

Mrs. BOXER. Mr. President, I am proud to offer my support for the confirmation of Magistrate Judge Fernando M. Olguin to the U.S. district court for the Central District of California.

Judge Olguin was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to California's Central District.

Judge Olguin will bring to the bench his broad experience as a skilled lawyer and a Federal magistrate. A graduate of Harvard University and the University of California, Berkeley School of Law, Judge Olguin worked from 1995 to 2001 as a partner for the law firm of Traber, Voorhees, and Olguin. In 2001, he received an appointment to become a magistrate judge in the Central District of California, where he has served with great distinction.

I urge my colleagues to support the Olguin nomination.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSING OF SENATOR INOUE

Mr. REID. Mr. President, I rise with a real heavy heart. Our friend, DAN INOUE, just died.

I have never known anyone like DAN INOUE. No one else has. The kindness he has shown me during my time here in the Senate is something I will cherish always. He was a man who has lived and breathed the Senate. If there were ever a patriot, DAN INOUE was that patriot.

A week ago last Friday he and I spent some time together in his office, just the two of us alone. We spent an hour together, and we ended the meeting with both of us saying: You know, we need to do this again. Well, I won't be able to do that again. He won't be able to do that again.

He was a wonderful Senator, brave soldier, a recipient of the Medal of Honor, the Distinguished Service Cross, the Bronze Star, and Purple Heart. He left an arm in Italy. He said to me at that last meeting together, when I asked him: DAN, did anything else happen to you, other than your arm? He said: Yeah, I got shot in the gut—that is what he said—and the leg a couple of times.

We will all miss him, and that is a gross understatement. I wish I were capable of saying more, but that is all I can say. I have talked to his wife Irene. She is there, with his son. We have known for a few hours this wasn't working out well for Senator INOUE. But he was certainly one of the giants of the Senate.

I remember what he said when his son asked why he fought the way he did after having been declared an enemy alien. He said he did it for the children. That was Senator INOUE. His commitment to our Nation will never be surpassed. His service in the Senate will be with the greats of this body.

Now I should ask my friend if he wishes to speak upon this issue. It would be my hope the two votes that are scheduled could both be done—these judges—by voice vote. I don't think it is appropriate to record a vote at this time.

Mr. President, I ask unanimous consent that the two judges be approved by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I think we all, at a subsequent time—I just talked to his wife and walked out here—will have some more formal remarks.



The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I too am going to address the remarkable life of Senator INOUE at a later time, but I did want to make some observations here for a few moments at the time of his passing.

Senator INOUE was a man who, as we all know, rarely called attention to himself but who lived a remarkable American life filled with the dignity and grace of the true hero he was.

He was only 17 when he heard the sirens over Honolulu and saw the great planes flying overhead. At the time he dreamed of being a surgeon. A few years later a medic would be taking care of him after his heroic action in the Italian mountains, for which he would one day receive our Nation's most prestigious award for military valor.

DAN INOUE's dream of being a surgeon was not realized but there were other things in store. Instead, he became a member of one of the most decorated U.S. military units in American history and one of our Nation's longest serving and finest Senators.

An iconic political figure of his beloved Hawaii, and the only original member of the congressional delegation still serving in Congress, he was a man who had every reason to call attention to himself but who never did.

He was the kind of man, in short, that America has always been grateful to have, especially in our darkest hours—men who lead by example and who expect nothing in return.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I didn't mention, and I should have, but I really have been waiting the last hour or so to make sure it was okay with his wife that I come and say something, so I haven't had time to do much other than feel bad about Senator INOUE.

As I indicated, I talked to Irene. I wasn't able to talk to Ken, but I did talk to Irene. I want to make sure everyone understands the depth of my feelings—and I know I am speaking for the entire Senate. DAN INOUE believed in me, even more than I believed in myself. Many, many years ago—a couple of decades ago—he said: You know, you're going to do great things in the Senate, and he always talked about my leading the Senate. And he always came and said: You did the right thing. He would always tell you that you would do the right thing.

The chapter of DAN INOUE in the Senate is something that is remarkable, not only his military record but what he did with the defense aspects of our country, the security aspects of our country. And there was no one more bipartisan than Senator INOUE.

He has a brother who lives in Las Vegas, and a wonderful person he is, but he was as close to Ted Stevens as

he was to any person could be to a brother. They were brothers. They called themselves brothers. So he set an example always about bipartisanship, about working with others. And as far as being a good member of our caucus, no one was better than he was.

No one has been a better American than Senator INOUE. And when we talk about people in Hawaii and who they revere, it is Senator INOUE. The State of Hawaii is going through a great deal at this time. Senator AKAKA has announced his retirement, and now the death of Senator INOUE.

On behalf of all Senators, I express my appreciation for his service and his friendship.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON NOMINATION OF THOMAS M. DURKIN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois?

The nomination was confirmed.

VOTE ON NOMINATION OF FERNANDO M. OLGUIN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous, the Senate will resume legislative session.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNATIONAL HUMAN RIGHTS DAY

Mr. CARDIN. Madam President, I rise today in recognition of Inter-

national Human Rights Day. Sixty-four years ago this past Monday, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. This declaration enunciates a doctrine that serves as a foundation for human rights initiatives internationally and as an enduring guide for human rights advocates around the globe.

On this annual celebration of International Human Rights Day, human rights defenders, champions of democracy, promoters of civil rights, and advocates of free speech across the globe can also be encouraged by Congress's recent passage of landmark human rights legislation. Last week, the Senate passed the Sergei Magnitsky Rule of Law Accountability Act, which the House passed in September in conjunction with approving permanent normal trade relations for Russia.

The Magnitsky Act was inspired by the tragic case of Sergei Magnitsky, a 37-year-old Russian lawyer who uncovered massive corruption in Russia and then was arrested for his whistleblowing. Magnitsky died in 2009 after suffering torturous conditions in pre-trial detention. Those implicated in the corruption Magnitsky exposed and those responsible for his torture and death have not been brought to justice, and some have even been decorated and promoted. The Magnitsky Act goes beyond the specific violators in this case to prohibit all gross violators of human rights in Russia from traveling to the United States and from using our financial system.

President Obama is now poised to reaffirm our Nation's commitment to universal human rights by signing the Magnitsky Act into law. With the stroke of a pen, the President will set a new global standard that other nations are sure to follow. The act sets a precedent that can be applied to human rights abusers around the world, and I am committed to working with my colleagues in the next Congress to apply the Magnitsky sanctions globally. Human rights violators from Kinshasa to Beijing are now on notice that the United States stands in solidarity with those whose rights are trampled and will deny the legitimizing privileges of travelling to our country and accessing our financial system to those who violate fundamental freedoms.

The United States remains the global leader in promoting and protecting human rights, but we need to do more. We need to ensure that women across the world have the liberty to determine the course and scope of their own lives and futures and that they have the tools to achieve their full potential. The horrific and cowardly attempt by assassins to silence the brave leadership of 15-year-old Malala Yousufzai must not be left unchallenged. We must take up her cause—the education of girls and women—and support both

that goal and its advocates, and we must redouble our efforts to protect the rights of ethnic, linguistic, and religious minorities, from the Christians in Egypt to the Roma population in Europe.

As the legendary Nobel laureate Elie Wiesel has said, "Wherever men and women are persecuted because of their race, religion, or political views, that place must—at that moment—become the center of the universe." This International Human Rights Day, the U.S. Congress sends a strong message to human rights defenders around the world that we stand in solidarity with them as they dare to stand up to injustice and oppression.

#### RECOGNIZING CHOBANI YOGURT

Mr. RISCH. Madam President, my colleague, Senator MIKE CRAPO, joins me in recognizing the opening this month of the Chobani Yogurt production facility in Twin Falls, ID.

This facility, Chobani's first in Idaho, will be capable of producing 4.2 million cases of yogurt per week at full capacity. All of the milk used to produce the yogurt will come from Idaho dairy farms and at the peak of production will use millions of pounds of milk a day.

The 950,000-square-foot production facility was constructed by more than 1,000 workers and will employ between 400 and 500 people next year. More than 300 new jobs have already been created in Twin Falls. It was built at a cost of \$450 million and is now the largest yogurt plant in the world.

From its founding in 2005, the Chobani company started with 5 employees and now has more than 1,800 employees worldwide, with more than 1,600 in the United States. Their founder and CEO, Hamdi Ulukaya, is an American success story, having immigrated to the United States from Turkey in 1994.

Like many businesses in Idaho, Chobani will be involved in local charitable work. Chobani's biggest impact, however, will be in providing well-paying jobs and economic growth through manufacturing a delicious and healthy product available throughout the country.

Chobani recognized the many benefits to locating in Idaho—among them the quality milk produced by our Idaho dairy families, a commonsense regulatory environment and hard-working Idahoans who will make the facility a great success.

Senator CRAPO and I also recognize the many entities that worked with Chobani to make their opening a reality. Elected officials from Twin Falls County and the City of Twin Falls worked tirelessly on the project, as did the Southern Idaho Economic Development Organization. The Twin Falls Chamber of Commerce and the Twin

Falls Urban Renewal District also played a major role in the effort. The State of Idaho and its Department of Commerce helped in the process, and the end result is not only the direct jobs at Chobani, but also a multiplier effect of more than 3,000 additional jobs in the State.

Today, we congratulate Chobani on the opening of their new plant and salute all of the partners and community leaders on a job well done. We welcome Chobani to the great State of Idaho.

#### ADDITIONAL STATEMENTS

##### REMEMBERING CARMEN WARSCHAW

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring Carmen Harvey Warschaw, the great California philanthropist and political leader who died at age 95 on election day, a week after she had made sure to vote by mail. Carmen was a trusted mentor, adviser, and dear friend to me, and I will miss her.

Carmen Harvey was born in Los Angeles in 1917. Her parents had immigrated to America from Lithuania, and her father founded the Harvey Aluminum Company. Carmen grew up in La Cañada, graduated from the University of Southern California, and married Louis Warschaw, her high school sweetheart.

From an early age, both Carmen and Lou were active in the California Democratic Party. Throughout the years, Carmen worked tirelessly to elect Democrats at the local, State, and national level. She attended every Democratic National Convention from 1948 to 2008, many as a delegate. In the mid sixties she served as the party's Southern California chairwoman, was a member of the Democratic National Committee, the first woman to chair the California Fair Employment Practices Commission, and a board member of California's coastal and fair housing commissions.

Carmen's passion for politics was equaled by her compassion and philanthropy. She was an active member of many organizations, including the Los Angeles Music Center, the Truman Library Institute, the Jewish Federation of Greater Los Angeles, and the Women's Guild and Helping Hand of Los Angeles.

Carmen long served as a member of the board of directors at Cedars-Sinai, where she endowed medical and research chairs and founded the PROs, which funds the Louis Warschaw Prostate Cancer Center. Two years ago, at age 93, Carmen joined me on a tour of the Cedars-Sinai Emergency Room and Operating Room; I remember joking that she was the only person I knew who could get me to put on scrubs.

Carmen was also very generous to her alma mater, USC, where she and

Lou helped to establish the Casden Institute for the Study of the Jewish Role in American Life and the Jesse M. Unruh Institute of Politics at USC. In 2003, Carmen endowed a chair in practical politics at the Unruh Institute so that students could learn about the nuts and bolts of politics as part of their political science education.

This world and Carmen's beloved State of California are much better places thanks to her passion, compassion, and commitment. On behalf of the people of California, I send my deepest gratitude and condolences to her daughters, Hope and Susan; her sons-in-law, John Law and Carl Robertson; her grandchildren, Jack Law-Warschaw, Cara Robertson, and Chip Robertson; and her great-grandchildren and many friends. We will all miss this dynamic force of nature and extraordinary woman. •

##### REMEMBERING PETER N. LETANG

• Mr. COONS. Madam President, I wish to honor the life and legacy of Peter N. Letang, Esq. For over 40 years, Mr. Letang was a prosecutor for the State of Delaware, a pioneer for justice who was respected and beloved by all those who had the pleasure to know him. Mr. Letang's courtroom achievements are numerous, from being instrumental in the State's first use of DNA for conviction, to handling many of the State's most highly publicized cases.

Peter was a Delaware legal powerhouse, but his courtroom achievements are only part of the man he was. He was a great friend, a tremendous storyteller and a warm and wonderful human being. It is my privilege to honor his achievements, his spirit and the tremendous impact he had on the State of Delaware.

Peter believed in our justice system, and he devoted his life to ensuring it worked for all Delawareans. Day in and day out, he approached every case with a positive attitude and a willingness to help. He took tremendous pride in his work and earned the respect of his peers through his long career as a deputy attorney general with the Delaware Department of Justice and chief New Castle county prosecutor.

Our thoughts are with the entire Letang family, including his wife Debra, their children Nick and Samantha, his sister Lisa and his nieces and nephews Carson, Cooper and Cutter. The State of Delaware lost a great citizen in Peter Letang, but his legacy will long be remembered. •

##### REMEMBERING ROMEO BARRERAS

• Mr. HELLER. Madam President, today I wish to honor the life of Pvt. Romeo Barreras, a Nevadan and Filipino-American World War II veteran, whose recent passing is a devastating loss to the Silver State. As a member

of the "Mighty Five," a group of veterans living in Las Vegas, Pvt. Romeo Barreras helped lead the fight to provide proper military recognition and compensation for nearly 24,000 Filipino World War II veterans. I am grateful for his service to defend democracy around the world and will continue to do everything within my power to ensure that Filipino veterans are honored for their sacrifices.

Pvt. Romeo Barreras fought bravely for our country and yet was not able to qualify for the military benefits he earned and deserved. That is why I introduced the Filipino Veterans Fairness Act, to establish a process for Filipinos who have fought alongside the U.S. military during World War II to work with military historians to determine eligibility for military benefits. We have a responsibility to ensure that individuals who served honorably alongside U.S. troops are recognized for their contributions to our Nation.

I am humbled to have known Pvt. Romeo Barreras. It was a privilege to work with him on behalf of all Filipino American World War II veterans. My thoughts and prayers go out to his family during this difficult time.

In memory of Pvt. Romeo Barreras, I will continue fighting to ensure that veterans and their families are properly thanked for their sacrifices. Today, I ask my colleagues to join me in remembering the life of an honorable man who was dedicated to providing justice for deserving veterans.●

#### TRIBUTE TO LIEUTENANT COLONEL KEVIN K. CALLIES

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to LTC Kevin K. Callies, upon his retirement from the South Dakota Air National Guard. Lieutenant Colonel Callies has served as the financial manager for the 114th Fighter Wing in Sioux Falls, SD, since 2003. His career with the South Dakota Air National Guard has spanned a period of over 30 years.

Lieutenant Colonel Callies began his career in the South Dakota Air National Guard in 1977 as a traditional guardsman in personnel. In 1978, he transitioned to finance, where he would spend most of his career. In 1988, while working full time, he earned a bachelor of science in business administration from National College, now known as National American University. After almost 17 years of enlisted service, he received his commission through the Academy of Military Science in 1993.

Lieutenant Colonel Callies excelled in the field of finance, with positions in civilian pay, military pay, accounting, and budget. His superior knowledge of financial management has earned him numerous awards locally and nationally. In both 1997 and 2004, Lieutenant Colonel Callies's unit, the 114th Fight-

er Wing, was named Air National Guard Financial Management and Comptroller Office of the year. As one of the best financial managers in the Air National Guard, the National Guard Bureau and the Pentagon have sought out his expertise.

He served as a member of the Resource Protection Team, RPT, and held the position of commander from 1993 to 2002. While on the RPT he dealt with security issues related to the September 11 attacks, visits by the President, and forest fires. In 2002, Lieutenant Colonel Callies accepted a position as logistics manager, where he was in charge of all the activation activities, expeditionary combat support, and deployment functions of the 114th Fighter Wing during their deployment to Turkey to support Operation Northern Watch. After serving as logistics manager, he returned to finance and in 2010 was deployed to Haiti to assist with a Joint Command financial management mission with the U.S. Army.

It is an honor for me to share Lieutenant Colonel Callies's accomplishments with my colleagues and publicly commend him for his hard work and the many years of dedicated service he has given the South Dakota Air National Guard and our Nation. I wish Kevin a happy and healthy retirement with his wife Joyce and their four children.●

#### TRIBUTE TO GENERAL TARBET

● Mr. LEE. Madam President, today I wish to honor one of Utah's finest, MG Brian Tarbet, the Adjutant General of the Utah National Guard. After 12 years of leadership with the Utah National Guard and 39 years of highly decorated service in the United States Military, General Tarbet is retiring, closing a transformative chapter in Utah's history.

General Tarbet's military career began in the U.S. Army Reserve in 1973, where he served on active duty until 1975 and then joined the Army National Guard in 1976. From 1976 he served in the 142nd Military Intelligence Battalion and was then appointed Commander of the 300th Military Intelligence Linguist Brigade in 1993. He led the 97th Troop Command in 1996 and from September of 2001 he directed the mobilization, deployment and redeployment of virtually all units of the Utah Army and Air National Guard in support of the Global War on Terrorism. The Utah National Guard has units that specialize in intelligence, special forces and aviation which have been particularly important to the War on Terrorism, and in 2003-2004, 80 percent of Utah's reserve units were mobilized or on alert, which was among the highest in the National Guard. The Guard also provided assistance in the gulf coast in 2005 to the victims of hurricanes Rita and Katrina and to the

U.S.-Mexico border in support of Customs and Border protection operations.

General Tarbet's awards and achievements include the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Military Outstanding Volunteer Service Medal, Armed Forces Reserve Medal, the Army Service Ribbon, the Army Reserve Components Overseas Training Ribbon, Utah Medal of Merit, Utah Joint Commendation Medal, Utah Achievement Ribbon, Utah Joint Staff Service Ribbon, Utah State Partnership Program Service Ribbon, Utah Service Ribbon, Utah Emergency Service Ribbon, and the 2002 Winter Olympic Games Service Ribbon.

In 2002, just months after the September 11th terrorist attacks, Salt Lake City was slated to host the Winter Olympic games. Security was a tremendous concern with talk of canceling the games altogether. With the entire nation on high alert, General Tarbet commanded 4,500 National Guardsmen from 25 States in the security operation. The games were a tremendous success, and the security was lauded for its effectiveness and unobtrusiveness. The games served as a triumphant American moment at a time when the nation needed it most.

The good will of the Utah National Guard extends far beyond the borders of our own State, and guided the men and women of the Guard to places where their service was needed most. Winston Churchill said, "The price of greatness is responsibility." General Tarbet has seen more than his fair share of difficult tasks and responsibilities and has performed each admirably. I believe every soldier who has had the opportunity to serve under his charge would agree that he has been a leader of unprecedented character. The greatest commendation came from one of Tarbet's own soldiers, who said, "Major General Tarbet is loved by his soldiers. He has served us with impeccable integrity, courage and common sense during a very tumultuous and unprecedented time." Sharon and I thank Major General Tarbet for his service and wish him and his wife Mary all the best as they enter the next chapter of their lives.●

#### REMEMBERING WARREN E. BRITCHER

● Mr. MENENDEZ. Madam President, on December 10 of this year Mr. Warren E. Britcher, a veteran of World War II and former manager of the Senate restaurant, passed away at the age of 91.

Warren Britcher was born and raised in Springfield, OH. He proudly served in World War II as a T4 sergeant in the U.S. Army, eventually managing the

kitchen of Fort McClellan, one of the largest Army installations during World War II. After serving in the Army, Warren went to work for Canteen Food Service, where he held various managerial assignments. In August of 1950, Warren came to Washington, DC, to serve as manager of the Senate restaurant, where he oversaw the inaugural luncheon of U.S. President Dwight D. Eisenhower. Afterward, he became the operations manager for Yankee Stadium Foods and Concessions before opening his own restaurant and catering establishment, Swiss Town House, in my hometown, Union City, NJ. He left his restaurant in 1977 to pursue a new position at Yonkers Raceway and later supervised the USS *Intrepid* Air and Space Museum food service. Prior to his retirement to Florida, he created Britcher Concession Corporation.

Warren was the devoted husband of the late Dorothy Mae Lighthiser Britcher and the father of Sherrie Ahrens, Drew Britcher, and the late Warren Britcher, Jr. He was the proud grandfather to four grandchildren, Douglas, Craig, Sean, and Caitlin Anne, and had four great grandchildren. He will be laid to rest at Ferncliff Cemetery in his hometown of Springfield, OH.

Warren's service to our Nation and his contributions to the food service industry will not be forgotten. My sympathies go out to Warren's two surviving children, Sherrie and Drew, and his grandchildren and great-grandchildren.●

#### LOSS OF DR. MARSHALL LONDON

● Mr. SANDERS. Madam President, I rise today to take note of the death of a remarkable resident from my State of Vermont, Dr. Marshall London. Dr. London was one of the most prominent citizens in Burlington, VT. A deeply beloved physician, he was also a lifelong progressive and a liberal.

A native of Vermont, he attended the University of Vermont, where in 1948 he served as the campus organizer for the Progressive Party nominee for President, Henry Wallace. He served as a flight surgeon in the US Air Force from 1961–1963. In the late 1960s, Marshall London and his family volunteered in support of Caesar Chavez's United Farm workers. He provided medical services to migrant workers in Delano, CA.

In 1970 he returned to his native Burlington with his wife and children. A lifelong supporter of universal health care, Dr. London was committed to serving the underserved and the elderly. Not only did he make house calls, but in addition to his medical bag he regularly carried plumbing and electrical tools to make home repairs for his patients. In the early 1990s, Dr. London, as President of the Jewish

Community Council of Burlington, worked to resettle émigrés from the former Soviet Union.

He never severed his ties to the UVM Medical School, where he continued to serve as a mentor and teacher at the Fletcher Allen Hospital, even after he retired in 1997.

In a time when corporate values have spread beyond business to such areas as education and health care, Marshall London serves an enduring example that there are other values which can guide human life. He was a caring physician, one who always charted his course by paying attention to those most in need, and always depending on an exemplary social conscience. He was dedicated to his family. And he did not restrict his life to work. Dr. London was an alto saxophone player in the Vermont Catamount Band and Burlington City Band. He was also an avid tennis player and skier. Like so many Vermonters—and he was a fifth-generation Vermonter—he was also a loyal Red Sox fan.

Dr. Marshall will be missed, though the example of his life and values will endure.

I ask that Dr. London's obituary be printed in the RECORD.

The obituary follows:

[From the Burlington Free Press,  
Dec. 13, 2012]

#### MARSHALL G. LONDON

BURLINGTON.—Marshall G. London, a fifth generation Burlingtonian, beloved family man and dedicated local physician who made house calls an integral part of his practice, died at home on Dec. 12, 2012. He was 83.

The grandson of a founding member of Burlington's first synagogue, Ahavath Gerim, Marshall was a featured participant in the recent Vermont Public Television documentary "Little Jerusalem."

He took pride in his local roots and Jewish heritage, and had an enduring passion for Jewish history, and a strong commitment to Israel.

He was born and raised in Burlington's Old North End. He graduated in 1951 from the University of Vermont, where he was president of the Tau Epsilon Phi Fraternity. Always staunchly liberal in his politics, Marshall was a campus organizer of the 1948 presidential campaign for Progressive Party candidate Henry Wallace.

He and Susanne (Sue) Abrams were married in 1953 and had six children.

Marshall began his medical career with an internship at the Mary Fletcher Hospital, followed by a residency at Mount Zion Hospital in San Francisco, Calif. Subsequently, he served as a flight surgeon in the U.S. Air Force in South Carolina. From 1961 to 1963, he completed a rheumatology fellowship at the Manchester Royal Infirmary in England, which included clinic visits across Europe. With children in tow, the London's camped in their VW bus from Lapland to Italy.

After returning to Burlington from England, they moved to California, where Marshall joined a private practice in Los Gatos. During this time, he volunteered in support of Cesar Chavez's United Farm Workers, providing medical service to migrant workers in Delano, Calif. In 1970, Marshall and his family again returned to Burlington, where he opened a private practice on Orchard Terrace.

A lifelong advocate of universal healthcare, he was committed to providing for the underserved and the elderly, and he volunteered as a mentor and teacher at the medical school for many years. He made house calls equipped with his medical bag, and sometimes with plumbing or electrical tools to assist with all manner of repairs.

He retired in 1997, but continued, even in recent months, attending Grand Rounds at the hospital and visiting former patients in their homes.

An alto saxophone player in the Vermont Catamount Band and Burlington City Band, he was also an avid tennis player, skier, and loyal Red Sox fan.

He and Sue traveled frequently, visiting Israel and often tent-camping in Newfoundland and Labrador. They made many friends in their travels, and their 19th-century home bustles year-round with family and friends old and new.

Like his parents and grandparents before him, Marshall was a devoted member of the Ohavi Zedek Synagogue for many years. He later joined Chabad of Vermont, where, closer to the traditional roots of his grandfathers, he found new spiritual and intellectual inspiration.

He is survived by his wife, Susanne; children, Rebecca and Aaron Goldberg of Burlington, Saul and Georgette London of Highland Park, N.J., Sara London and Dean Albarelli of Northampton, Mass., Naomi London of Burlington, Daniel and Andrea London of Evanston, Ill., and Rachel London and Matt Bohner of Brooklyn, N.Y.; foster daughter, Linda and Jim Nyema-Davies of Greensboro, N.C.; grandchildren and great-grandchildren, Dinah and Joshua; Jesse and Emily; Tamar and Isaac; Ilana and Jonny, and children, Maya, Nitzan and Yoav; Tova and Shmuel and daughters, Bracha and Tehila; Amalia and David, and son, Ruby; Ziva and Daniel, and son, Avromy; Jack, Matan, Yonah, Liora, Cooper and Cali.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### DISTRICT OF COLUMBIA'S FISCAL YEAR (FY) 2013 BUDGET AND FINANCIAL PLAN, RECEIVED DURING ADJOURNMENT OF THE SENATE ON DECEMBER 14, 2012—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

*To the Congress of the United States:*

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's fiscal year (FY) 2013 Budget and Financial Plan. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed FY 2013 Budget and Financial Plan reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2013, the District estimates total revenues and expenditures of \$11.4 billion.

BARACK OBAMA.

THE WHITE HOUSE, December 14, 2012.

#### MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. McKEON, BARTLETT, THORNBERRY, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, RIGELL, Mrs. HARTZLER, Mr. WEST, Mrs. ROBY, Messrs. SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. ROGERS of Michigan, NUNES, and RUPPERSBERGER.

From the Committee on Education and the Workforce, for consideration of

sections 541 and 561 of the House bill and sections 563 and 571-73 of the Senate amendment, and modifications committed to conference: Mr. PETRI, Mrs. NOEM, and Mr. SCOTT of Virginia.

From the Committee on Energy and Commerce, for consideration of sections 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and sections 736, 758, 914, 3118, 3122, 3152-54, 3156, and 5022 of the Senate amendment, and modifications committed to conference: Messrs. WALDEN, WHITFIELD, and WAXMAN.

From the Committee on Financial Services, for consideration of section 661 of the House bill and sections 651-55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference: Mrs. CAPITO, Messrs. HUIZENGA of Michigan, and PERLMUTTER.

From the Committee on Foreign Affairs, for consideration of sections 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245-47, 1301, 1303, 1531-33, title XVII, sections 3120, 3121, and 3123 of the House bill and sections 237, 342, 873, subtitle F of title VIII, sections 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201-04, 1212-15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, sections 1301, 1531, 1532, 1534, 3114 and 5023 of the Senate amendment, and modifications committed to conference: Ms. ROS-LEHTINEN, Messrs. ROYCE, and BERMAN.

From the Committee on Homeland Security, for consideration of section 1111 of the House bill and section 1803 of the Senate amendment, and modifications committed to conference: Messrs. KING of New York, TURNER of New York, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and sections 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII and title LI of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Texas, DANIEL E. LUNGREN of California, and CONYERS.

From the Committee on Natural Resources, for consideration of sections 316, 317, 601, 2841, 2846, and 2861 of the House bill and sections 271, 312, 1091, 1433, title XIX, and section 2842 of the Senate amendment, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of sections 313, 651, 663, 801, 812, 833, 952, 1101-04, 1111, 1616, 1683, 1702, 1704-06, and 2811 of the House bill and sections 641, 822, 825, 844, 844A, 892, 894-96, 903, 1099A, 1101-04, and subtitle B of title LIII of the Senate amendment,

and modifications committed to conference: Messrs. ISSA, WALBERG, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of sections 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and sections 271, 912, 1046, title XVIII, sections 3153, 3159 and 3504 of the Senate amendment, and modifications committed to conference: Mr. HALL, Mrs. BIGGERT, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of sections 1611, 1621-23, 1631, 1632, 1641, 1651-58, 1661, 1671-73, 1681-83, 1691, 1693a, 1695, and 1697 of the House bill and sections 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference: Mr. GRAVES of Missouri, Ms. HERRERA BEUTLER, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and sections 521, 1803, 1804, 3503-05, 3508, and 3509 of the Senate amendment, and modifications committed to conference: Messrs. MICA, COBLE, and BISHOP of New York.

From the Committee on Veterans Affairs, for consideration of sections 355, 564, 565, 664, and 728 of the House bill and sections 642, 755, 756, 759-64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference: Messrs. BILIRAKIS, LAMBORN, and MICHAUD.

#### ENROLLED BILLS SIGNED

At 2:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. COONS).

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 14, 2012, she had presented to the President of the United States the following enrolled bills:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage

arriving from preclearance airports, and for other purposes.

The Secretary of the Senate reported that on December 14, 2012, she had presented to the President of the United States the following enrolled bills:

The Secretary of the Senate reported that on today, December 17, 2012, she had presented to the President of the United States the following enrolled bills:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 675. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 112-251).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1223. A bill to address voluntary location tracking of electronic communications devices, and for other purposes.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 3684. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care coordination services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. BARRASSO):

S. 3685. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. KERRY:

S. 3686. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3687. A bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes; considered and passed.

By Ms. KLOBUCHAR (for herself and Mr. SESSIONS):

S. 3688. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes; to the Committee on the Judiciary.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 619. A resolution to elect Patrick J. Leahy, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. DURBIN):

S. Res. 620. A resolution to authorize Harry Reid, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to Patrick J. Leahy, a Senator from the State of Vermont; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOPE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 621. A resolution condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3633

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3633, a bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City.

S. 3678

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3678, a bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes.

S. RES. 439

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 439, a resolution expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the "adult entertainment" section of the classified advertising website Backpage.com.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. BARRASSO):

S. 3685. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce S. 3685, The Department of the Interior Tribal Self-Governance Act of 2012. I am proud to introduce this bill and I am thankful for the cosponsorship of my friend and colleague, the Vice Chairman of the Indian Affairs Committee, Senator BARRASSO. The Department of the Interior Tribal Self-Governance Act of 2012 is an important next step in our Federal policy of recognizing and supporting tribal self-governance.

Our country's Native peoples have always had the right to govern themselves. When the earliest explorers arrived in the New World, they recognized the sovereignty of the Native peoples they met. Soon after, European colonial nations began entering into treaties with Indian tribes as they expanded into the American continent. It is clear, from the terms of the Constitution, our Founding Fathers understood the sovereign authority of tribes,



and their capacity to be self-governing. From our earliest days as a Nation, we entered into treaties with the Indian tribes, just as we did with a diversity of foreign nations, governing issues such as trade, peace, and other relations.

With our westward expansion, and as public sentiment and Federal policy objectives turned to Manifest Destiny during the 19th century, Federal policies toward our Country's first peoples changed, and the movement to remove and assimilate the Native peoples began. The United States, recognizing the sovereignty of tribes, again relied on treaties to facilitate the acquisition of native lands, and promised in exchange to provide for Indian health, education, welfare, and housing.

This change in Federal policy devastated Native peoples. It turned out that the Federal Government was not a very effective administrator of programs aimed at fulfilling our country's trust responsibility to its native peoples.

By the late 1960's and early 1970's Federal Indian policy shifted again to one that began to reaffirm the inherent right of Native peoples to govern themselves and fully support them in doing so. This policy became formalized by the enactment of the Indian Self-Determination and Education Assistance Act in 1975, which enabled tribes to contract with certain Federal agencies to provide federal programs to their tribal members and communities.

Subsequent legislation allowed tribes greater flexibility in designing and operating Indian 410 programs for tribes who have a demonstrated capacity. Currently, about 60 percent of tribes carry out self-governance compacts with either the Department of the Interior or the Indian Health Service, or both.

Federal reaffirmation and support of tribal sovereignty through self-governance programs has enabled tribes to generate revenues through their own business enterprises, establish their own courts and law enforcement systems, and remake school curricula to better meet the needs of Native students. Importantly, tribes have done this without forced assimilation to mainstream American traditions and norms. This Federal focus on self-determination and self-governance has proven to be the only Federal policy that has worked for Native communities. Studies show that self-determination policies have enabled Indian tribes to build strong economies, reverse decades of language loss, and tailor programs and services to better meet the needs of their people.

It is our responsibility to ensure that our policy of self-governance advances to meet the needs of native peoples. As Chairman of the Indian Affairs Committee, it has come to my attention that several relatively minor technical

changes are needed to the underlying law to ensure the goals of our federal policy are realized. For instance, I understand that the administration of programs under both the Department of the Interior and the Indian Health Service can be unnecessarily cumbersome for tribes due to different requirements for each. At the Committee's hearing on the topic of Self-Determination and Self-Governance held in September, witnesses from the Administration and Native governments alike lauded the positive effects Self-Determination Era policies are having on Native communities and stressed the importance of amending the Indian Self-Determination and Education Assistance Act to ensure tribes can manage these programs efficiently. S. 3685 will streamline processes and make it simpler for tribes to manage programs to benefit their members. It has been developed after months of tribal consultation and has been a bi-partisan effort. In crafting this bill, we have been careful to ensure that none of its provisions will affect current law relating to contracting or compacting of non-BIA programs under the Indian Self-Determination and Education Assistance Act, or congressionally approved water settlements.

I encourage all of my colleagues to stand with me in support of this important legislative initiative.

Mr. BARRASSO. Mr. President, I rise to join my good friend, Senator AKAKA, in sponsoring the Department of the Interior Tribal Self-Governance Act of 2012.

Congress passed the Indian Self-Determination and Education Assistance Act in 1975 to set forth a new dynamic in the Federal-tribal relationship. Since then, we have seen many benefits for Indian communities as a result of the Federal Indian policy of self-determination in general and the Indian Self-Determination and Education Assistance Act in particular. Indian self-determination is one of the most successful, if not the most successful, Federal Indian policies in the history of our country's relations with Indian Country.

The Indian Self-Determination and Education Assistance Act was amended over 20 years ago to include the Self-Governance program. Self-Governance became a permanent program in the Department of the Interior in 1994, and it has been a resounding success. Now, as of 2012, hundreds of Indian tribes are participating in the Self-Governance program in one way or another.

It comes as no surprise to me, that the Indian tribes can administer these programs on behalf of their own people far better than the Federal government could ever hope to administer them.

Nevertheless, after some 18 years, the time has come for the self-governance program to be reviewed and improved. This bill is intended to provide "key

improvements to the way self-governance works in the Department of the Interior, improvements that have been studied, evaluated, discussed, and negotiated by the tribes and by the Department of the Interior.

During the course of this Congress, some issues did arise relating to the self-governance program in Interior agencies other than the Bureau of Indian Affairs, in particular the Bureau of Reclamation. Indian tribal leaders and Senate staff have worked for many months to resolve those issues, and their efforts in that regard are incorporated into this bill. I believe the bill goes a long way in dealing with those issues, and the program will be better off as a result of these efforts.

I want to thank Senator AKAKA, the Chairman of the Indian Affairs Committee and with whom I have worked this past Congress as Vice Chairman, for his leadership on this bill which I support and on advancing initiatives that will improve the lives of Indian people.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 619—TO ELECT PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 619

*Resolved*, That Patrick J. Leahy, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 620—TO AUTHORIZE HARRY REID, A SENATOR FROM THE STATE OF NEVADA, TO ADMINISTER THE OATH OF OFFICE OF PRESIDENT OF THE SENATE PRO TEMPORE TO PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT

Mr. MCCONNELL (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 620

*Resolved*, That Harry Reid, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate Pro Tempore to Patrick J. Leahy, a Senator from the State of Vermont.



**SENATE RESOLUTION 621—CON-  
DEMNING THE HORRIFIC AT-  
TACKS IN NEWTOWN, CON-  
NECTICUT, AND EXPRESSING  
SUPPORT AND PRAYERS FOR  
ALL THOSE IMPACTED BY THAT  
TRAGEDY**

Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISC, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas, on December 14, 2012, a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut, on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) the law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

**AMENDMENTS SUBMITTED AND  
PROPOSED**

SA 3338. Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

SA 3339. Mr. LEAHY (for Mr. INOUE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, *supra*.

SA 3340. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, *supra*; which was ordered to lie on the table.

SA 3341. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3342. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3343. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary.

SA 3344. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3345. Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

**TEXT OF AMENDMENTS**

**SA 3338.** Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

**SUPPLEMENTAL APPROPRIATIONS FOR  
DISASTER ASSISTANCE**

**TITLE I**

**DEPARTMENT OF AGRICULTURE**

**AGRICULTURAL PROGRAMS**

**FARM SERVICE AGENCY**

**EMERGENCY CONSERVATION PROGRAM**

For necessary expenses for the "Emergency Conservation Program", \$25,090,000, to remain available until expended, of which \$15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**EMERGENCY FOREST RESTORATION PROGRAM**

For necessary expenses for the "Emergency Forest Restoration Program", \$58,855,000, to remain available until expended, of which \$49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**CONSERVATION PROGRAMS**

**NATURAL RESOURCES CONSERVATION SERVICE**

**EMERGENCY WATERSHED PROTECTION PROGRAM**

For necessary expenses for the "Emergency Watershed Protection Program", \$125,055,000, to remain available until expended, of which \$77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobligated balances for the "Emergency Watershed Protection Program" provided in Public Law 108-199, Public Law 109-234, and Public Law 110-28 shall be available for the purposes of such program for disasters, and shall remain available until expended: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**DOMESTIC FOOD PROGRAMS**

**FOOD AND NUTRITION SERVICE**

**COMMODITY ASSISTANCE PROGRAM**

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$15,000,000, to remain available through September 30, 2014: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the "Act"), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act:

*Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

#### TITLE II

##### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, \$373,000,000 to remain available until September 30, 2014, as follows—

(1) \$6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) \$10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) \$150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) \$56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) \$150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012: *Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction”, \$109,000,000, to remain available until September 30, 2015, as follows—

(1) \$47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) \$9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) \$44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) \$8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

*Provided*, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### OFFICE OF INSPECTOR GENERAL

For an additional amount for “General Administration, Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy, \$20,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For an additional amount for “Federal Bureau of Investigation, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$4,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For an additional amount for “Drug Enforcement Administration, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### SALARIES AND EXPENSES

For an additional amount for “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$230,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### FEDERAL PRISON SYSTEM

##### BUILDINGS AND FACILITIES

For an additional amount for “Federal Prison System, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Sandy, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### SCIENCE

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, \$15,000,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RELATED AGENCIES

##### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources,

technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104-134 (referred to by Public Law 105-119) shall not apply to the amount made available under this heading.

#### TITLE III

##### DEPARTMENT OF DEFENSE

##### DEPARTMENT OF DEFENSE—MILITARY

##### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, ARMY

##### NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane

Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PROCUREMENT

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE IV

##### DEPARTMENT OF DEFENSE—CIVIL

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### INVESTIGATIONS

For an additional amount for "Investigations" to expedite studies of flood and storm damage reduction related natural disasters, \$50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using \$29,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers: *Provided further*, That using up to \$20,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: *Provided further*, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the

allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, \$3,461,000,000, to remain available until expended: *Provided*, That \$2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy: *Provided further*, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: *Provided further*, That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: *Provided further*, That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: *Provided further*, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: *Provided further*, That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That the Secretary may transfer up to \$499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: *Provided further*, That up to \$51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: *Provided further*, That \$9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or op-

eration and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

#### OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", \$821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", \$1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: *Provided*, That \$430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### EXPENSES

For an additional amount for "Expenses" for increased efforts to oversee emergency response and recovery activities related to natural disasters, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V  
INDEPENDENT AGENCIES  
GENERAL SERVICES ADMINISTRATION  
REAL PROPERTY ACTIVITIES  
FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the "Federal Buildings Fund", \$7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION  
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$40,000,000, to remain available until September 30, 2014, of which \$20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which \$20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: *Provided*, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: *Provided further*, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: *Provided further*, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: *Provided further*, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: *Provided further*, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane

Sandy and other disasters, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, \$500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, \$260,000,000, to remain available until expended, of which \$250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking "\$2,000,000" and inserting "\$5,000,000".

SEC. 502. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after "which are made under paragraph (1) of subsection (b)" the following: "": *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral".

TITLE VI

DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Sandy, \$1,667,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs,

shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Sandy, \$855,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND  
IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Sandy, \$274,233,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112-74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Sandy, \$300,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Disaster Relief Fund" in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$11,487,735,000, to remain available until expended: *Provided*, That of the total amount provided, \$5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and

Emergency Deficit Control Act of 1985: *Provided further*, That of the total amount provided, \$6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the total amount provided, \$3,000,000 shall be transferred to the Department of Homeland Security "Office of Inspector General" for audits and investigations related to disasters.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to \$4,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$400,000,000: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### SCIENCE AND TECHNOLOGY

##### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for necessary expenses related to the consequences of Hurricane Sandy, \$3,249,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DOMESTIC NUCLEAR DETECTION OFFICE SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition" for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, \$3,869,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "\$20,725,000,000" and inserting "\$30,425,000,000".

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater

weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State's Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. For any major disaster declared between August 27, 2011, and December 5, 2012, and any subsequent major disaster declaration resulting from Hurricane Sandy or Tropical Storm Sandy of 2012, the Administrator of the Federal Emergency Management Agency shall establish a Pilot Program for the Relocation of State Facilities, under which the Administrator may fund under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the permanent relocation of significantly disaster damaged State facilities subject to flood risk, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (heat, sewage, mechanical, electrical, and plumbing), that are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility. The Administrator may waive such regulations as the Administrator determines necessary to carry out the Pilot Program established under this section.

SEC. 606. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government participating in the National Flood Insurance Program on land acquired under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on or after the date of enactment of this Act and in a Midwest state that received a Major Disaster Declaration for flooding in 2011 if the Administrator and the Chief of Engineers determines that such levee—

(1) would more effectively mitigate against flooding;

(2) be in compliance with Federal, State, and local requirements; and

(3) be maintained under an adequate State, local, or tribal government plan that documents the procedures to be used to ensure that the stability, height, and overall integ-

rity of the proposed levee and the structure and systems of the proposed levee are maintained, including detailing the plan for financing the maintenance of the levee, and shall submit an annual certification of compliance to the Administrator and the Chief of Engineers.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncanceled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109-88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), as amended by section 4502 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq's Accountability Appropriations Act, 2007 (Public Law 110-28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community's revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community's expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109-88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109-88 or Public Law 109-234, as amended by section 4502 of Public Law 110-28. Further, the Administrator may use funds provided under Public Law 109-88 for necessary expenses to carry out this provision: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds \$10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR-1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency

determination on the application for assistance: *Provided*, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111-5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

#### DISASTER RECOVERY

SEC. 609. (a) **SHORT TITLE.**—This section may be cited as the "Disaster Recovery Act of 2012".

#### (b) HAZARD MITIGATION.—

(1) **IN GENERAL.**—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(d) **STREAMLINED PROCEDURES.**—For purposes of providing assistance under this section, the President may establish streamlined procedures, including procedures for consideration of multiple structures as a group and for an analysis of the environmental impacts, impacts to historic properties, cost-effectiveness, and fulfillment of cost-share requirements for proposed hazard mitigation measures.

"(e) **ADVANCE ASSISTANCE.**—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred."

(2) **ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.**—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting "Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rule-making if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program" after "applications submitted under paragraph (1)".

(3) **APPLICABILITY.**—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) **PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.**—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act

(Public Law 109-347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

#### "SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.

"(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

"(1) any major disaster or emergency declared on or after the date of enactment of this section; and

"(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

"(b) **ADOPTION.**—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

"(c) **GOALS.**—Any procedures adopted under subsection (b) shall further the goals of—

"(1) reducing the costs to the Federal Government of providing such assistance;

"(2) increasing flexibility in the administration of such assistance;

"(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

"(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

"(d) **VOLUNTARY PARTICIPATION.**—Participation in alternative procedures adopted under this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

"(e) **REQUIREMENTS FOR PROCEDURES.**—The alternative procedures adopted under subsection (b) shall include—

"(1) for repair, restoration, and replacement of damaged facilities under section 406—

"(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

"(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

"(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

"(ii) management expenses;

"(C) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

"(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

"(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

"(ii) other activities to improve future Public Assistance operations or planning;

"(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than \$5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

"(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

"(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

"(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

"(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

"(C) allowing use of program income from recycled debris without offset to the grant amount;

"(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

"(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have prequalified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

"(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

"(i) debris management planning;

"(ii) acquisition of debris management equipment for current or future use; and

"(iii) other activities to improve future debris removal operations, as determined by the Administrator.

"(f) **WAIVER AUTHORITY.**—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive such regulations or rules as the Administrator determines are necessary to carry out the alternative procedures under this section as a pilot program.

"(g) **REIMBURSEMENT.**—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)."

(d) **SIMPLIFIED PROCEDURES.**—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking "If the Federal estimate" and inserting the following:



“(a) IN GENERAL.—If the Federal estimate”;

(2) by inserting “or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)” after “\$35,000” the first place it appears;

(3) by inserting “or, if applicable, the amount established under subsection (b),” after “\$35,000 amount”; and

(4) by adding at the end the following:

“(b) THRESHOLD.—

“(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the ‘Administrator’), shall—

“(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

“(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

“(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

“(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

“(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(3) REVIEW.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.”.

(e) ESSENTIAL ASSISTANCE.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

“(d) SALARIES AND BENEFITS.—

“(1) IN GENERAL.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

“(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”.

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

**“SEC. 429. UNIFIED FEDERAL REVIEW.**

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental

Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process.

“(b) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate.”.

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(B) the term “eligible assistance” means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than \$1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) BINDING EFFECT.—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) CONSIDERATIONS.—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a re-employed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found

to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) FUNDS RECEIVED.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) SUNSET.—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) INDIVIDUAL ASSISTANCE FACTORS.—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through



rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma), to measure the severity, magnitude, and impact of a disaster.

(i) **CHILD CARE.**—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting “CHILD CARE,” after “DENTAL,”; and

(2) by inserting “child care,” after “dental,”.

(j) **TEMPORARY HOUSING.**—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following:

“(ii) **LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.**—

“(I) **IN GENERAL.**—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

“(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

“(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

“(II) **IMPROVEMENTS OR REPAIRS.**—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

“(III) **PERIOD OF ASSISTANCE.**—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.”; and

(3) in clause (iv), as so redesignated, by striking “clause (ii)” and inserting “clause (iii)”.

(k) **TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.**—

(1) **MAJOR DISASTER REQUESTS.**—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking “All requests for a declaration” and inserting “(a) **IN GENERAL.**—All requests for a declaration”; and

(B) by adding at the end the following:

“(b) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is

deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

“(c) **COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.**—

“(1) **IN GENERAL.**—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

“(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

“(B) the President determines that the waiver or adjustment is necessary and appropriate.

“(2) **CRITERIA FOR MAKING DETERMINATIONS.**—The President shall establish criteria for making determinations under paragraph (1)(B).”.

(2) **EMERGENCY REQUESTS.**—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

“(c) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.”.

(3) **DEFINITIONS.**—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking “; and” and inserting “, that is not an Indian tribal government as defined in paragraph (6); and”; and

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

“(6) **INDIAN TRIBAL GOVERNMENT.**—The term ‘Indian tribal government’ means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.)”; and

(D) by adding at the end the following:

“(12) **CHIEF EXECUTIVE.**—The term ‘Chief Executive’ means the person who is the Chief, Chairman, Governor, President, or

similar executive official of an Indian tribal government.”.

(4) **REFERENCES.**—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following: “**SEC. 103. REFERENCES.**

“Except as otherwise specifically provided, any reference in this Act to ‘State and local’, ‘State or local’, ‘State, and local’, ‘State, or local’, or ‘State, local’ (including the plural form of such terms) with respect to governments or officials and any reference to a ‘local government’ in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.”.

(5) **REGULATIONS.**—

(A) **ISSUANCE.**—The President shall issue regulations to carry out the amendments made by this subsection.

(B) **FACTORS.**—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) APPLICABILITY.—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

#### TITLE VII

##### DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$78,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### NATIONAL PARK SERVICE HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$348,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

##### OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, \$3,000,000, to remain available until ex-

pendent: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DEPARTMENTAL OPERATIONS OFFICE OF THE SECRETARY (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Operations” and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, \$150,000,000, to remain available until expended: *Provided*, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: *Provided further*, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Sandy, \$725,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants”, \$810,000,000, to remain available until expended, of which \$700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds

under Title VI of the Federal Water Pollution Control Act, and of which \$110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: *Provided further*, That no eligible state shall receive less than two percent of such funds: *Provided further*, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: *Provided further*, That the Administrator may retain up to \$1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE FOREST SERVICE

##### CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricane Sandy, \$4,400,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OTHER RELATED AGENCY

##### SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## TITLE VIII

## DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Training and Employment Services", \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: *Provided*, That the Secretary of Labor may transfer up to \$3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social Services Block Grant", \$500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further*, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: *Provided further*, That, with respect to the

Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", \$100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, \$200,000,000, to remain available until expended: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That obligations incurred for response activities for Hurricane Sandy prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursu-

ant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## RELATED AGENCY

## SOCIAL SECURITY ADMINISTRATION

## LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", \$2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## TITLE IX

## DEPARTMENT OF DEFENSE

## MILITARY CONSTRUCTION

## MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", \$24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## DEPARTMENT OF VETERANS AFFAIRS

## VETERANS HEALTH ADMINISTRATION

## MEDICAL SERVICES

For an additional amount for "Medical Services", \$21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## MEDICAL FACILITIES

For an additional amount for "Medical Facilities", \$6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## NATIONAL CEMETERY ADMINISTRATION

For an additional amount for "National Cemetery Administration", \$1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## DEPARTMENTAL ADMINISTRATION

## INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", \$500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", \$207,000,000 to remain available until expended, for renovations and

repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE X

#### DEPARTMENT OF TRANSPORTATION

##### FEDERAL AVIATION ADMINISTRATION

##### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and equipment”, \$30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### FEDERAL HIGHWAY ADMINISTRATION

##### FEDERAL-AID HIGHWAYS

##### EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$921,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### FEDERAL RAILROAD ADMINISTRATION

##### GRANTS TO THE NATIONAL RAILROAD

##### PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, \$336,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### FEDERAL TRANSIT ADMINISTRATION

##### PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, \$10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That, of the funds provided under this heading, the Secretary may transfer up to \$5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas im-

pacted by Hurricane Sandy: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: *Provided further*, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: *Provided further*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, \$6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund” for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to remain available until expended, of which at least \$2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That, of the amount provided under this heading, \$100,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal

Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105-276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds

provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(l): *Provided further*, That of the funds made available under this heading, up to \$10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, \$10,000,000 shall be transferred to "Office of Inspector General": *Provided further*, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling \$1,000,000 or more is announced by either Department or a modal administration.

#### TITLE XI

##### GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available

only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the "Disaster Relief Appropriations Act, 2013".

**SA 3339.** Mr. LEAHY (for Mr. INOUE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE) (for himself and Mr. LAUTENBERG) to the bill H.R. 1, making appro-

priations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

On page 16, line 8, strike "was", and insert "were" in lieu thereof.

**SA 3340.** Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

#### SEC. 501. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking "does not exceed" and all that follows through the period at the end and inserting "does not exceed \$6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code."; and

(3) by adding at the end the following:

"(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary."

(b) LIMITATION OF LIABILITY.—Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking "70 per centum" and inserting "90 percent".

(c) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

"(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

"(2) the total contract amount at the time of execution of the bond or bonds exceeds \$6,500,000;

"(3) the surety has breached a material term or condition of such guarantee agreement; or

"(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d)."; and

(2) by striking subsection (k), as added by section 508(b)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 158), and inserting the following:

"(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guarantee application."

(d) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by striking paragraph (9), as added by section 508(c) of the

American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 158), and inserting the following:

“(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term ‘small business concern’ means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.”.

**SA 3341.** Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Investigative Assistance for Violent Crimes Act of 2012”.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking “\$2,000,000” and inserting “\$3,000,000”; and

(2) in section 530C(b)(1), by adding at the end the following—

“(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

“(ii) For purposes of this subparagraph—

“(I) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(II) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

“(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

“(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(B) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

**SA 3342.** Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

In lieu of matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Investigative Assistance for Violent Crimes Act of 2012”.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking “\$2,000,000” and inserting “\$3,000,000”; and

(2) in section 530C(b)(1), by adding at the end the following—

“(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

“(ii) For purposes of this subparagraph—

“(I) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(II) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

“(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

“(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(B) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

**SA 3343.** Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Stopping Tax Offenders and Prosecuting Identity

Theft Act of 2012” or the “STOP Identity Theft Act of 2012”.

**SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.**

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

**SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.**

Chapter 47 of title 18, United States Code, is amended—

(1) in section 1028—

(A) in subsection (a)(7), by inserting “(including an organization)” after “another person”; and

(B) in subsection (d)(7), in the matter preceding subparagraph (A), by inserting “or other person” after “specific individual”; and

(2) in section 1028A(a)(1), by inserting “(including an organization)” after “another person”.

**SEC. 4. IDENTITY THEFT FOR PURPOSES OF TAX FRAUD.**

Section 1028(b)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” after the semicolon; and

(3) by adding at the end the following:

“(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986;”.

**SEC. 5. REPORTING REQUIREMENT.**

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department’s March 2010 Audit Report 10-21 entitled “The Department of Justice’s Efforts to Combat Identity Theft”.

**SA 3344.** Mr. BINGAMAN submitted an amendment intended to be proposed



by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.**

(a) IN GENERAL.—The agreement entitled “The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review” signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the “Agreement”) is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SA 3345.** Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Uninterrupted Scholars Act (USA)”.

**SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.**

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the “Family Educational Rights and Privacy Act of 1974”) is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking “and” after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (K), the following:

“(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a stu-

dent’s case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student’s education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student’s education records.”; and

(2) in paragraph (2)(B), by inserting “, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required” after “educational institution or agency”.

**PRIVILEGES OF THE FLOOR**

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator INOUE, that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, be granted the privileges of the floor during consideration of the fiscal year 2013 disaster assistance supplemental.

The PRESIDING OFFICER. Without objection, it is so ordered.

**STRENGTHENING INVESTIGATIONS OF SEX OFFENDERS**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 246, S. 1792.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1792) to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, I am pleased that the Senate is finally being allowed to take up the Investigative Assistance for Violent Crimes Act and the Strengthening Investigations of Sex Offenders and Missing Children Act. These two legislative proposals will enhance federal law enforcement officers’ ability to investigate and solve crimes. I want to thank Senator WHITEHOUSE for his leadership and perseverance in working to pass these important clarifications to existing federal law enforcement authorities.

The Investigative Assistance for Violent Crimes Act of 2011 clarifies the authority of the FBI and other Federal law enforcement agencies to assist state and local law enforcement upon

request with investigations of mass killings and other instances of public violence. This important legislation will help to ensure that State and local law enforcement agencies receive the assistance they need in times of crisis. I am disappointed that this Senate bill, which was voted out of the Judiciary Committee on November 17, 2011, with overwhelming support, and the companion House bill, which was passed by the House by a vote of 358 to 9, were held up for more than a year. I hope that there is still time this session for the House to take action so that the bill can be sent to the President and he can sign it into law without further delay.

When tragedy strikes, as with the shootings in Tucson, AZ, in 2011, in Aurora, CO, in 2012, and this past Friday in Newtown, CT, there should be no doubt that Federal law enforcement can assist state and local police officers. The Investigative Assistance for Violent Crimes Act will ensure that all hands can be on deck when law enforcement assistance is needed most.

The Strengthening Investigations of Sex Offenders and Missing Children Act will reconcile an inconsistency in the United States Marshals Service’s statutory authority to improve the ability of U.S. Marshals to investigate cases involving missing children and certain sex offenders. The United States Marshals Service is a key partner in the investigation and prosecution of missing and exploited children, and we must ensure that there is no question as to the marshals’ authority to assist in these cases.

I regret that there are still Republican Senators holding up passage of other legislation to provide Federal assistance to state and local law enforcement that they need. Among the measures being stalled are the Justice for All Reauthorization Act, the National Blue Alert Act, Local Courthouse Safety Act, the Bulletproof Vest Partnership Grant Act, and the Edward Byrne Memorial Justice Award Grant Program Reauthorization.

At least one Republican Senator has gone so far as to contend that it is unconstitutional for the Federal Government to provide assistance and support to State and local law enforcement. I disagree. I believe such support is essential to State and local law enforcement as they work hard to protect communities in difficult times when resources from State and local governments are being squeezed.

I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise today in support of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011. This legislation, which is co-sponsored by Senators SESSIONS, FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL, as well as Chairman LEAHY of the Judiciary Committee,



would clarify the authority of the U.S. Marshals to help track down sex offenders and missing children. It is a simple and common sense of piece of legislation. I urge my fellow Senators to support it, with the hope that our colleagues in the House will soon send it to the President's desk to be signed into law.

As my colleagues know, time is of the essence when children go missing. Of those children who are abducted and subsequently murdered, 74% are killed within 3 hours of being abducted. The U.S. Marshals Service has extensive experience with and sophisticated tools for quickly identifying and tracking down fugitives and missing individuals. Notably, the U.S. Marshals Service has substantial resources for finding the fugitive sex offenders who too often are involved in child abductions.

As a result, state and local law enforcement and the National Center for Missing and Exploited Children often call on the marshals to assist in the event that a child goes missing. This bill would make it clear that, upon request, the U.S. Marshals are allowed to assist in investigating these cases, even if an arrest warrant has not yet issued. The bill also clarifies the Marshals Service's authority to assist other law enforcement agencies, upon request, in investigating sex offender cases.

I thank Senator SESSIONS for working with me on this important legislation, and my fellow Judiciary Committee members Senators FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL for supporting the bill. I also would like to thank Chairman LEAHY for co-sponsoring the bill and for his leadership, both generally with respect to all his work to keep our children safe from predators and specifically for moving this piece of legislation through Committee.

I am confident that every member of the Senate will understand the clear and simple principle behind this legislation and the important threat to our children that it addresses. The bill was reported by a voice vote of the Judiciary Committee, I am aware of no concerns or opposition, and I would urge my colleagues to ensure its prompt passage by the Senate.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1792) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1792

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Investigations of Sex Offenders and Missing Children Act of 2011".

#### SEC. 2. CLARIFICATION OF AUTHORITY.

Section 566(e)(1)(B) of title 28, United States Code, is amended to read as follows:

"(B) as directed by the Attorney General, investigate—

"(i) fugitive matters, both within and outside the United States; and

"(ii) at the request of another Federal, State, or local law enforcement agency, cases involving—

"(I) a sex offender (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) who violates a sex offender registration requirement; or

"(II) a missing child."

#### INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT

Mr. REID. Madam President, I ask unanimous consent that we proceed to Calendar No. 233, S. 1793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1793) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Madam President, I rise in support of S. 1793, the Investigative Assistance for Violent Crimes Act of 2012, which I introduced.

This commonsense bill clarifies that—upon the request of appropriate State and local law enforcement officials—select Federal law enforcement agencies may use their unique capabilities to help investigate and respond to mass killings and other violent crimes.

The measure will provide important clarity to Federal law enforcement officers who are called on by State and local counterparts to assist in response to a mass shooting or other violent crime at a college campus, shopping mall, office building, or other public place. Currently, the FBI and select other Federal agencies often provide requested assistance to State and local law enforcement in these types of cases. The absence of an explicit authorizing statute, however, has created concern that agents responding to these violent crimes could be held liable even though their only goal was to protect the public.

This bill makes sure that the FBI, other law enforcement components at the Justice Department, Immigration and Customs Enforcement, and the Secret Service can provide State and local law enforcement officers with assistance when so requested. In so doing, it will help State and law enforcement protect victims and solve these terrible crimes.

The bill does not expand the jurisdiction of Federal law enforcement agen-

cies. Assistance from a Federal agency must be requested by the State or local authority and agreed to by Federal authorities. And the bill does not impose new criminal penalties or regulations.

The House passed a companion measure, H.R. 207, last year by a vote of 358 to 9. The Senate bill was reported out of the Judiciary Committee last November, and I thank Chairman LEAHY for his leadership in moving this legislation through Committee. Since then, I have worked with Chairman LEAHY, Senator GRASSLEY, Chairman SMITH of the House Judiciary Committee, and Representative GOWDY to improve the bill, and we have reached an agreement that is reflected in a substitute amendment.

I urge colleagues on both sides of the aisle to support this measure, so we can ensure that our dedicated law enforcement officials can respond to and solve these tragic crimes.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the Whitehouse substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3341) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Investigative Assistance for Violent Crimes Act of 2012".

#### SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking "\$2,000,000" and inserting "\$3,000,000"; and

(2) in section 530C(b)(1), by adding at the end the following—

"(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

"(ii) For purposes of this subparagraph—

"(I) the term 'mass killings' means 3 or more killings in a single incident; and

"(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code."

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

"(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

"(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State

or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(B) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1793) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDING SECTION 1059(e) OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H.R. 6223.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, in the 111th Congress, I worked closely with Senator LUGAR on two pieces of legislation to improve our immigration laws in small but meaningful ways. My bill, the Refugee Opportunity Act, would provide refugees and asylees more opportunity to become self-sustaining, productive members of their new American communities. Senator LUGAR's bill, which I was proud to support, would have permitted lawful permanent residents to return, without penalty to their citizenship process, to their country of nationality to assist in post-conflict or disaster reconstruction efforts. Both of these bills, the Refugee Opportunity Act and the Re-

turn of Talent Act, were approved by the Senate Judiciary Committee in March of 2010. Unfortunately, undefined Republican objections stalled the progress for both of these bipartisan bills.

The Refugee Opportunity Act would provide relief from the continuous presence requirement in the immigration law for certain refugees and asylees. Specifically, the legislation would waive the requirement for refugees or asylees who worked overseas, if such presence outside the United States was in the service of the United States Government, within the refugee or asylee's home country, and within the protection of the United States Government. For refugees and asylees, in order to adjust from that status to lawful permanent resident status, 1 year of continuous presence in the United States is required after arrival. The purpose of the Refugee Opportunity Act was to permit refugees and asylees in the United States, who often arrive after years of persecution or displacement, to take employment opportunities overseas in service of their new government without penalty to their immigration process. The policy goal was to provide encouragement for refugees and asylees to take a step forward on the path to independence and self-sufficiency while assisting the international efforts of their adopted country.

The legislation that Senator TOOMEY has introduced, and for which he has sought consent in the Senate, would provide this same relief from the continuous presence requirement in the immigration law for recipients of the Special Immigrant Visa. These visas are available to Iraqi and Afghan interpreters or translators who had served the United States armed forces overseas. The bill we pass today would remove barriers for Special Immigrant Visa holders who, after receipt of such a visa, wish to work again for the United States abroad. Like the Refugee Opportunity Act, this bill would waive the applicable presence requirement that the immigrant must satisfy before adjusting his or her status while he or she was outside the United States. In fact, the goals of H.R. 6223 are identical to the bill I introduced over 2 years ago with Senator LUGAR—to encourage new arrivals to America to work on behalf of the United States in furthering the goals of our government abroad and to remove barriers to such employment and participation.

Although I am glad that the goals of the Refugee Opportunity Act and the ideal that we do right to encourage new Americans to serve their adopted government are being promoted in the legislation Senator TOOMEY has sought to pass, I regret that the same cooperation and courtesy we give him today was withheld by some of Senator TOOMEY's fellow Republican Senators

when Senator LUGAR and I asked for consent on our legislation to achieve these same goals.

Mr. REID. I now ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6223) was ordered to a third reading, was read the third time, and passed.

#### AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. REID. I ask unanimous consent that the Senate proceed to S. 3687.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3687) to amend the Federal Water Pollution Control Act to authorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I now ask that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 3687

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM.

Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (d), by inserting “to pay not more than 75 percent of the costs” after “make grants”; and

(2) in subsection (f)(1), in the first sentence, by striking “2011” and inserting “2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017”.

#### SEC. 2. ENVIRONMENTAL PROTECTION AGENCY HEADQUARTERS.

(a) REDESIGNATION.—The Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., known as the Ariel Rios Building, shall be known and redesignated as the “William Jefferson Clinton Federal Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Environmental Protection Agency Headquarters referred to in subsection (a) shall be deemed to be a reference to the “William Jefferson Clinton Federal Building”.

#### SEC. 3. GEORGE H.W. BUSH AND GEORGE W. BUSH UNITED STATES COURTHOUSE AND GEORGE MAHON FEDERAL BUILDING.

(a) REDESIGNATION.—The Federal building and United States Courthouse located at 200

East Wall Street in Midland, Texas, known as the George Mahon Federal Building, shall be known and redesignated as the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States Courthouse referred to in subsection (a) shall be deemed to be a reference to the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building".

#### SEC. 4. THOMAS P. O'NEILL, JR. FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, shall be known and designated as the "Thomas P. O'Neill, Jr. Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Thomas P. O'Neill, Jr. Federal Building".

#### SEC. 5. COMPLIANCE WITH LACEY ACT.

The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and section 42 of title 18, United States Code, shall not apply with respect to any water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority using only closed conveyance systems from the Lake Texoma raw water intake structure to treatment facilities at which all zebra mussels are extirpated and removed from the water transferred.

#### SEC. 6. CONVEYANCE OF MCKINNEY LAKE NATIONAL FISH HATCHERY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of North Carolina.

(b) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the State, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (c), for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (b) is comprised of the property known as the "McKinney Lake National Fish Hatchery", which—

(1) is located at 220 McKinney Lake Road, Hoffman (between Southern Pines and Rockingham), in Richmond County, North Carolina;

(2) is a warmwater facility consisting of approximately 422 acres; and

(3) includes all improvements and related personal property under the jurisdiction of the Secretary that are located on the property (including buildings, structures, and equipment).

(d) USE BY STATE.—

(1) USE.—The property conveyed to the State under this section shall be used by the State for purposes relating to fishery and wildlife resources management.

(2) REVERSION.—

(A) IN GENERAL.—If the property conveyed to the State under this section is used for any purpose other than the purpose described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

(B) CONDITION OF PROPERTY.—If the property described in subparagraph (A) reverts to

the United States under this paragraph, the State shall ensure that the property is in substantially the same or better condition as the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

#### INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2011

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 236, H.R. 2076.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I further ask that the committee-reported amendment be considered; the substitute amendment, as amended, be agreed to; the Whitehouse amendment, which is at the desk, be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to, as follows:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Investigative Assistance for Violent Crimes Act of 2011".

#### SEC. 2. INVESTIGATION OF MASS KILLING OR ATTEMPTED MASS KILLING AND OTHER VIOLENT CRIMES.

Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking

"\$2,000,000" and inserting "\$3,000,000";

(2) in section 530C(b)(4), by adding at the end the following: "The authority to conduct or assist in investigations includes the authority to deploy tactical response, command and control, and other crisis-management assets of the Bureau, as appropriate; and any such conduct or assistance shall be understood presumptively to be within the scope of Federal office or employment.";

(3) in section 540A—

(A) in the section heading, by striking "Investigation of violent crimes against travelers" and inserting "Investigation of certain violent crimes";

(B) in subsection (a), by inserting "in the investigation of violent acts and shootings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls, and other public places, and in the investigation of mass killings and attempted mass killings" after "traveler"; and

(C) in subsection (c), by adding the following new paragraph at the end:

"(4) 'mass killings' means 3 or more killings in a single incident.";

(4) in the table of sections at the beginning of chapter 33, by striking the item relating to section 540A and inserting the following:

"540A. Investigation of certain violent crimes.".

The amendment (No. 3342) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Investigative Assistance for Violent Crimes Act of 2012".

#### SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking "\$2,000,000" and inserting "\$3,000,000"; and

(2) in section 530C(b)(1), by adding at the end the following—

"(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

"(ii) For purposes of this subparagraph—

"(I) the term 'mass killings' means 3 or more killings in a single incident; and

"(II) the term 'place of public use' has the meaning given that term under section

2332f(e)(6) of title 18, United States Code.".

(b) SECRETARY OF HOMELAND SECURITY.—

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

"(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

"(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'mass killings' means 3 or more killings in a single incident; and

"(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.".

The committee amendment in the nature of a substitute, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2076), as amended, was read the third time, and passed.

# **ELECTING PATRICK J. LEAHY TO BE PRESIDENT PRO TEMPORE**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 619.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 619) to elect PATRICK J. LEAHY, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 619) was agreed to, as follows:

S. RES. 619

*Resolved*, That PATRICK J. LEAHY, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

# **AUTHORIZING HARRY REID TO ADMINISTER THE OATH OF OFFICE**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 620.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 620) to authorize HARRY REID, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 620) was agreed to, as follows:

S. RES. 620

*Resolved*, That HARRY REID, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

# **CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 621.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 621) condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 621) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 621

Whereas, on December 14, 2012, a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut, on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) the law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

Mr. REID. Madam President, understandably, Senator AKAKA wants to make a statement regarding our friend, Senator INOUE. But Senator MCCAIN has been waiting here for hours. I ask unanimous consent that Senator MCCAIN be recognized for a statement; that when we completes that statement, Senator AKAKA be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

# **REMEMBERING DANIEL K. INOUE**

Mr. MCCAIN. I thank the majority leader. Today, the Senate lost, Amer-

ica, and especially his beloved citizens of Hawaii lost a unique, brave, wonderful legislator, a man who brought to this institution the most unique credentials I would argue probably of anyone who has ever served in this pretty diverse body.

DAN INOUE was born of Japanese parents who came to Hawaii, as many Japanese did in that period of time at the turn of the century, to work in the pineapple fields and agriculture, which was a fundamental of the economy for the State of Hawaii. Their conditions were not good. They worked hard. But they raised their families with pride, with dignity and honor, and were proud to call themselves Americans.

DAN INOUE was as proud as any. As we know, one of the most shameful chapters of American history took place during World War II when an incredible act of injustice took place. The United States of America decided to intern Japanese Americans who lived in California. They were put into internment camps because they happened to be Japanese Americans, not because they had done anything wrong, not that they did not love America, but because they happened to be Japanese Americans. By the way, some of those internment camps were in my home State of Arizona. Conditions were not terrible, but they were not good. People were incarcerated because they happened to be ethnic Japanese.

In Hawaii, there was a group of young Japanese Americans who decided that they wanted to serve their country and they wanted to serve in uniform. One of the most well-known and famous and most highly decorated units of the entire World War II was the battalion in which DAN INOUE served. They were in many of the most gruesome and difficult blood lettings of the entire conflict as the American forces fought their way up through Italy against a very well trained, very well equipped, professional German opposition. DAN INOUE was a proud member of this battalion. In fierce combat, DAN INOUE was gravely wounded on the battlefield. He was brought home. He, as we all know, lost his arm as a result of one of the wounds he sustained.

Interestingly and coincidentally, he went to a veterans hospital in Chicago where a person in the same ward, was a American Army second lieutenant who had also been wounded seriously in Italy, one Bob Dole—2LT Bob Dole of Kansas. And there began a friendship that lasted to this day, both gravely wounded, both dedicated more than ever to serve their country. Both served with distinction. The friendship, the bonds of friendship that were forged in that hospital between Bob Dole and DAN INOUE were unique and enduring.

So DAN INOUE returned to his beloved Hawaii. The story goes—and I do

not know if it is true or not—the story goes that a DAN INOUE went down to join the veterans organization, and when he applied for membership, he was told that the only members they took in that organization were Caucasian.

DAN INOUE decided that he wanted to continue to serve his country and the State of Hawaii. He was the first Senator from the State of Hawaii and has served longer than any Senator in this institution. He was loved by all of us. I did not always agree with DAN. Occasionally, we had differences about how we use appropriations bills. No one—no one ever, ever accused DAN INOUE of partnership or unfairness.

He loved Native Americans, and he loved his Hawaiians. One of the more rewarding periods of my time here in the Senate was being on the Indian Affairs Committee under his chairmanship. Very important pieces of legislation came out of that committee. It was a great honor for me to have the privilege to serve with DAN INOUE. He loved Native Americans. He knew that Native Americans had been wronged in our history. He knew that solemn treaties must be honored by our government even if those treaties sometimes meant that there would be significant expenditures of America's tax dollars.

Have no doubt that our treatment of Native Americans and the treatment of Native Hawaiians is not the most glorious chapter in American history when we look back at what happened to the proud Native Americans, the Native Hawaiians as their civilization collided with the civilization that came to the United States of America from around the world.

DAN INOUE fought for the things he believed in and the principles that he held dear. He held nothing more dear than the glory of being able to serve people who needed to be served.

DAN INOUE will be missed. There will not be another like him. There will not be another Senator literally deprived of his rights. There will not be another Senator who will serve in length and with the dedication that DAN INOUE served this Senate and his beloved Hawaii. So we will all miss DAN INOUE. I hope from time to time, with the bitter partisanship that exists here sometimes in the Senate, maybe we could use DAN INOUE's record as an example of bipartisan, of friendship, of a willingness to reach across the aisle and work with the other side; it characterized DAN INOUE's record here in the Senate.

For some reason, when I heard and thought about DAN's passing today, I was reminded of another person who died and is buried on the island of Samoa, and his poem is inscribed on his gravestone as an epitaph. I think it applies to our dear and beloved friend who passed today. It was by Robert Lewis Stevenson. I quote:

Under the wide and starry sky,  
Dig the grave and let me lie.  
Glad did I live and gladly die,  
And I laid me down with a will.

This be the verse you 'grave for me:  
Here he lies where he longed to be;  
Home is the sailor, home from the sea,  
And the hunter home from the hill.

I see my dear and beloved friend, the other Senator from Hawaii, DAN AKAKA, on the floor.

I thank you, DANNY, and God bless.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, it is very difficult for me to rise today—with a heavy heart—to bid aloha to my good friend, colleague, and brother DAN INOUE. It is hard for me to believe that the terrible news I just received is true. Senator INOUE was a true patriot and an American hero in every sense, and he is at this time in Hawaii the greatest leader.

He served his country as a soldier, receiving the highest honor our Nation can bestow. When we think of how he began to serve his Nation, it is difficult to believe the difficulty we had in Hawaii as Japanese Americans. To be a part of our Nation's military—we were denied. We were considered aliens of this country. But he was one of those who wanted to serve their country, and they went to the highest level to receive that dignity, and eventually they were given the honor to serve our country. As we now know, it became the greatest unit in military history, with the most decorations of any unit and also with the highest levels of decoration, of the Medal of Honor.

He served as a leader, the third longest serving Member of the U.S. Senate in our Nation's history. He served as a defender of the people of this country, championing historic charges for civil rights, including the equal rights of women, Asian Americans, African Americans, and Native Hawaiians. It is an incredible understatement to call him an institution. This Chamber will never be the same without him.

I remember, in our childhood in Hawaii, that Hawaii was a diversified place. Where I lived in Pauoa Valley, there were many Japanese families who lived around us. There were many nights that I spent sleeping in the homes of our Japanese families, ate their food, slept on the tatami on the floor, and I really was brought up with the Japanese families. So when the war broke out, I couldn't understand what was happening because there were families who were removed from the community, and, of course, at that time the Japanese American boys weren't allowed to be in the military, but they pursued it because they wanted to serve this country as well. This is why, in my time in Congress, I did focus on trying to help the Japanese Americans in this country and the Asians in this country as well and to help them achieve what they really earned.

I remember seeking the Medal of Honor for the unit and for those who fought in World War II, and I provided the Pentagon with 100 names from these units. I was really surprised that there were finally 21 of them who were selected for the Medal of Honor, and Senator INOUE was one of them. But that showed that they were willing to give their lives for this country, and they did. Since then, he has continued to serve his country.

We all used the G.I. bill to be educated in Hawaii. We went to the University of Hawaii, graduated from there, and went on to further degrees. They came back, in a sense, those who could help the communities, and became leaders.

In the case of DANNY INOUE, he was one of the ones who turned the tide in Hawaii politically since 1954, and by 1959 we became a State. Senator INOUE ran for office and was our first Member of the House. After one term, he moved to the Senate because Senator Long decided to retire. As a result, Senator Matsunaga was elected to the House and served the House and also the Senate as well, and he also was a member of the 100th infantry during World War II. But the Japanese Americans really served our country, and DANNY INOUE is one of those great leaders in the history of this country.

Through my career in Congress, I have been proud to be on DAN's team. We have worked on everything from appropriations to Native Hawaiian rights, to veterans and to defense. All of us in Hawaii looked up to him, and we are so sad to see him go.

DANNY INOUE leaves behind him a list of accomplishments unlikely to ever be paralleled. His lifelong dedication and hard work in the name of his beloved country, the United States of America, influenced every part of his life and set him apart, even in the Senate. He was a fierce advocate as a senior member of several committees, and the way he conducted himself commanded respect from all with whom he worked.

His legacy is not only the loving family he leaves behind, it can be seen in every mile of every road in Hawaii, in every nature preserve and every facility that makes Hawaii a safer place. He fulfilled his dream of creating a better Hawaii. He gave us access to resources and facilities that the mainland States, I would say, took for granted.

Tomorrow will be the first day since Hawaii became a State in 1959 that DANNY INOUE will not be representing us in Congress. Every child born in Hawaii will learn of DANNY INOUE, a man who changed the islands forever.

I join all of the people of Hawaii tonight in praying for his wife Irene, his son Ken, and his daughter-in-law Jessica; his stepdaughter Jennifer, and his grand-daughter Maggie, who really tickle his life. Whenever I had a chance

to chat with him, we talked about Maggie. They brought him so much joy in his life and will carry his legacy forward.

I am going to miss DAN, and so will all of us here in the Senate, and this great country will also. He represented a true American, and for us in Hawaii, he represented a true Hawaiian in Hawaii. He served Hawaii and this country well.

DAN and I have worked so well together all these years. When I was in the House and on the Appropriations Committee there, we worked very well between the House and the Senate. Many of the renovations that have come about in Hawaii were because of DANNY, and he really helped to shape Hawaii and this great country. He brought here on Earth a kind of life that people of our country and this world can follow to be great citizens of the world.

DAN, my dear friend and colleague, you will be missed in Washington as much as you will be missed in Hawaii. Rest in peace. God bless you and your spirit.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from North Carolina.

#### UNINTERRUPTED SCHOLARS ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3472 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I further ask unanimous consent that the Landrieu substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3345) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Uninterrupted Scholars Act (USA)".

#### SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the "Family Educational Rights and Privacy Act of 1974") is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking "and" after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting "; and"; and

(C) by inserting after subparagraph (K), the following:

"(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records."; and

(2) in paragraph (2)(B), by inserting "except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required" after "educational institution or agency";

The bill (S. 3472), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### ORDERS FOR TUESDAY, DECEMBER 18, 2012

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Tuesday, December 18, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mrs. HAGAN. If there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:13 p.m., recessed until Tuesday, December 18, 2012, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RICHARD J. ENGLER, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE WILLIAM E. WRIGHT, TERM EXPIRED.

##### NATIONAL MEDIATION BOARD

NICHOLAS CHRISTOPHER GEALE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, RESIGNED.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2015. (REAPPOINTMENT)

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

LAURA A. BRODHAG

*To be major*

ARSHAD M. BACHELANI  
NICHELLE A. COOK  
JUSTIN P. FOX  
STEPHANY T. GODFREY  
JOHN D. KLEIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

WILLIAM R. BAEZ  
RENEE D. CARLSON  
MARGARET A. CURRY  
LORI L. EVERETT  
CHRISTOPHER A. GARZA  
KATHLEEN A. GATES  
DOUGLAS M. LITTLEFIELD  
RICHARD A. MCCLURE  
STEVEN A. REESE  
ERIC R. SCHMIDT  
DARRELL S. SMITH  
BRENT A. SONDAY  
COREY M. STANLEY  
BRYAN K. TALLENT  
RICHARD A. VANDERWEELE  
MICHAEL D. WEBB  
BRYCE G. WHISLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JAKE R. ATWOOD  
FRANCIS E. BECKER  
STEVEN M. BENNETT, JR.  
SARAH S. BONG  
REBECCA K. BRINCKS  
FRANCISCO T. CARLOS  
KUN JANG CHANG  
CHI W. CHUNG  
ELIZABETH L. DANG  
MATTHEW A. DIETRICH  
ADAM J. EGGE  
NICHOLAS R. EINBENDER  
ARLENE SUGANDHI ESCHÉ  
MARK D. FINCHER  
MELISSA H. FISHER  
BRADLEY D. HARRELSON  
AARON J. HAYES  
MARK D. HOIKKA  
COLLIN D. HOLMAN  
DOUGLAS C. HOLMES  
MIN K. KIM  
BRANDON D. KOFFORD  
ANDREW Q. MADSON  
KEVIN T. MASKELL  
JARROD R. MCALEVY  
NOAH M. MILLER  
PAULENCIA L. MORRIS  
PAULA MORSE  
RYAN D. MURPHY  
MITZI J. PALAZZOLO  
JEREMIAH J. PARKER

RACHAEL L. PARRISH  
 PETER M. PEDALINO  
 CAMERON L. PERIGO  
 BRANDON M. PIEPER  
 DEANDRA M. PRICE NEWBY  
 KELLY A. RAMEY  
 THOMAS B. REYNOLDS  
 JEFFREY B. ROBINSON  
 ANITA M. SHADE  
 BENJAMIN A. SHIRLEY  
 LISA J. SHOFF  
 NIKOLAY SKY  
 MATTHEW S. STRATMEYER  
 JOHN D. TEEPE  
 MEGHAN J. VANDERHEIDEN  
 ROBERT R. WATSON  
 MATTHEW T. WILSON  
 BRENT J. WINWARD  
 ROSS A. YOST  
 MICHAEL R. ZACHAR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES AIR  
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

KRISTEN J. BEALS  
 TERESA O. BISNETT  
 DAVID E. BLOCKER  
 CHRISTOPHER J. BORCHARDT  
 KIMBERLY R. BRADLEY  
 DAVID S. BUSH  
 ALESIA C. CARRIZALES  
 JAMES A. CHAMBERS  
 ARTEMIO C. CHAPA  
 DIXON L. CHRISTIAN  
 JOSEPH CONNOLLY III  
 JOHN J. COTTON  
 RITA L. DUBOYCE  
 TIM D. DUFFY  
 CHRISTINE R. ERDIELALENA  
 JOYCE PASTORE FIEDLER  
 VAL W. FINNELL  
 HOWARD R. GIVENS  
 PAUL D. GLEASON II  
 KERYL J. GREEN  
 CHRISTOPHER M. GRUSSENDORF  
 MELINDA B. HENNE  
 MARK A. HINTON  
 DUNCAN G. HUGHES  
 KATHRYN G. HUGHES  
 CONSTANCE L. JACKSON  
 MONICA L. JOHNSON  
 SAMUEL O. JONES IV  
 WARREN R. KADRMAS  
 GREGORY A. KENNEBECK  
 ROBERT S. KENT  
 CHETAN U. KHAROD  
 STEVEN M. KINDSVATER  
 TODD T. KOBAYASHI  
 DONALD C. KOWALEWSKI  
 JEFFREY D. KUETER  
 JANICE M. LANGER  
 JEFFREY D. MCNEIL  
 DANIEL I. MIRSKI  
 TERENCE B. MITCHELL  
 ANDREW E. MOORE  
 PATRICK M. MUEHLBERGER  
 MARK A. NASSIR  
 JUSTIN B. NAST  
 STEPHEN L. NELSON, JR.  
 THOMAS C. NEWTON  
 WILFREDO J. NIEVES  
 CHRISTOPHER P. PAULSON  
 JOSEPH A. POCREVA  
 MICHAEL RAJNIK  
 DAVID M. ROGERS  
 DOUGLAS M. ROUSE  
 JAMES M. SCOTT III  
 YVONNE M. SCULLEY  
 FERNANDO SILVA  
 BRANDON T. SNOOK  
 RICHARD J. STRILKA  
 ROBERT T. SULLIVAN  
 GREGORY B. SWETZER  
 MICHAEL A. TALL  
 NATHAN L. TAYLOR  
 ROBERT E. THAXTON  
 NICOLE M. THOMAS  
 ANTHONY P. TVARYANAS  
 ANTHONY W. WALDROUP  
 DANIEL J. WATTENDORF  
 LEE D. WILLIAMS  
 PAMELA M. WILLIAMS  
 MICHAEL J. WOOD  
 BRUCE A. WOODFORD  
 ROBERT R. YORK  
 SHAWN P. ZARR  
 JIANZHONG J. ZHANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES AIR  
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

TANSEL ACAR  
 DEBORAH L. ASHCRAFTOLMSCHIED  
 AREZOO BARANI  
 ELHAM BARANI  
 STEVEN W. BLACK  
 JACK K. CHUNG  
 PEGGY L. DICKSON  
 WILLIAM J. DICKSON

AMY E. DYER  
 JEFFREY A. FORD  
 STEPHEN R. GASPAROVICH  
 JEREMY D. HAMAL  
 BRENT E. HAVEY  
 FRED P. KREY  
 SCOTT J. LAFONT  
 DAVID R. LUKE III  
 BRENT D. MARTIN  
 ROGER L. MILLER  
 BRIAN G. MIN  
 MICHELLE M. MOFFA  
 LEON A. NIEH  
 SHANNON K. O KEEFE  
 PATRICK B. PARSONS  
 MARK D. ROBERTS  
 JEREMY F. SCARPATE  
 KHURRAM M. SHAHZAD  
 OSCAR R. SUAREZ SANCHEZ  
 JAMES R. THOMPSON  
 SCOTT E. THOMPSON  
 BRANDON H. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES AIR  
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SAMUEL E. AIKELE  
 PETER S. AIREL  
 ROBIN S. AKINS  
 NIMA A. ALINEJAD  
 ANDREW T. ALLEN  
 GREGORY W. ANDERSON  
 MARK A. ANDERSON  
 MICHELLE K. ANTON  
 TIMOTHY P. BALLARD  
 ROBERT L. BALTZER, JR.  
 JASON BARNETT  
 LAURA M. BAUGH  
 MICHAEL J. BENCA  
 RONALD M. BERNARDIN III  
 JONATHAN M. BISHOP  
 BRYSON D. BORG  
 TRACY K. BOZUNG  
 REBEKAH G. BRISCOE  
 ANTOINETTE T. BURNS  
 CASSANDRA J. BURNS  
 KENT D. BURR  
 SAMANTHA L. BUTLER  
 LYDIA CARPENTER  
 YOVANNI CASABLANCA  
 VALERIE J. CASTLE  
 CHRISTY Y. CHAI  
 EDWARD CHAMPOUX  
 MARC A. CHILDRESS  
 ANDREW Y. CHOI  
 JARED A. CHUGG  
 FRANCIS J. CLORAN  
 JAMES D. COLLINS  
 JOHNATHAN M. COMPTON  
 JESSICA J. COWDEN  
 JUSTIN L. CUMMINGS  
 MATTHEW J. DARLING  
 STEVEN D. DEMARTINI  
 JUSTIN F. DEVITO  
 ROBERT L. EMERY  
 GREGORY A. ERICKSON  
 KEVIN A. FAJARDO  
 JACQUELINE S. FERNANDES  
 CECELIA M. FICEK  
 IRENE FOLARON  
 JULIE A. FREILINO  
 TRAVIS W. GERLACH  
 ANNE GRAY  
 KIRBY G. HARVEY, JR.  
 RYAN P. HAWKS  
 ERIC A. HIGH  
 WILLIAM M. HILTON  
 BRIAN K. HOGAN  
 FAWN S. HOGAN  
 ROBERT L. HOLMES  
 DAVID J. HOOPES  
 JONATHAN C. JACKSON  
 NORRIS J. JACKSON  
 KEITH J. JOE  
 ROY L. JOHNSON III  
 NURANI M. KESTER  
 MATTHEW R. KEYSOR  
 DAVID D. KIM  
 SCOTT ALEXANDER KING  
 MICHAEL J. KRIER  
 BRADLEY J. LACHEY  
 TRISTAN T. LAI  
 DANIEL R. LAMOTHE  
 DEWAYNE C. LAZENBY  
 HUI LING LI  
 JOSEPH D. LOVE  
 SEAN MACDERMOTT  
 MICHAEL C. MAINE  
 MATTHEW M. MALAN  
 SALAH F. MASRY  
 JOSHUA MATTISON  
 JONATHAN J. MAYER  
 JOSEPH H. MCDERMOTT  
 GREGORY M. MEIS  
 NICHOLAS C. MEXAS  
 MICHAEL MICHEL  
 RYAN G. K. MIHATA  
 MARVIN J. MIKESKA  
 MICHELLE R. MILNER  
 AASIF H. MIRZA  
 CUONG M. NGUYEN

ERIK V. NOTT  
 LANCE M. NUSSBAUM  
 ERIK D. OBERG  
 JASON F. OKULICZ  
 TREMIKAE R. OWENS  
 THOMAS B. PAYNTER  
 ANDREW N. PIKE  
 PAUL PUCHTA  
 BRADLEY S. PUTTY  
 ROLANDO Y. RAMOS  
 JOHN S. RENSHAW  
 DEVIN A. RICKETT  
 IAN C. RIDDOCK  
 JANELLE L. ROBERTSON  
 JON M. ROBITSCHKE  
 BLAKE C. RODGERS  
 JONATHAN M. ROGERS  
 NAPOLEON P. ROUX III  
 MICHAEL J. RUSSELL  
 THOMAS L. SALSBUY  
 TAMAR E. SAUTTER  
 TREVOR J. SCHAR  
 CARRIE A. SCHMID  
 MELISSA SCHOENWETTER  
 DANIEL R. SCHULTEIS  
 TROY M. SCHWARTZ  
 ANDREW D. SEDIVY  
 JAMES D. SENECHAL  
 AALOK D. SHAH  
 TAVIS M. SHAW  
 ERIC SHERMAN  
 JOSHUA M. SILL  
 BRENT W. SMITH  
 CHRISTIAN J. SMITH  
 LUKE EDWARD STALL  
 JONATHAN L. STREETER  
 IVETTE E. SUBER  
 DREW N. SWASEY  
 ARLO M. TAN  
 AARON S. THAKER  
 JUSTIN J. TINGEY  
 TERRILL L. TOPS  
 BIANCA TRUONG  
 CHRISTOPHER M. TSUEDA  
 DOUGLAS C. VANDERKOOI  
 LOUIS M. VARNER  
 GUY C. VENUPI  
 FRANKLIN D. WADDELL  
 MARK B. WALL  
 CLAUDINE T. WARD  
 PAMELA P. WARDDEMO  
 CHRISTOPHER M. WEBBER  
 SUK C. WHANG  
 BRIAN K. WHITE  
 BRYAN M. WHITE  
 OLIVER J. WISCO  
 LAUREN J. WOLF  
 MARISSA V. YLAGAN  
 MARY ZACHARIAH KURIAN  
 DARRELL M. ZAUGG  
 SCOTT M. ZELASKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES AIR  
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

HOMAYOUN R. AHMADIAN  
 MICHAEL R. ALCORN  
 JOHN B. ALLIS  
 DANIEL M. ANDERSON  
 ELIZABETH A. BALLARD  
 BENJAMIN D. BARLOW  
 MATTHEW G. BARNES  
 ALICE E. BARSOUMIAN  
 PATRICK M. BASILE  
 ALISON T. BAUM  
 BEAU J. BAUM  
 RUSSELL A. BAUR  
 BRAD A. BAWCOM  
 CARMEN C. BAXTER  
 JESSICA L. BEACHKOFISKY  
 THOMAS M. BEACHKOFISKY  
 SHANE O. BIEDERMANN  
 EDMUND L. BLACKLER  
 ANDREA J. BLAKE  
 HEATHER D. BLAYLOCK  
 ANDREW P. BOHN  
 SARAH N. BOWE  
 CASEY D. BOWEN  
 MATTHEW S. BROCK  
 HYRUM R. BRONSON  
 ANDREW W. BURSAW  
 KELVIN N. BUSH  
 KUANG S. A. CHANG  
 KATHRYN M. CHARNOCK  
 NICOLE ANN CHIOTA MCCOLLUM  
 WALTER S. CHOATE  
 SAMANTHA D. CHUPLIS  
 CHRISTOPHER P. CLARK  
 ARTHUR W. CLARKSON  
 ROBERT M. CLONTZ II  
 HUGH M. COKE III  
 ERICA M. COLDIRON  
 MICHAEL J. CONNALLY  
 JARON B. COOMBS  
 JAMES W. COX  
 JASON N. CROSSON  
 ADRIENNE KLINE CUMMINGS  
 KATHARINE E. DAVIDSON  
 JANA M. DAVIS  
 JONATHAN C. DAVIS  
 PETRENIA A. DAVIS



MEGHANN L. DEROSIER  
 WYLIE C. DEVERA  
 RYAN H. DEVINE  
 RINO C. H. DIZON  
 ROSS W. DODGE  
 DAVID B. DOUGLAS  
 JORDAN P. DOWNING  
 PAUL M. DRAYNA  
 SILENA C. E. DUKES  
 JARROD E. DUMPE  
 DAVID A. DY  
 SARAH E. ECCLES BROWN  
 CHRISTOPHER M. EDENS  
 JESSICA BARRY EICHINGER  
 BLAKE E. ELKINS  
 KATIE A. ELLGASS  
 LEAH TATUM ENRIGHT  
 COREY P. FALCON  
 TARRA I. A. FAULK  
 SHAUN M. FELCHER  
 KELLY P. FERRARO  
 PHILIP M. FLATAU  
 KATHLEEN V. FLICK  
 RODERICK W. FONTENETTE  
 JARED R. FULLER  
 JASON C. GARNER  
 JUSTIN T. GATHERCOAL  
 CHRISTOPHER J. GORDON  
 LENA E. GOWRING  
 STACIE M. GRIFFIN  
 CHENOAH E. GUDEL  
 RYAN A. HACKETT  
 TIMOTHY M. HAPPEY  
 GAYLE D. HAISCHER ROLLO  
 ANDREW B. HALL  
 MATTHEW S. HALL  
 STEPHEN L. HALLA  
 BRIAN S. HAMPSON  
 KHADIDJA HARRELL  
 GEORGE T. HARRIS II  
 KYLE J. HAZELWOOD  
 ADAM J. HEISINGER  
 JONATHAN L. HENDERSON  
 JUSTIN N. HENRY  
 FERNANDO A. HERNANDEZ  
 ADAM N. HERTLEIN  
 WILLIAM D. HINOJOSA  
 ALLAN L. HO  
 JEFFREY J. HOLLINGSWORTH  
 JAMES D. HONEYCUTT  
 SHAWN I. HOSSAIN  
 JAMES E. HULL  
 KORI L. HUNT  
 ELLEN E. IM  
 AMANDA P. ISBELL  
 DORKA M. JIMENEZ  
 HYON J. JOO  
 WASSEM Y. JUAKIEM  
 KRISTEN L. KAMMERER  
 HATTIE DAWN KARAMBAY  
 JUHEE KIM  
 STANLEY J. KIMBALL  
 RICHARD C. KIPP  
 LALEISHA M. KNAPPLE  
 BENJAMIN L. KOHNEN  
 ROBERT L. KONOLD  
 JAMIE LYNN KRASSOW  
 KEVIN J. KRAULAND  
 RONALD M. KREINBRINK  
 MARIE P. KRIG  
 LINDSEY E. KUSCHNERAIT  
 BRIAN E. LANDRETH  
 WINTON P. D. LASLIE  
 RICHARD M. LAW  
 ANNA E. LAWRENCE  
 THOMAS J. LEE, JR.  
 EMILY E. LINK  
 JAYDEE R. LUMBAD  
 SHANNON M. MACLEAN  
 KEITH P. MADSEN  
 CHRISTOPHER RAY MAHONEY  
 MEGHAN E. MALENTACCHI  
 ERIN E. MARCHAND  
 SUSAN M. MARCHIANO  
 NICKOLAY P. M. MARKOV  
 ADAM T. MARLER

MELISSA A. MAY  
 STEVEN W. MAYFIELD  
 STEVEN D. MCCAIG  
 HAMPTON L. MCCLENDON  
 CAROLYN ELIZABETH MCDONALD  
 KIMBERLY L. MCKINNEY  
 NICHOLAS D. MCKINNON  
 JEFFREY MEADE  
 PABLO O. MEDINA, JR.  
 KRISTA M. MEHLHAFF  
 CHRISTOPHER A. MEINHART  
 STEVEN P. MENARD  
 JOEL T. METZE  
 AMANDA L. MILLER  
 DANIELLE M. MILLER  
 NATHAN B. MILLER  
 MATTHEW DALE MILLETT  
 MATTHEW R. MINOR  
 YAMIL MIRANDA USUA  
 PAUL E. MORRISON  
 TANISHA K. MORTON  
 DANIEL M. MOSELEY  
 EMILY M. NAKAGAWA  
 CASEY A. NAUMOFF  
 LUCAS PAUL NEFF  
 CHRISTOPHER D. NELSON  
 MICHAEL SHANE NEWBERRY  
 MARY C. H. NUTTER  
 CHARISSA A. OLSON  
 RYAN P. ONEILL  
 JOSEPH LEE OTT  
 ERIC C. PARKINSON  
 JASON O. PARKINSON  
 RYAN D. PEARSON  
 THOMAS J. PERCIVAL  
 C. J. PICKARDGABRIEL  
 CHRISTOPHER J. PITOTTI  
 DANNY R. PIZZINO, JR.  
 DAVID POLZIN  
 ADAM W. POWELL  
 MARION R. POWELL  
 ALAN C. PUDDY  
 CHRISTINE V. RAGAY  
 SURAJ S. RAM  
 MARIO L. RAMIREZ  
 MICHELLE A. RAMOS  
 BRYAN C. RAMSEY  
 JAIME M. RAWSON  
 LAURAE D. RETTIG  
 KEVIN W. RICH  
 KYLE A. RICKARD  
 ANGELA M. RIEGEL  
 DUANE R. ROBINSON  
 LIANA RODRIGUEZ  
 JOSEPH W. ROHRER  
 JEFFREY D. SARATA  
 KATHLEEN M. SARBER  
 AMANDA C. SCHAEFER  
 RYAN J. SCHUTTER  
 KEVIN M. SEMELRATH  
 BRENNAN M. SHACKELFORD  
 JESSICA A. SHANK ORTOLANO  
 PATRICK L. SHORT  
 JEREMY D. SIMMONS  
 TIFFANY R. SIMPSON  
 ANDREW J. SKABELUND  
 LISA MARIE SKABELUND  
 MICHAEL J. SLOGIC  
 CORINNE L. SLUSHER  
 JOSHUA M. SMALLEY  
 CHRISTOPHER L. SMELLEY  
 ANDRIA L. SMITH  
 DAVID M. SMITH  
 LASHIKA D. SNEED  
 JULIE A. SPEAKMAN  
 SCOTT A. STAFFORD  
 EUGEN STANCUT  
 CHRISTOPHER M. STAUCH  
 BENJAMIN E. STONE  
 MATTHEW J. STREITZ  
 SARA EMSLIE SULTZ  
 JASON R. SUSONG  
 SANDRA K. SWEDEAN  
 JASON C. SWIGERT  
 CHRISTOPHER SZABO  
 HIDEAKI L. TANAKA

AARON W. TERRY  
 ANDREW S. THAGARD  
 BAXTER D. THARIN  
 DAVID B. THOMAS  
 SARAH M. THOMAS  
 STEVEN W. THORPE  
 ANDREW M. TIMBOE  
 FERNANDO R. TOVAR  
 JAMES J. TSCHUDY III  
 ERIC C. UMBRETT  
 KENDALL J. VERMILION  
 CAROLE MAJAL Y. VILLAMARIA  
 LAURA L. VOEGELE  
 ERNEST B. WEBB  
 DREW S. WEBER  
 MATTHEW M. WERGER  
 AUBREY GARRISON WHEELER  
 JOSEPH D. WHEELER  
 CAROLINE P. WILLIAMS  
 NICOLE M. WILSON HALL  
 SARAH E. WILSON  
 WESTON T. WINKLER  
 MELISSA A. WOLLAN FRANCIS  
 STUART T. WOOD  
 BRONWYN L. YOUNG  
 MAYRA Y. ZAPATA  
 MICHAEL P. ZEOLA  
 JOE X. ZHANG

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be major*

ALFRED C. ANDERSON

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

DEANNA R. BEECH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

SHRRELL L. BYARD  
 SOO B. KIM

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be lieutenant colonel*

DONALD E. LAYNE  
 PAMELA J. LEEJOHNSON  
 MARK P. MCANDREW  
 SCOTT J. MCATEE  
 NEREIDA ROMERO

#### *To be major*

PETER C. CHAMBERS  
 JOSEPH F. SUCHER

### CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, December 17, 2012:

#### THE JUDICIARY

FERNANDO M. OLGUIN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. DURKIN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

## HOUSE OF REPRESENTATIVES—Monday, December 17, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 17, 2012.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

Lord, the people's House returns as a community in Connecticut begins to lay their little ones to rest. Bless the families of all whose lives were so terribly cut short with peace and consolation. Help them, and help us all, to have hope in a time of great desolation. "The souls of the just are in the hand of God, and no torment shall touch them."

We ask Your blessing, O Lord, upon the Members of this assembly, and most especially upon the leadership. It is on their shoulders the most important negotiations of our time have

been placed. Give them wisdom, grace, insight, and courage to forge an agreement that allows us all to move forward toward an encouraging future.

May all that is done this day be for Your greater honor and glory.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WOMACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOMACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### TRIBUTE TO ALBERT E. BRUMLEY AND THE 80TH ANNIVERSARY OF "I'LL FLY AWAY"

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Mr. Speaker, just a few weeks before we bid farewell to 2012, I rise today to acknowledge a noteworthy anniversary celebrated just a few weeks ago—the 80th anniversary of the Hartford Music Company's famous song, "I'll Fly Away."

This staple of gospel music was written by the legendary Albert E. Brumley and has been recorded more than 5,000 times by celebrated performers from Aretha Franklin and Kanye West to the Boston Pops and the Blind Boys of Alabama. The song is published in most major church hymnals, and its distinctive melody frequents funerals, gospel concerts, and community singings around America.

So, Mr. Speaker, on this milestone anniversary of the publication of this national treasure in song, let us reflect on the chorus, just as Brumley wrote a few decades ago:

I'll fly away old glory,  
I'll fly away.  
When I die,  
Hallelujah by and by,  
I'll fly away.

### LET US ESTABLISH A CULTURE OF PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. We are locked into a cultural matrix of thinking which produces violence, and we are shocked when its heartbreaking effects emerge. It's "us versus them" thinking, this evocation of enemies, whoever they are.

On a global level, this type of thinking justifies war and brings the slaughter of innocence. Nationally, it sows seeds for murder. Yet war abroad and violence at home are not inevitable. We have it within our power to re-create America today. Are we not the land of the free, the home of the brave? Is there not something uniquely American which gives us the ability to transcend our woes and to seek a more perfect Union?

Even at the darkest moments, we Americans can stand bravely for our freedom. Mindful of our inherent unity, we must break the "us versus them" mindset and move beyond survival mode to security through cooperation.

Let us create an organized, structured approach to become architects of a new culture of peace in our homes, our schools, and our workplaces. This is what the Department of Peace is about. Let us establish an America where national security and peace at home includes jobs, housing, physical and mental health care, education, retirement security for all.

We're the land of the free, the home of the brave. Freedom and bravery, courage and democracy, they are our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

birthright, our inheritance, our destiny.

#### MEDICAL DEVICE TAX

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, in 15 days, a misguided tax on America's medical device industry is scheduled to go into effect. The \$30 billion medical device tax will negatively impact an industry that employs over 400,000 people in America, including many in my congressional district, and one industry in the country that has a net surplus with foreign trade.

In June, the House overwhelmingly passed legislation to repeal this ill-advised tax policy. Now, 18 Democratic Senators have sent a letter to Majority Leader REID asking to delay the medical device tax before it can take effect at the start of the new year, providing that there is broad bipartisan and bicameral support to do away with the tax.

With just 2 weeks to go until the tax is scheduled to take effect, the medical technology industry has received little guidance about how to comply with the tax, causing significant uncertainty and confusion.

As discussions on the fiscal cliff and our Nation's economic future progress, a delay in the implementation of the medical device tax should strongly be considered.

#### PROTECTING AGAINST GUN VIOLENCE

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, I rise, as many others have, to offer my deepest condolences to the children, families, and community of Newtown, Connecticut. They are enduring a terrible tragedy in the Sandy Hook Elementary School shootings. But merely to offer condolence feels meaningless to me unless we also act to save other children and families and communities from a repetition of this same terrible tragedy.

We in Congress must take action to keep assault weapons and high-capacity clips out of the hands of those who are so dangerous or deranged or deluded that they can snuff out the lives of innocents on a whim. I understand there is a constitutional right to bear arms—I know the lawyers here will debate the fine points of that constitutional protection—but if our talk does not take guns out of the hands of people who would murder children, then our condolences today are just empty words.

We owe it to those who died. We owe it to children still alive. We must pro-

tect our families from this gun violence.

□ 1410

#### RIGHT TO WORK FOR LESS

(Mr. CURSON of Michigan asked and was given permission to address the House for 1 minute.)

Mr. CURSON of Michigan. Mr. Speaker, the Michigan legislature shamefully passed so-called right-to-work bills in a lame-duck session that insult all Michigan workers without public hearing or listening to the voice of a single citizen. Even more shamefully, Governor Rick Snyder signed the bills into law after clearly stating repeatedly that such legislation was not on his agenda and that right-to-work laws are too divisive to consider.

The final drafts of the bipartisan Michigan labor laws that were in place prior to these despicable acts were crafted by Republican Governor George Romney and State Senator Sander Levin. They served Michigan well, creating a vibrant economy that raised the tide that brought up all ships. Small business thrived, middle class thrived. Good jobs with good benefits spawned world-class hospitals and everything else that comes with a strong economy.

Governor Snyder and his lame-duck Republicans' weak explanations attempting to justify their acts are simply cover. No citizens' group has asked to ram this legislation through, nor have any business groups. The deep-pocketed special interest groups whose only goal is to destroy unions and other labor organizations drove the puppets that created these divisive laws.

Right-to-work-for-less laws are bad for workers, bad for Michigan and bad for America.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, December 13, 2012:

H.R. 2838, to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes;

S. 1998, to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security;

S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 13, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 13, 2012 at 4:14 p.m.:

That the Senate passed S. 3313.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 14, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 14, 2012 at 11:32 a.m.:

That the Senate passed S. 2045.

That the Senate passed without amendment H.R. 6116.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 14, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on December 14, 2012, at 2:47 p.m., and said to contain a message from the President whereby he transmits the District of Columbia's FY 2013 Budget and Financial Plan.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk of the House.*

**DISTRICT OF COLUMBIA'S FY 2013  
BUDGET AND FINANCIAL PLAN—  
MESSAGE FROM THE PRESIDENT  
OF THE UNITED STATES (H. DOC.  
NO. 112-157)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's fiscal year (FY) 2013 Budget and Financial Plan. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed FY 2013 Budget and Financial Plan reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2013, the District estimates total revenues and expenditures of \$11.4 billion.

BARACK OBAMA.

THE WHITE HOUSE, December 14, 2012.

**RECESS**

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1630

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 4 o'clock and 30 minutes p.m.

**ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**AUTHORIZING RIGHT-OF-WAY FOR  
NATURAL GAS PIPELINES IN  
GLACIER NATIONAL PARK**

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4606) to authorize the issuance of right-of-way permits for

natural gas pipelines in Glacier National Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.**

(a) *IN GENERAL.*—The Secretary of the Interior may issue right-of-way permits for each natural gas pipeline (including all appurtenances used in the operation of the natural gas pipeline) that, as of March 1, 2012, is located within the boundary of Glacier National Park.

(b) *TERMS AND CONDITIONS.*—A permit issued under subsection (a) shall be—

(1) issued as a right-of-way renewal, consistent with laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;

(2) for a width of not more than 25 feet on either side of the centerline of the natural gas pipeline; and

(3) subject to any terms and conditions that the Secretary of the Interior determines to be necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

**GENERAL LEAVE**

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Let me also as we begin this debate I would yield such time as he may consume to the gentleman from Montana whose bill this is that will talk about a power company decision that in 1962 was allowed and then in 1990 the Park Service determined they couldn't do what they already had done and now it has to be fixed.

So, Mr. Speaker, I would yield as much time as he may consume to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. I thank the gentleman from Utah for very concisely summarizing just exactly what this bill does.

I rise in support of H.R. 4606, which I have introduced. This commonsense legislation would permit the necessary safety maintenance of a natural gas pipeline that was constructed in 1962. Ordinary maintenance of the pipeline, which is the sole source of natural gas for nearly 25,000 residents in the Flathead Valley of Montana, is being pre-

vented by red tape. About 3½ miles of this 118-mile pipeline follow U.S. Highway 2 through the southwestern border of Glacier National Park.

The National Park Service is allowed to issue an easement over lands in the park for specific purposes, including electric transmission lines and communications services. But the specific uses listed do not include natural gas lines; so under current law, they can't allow maintenance.

The law also authorizes the Federal Government to issue rights-of-way for natural gas lines—just not in national parks. And so this tiny stretch of existing pipeline, which is so critical to so many Montanans, finds itself between a legal rock and a bureaucratic hard place. Allowing maintenance of the existing pipeline is too important for further delay.

Not only is the pipeline nestled in and around Glacier National Park; but it is also near the Middle Fork of the Flathead River, which is designated as a wild and scenic river and the Great Bear Wilderness Area. An accident due to a lack of maintenance would be devastating to the local ecosystem.

Moving the line outside the park would require further harm to the surrounding environment, and it makes sense for the pipeline to use the existing roadbed for Highway 2 in order to minimize the economic impact.

My legislation simply solves this government-made problem by allowing the National Park Service to allow maintenance on the pipeline. I urge my colleagues to support this legislation.

Mr. SABLÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4606 clarifies that the National Park Service may issue right-of-way permits for a natural gas pipeline in Glacier National Park. The pipeline already exists in the park, and the legislation provides appropriate easements for access by Northwestern Energy.

Senator TESTER first introduced this legislation in March of this year. We do not object to this legislation, Mr. Speaker, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I have only myself as the final speaker we have over here. I was wondering if there are any other speakers from the minority side.

Mr. SABLÁN. No, I don't, Mr. Speaker, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, in closing on this, this is a piece of legislation that is just common sense and blindingly necessary. At risk, if it is not passed, are 25,000 people, citizens of Montana, who would be without this kind of natural gas service, as well as Glacier National Park that would be without this kind of service. It's something that needs to be done, it should have been done a long time ago, and it

needs to be changed to allow the Park Service to be doing what it naturally should be doing. I urge all my colleagues to support this particular bill.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 4606, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3193) to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Barona Band of Mission Indians Land Transfer Clarification Act of 2012”.

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the legal description of land previously taken into trust by the United States for the benefit of the Barona Band of Mission Indians may be interpreted to refer to private, nontribal land;

(2) there is a continued, unresolved disagreement between the Barona Band of Mission Indians and certain off-reservation property owners relating to the causes of diminishing native groundwater;

(3) Congress expresses no opinion, nor should an opinion of Congress be inferred, relating to the disagreement described in paragraph (2); and

(4) it is the intent of Congress that, if the land described in section 121(b) of the Native American Technical Corrections Act of 2004 (118 Stat. 544) (as amended by section 3) is used to bring water to the Barona Indian Reservation, the effort is authorized only if the effort also addresses water availability for neighboring off-reservation land located along Old Barona Road that is occupied as of the date of enactment of this Act by providing guaranteed access to that water supply at a mutually agreeable site on the southwest boundary of the Barona Indian Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the legal description of the land placed into trust for the Barona Band of Mission Indians in 2004; and

(2) to remove all doubt relating to the specific parcels of land that Congress has placed into trust for the Barona Band of Mission Indians.

#### SEC. 3. LAND TRANSFER.

Section 121 of the Native American Technical Corrections Act of 2004 (Public Law 108-204; 118 Stat. 544) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land comprising approximately 86.87 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San Diego County, California, and described more particularly as follows:

“(1) The approximately 69.85 acres located in Section 21 and described as—

“(A) SW¼ SW¼, excepting the north 475 feet;

“(B) W½ SE¼ SW¼, excepting the north 475 feet;

“(C) E½ SE¼ SW¼, excepting the north 350 feet; and

“(D) the portion of W½ SE¼ that lies southwesterly of the following line: Beginning at the intersection of the southerly line of said SE¼ of Section 21 with the westerly boundary of Rancho Canada De San Vicente Y Mesa Del Padre Barona as shown on United States Government Resurvey approved January 21, 1939, and thence northwesterly along said boundary to an intersection with the westerly line of said SE¼.

“(2) The approximately 17.02 acres located in Section 28 and described as NW¼ NW¼, excepting the east 750 feet.”; and

(2) by adding at the end the following:

“(d) CLARIFICATIONS.—

“(1) EFFECT ON SECTION.—The provisions of subsection (c) shall apply to the land described in subsection (b), as in effect on the day after the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012.

“(2) EFFECT ON PRIVATE LAND.—The parcel of private, non-Indian land referenced in subsection (a) and described in subsection (b), as in effect on the day before the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, but excluded from the revised description of the land in subsection (b) was not intended to be—

“(A) held in trust by the United States for the benefit of the Band; or

“(B) considered to be a part of the reservation of the Band.”.

Passed the Senate September 22 (legislative day, September 21), 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

This particular bill corrects an error that was made in 2004 under an act of Congress under which land that was intended to be placed in trust for the Barona Band of Mission Indians in California. That law that was improperly written—amazing—gave a written legal description of the trust land that contained several mistakes. The unfortunate result was to put Congress on record as declaring that non-Indian private property is to be held in trust rather than the tribe's property.

This action placed a cloud on the title of the non-Indians' property and frustrated the tribe's effort to use the lands that Congress intended to place in trust for its benefit. However, this lagan attached to a buoy is able to be retrieved at this time and fixed in this particular piece of legislation.

Senate bill 3193 corrects this error, clearing the title to the non-Indians' property and affirming the trust status of the correct lands. The subcommittee on the Interior and Alaskan Native Affairs held a legislative hearing on the bill, which the director of the BIA and the Barona Band affirmed that this bill does, indeed, solve these issues; and we have heard no objections in the course of this bill to this particular bill.

I want to commend the efforts of the gentleman from California, Congressman DUNCAN HUNTER. Mr. HUNTER has been instrumental in working with the tribe, the surrounding community, the sponsor, and the Natural Resources Committee to bring this bill to the final legislative step before sending it to the President for signing. I also want to thank him for allowing a Senate bill to be part of the solution so that they can actually do something over there.

This is a noncontroversial bill, I urge my colleagues to pass it, and I reserve the balance of my time.

□ 1640

Mr. SABLÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3193, the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, corrects the legal description of land placed into trust for the Barona Band of Mission Indians in 2004. The bill places the proper parcel into trust as originally intended and clears title to the property misidentified under existing law.

S. 3193 was discharged by the Subcommittee on Indian and Alaska Native Affairs earlier this month by unanimous consent after having been passed by the full Senate in September, also by unanimous consent.

This bill is supported by the administration, the tribe, and the affected non-Indian stakeholders. I, too, support this legislation to correct Congress' error and urge my colleagues to vote in favor of passage.

With that, I reserve the balance of my time.

Mr. BISHOP of Utah. Once again, I'm the only speaker we have over here, and I'm prepared to close when the gentleman from the Northern Mariana Islands is.

Mr. SABLAN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, this is another bill that is non-controversial. It solves a problem that should have been solved a long time ago, and I urge my colleagues to vote for it.

With that, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of S. 3193, which amends the Native American Technical Corrections Act of 2004 to revise the description of the land to be held in trust for the Barona Band of Mission Indians of California. This noncontroversial bill states that the parcel of private, non-Indian land that is excluded from the revised description was not intended to be held in trust for the Band or considered to be part of its reservation.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. California is home to nearly one hundred federally recognized tribes. I have made it a priority of mine in Congress to safeguard the interests of our tribes.

After thousands of years of peaceful life in the region, known today as San Diego County, Native American life was abruptly changed in the late 1700s. More than 200 years of hardship for Native Americans began with the arrival of the Spanish military and the establishment of the first presidio and mission in 1769.

In 1875, the Federal Government established the Capitan Grande Reservation for the native people living in the area at that time. About 40 years later in 1932, the city literally bought the Capitan Grande Reservation to build a reservoir and the people were removed from their land.

In 1932, without a homeland but with some Federal monies allotted from the sale, a group of the Capitan Grande tribal members purchased the Barona Ranch which today is the Barona Indian Reservation near Lakeside, about 30 miles northeast of San Diego. For many years living without electricity and other services, the tribal members tried to create a living through the ranch and farming.

Until the early 1990s, the Barona Tribe was still struggling economically in the backwoods of San Diego County. In 1994, the tribe, with the consulting guidance of Venture Catalyst, opened the Barona Casino "Big Top", and this property eventually became the world-class Barona Valley Ranch Resort and Casino.

The casino has become the means to a restoration of self-sufficiency, prosperity and renewed hope. Unemployment and welfare dependency have dropped from 70 percent to zero on the Barona reservation.

Mr. Speaker, the Barona Band of Mission Indians has a long and strong tradition that continues to this day. I urge my colleagues to join me in supporting this legislation.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, S. 3193.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 41 minutes p.m.), the House stood in recess.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 6 o'clock and 31 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4604 and S. 3193, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## AUTHORIZING RIGHT-OF-WAY FOR NATURAL GAS PIPELINES IN GLACIER NATIONAL PARK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4606) to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 286, nays 10, not voting 135, as follows:

|               |                    |                   |
|---------------|--------------------|-------------------|
| Adams         | Gardner            | Myrick            |
| Aderholt      | Garrett            | Nadler            |
| Alexander     | Gibbs              | Napolitano        |
| Altmire       | Gingrey (GA)       | Neugebauer        |
| Amash         | Gosar              | Noem              |
| Amodei        | Graves (GA)        | Nugent            |
| Andrews       | Graves (MO)        | Olson             |
| Bachus        | Green, Al          | Palazzo           |
| Baldwin       | Green, Gene        | Pallone           |
| Barletta      | Griffith (VA)      | Pascarell         |
| Barrow        | Grimm              | Paul              |
| Bass (CA)     | Guthrie            | Paulsen           |
| Becerra       | Hahn               | Payne             |
| Benishek      | Hall               | Pearce            |
| Berg          | Harper             | Perlmutter        |
| Berkley       | Hastings (FL)      | Peters            |
| Biggert       | Hastings (WA)      | Peterson          |
| Billbray      | Hayworth           | Petri             |
| Bilirakis     | Heck               | Pingree (ME)      |
| Bishop (GA)   | Hensarling         | Pitts             |
| Black         | Herger             | Platts            |
| Blackburn     | Hinojosa           | Poe (TX)          |
| Blumenauer    | Hochul             | Polis             |
| Bonamici      | Honda              | Pompeo            |
| Bonner        | Hoyer              | Posey             |
| Bono Mack     | Huelskamp          | Price (GA)        |
| Boren         | Huizenga (MI)      | Price (NC)        |
| Boustany      | Hultgren           | Quayle            |
| Braley (IA)   | Hunter             | Quigley           |
| Brooks        | Hurt               | Rahall            |
| Broun (GA)    | Israel             | Rangel            |
| Brown (FL)    | Issa               | Reed              |
| Bucshon       | Jenkins            | Rehberg           |
| Buerkle       | Johnson (GA)       | Reichert          |
| Calvert       | Johnson (OH)       | Renacci           |
| Camp          | Johnson, E. B.     | Ribble            |
| Canseco       | Jordan             | Richardson        |
| Cantor        | Kaptur             | Rigell            |
| Capito        | Keating            | Roby              |
| Carney        | Kelly              | Roe (TN)          |
| Carson (IN)   | Kildee             | Rogers (KY)       |
| Carter        | King (IA)          | Rogers (MI)       |
| Cassidy       | King (NY)          | Rooney            |
| Castor (FL)   | Kingston           | Ros-Lehtinen      |
| Chabot        | Kinzinger (IL)     | Roskam            |
| Chaffetz      | Kline              | Ross (FL)         |
| Chandler      | Labrador           | Roybal-Allard     |
| Chu           | Lamborn            | Royce             |
| Clarke (MI)   | Lance              | Runyan            |
| Cleaver       | Lankford           | Ruppersberger     |
| Coffman (CO)  | Larsen (WA)        | Ryan (OH)         |
| Cole          | Latham             | Ryan (WI)         |
| Conaway       | LaTourette         | Sánchez, Linda T. |
| Connolly (VA) | Latta              | Scalise           |
| Cooper        | Lee (CA)           | Schiff            |
| Crawford      | Levin              | Schmidt           |
| Crowley       | Lewis (CA)         | Schrader          |
| Cuellar       | LoBiondo           | Schwartz          |
| Cummings      | Loeback            | Schweikert        |
| Curson (MI)   | Loftgren, Zoe      | Scott (VA)        |
| Davis (CA)    | Long               | Scott, Austin     |
| DeFazio       | Lowe               | Scott, David      |
| DeGette       | Lucas              | Sensenbrenner     |
| DeBene        | Luetkemeyer        | Sessions          |
| Denham        | Lummis             | Sewell            |
| Dent          | Lungren, Daniel E. | Sherman           |
| DesJarlais    | Mack               | Shuster           |
| Deutch        | Maloney            | Sires             |
| Diaz-Balart   | Marino             | Smith (NE)        |
| Doggett       | Massie             | Smith (TX)        |
| Dold          | Matheson           | Southerland       |
| Donnelly (IN) | McCarthy (CA)      | Stearns           |
| Doyle         | McCarthy (NY)      | Stutzman          |
| Dreier        | McCaul             | Thompson (MS)     |
| Duffy         | McClintock         | Thompson (PA)     |
| Duncan (SC)   | McCollum           | Thornberry        |
| Duncan (TN)   | McHenry            | Tierney           |
| Ellison       | McKeon             | Tipton            |
| Ellmers       | McKinley           | Tonko             |
| Emerson       | McMorris           | Tsongas           |
| Engel         | Rodgers            | Turner (NY)       |
| Eshoo         | Meehan             | Turner (OH)       |
| Farenthold    | Mica               | Upton             |
| Fattah        | Michaud            | Van Hollen        |
| Fitzpatrick   | Miller (FL)        | Velázquez         |
| Fleischmann   | Miller (MI)        | Vislosky          |
| Flores        | Miller (NC)        | Walberg           |
| Foxx          | Miller, Gary       | Walden            |
| Frank (MA)    | Miller, George     | Walz (MN)         |
| Frelinghuysen | Mulvaney           | Wasserman         |
| Fudge         | Murphy (CT)        | Schultz           |
| Garamendi     | Murphy (PA)        | Watt              |

[Roll No. 627]

YEAS—286

Waxman  
Webster  
Wilson (SC)  
Wittman

Wolfe  
Womack  
Woodall  
Woolsey

Yarmuth  
Yoder  
Young (IN)

## NAYS—10

Clarke (NY)  
Clay  
Conyers  
Edwards

Farr  
Kucinich  
Lewis (GA)  
Lynch

McDermott  
Serrano

## NOT VOTING—135

Ackerman  
Akin  
Austria  
Baca  
Bachmann  
Barber  
Bartlett  
Barton (TX)  
Bass (NH)  
Berman  
Bishop (NY)  
Boswell  
Brady (PA)  
Brady (TX)  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Campbell  
Capps  
Capuano  
Carnahan  
Cicilline  
Clyburn  
Coble  
Cohen  
Costa  
Costello  
Courtney  
Cravaack  
Crenshaw  
Critz  
Culberson  
Davis (IL)  
DeLauro  
Dicks  
Dingell  
Fincher  
Flake  
Fleming  
Forbes  
Fortenberry  
Franks (AZ)  
Gallegly  
Gerlach  
Gibson

Gohmert  
Gonzalez  
Goodlatte  
Gowdy  
Granger  
Griffin (AR)  
Grijalva  
Guinta  
Gutierrez  
Hanabusa  
Hanna  
Harris  
Hartzler  
Heinrich  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hirono  
Holden  
Holt  
Jackson Lee  
(TX)  
Johnson (IL)  
Johnson, Sam  
Jones  
Kind  
Kissell  
Landry  
Langevin  
Larson (CT)  
Lipinski  
Lujan  
Manzullo  
Marchant  
Markley  
Matsui  
McGovern  
McIntyre  
McNerney  
Meeks  
Moore  
Moran  
Neal  
Nunes  
Nunnelee

Oliver  
Owens  
Pastor (AZ)  
Pelosi  
Pence  
Reyes  
Richmond  
Rivera  
Rogers (AL)  
Rohrabacher  
Rokita  
Ross (AR)  
Rothman (NJ)  
Rush  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schilling  
Schock  
Scott (SC)  
Shimkus  
Shuler  
Simpson  
Slaughter  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Stivers  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Tiberti  
Townsend  
Walsh (IL)  
Waters  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Young (AK)  
Young (FL)

## MOMENT OF SILENCE IN MEMORY OF VICTIMS OF CONNECTICUT SHOOTING

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, on Friday morning, I brought my 4-year-old to school. I dropped him off at 8:45, just like millions of other parents did all across this country, and a few hours later I saw him again. He had a big smile on his face.

In Newtown, Connecticut, on Friday, 20 parents dropped their first graders off at Sandy Hook Elementary or kissed them good-bye as they got on the school bus, and that was the last time they saw their kids.

Something horrible, something unexplainable happened at Sandy Hook Elementary last week. When people ask me how are folks doing, I tell them right now there's a lot of blank looks, these people are just trying to process what happened. Twenty gleaming, beautiful children were gunned down, along with six adults who loved them dearly, by a young man with a sickness that masqueraded as evil that day.

So we are left asking all these questions: Why? Why us? Why these little kids? Why did he do it? Why weren't we able to prevent this from happening? The whys are almost infinite.

In the coming days and weeks, I guess we'll get some answers to these questions, but most of them won't have answers. But when you peek through this vast crippling darkness of the last 4 days, there's one answer that we know for certain. If we ever wondered what kind of community Newtown was, if we ever doubted the deepness of our love for one another, those questions have been answered, and they've been answered definitively.

They were answered by Principal Dawn Hochsprung, who told her colleagues to run one way so that she could run the other way, directly toward the gunman. They were answered by Victoria Soto, who hid her kids in a closet and died shielding her students from the assassin's bullets. And they've been answered by the thousands of individual acts of humanity that have overflowed from the people of Newtown in the days since the shooting, a community just pouring out love trying to help console this incalculable grief.

I went to the first of too many funerals this morning, and the last thing we know is this: All those wonderful little faces that you see on TV and in the newspaper, like Noah Pozner, who was laid to rest this morning, they're a reminder that despite the terrible and awful things that happened, that inside the hearts of all of this is this unbelievable goodness. That's all Noah Pozner had was goodness, was just this purity of spirit.

Newtown is going to survive this because it's a close town. They hurt more

because they're close, but they also can survive because they're close. And they can also survive because they will get this inspiration from these 20 little kids who are asking this town to remember how good they were and try to equal that.

As Newtown wrestles with this grief and recovery, the thoughts and the prayers from others matter. I want to thank everyone here for all of the individual love that you've showered down upon our little town. I want to thank the Connecticut delegation here with me today for all of their support. It helps in some small way to know that the world is grieving with us.

So, Mr. Speaker, I would ask that the House now rise and observe a moment of silence for the 20 beautiful children and six courageous adults who perished on a crisp, cold Friday morning in Sandy Hook, Connecticut.

The SPEAKER. The Chair would ask all present to rise and observe a moment of silence.

## BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3193) to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 306, nays 0, not voting 125, as follows:

[Roll No. 628]

YEAS—306

|             |             |               |
|-------------|-------------|---------------|
| Adams       | Bonamici    | Cicilline     |
| Aderholt    | Bonner      | Clarke (MI)   |
| Alexander   | Bono Mack   | Clarke (NY)   |
| Altmire     | Boren       | Clay          |
| Amash       | Boustany    | Cleaver       |
| Amodel      | Braley (IA) | Coffman (CO)  |
| Andrews     | Brooks      | Cole          |
| Bachus      | Brown (GA)  | Conaway       |
| Baldwin     | Brown (FL)  | Connolly (VA) |
| Barber      | Bucshon     | Conyers       |
| Barletta    | Buerkle     | Cooper        |
| Barrow      | Calvert     | Courtney      |
| Bass (CA)   | Camp        | Crawford      |
| Becerra     | Canseco     | Crowley       |
| Benishek    | Cantor      | Cuellar       |
| Berg        | Capito      | Cummings      |
| Berkley     | Carney      | Curson (MI)   |
| Biggert     | Carson (IN) | Davis (CA)    |
| Bilbray     | Carter      | DeFazio       |
| Bilirakis   | Cassidy     | DeGette       |
| Bishop (GA) | Castor (FL) | DeLauro       |
| Bishop (UT) | Chabot      | DeBene        |
| Black       | Chaffetz    | Denham        |
| Blackburn   | Chandler    | Dent          |
| Blumenauer  | Chu         | DesJarlais    |

□ 1857

Messrs. CLAY and CONYERS changed their vote from "yea" to "nay."

Messrs. CROWLEY, HASTINGS of Florida, BERG, Ms. ZOE LOFGREN of California, and Ms. LINDA T. SANCHEZ of California changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHAKOWSKY. Mr. Speaker, on rollcall No. 627, had I been present, I would have voted "yea."

Mr. LARSON of Connecticut. Mr. Speaker, on December 17, 2012—I was not present for rollcall vote 627. I was attending a vigil in memory of the lives lost at the Sandy Hook Elementary shooting in Newtown, CT. If I had been present for this vote, I would have voted "yea" on rollcall vote 627.



Deutch  
Diaz-Balart  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fitzpatrick  
Fleischmann  
Flores  
Foxx  
Frank (MA)  
Frelinghuysen  
Fudge  
Garamendi  
Gardner  
Garrett  
Gibbs  
Gingrey (GA)  
Gosar  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hall  
Harper  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Himes  
Hinojosa  
Hochul  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance

Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maloney  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neugebauer  
Noem  
Nugent  
Olson  
Palazzo  
Pallone  
Pascrell  
Paul  
Paulsen  
Payne  
Pearce  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley

Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Ribble  
Richardson  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Roybal-Allard  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schmidt  
Schradner  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shuster  
Sires  
Smith (NE)  
Smith (TX)  
Southerland  
Stearns  
Stutzman  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (IN)

## NOT VOTING—125

Ackerman  
Akin  
Austria  
Baca  
Bachmann  
Bartlett  
Barton (TX)  
Bass (NH)  
Berman  
Bishop (NY)  
Boswell  
Brady (PA)  
Brady (TX)  
Buchanan  
Burgess

Burton (IN)  
Butterfield  
Campbell  
Capps  
Capuano  
Carnahan  
Clyburn  
Coble  
Cohen  
Costa  
Costello  
Cravaack  
Crenshaw  
Critz  
Culberson

Davis (IL)  
Dicks  
Dingell  
Fincher  
Flake  
Fleming  
Forbes  
Fortenberry  
Franks (AZ)  
Gallegly  
Gerlach  
Gibson  
Gohmert  
Gonzalez  
Goodlatte

Gowdy  
Granger  
Griffin (AR)  
Grijalva  
Guinta  
Gutierrez  
Hanabusa  
Hanna  
Harris  
Hartzler  
Heinrich  
Herrera Beutler  
Higgins  
Hinchey  
Hirono  
Holden  
Holt  
Jackson Lee  
(TX)  
Johnson (IL)  
Johnson, Sam  
Jones  
Kind  
Kissell  
Landry  
Langevin  
Lipinski  
Lujan

Lynch  
Manzullo  
Marchant  
Markey  
McCarthy (NY)  
McIntyre  
Meeks  
Moore  
Moran  
Neal  
Nunes  
Nunnelee  
Oliver  
Owens  
Pastor (AZ)  
Pelosi  
Pence  
Renacci  
Reyes  
Richmond  
Rivera  
Rohrabacher  
Rokita  
Ross (AR)  
Rothman (NJ)  
Ruppersberger  
Rush

Sánchez, Linda  
T.  
Sanchez, Loretta  
Schilling  
Schock  
Scott (SC)  
Shimkus  
Shuler  
Simpson  
Slaughter  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Stivers  
Sullivan  
Sutton  
Terry  
Tiberi  
Towns  
Walsh (IL)  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Young (FL)

## □ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 627 and 628. Had I been present, I would have voted "yea" on rollcall vote Nos. 627 and 628.

## THE JOURNAL

The SPEAKER pro tempore (Mr. WOODALL). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

# CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THIS TRAGEDY

Mr. KLINE. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of House Resolution 833 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. AUSTIN SCOTT of Georgia). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the resolution is as follows:

## H. RES. 833

Whereas on December 14, 2012 a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the Greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 1 hour.

Mr. KLINE. Mr. Speaker, I yield myself a moment to briefly offer my heartfelt condolences to the families of Newtown, Connecticut. What happened at Sandy Hook Elementary School last Friday is simply unspeakable, and we as a Nation are devastated by the loss of so many innocent lives. In the face of such tragedy, it is our duty to join together and honor the memory of the victims. Let us stand united in offering our prayers to their families and friends.

Mr. Speaker, I yield my time to the gentleman from Connecticut (Mr. MURPHY) and ask unanimous consent that he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I thank the chairman very much for his kind words and for his generosity in allowing us to have this time on the floor this evening to both remember the 26 individuals who were brutally murdered on Friday morning in the village of Sandy Hook in the town of Newtown, Connecticut, but also to start to paint a pathway forward. Right now,

Newtown, Connecticut, is grieving deeply. It's going to be grieving for a long time because, frankly, we are just in the process of figuring out what to think about this, never mind understanding how to recover. This morning, at the first of what will be far too many funerals, you could start to see through the darkness a glimmer of how we figure a way out of this.

Little Noah Pozner was buried this morning by his parents and by his family. Noah was an amazing little 6-year-old. Not unlike most other precocious 6-year-olds, he loved role-playing; he was mischievous; he was as smart as a whip. He always talked about what he wanted to do in life, what he wanted to be. One day, he'd say he wanted to be a doctor. On another day, he'd say he wanted to be a police officer. On most days, his mom said he wanted to be a taco store owner. He loved tacos. That was his dream in life.

What we've seen on TV and in newspapers are these faces, the beautiful, gleaming, pure faces of these 20 first graders who perished; and while all of our hearts are just sick with grief, we know that their purity and their love is going to be the inspiration for the little community of Newtown and, frankly, for this whole country and this whole world to figure out how to recover.

I've been there on the ground since Friday afternoon almost nonstop, and Newtown is asking itself lots of questions about why it happened to us. What could we have done? Why did this guy do it? As I just said on the House floor, those questions are going to stick around for a while; but what you see in Newtown today is just this overabundant love. I mean, within hours, the fire station was filled with counselors, filled with public safety personnel, filled with food, filled with everything that could possibly support these families. Those offers of help and those offers of support have just kept on coming and kept on coming.

What has also emerged are the stories of what happened that day. Certainly, the tragedy and the horror is first and foremost; but underneath that is heroism, only the beginnings of which we know right now. This is a great school, first of all. This was the best school in Newtown, one of the best in the entire State, and it's because of a principal named Dawn Hochsprung.

Dawn was a great principal right to the end. She was in a meeting when it happened. She told the people in the meeting to run the other way so that she could run directly to the shooter to try to disarm him. A young teacher, Victoria Soto, had the soundness of mind to tell her kids to hide in the closet. She told the shooter that the students were in the gymnasium, somewhere else in the building.

□ 1920

She didn't survive, but many of her students did because of what she did.

When you start to hear more snippets of teachers who got their colleagues out the window, of kindergarten teachers who huddled their kids, kept them quiet, hummed to them, read them quiet stories so they wouldn't be overheard, you start to know what kind of community Newtown is, and you start to understand how Newtown survives.

I feel like I've done a lot of talking the last 4 days, both publicly and to families and to community members, and so I want to make sure that this is an hour where those who have been grieving all across the country can come and share their thoughts as well.

We've offered a resolution tonight which expresses both our outrage at what happened that day, but also our great sympathy. It does help to know that people from all around the country, from every congressional district and from every country around the world are grieving with us. Only bits and pieces of that seeps through that wall of misery that surrounds Newtown now; but when it does pierce that veil, it helps.

We're going to have a lot of time over the next few days and weeks to talk about what we do next, and I'm sure we'll have some of that discussion tonight. I'll join that conversation when it's right, and I don't begrudge anybody that has it today. It's important to talk about how we move forward and how we make sure this never ever happens again. For those of us in Newtown, we remember those 20 kids and those six adults—Charlotte Bacon, Daniel Barden, Rachel D'Avino, Olivia Rose Engel, Josephine Gay, Dawn Hochsprung, Dylan Hockley, Madeleine Hsu, Catherine Hubbard, Chase Kowalski, Jesse Lewis, Ana Grace Marquez-Greene, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, and Allison Wyatt.

I'm going to remember those people for a long time in Newtown. I'm going to grieve with them and their families. We're also going to take their memories, the beauty of those kids, the heroism of those adults, and let it point us, let it point the strong, close-knit community of Newtown, Connecticut, let it point us to a way we can survive.

With that, I'd like to yield 5 minutes to my friend from the Third Congressional District of Connecticut, ROSA DELAURO.

MS. DELAURO. I thank the gentleman, and I thank him for the depth of his feeling and the work he has done over the last several days, to help to bring some solace and peace to families who have been so struck by the devastation in Newtown, Connecticut.

I strongly support this resolution and condemn, as my colleagues do, the vicious attack at the Sandy Hook Ele-

mentary School and commemorate our children and the teachers who were struck down in this terrible tragedy.

It is overwhelming. I think all of us at the memorial service last night were overwhelmed. It was a slaughter of the innocent. Every parent and grandparent sees in the eyes and the smiles and the looks on those children's faces who we lost their own children and their grandchildren, knowing that there for the grace of God go I.

What happened in Newtown is unthinkable. A normal Friday morning in the midst of a holiday season, Sandy Hook Elementary School, a place where children should be safe to learn, to grow, suddenly without warning became a place of senseless violence. Within minutes, the actions of a young and mentally ill man devastated a small town community, broke the hearts of millions across the country, and murdered six teachers and administrators and 20 innocent children, all of them between 6 and 7 years old.

They're that big. They are that big.

Such an unspeakable crime seems impossible to make sense of. How could this young man kill so many innocent? How could so many beautiful little angels with their whole lives ahead of them be taken from their families? They were just babies. They were just babies. It's hard to witness such a senseless and evil act and similar acts that some of my colleagues in this Chamber have faced. In Aurora and Portland, Oakland, Tucson, Blacksburg, Littleton, you can't help but feel a despairing of the soul.

We in this institution cannot afford that luxury. We need to be strong for the families of the fallen in Newtown and for the families of children all over America. To the Newtown community and to all of the Connecticut families and parents and siblings who have been touched by what happened on Friday, our thoughts and our prayers are with you. What you are going through is indescribable. We can be sympathetic. We can be empathetic. We do not know that sense of despair that you feel, but you must know that our Nation shares and mourns your loss, mourns your loss.

I, too, as did my colleague, CHRIS MURPHY, acknowledge the tremendous heroism of the adults who were killed on Friday. Individuals like Principal Dawn Hochsprung who ran at the assassin, told people to run away from him in order to protect her kids and the school. The schoolteacher Vicki Soto of Stratford, Connecticut, and I represent Stratford, Connecticut, who in the heat of a terrible moment gave her life to protect her students. She hid them. She hid them, and lost her life in doing so.

They all died in the line of duty. They are heroes and heroines. They gave their lives to protect those children that they deal with every day,

that they educate, that they care for, and that they love as if they were their own.

To the first responders who put their lives on the line to stop the senseless killing in Sandy Hook, we say thank you for your courage and for preventing more young lives from being lost, for they too ran into a building not knowing what they were going to face.

Moving forward, we in this institution have to take commonsense, constructive steps that will help to ensure these types of tragedies will not happen again; and they include ensuring better access to quality mental health care, strengthening programs so communities will have the necessary mental health resources.

We've heard so much in the last several days about how we need to secure the physical plant of the school; and, yes, we need to do that. They need to be secure, but we cannot turn them into prisons for these young people. I wish and hope that at the same time we're talking about those kinds of efforts, that we talk about putting a mental health professional in our schools. That is security, as well as stationing police cruisers in front of our schools.

It means doing everything in our power to prevent guns from falling into the hands of violent criminals, and giving law enforcement officials the tools they need.

□ 1930

The President said last night that caring for our children must be our first task, and we can no longer tolerate these tragedies, and we must change. He asked if we are doing what we can to protect our children, and he said that answer must be no, and we need to protect them.

At a more fundamental level, we cannot let this terrible tragedy harden our hearts against our fellow men and women. In the words of Dr. Martin Luther King:

Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that.

So let us honor the fallen in Newtown by doing everything that we can to prevent these tragedies in the future. Let us follow the example of those heroes and innocents who perished. Let's commit to one another to rekindling our faith and love, compassion and community. Let's hold our children and our grandchildren close. Love them and tell them that you love them as many times as you are able.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 833.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. At this time I would yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Thank you, CHRIS MURPHY.

We just came from a vigil over on the Senate side that Senator LIEBERMAN, Senator BLUMENTHAL, and former Senator Dodd were at, and all of us had the opportunity to be there.

JOE COURTNEY, when he spoke, spoke of our colleague CHRIS MURPHY and the incredible job that he's done for his district and for our State. When you hear him speak on the floor about quintessential New England and the community he represented for 6 years in Newtown and the little village of Sandy Hook, you understand that this is a man who truly represents the people of his district and this great State.

All of us have been shocked by the events that have transpired. Many things will be said. DICK BLUMENTHAL, ELIZABETH ESTY, who's the Representative-elect, have been there for the last 4 days. The whole world has looked in on this horrific event. And parents all across this country and all across the world understood implicitly what we all fear—the unspeakable: the parent describing a trip in an automobile from Bridgeport to Newtown, racing to get there to see whether their child was alive, had survived, and the joy when they were able to see their kids; and the complete and utter despair when your child was not one of the kids who came out. And CHRIS MURPHY and DICK BLUMENTHAL and ELIZABETH ESTY, our colleagues, were there.

These first responders who came on the scene and prevented the loss of more lives deserve our unending thanks. The great coordination by our State police and local police, everything that transpired, all the volunteers that participated; the teachers, the professionalism that they exhibited, the execution of a drill that they had been through time and again; and, as ROSA talked about, the principal and the teacher who sheltered her children and gave her own life. These are difficult things.

As CHRIS has so eloquently said, we're seeking answers and know that we must move on. And where do you find the strength? We found the strength in a great leader, in a Governor, Dan Malloy, who's been there all 4 days and beyond.

At the vigil last evening where the President spoke in an ecumenical gathering, he said:

As winter approaches and snow begins to fall, I will always think of these children as precious snowflakes during this winter of events. But I am heartened by the fact that every spring when the flowers bloom, we will think of their precious memory as well.

Our President said that the people of Newtown were inspirational. Indeed, they are.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MURPHY of Connecticut. I yield the gentleman an additional 30 seconds.

Mr. LARSON of Connecticut. Clio, the muse of history, used to sit above this Chamber. The muse of history's responsibility was to sit there, as you'll see the statue in Statuary Hall, with a book and pen, recording the events of this Chamber. We are in a unique position of responsibility. We have been sent here to perform a duty; and not only the muse of history, but all the world is watching the United States Congress.

We have a responsibility to respond in the most comprehensive way. This is an attack of terrorism. This has happened all too often and all too frequently all across this country. And in such an attack, we would do everything within our power to make sure that no stone was left unturned, to make sure that we provided every answer and every opportunity that we can, as ROSA said, to protect our children. That's why we take an oath of office here. That is our God-given responsibility. We must act, and act now.

Mr. MURPHY of Connecticut. At this point, I would yield 5 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, again I want to just begin by saluting my colleague from Connecticut, CHRIS MURPHY, who over the last 72 hours has been the voice of the community of western Connecticut, and Newtown in particular. He has handled his role in that capacity with poise and good decorum and taste. It really is something that I think we should all, in this Chamber, be so proud of.

I would also want to mention that he did it as a father of someone who has a 4-year-old son, Owen, who I'm sure was seeing all around him the events that were unfolding, the unspeakable horror again in the eyes of a parent of a child really of the same age group. Again, we are just so lucky to have had his amazing leadership over the last 3 or 4 days.

The President last night opened his remarks about how the town of Newtown is really like many communities in America. To a point, it's true. It's 29,000, tight-knit, a very small town. But it is a town that, frankly, is above average in many instances.

□ 1940

It is a school system that scores at the absolute top of the Mastery Test in the State of Connecticut. And that doesn't happen by accident. It's because it has parents and staff that, year in and year out, have been so committed to making sure the children succeed and excel, and it has been a

model for the State of Connecticut and for our country when education really still is, I think, probably one of the most important challenges that we need to succeed in as a country.

For this event to happen at Sandy Hook Elementary School, a school that, when I was sitting with the Board of Education last night during the interfaith vigil, all of them were talking about their kids who'd gone through Sandy Hook and now were successfully pursuing careers in New York and the west coast and in Connecticut, it really just tore the heart out of this community. It's a community where they've had one act of homicide over the last 10 years. And to see those police officers come down the aisle after having to respond to this unspeakable horror and to see the looks on their face and the emotional drain that took place, it really was just something that was just so out of any norm for any community, but certainly, in particular, for the town of Newtown.

As CHRIS said, in every instance, whether it was the principal, the teachers, the parents, the first responders, the caregivers, they rose to the challenge. They did their job.

Victoria Soto, the teacher who shielded and literally saved the lives of at least half a dozen students, was in the middle of a lesson when this person burst into her classroom, 10 minutes from beginning to end. Since this debate has started, the event had already reached its conclusion, just in the time that we've been here on the floor. For her to think so quickly and to react so courageously is an act of human excellence that I think all of us will wonder whether or not we ourselves could have possibly done the same.

Her example, the example of the police and the EMS, the example of the doctors and nurses who responded so quickly, frankly, I see that as a challenge to this Congress. They acted. They did what they were supposed to do. And as the President said last night, if you believe that the measure of a society is how we protect our children, if you're honest, you have to answer that we really are not doing all that we can do, and, frankly, it is time for us to follow the example of the Victoria Sotos and to act. This resolution tonight is so important to begin that first step. But the fact of the matter is that there is much more that needs to be done.

This morning, as I was driving to the airport on the back roads of Connecticut, I went by a number of elementary schools. At every single one of them, there was a police cruiser at the entrance. Again, the State police and the local police departments, I think, were being very thoughtful. They wanted to make sure that when the parents and kids were going to school, they felt safe, and that after all they had seen on the TV over the weekend,

it was okay to go in the entrance of their schools. But that is not an answer. To say that we are going to turn our schools into fortresses is not where we should be as a Nation. We need to go deeper in terms of solving this problem of mass killings and of violence that now, again, is striking at the most innocent in our society.

I look forward to working with the gentleman from the Fifth District over the next few days, and when he takes his new duties as the new Senator from the State of Connecticut, to make sure that the people in that room last night who were listening to the President, the people in our State, the people in our country, the people in the world that are now watching us, that we make sure that we deliver, just like the brave people of the town of Newtown did over this past weekend.

Mr. MURPHY of Connecticut. I yield 5 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. I'd like to begin by thanking my friend and colleague from Connecticut, Congressman MURPHY, not just for introducing this legislation, but for his strength of spirit as he has comforted some people who have lived through something that none of us would ever want to live through.

As Congressman MURPHY noted, Noah Pozner, a 6-year-old boy, was buried today, as was Jack Pinto, another 6-year-old boy. I looked at the photographs of the parents at those funerals and tried to imagine the bottomless grief, the anger, the questions they must have. Of course, that's impossible. At the very front of those questions is the question of, "Why?" That is something that we'll all struggle with individually, reverting probably only imperfectly onto the tenets of our faith as we consider how this supposedly benevolent God could allow this sort of slaughter of innocents to happen. We won't answer that question.

Last night, with the President and my family, by which I mean my colleagues from Connecticut, as we listened to the President and listened to the sighs and the gasps of the families in the community of Newtown, it's clear there's no answer to that question of "Why?" A line of poetry kept running through my head. Thomas Hardy, in one of his poems, asked:

How arrives it joy lies slain, And why unblooms the best hope ever sown?

We won't answer that question, but that question and its unanswerability will transform itself into a burden that we all will and must bear. By "we all," I mean every citizen of this country, but particularly those of us who are entrusted by our constituents with one thing, which is to make sure that this does not happen again. And I don't think there's any risk at all that we can't do that.

In a country awash in guns—and not just guns for the hunter or the person

who wishes to protect him- or herself, but guns that were designed with the explicit purpose of killing as many people as rapidly as possible; not in a country that has raised violence to a secular religion, to a pastime, to a hobby, to a solution to our problems; and not in a country that seems to have forgotten that it's not just our close families, it's not just the small Connecticut delegation that is a family, but that we are a national family and that we have obligations of responsibility one to each other—there's a clear answer to that ancient biblical question, "Am I my brother's keeper?" And that answer is, "Yes."

So I don't think there's any risk that we can't act, but I think that there is a profound risk that, just as after Aurora, just as after Oregon, just as after Columbine, we won't act. And that's not good enough.

I'll tell you how I'm going to challenge myself. I'm going to imagine Noah and Jack, 6-year-olds who nobody really knew. I didn't know them. Their parents didn't really know them—didn't know where they'd go to college, what they'd grow up to be, who they'd take to a prom. I'm going to imagine them standing right here—and that's not hard for me, with a 10-year-old and a 13-year-old at home—looking up and asking, "Will you do it?"

Mr. MURPHY of Connecticut. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 33 minutes remaining.

Mr. MURPHY of Connecticut. Thank you, Mr. Speaker.

We've got a number of speakers, so we'll try to give 1½ minutes to as many as we can.

I yield 1½ minutes to the gentlelady from Colorado (Ms. DEGETTE).

Ms. DEGETTE. "Not again." We all said it to ourselves in the split second we heard it on Friday, "Not again." Then, when we heard about the victims, we knew it was different. Twenty little children slaughtered in their classroom. In our sadness, we know our society bears responsibility because we have not done enough to protect our children.

□ 1950

We have not been able to get a grip on the increasing incidence of gun massacres, and because of that we have failed our children.

In the wake of Newtown, this country must really have a conversation about our views on violence, our views on guns, and how we're going to respond to people who are obviously mentally ill. Certainly through that conversation we can find consensus around reasonable solutions to keep these killing machines out of the hands of impaired individuals.

There's not one magic solution. It's not one thing. It's many things. It starts by us having inward conversations with ourselves and our families.

It then starts by creating a more comprehensive and effective mental health system. Then we have to have a meaningful conversation about gun violence in our country. We are never going to be able to stop a deranged individual from going into a school or a movie theater or a shopping mall to shoot people; but if you limit the weapons and the ammunition available to them, you can give the people in their sights some fighting chance to stop that killer.

Of the 12 deadliest shooting massacres in history, six have occurred since 2007. In 1999, in my second term of Congress, I dealt with the devastation of Columbine, which is now in my district. Just this summer, I stood here like the Connecticut Representatives.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MURPHY of Connecticut. I yield the gentlelady 30 additional seconds.

Ms. DeGETTE. I stood right here with my Representatives from Colorado, like the Connecticut delegation, and mourned our friends in Aurora. And now again we stand here.

We can start by passing a bill this week to ban high-capacity ammo clips, the same kind this killer used and the same kind the killer in Aurora used. My colleague and friend, CAROLYN MCCARTHY, and I have a bill to do just that, and we're going to urge the Republican leadership to do that this week. But after that, we have to have that conversation as parents, as neighbors, as friends, and the custodians of those 20 courageous little souls and the adults who tried to protect them.

Mr. MURPHY of Connecticut. At this time I yield 1 minute to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. As a mother and grandmother, I offer my words to the mountains of condolences to the families of the 20 children and the six heroic adults in Newtown, Connecticut. All of America is mourning with you, but we owe you more than our grief and our condolences.

It is almost unthinkable that a school could be the scene of such horror. Parents across the Nation are worrying about how to keep their own children safe, and the terrible truth is that children in the United States are 13 times more likely to be killed by gun violence than children in other industrialized countries.

We need to close the gun show loophole and require criminal background checks for anyone purchasing a gun—a proposal supported by 74 percent of NRA members and 96 percent of all Americans. We must outlaw assault weapons and high-capacity ammunition clips. These are weapons of mass destruction made for the military battlefields, not our neighborhoods.

It is time to grieve. It is time to act to end the gun violence before we lose more of our precious children and loved ones.

Mr. MURPHY of Connecticut. Mr. Speaker, at this point I yield 1½ minutes to the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I want to thank my colleague. I know what you're going through. I know what your district is going through. And I want you to know that the people of the United States of America are saying their prayers for all of your constituents and certainly for the children.

I rise in support of H. Res. 833. As someone whose family has been a victim of gun violence, my heart goes out to the victims and the families of this horrific tragedy. I know what it's like to lose someone you love, and I offer my deepest sympathies and our prayers for those who have been affected. To be very honest with you, I know that victims across this country that have been affected by gun violence, they are with you and they will be with you.

It breaks my heart to think of the holidays coming up, and Christmas, and the children not going to be there to open up their gifts, the parents going to their bedrooms and not seeing anybody there.

I know there are an awful lot of unanswered questions right now, and those answers will come soon. But I have to say, as some of my colleagues have said: Enough. Enough. More people have died in the last several years than the whole Vietnam war. More people are injured.

I will just say the first responders, the police officers, our prayers will be there. And I swear to God I will do everything in my power to make this a safer country for our children.

Mr. MURPHY of Connecticut. I thank the gentlelady.

At this point I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. The Sandy Hook Elementary School shooting was shattering for Americans everywhere. For such an unspeakable act of violence to take place at an elementary school—a place of safety, learning and lively spirit—was devastating. My own sons are grown, but my memories from their first days at school are still very vivid.

The shooting was both a deeply personal family tragedy and a tragedy for the community of Newtown and for our Nation. I, along with all American parents, feel the loss personally. It brought not only tears, but also deep sadness. The youngest victims were 6, 7. It's unacceptable.

We feel the loss of each child, so innocent, so joyful—their hopes, their dreams and their potential never to be fulfilled. We mourn the loss of the teachers and staff who were a comfort to their students and who did all that they could to protect them. My thoughts and my prayers are with each of the families and all of Newtown. did

all that they could to protect them. My thoughts and my prayers are with each of the families and all of Newtown.

We have seen far too many moments of violence and loss. This loss is too devastating to ignore. I believe that even in this time of deep sadness and grief we must resolve to end such violence. We must do better to understand and treat mental illness. And we must come together to move our Nation towards commonsense, reasonable gun laws, laws that recognize the responsibility of gun ownership and ensure safety and security in our homes and our schools and our communities and in our public spaces.

One of the Nation's greatest strengths that we have as Americans and as a people is that our Nation and each of us is so resilient. We must use that resilience to not only grieve together at this really difficult time, but to work together to prevent yet another devastating act of violence and to be shattered once again.

We should act, and I join my colleagues in a willingness and a commitment to do so.

Mr. MURPHY of Connecticut. I yield 1½ minutes to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS. I thank the gentleman from Connecticut for your leadership, and I share in your absolute sorrow, and to honor the memory of the 20 children and six educators who lost their lives in this really horrific attack at Sandy Hook Elementary School in Newtown, Connecticut. My thoughts and prayers are with the victims and their families and our first responders, and all of those both in Newtown and across this country who were affected by this tragedy.

First, as a mother, my heart truly aches for the parents who lost their children. Young and old lost their future. But as a Member of Congress, I also know that we're not doing nearly enough to protect our children and to protect our communities from gun violence. In cities and rural areas, schools, offices and homes, this has happened far too many times in far too many communities all across our country.

In my district alone there have been over 160 incidences of gun violence this year. Forty-six people in my district have lost their lives to gun violence this year. I think about 6-year-old Amari Perkins, who lost his life to gun violence just miles from the Nation's Capitol, and 17-year-old Amber Stanley, who lost her life to gun violence.

This is a really complex problem that requires complex policy solutions, but the complexity should not keep us from doing what it is that we need to do to protect our children, whether those children are in Newtown or any town across this country. The question I think we have to ask ourselves, Mr. Speaker, is how many more tragic and senseless acts of violence have to take

place before Congress is compelled to take truly meaningful action?

□ 2000

We must do all we can by working together to ensure people are safe in their schools, that our children are safe, that our educators are safe and our neighborhoods, our public spaces and our houses of worship all throughout our communities.

To my colleagues of the Connecticut delegation and especially to Mr. MURPHY who represents Newtown, my thoughts and prayers are with each of you during this really difficult and incomprehensible time. But be assured that as a Member of Congress, I'm going to work with you, I'm going to continue to pray with you, and I'm going to make certain that this doesn't happen again because we have an obligation, we know what our to-do list is, and we have only to do it before year's end.

Mr. MURPHY of Connecticut. Mr. Speaker, at this point, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I thank him for doing this Special Order.

Mr. Speaker, I have been to Newtown, Connecticut, since I have cousins who live there. It's less than an hour's drive from my congressional district.

Today, we mourn all the people who lost their lives in Newtown on Friday, including 20 elementary school children and six educators.

Over the past few years, we've seen innocent lives tragically lost to gun violence in a supermarket parking lot in Arizona, a shopping mall in Oregon, a movie theater in Colorado, an Army post in Texas, a Sikh temple in Wisconsin, a college campus in Virginia, and now an elementary school in Connecticut. The proliferation of combat-style weapons has spawned these tragedies, and it is long past time that we control them.

The Second Amendment guarantees a right to bear arms, but it does not guarantee an absolute right to military-style, high-caliber, semi-automatic, bulletproof-vest-piercing combat assault rifles with high-capacity magazines to anybody who wants them.

It just does not. And we must not let interest groups persuade us otherwise. We need sensible restrictions. We need sensible gun control legislation. We need them here, and we need them now. Our children are counting on us, and we really need to not let them down.

Mr. MURPHY of Connecticut. At this point, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank my colleague, Congressman and Senator-elect from the State of Connecticut, CHRIS MURPHY.

There have been many magnificent and heart-rending tributes being paid

this evening, and how appropriate it is that they are. On behalf of my constituents in the 14th Congressional District in California, I hope that our words and our prayers and also our future actions will be a source of comfort to the parents of the victims and to the community of Newtown, Connecticut.

It is appropriate that we offer our prayers and our sympathy, but that's not enough. That is not enough. It is in this Chamber and in this Congress we're together. We can, indeed, make the changes that the American people, in their anguish, are looking for.

I can't help but think of the words of Abraham Lincoln's Gettysburg Address when he said:

The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to their great unfinished work.

And so the massacre of these angels should really inspire us to take on the job of what really needs to be done in our country. Will we be able to resolve every last problem that this violence has brought about in our country? I doubt that. Can we take great steps to avoid what we know has taken place in public places, in shopping malls, in theaters, on college campuses, and now for where the little angels go to school?

I pledge not only to my constituents but to the Connecticut delegation and to the people of our country that I will do everything possible to help resolve this. We know that they are living in the sight of Almighty God, but our work is truly our own, and it will be the hand of God that will guide us. I believe that.

Mr. MURPHY of Connecticut. I thank the gentlewoman.

At this time, I yield 1½ minutes to the gentlelady from California (Ms. CHU).

Ms. CHU. This Friday, an unimaginable horror happened. The most innocent amongst us, 20 beautiful children, ages 6 and 7, were gunned down in cold blood, and six adults died trying to save these children's lives. My heart breaks for these families, and I send my deepest sympathies to the Newtown community and to all who are struggling through this unthinkable tragedy.

Sandy Hook made clear what we've known for too long: that we are not doing enough to protect the public from deadly weapons, that we are not doing enough to address mental health issues in our society, and that we are not doing enough to stand up to those who are actually saying that more guns, not less, are the solutions to mass shootings.

This must change. For the sake of our children, I say enough is enough. Congress must act to put a stop to this senseless gun violence.

Mr. MURPHY of Connecticut. I thank the gentlewoman.

At this point, I yield 1½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise this evening to pay tribute to the innocent victims who were tragically struck down in Newtown, Connecticut, and to condemn in the strongest possible terms the senseless act of violence that claimed their lives.

That so many victims were young children who had their entire lives ahead of them makes the shooting even more heart-wrenching. The children were so young. We saw in each of them our own children, our grandchildren. They really are America's children.

Jack Pinto, 6 years old, the same age as my grandson, Robbie. He was a huge New York Giants fan and today was buried in a Giants jersey. And Noah Pozner, who is also 6, whose best friend was his twin sister, Arielle, who was in another class and survived, though I'm sure she felt she lost her other self.

These children were truly innocent, mostly knowing in their short lives just joy and little about the brutality in this world until they experienced it firsthand on Friday.

What gives us hope is that there was also love and bravery in the actions of the adults, the educators and first responders who acted selflessly and heroically. We will forever remember all of them and pledge that their purity and spirit will be our guiding light to act to protect our children and our community.

Mr. MURPHY of Connecticut. I thank the gentlewoman.

At this time, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank my friend from Connecticut.

I rise tonight to join all Americans in grieving for the innocent children and brave adults horrifically slaughtered at Sandy Hook Elementary School last Friday. What happened in Newtown, Connecticut, is every parent's worst nightmare. Every parent who sends a child off to school each morning takes a leap of faith that he or she will be home that night for a hug, a family dinner, and for a kiss goodnight.

For my wife and me, our three children are the center of our lives. Words cannot express the sorrow that we feel—that all Americans feel—for the families whose children were so viciously taken away.

Tonight, the American people are united in grief. In the coming days, a national conversation will take place on how to make our Nation just a little bit safer, and we must remain united. Never mind that some will feel threatened by this conversation and others will try to stop it altogether.

This unspeakable crime was driven by unspeakable evil. Yet when it comes to preventing such heinous acts, nothing should stop us from speaking out;

but more than that, nothing should stop us from taking action. By preventing another massacre, by stopping this rampaging gun violence, we will honor the memory of every 6- and 7-year-old child and every brave member of the Sandy Hook community we mourn for this evening.

Please, please let us do more than talk. Please let us do more than give speeches. Let us come together to act to make America safer.

□ 2010

Mr. MURPHY of Connecticut. I thank the gentleman.

I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman from Connecticut. And on behalf of all the residents of my home State of Rhode Island, I extend our profound sympathies to our neighbors in Newtown, Connecticut.

As we stand here this evening, mourning the innocent victims of this horrific massacre, our hearts ache for the parents and families who have endured an indescribable loss. We stand united as members of one community who share in the vital and solemn responsibility to protect our children, our families, and our neighborhoods.

As the men, women, and children of Newtown join together to comfort one another, to overcome the anguish and sorrow that has broken their hearts, they should know that an entire country is by their side, extending our prayers and love and are committed to action. The senseless cruelty and unspeakable violence that was inflicted upon the people of Newtown and took the lives of these precious angels have changed our Nation forever.

We honor the acts of bravery, we celebrate the lives, even those cruelly short, of those we lost; and we now must embrace our solemn duty and moral responsibility to take action in honor of the memory of the lost angels. They deserve nothing less.

Mr. MURPHY of Connecticut. I thank the gentleman.

I yield 1½ minutes to the gentleman from Michigan (Mr. CURSON).

Mr. CURSON of Michigan. Thank you, Congressman.

A few weeks ago, my grandson stood right here with me when I took my oath of office, one of the proudest moments of my life.

Just hours before this horrible act in Connecticut took place, Michigan's lame-duck legislators rewrote Michigan's gun laws to permit persons to bring concealed firearms into schools, college dorms, churches, hospitals, bars, and sports stadiums.

Firearms have absolutely no place in our schools. The tragic massacre at Sandy Hook Elementary school is a chilling and heartbreaking reminder of this. Last week, innocent children, babies, went to school to a safe place

where they love to be. Six public servants went to school to the children they love almost as much as their own. Those six heroically died trying to save those precious gifts from God. Twenty of those babies were savagely murdered.

We've witnessed this horrendous tragedy before. Thirty-two innocent people were shot to death at Virginia Tech; 16 were murdered at the University of Texas in Austin; 13 students and faculty were murdered at Columbine High School.

I support reasonable gun ownership, but this bill is unnecessary and goes way too far. Senate Bill 59 is now sitting on Governor Snyder's desk. In the spirit of this resolution, I ask the Governor on behalf of Peyton and Parker, my grandchildren, on behalf of all Michigan children, that he use his power of veto and not sign that bill.

Mr. MURPHY of Connecticut. I thank the gentleman.

At this point, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Ladies and gentlemen of the Congress, the Lord Jesus said, Suffer the little children to come unto me, for they are the kingdom of Heaven. But Jesus didn't stop there. He spoke, and then he acted.

He first rebuked his disciples, brought the children to him, picked each child up in his arms, put his hand on them, prayed with them, and then blessed them. And just as Jesus spoke and acted, the people of this country are expecting this Congress to speak, but to act. The first order of business is to make sure that this kind of tragedy never happens again. The first order of business is to ban, to make illegal to own, manufacture, sell, or possess this deadly weapon that was used to massacre these 20 children and these six educators, two 23 Bushmaster semi-automatic assault weapons. If we are going to honor those children who were massacred, we need to make sure that that weapon will never be used again.

If we do not do that, then this Congress needs to hang its head in shame.

Mr. MURPHY of Connecticut. Mr. Speaker, I inquire as to how much time I have remaining.

The SPEAKER pro tempore (Mr. FARENTHOLD). The gentleman has 14 minutes remaining.

Mr. MURPHY of Connecticut. Mr. Speaker, at this point, I yield 1½ minutes to the gentleman from Michigan (Mr. CLARKE).

Mr. CLARKE of Michigan. Mr. Speaker, of all the horror this country has had to endure, there's something else that is tragic, and that is too many times someone who is mentally ill can only get treatment once they're arrested and locked up. Treating the mentally ill only when they go to prison, it doesn't make sense. It costs too

much money, and many times that treatment comes too late.

I'm asking this House and this Congress this week to protect all of the funding for mental health treatment and substance abuse treatment, protect all of the funds from across-the-board cuts that could occur as a result of the fiscal cliff. I also ask all of us as Americans to finally end the stigma of mental illness and substance abuse so that those who need treatment will no longer feel ashamed to seek it.

Mr. MURPHY of Connecticut. I thank the gentleman.

At this point, I yield 1½ minutes to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I certainly want to thank my colleagues from Connecticut for the way in which they've conducted themselves through this horrific tragedy that the whole country has experienced.

Mr. Speaker, I came to sit and listen and to be here to support my colleagues, but I did want to say a few words because I had an opportunity to speak with the press in San Diego over the last few days.

I'm almost haunted by the question that I was asked, which was, Isn't this all just going to go away? People will get on with their lives, and a period of time will commence and maybe something else horrible will happen again.

What is it that we can do? I think it is a collective responsibility. It is certainly all of our responsibility. The President, I believe, has to take the lead, and he has begun to do that. We also have to reach out to our entire communities. I know that there are differences throughout this country. Of course there are. It's not even so much partisan differences. It's geographic in some cases. It's the way that people have chosen to live and their backgrounds and what they do.

But I think that we would be pretty surprised if we had the kinds of meetings throughout this country to allow that conversation to take place because parents throughout my district—and I know throughout the district of all of my colleagues—want to say something about how we can do better. I believe we can. If we can't, then what are we about?

I thank the President for his comments. I thank my colleagues, because I wonder could I have responded as well as they have done through this. And I certainly express my profound sorrow to the families who are enduring the absolute unthinkable. We are all parents and grandparents here, and we do identify, and we want to make a difference.

□ 2020

Mr. MURPHY of Connecticut. At this point, I yield 3 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank my wonderful colleague and dear friend for yielding to me, and I congratulate him on



his election to the United States Senate and for responding so beautifully to his constituents and to all of us in response to the terrible tragedy that happened.

After the unfathomable tragedy, there is a growing determination and consensus that there has to be change. We also realize that if there is no change then we are destined to have yet another mass murder. This time, the mass murder was of children—elementary school children, in their school with their teachers—gunned down with an assault weapon. There are too many mass murders in this country. We have more guns per capita than any other country on Earth. If guns made people safer, this country would be very safe, but what we have are innocent people being killed with assault weapons.

Now, assault weapons are not used to kill animals, and they're not used in self-defense. These are weapons of war. When we return in January, Senator FEINSTEIN and our colleague CAROLYN MCCARTHY will be reintroducing the assault ban bill; but something we can do right now, before we leave this body, is to pass H.R. 308. We now have, roughly, 150 cosponsors. What this bill would do is ban massacre magazines. These are the large-capacity magazines that can have 100 rounds be limited to 10 rounds. They'd have to stop and reload. That's what saved people in the movie theater: He had to stop; it jammed. These magazines can gun down people, and we need to limit them. That's something we can do right now in this Congress before we leave.

There are some who say that any limitation on guns—weapons of mass destruction—somehow limits their liberty, but they have to realize that their access to these weapons of mass destruction limits the liberty of other people. It means that we need to lock more doors, that we need metal detectors everywhere, that we need guards, that we need more protection even in movie theaters, even for children in school.

We need to bring change. This bill would bring change. This is something we can do right now to show America that we respect the Second Amendment. We're not infringing on law-abiding citizens to have their pistols. What we are saying is that these large-capacity magazines that are used in war cannot be used on our schoolchildren in elementary schools. Let's come together in a bipartisan way and pass this bill.

Mr. MURPHY of Connecticut. I thank the gentlelady for those words.

I am so pleased to have joining us on the floor the Democratic leader. I yield the customary 1 minute to the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I rise in support of his very important resolution—to condemn the acts

of a lone gunman in Newtown, Connecticut, and to offer condolences to the families and members of the community.

I join him in the words of this resolution of saluting the courage of the teachers and administrators who gave their lives to save the children in their care and to thank the first responders who arrived on the scene to not only get survivors to safety but to end the succession of killings that were happening. Those first responders, Mr. Speaker, leave their homes every day knowing they're going to face danger, and they did that day as well; but in the face of it, they were heroic, as were the teachers and a counselor and the principal of the school.

This has all been made very clear to us by our colleagues: Congresswoman DELAURO for whom children and the prevention of violence has been a priority for her; of course, Congressman MURPHY, Senator-elect MURPHY, who represents this district with such distinction and such compassion; Congressman COURTNEY; Congressman JOHN LARSON; and Congressman JIM HIMES. All of them spoke with such beauty at our service earlier, at the candlelight service. It was so moving to hear their connections to the people there. Their words were universal.

As the President said last night, this could have been happening any place. We can't tolerate this anymore, he said. These tragedies must end, and to end them we must change.

To change our Nation is already beginning—to reassess the options before us. Leaders from both parties have stepped forward to put forth a series of steps on the table—from restoring the ban on assault weapons and assault magazines to strengthening the system of background checks. Again, we must address the challenge of mental health and keep weapons out of the hands of those in danger so as not to do harm to themselves and to others.

The voices of reason cannot be silent. Through administrative and legislative action, we must limit the proliferation of weapons ammunitions that have no other purpose than to kill citizens. Our colleagues through the course of the evening—and Congresswoman MALONEY just before me—talked about legislation that we could pass immediately, that which the American people expect us to do, and that is to ban assault magazines. Of course, we want to ban assault weapons but also ban assault magazines. proliferation of weapons ammunitions that have no other purpose than to kill citizens. Our colleagues through the course of the evening—and Congresswoman MALONEY just before me—talked about legislation that we could pass immediately, that which the American people expect us to do, and that is to ban assault magazines. Of course, we want to ban assault weapons but also ban assault magazines.

Why is it that somebody needs a magazine with 20 shots in it and could have two of those, and then 40 lives are at risk? Why is it? I'm not even asking that rhetorically. I'm asking it of those who are advocating that we shouldn't make this change. Haven't we crossed a threshold when children in school are not safe, when people who go to the theater in Aurora have someone come in and just kill them? I mean, just to use those words is very hard.

I don't know what words we could ever use to comfort the families of Newtown, Connecticut. As a mother and a grandmother, I find it—you said "unfathomable," Congresswoman MALONEY—unspeakable, unthinkable, just impossible to imagine how they go forward; but hopefully, God will give them the strength and the courage to do so.

It reminded me of a time before I was in Congress. I had the invitation of President Carter to visit Italy with a delegation—with Geraldine Ferraro, Italian American Members of Congress, Mario Cuomo, etc. We went there to deliver assistance from the United States Government after an earthquake in southern Italy. In one of the villages we visited, there was a rehearsal for first communion going on in the church, so just about every 7-year-old in the village was in church, practicing for first holy communion. When the earthquake hit, the roof came down, and every 7-year-old in the village was gone. It was impossible to console the people there. Not only had they individually lost their children, which is unthinkable, but the whole town had lost that class—their future, their new growth, their hopes, their babies.

So I really transform my thinking about how fragile life is. This was a natural disaster. What happened in Newtown, Connecticut, was a personal decision about someone whose judgment was thoroughly impaired. How could he do it? Because he had his own problems. How could he do this? Because he had the guns. He had the assault magazines to do it. That's how he could do it.

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So let's at least try to mitigate, for circumstances that we may not be able to control entirely, the mental condition of someone, but at least limit the capacity to kill that that person has.

Just hearing the reaction to the expressions of sympathy to the families, to see the President read the names and hear the sobbing, this is something that will scar our country. If we can do something to prevent it from happening again to this extent, maybe we can't prevent it all from happening, but if we're going to take care of our people, we have to take care of them in many ways—address the issue of violence, address the issue of mental

health, address the issue of where mental health and assault magazines comes together.

Some people are calling them high capacity or whatever. They're assault magazines. They make every weapon an assault weapon that they are compatible with, whether it's a pistol or rifle or whatever it is. So yes, we want to ban assault weapons, but these assault magazines make every weapon that they are compatible with an assault weapon.

It doesn't take a whole lot to figure out what we need to do immediately, and then maybe do more later. But wouldn't that be a comfort to these families to know that although they lost their babies, their little angels, their precious darlings gone to heaven, that something would come of it to prevent this from happening to others.

I always wondered in the Bible when Christ says:

Suffer little children, and come unto me. Suffer little children, and come unto me.

I guess it was an interpretation of the word "suffer," allow little children to come unto me. But Christ was calling children to Him. He used the word "suffer."

These children, their lives are gone. Their families are suffering. The other children in the school, in the neighborhood, children who just have heard about this, they're suffering, too; suffering about what it feels like to go to school and not be sure you're safe, staying up at night being sleepless in terms of being scared of what could happen.

Let's stop the suffering of our children, whether it's taking their lives, scaring them from going to school or keeping them up at night, giving them nightmares over their safety. These little children did suffer, and they did go on to heaven, a better place. It's the timing we have a problem with. Far too soon, far too many, for a reason that we can do something about.

So I commend my colleagues for how they came together, led by the community coming together, the community of Newtown and Sandy Hook, such an inspiration to the country, so strong, so courageous, so sad. Let's show them that not only do we offer words, we offer action, and that action will take the form of passing this legislation to ban assault magazines, to do so in a timely fashion, so that in a non-untimely fashion we won't lose any more lives.

Again, I want to commend the President for his beautiful words, mostly to the families last night and to the community, and the source of strength and inspiration he was. He challenged us to act. Let me just say it again: "We can't tolerate this any more," he said. "These tragedies must end; and to end them, we must change."

Thank you, Mr. MURPHY, for your leadership.

Mr. MURPHY of Connecticut. I thank the Leader very much. I thank very much my delegation. And I thank all who have come down this evening to publicly express their support for the families of Newtown to help paint us a path forward; and thank you very much, everyone, for your private words as well.

I'll leave everyone with just two final thoughts. First, a thought about Newtown itself.

Newtown is a small town. It's a small town that is very close-knit. As I've said a number of times over the past few days, the pride of Newtown is the Labor Day parade. It's the biggest Labor Day parade in the State, and people from all over the State come to Newtown on Labor Day. Everybody in town spends half the year getting their float or their marching contingent ready—the school groups, the churches, the community and civic groups. It's a slice of Americana out of a Norman Rockwell painting. And that's Newtown. That's particularly Sandy Hook. And the closeness of this community, it makes the grief even deeper because everybody knows everybody. When a school, a community school has this many lost lives, it touches a little bit deeper.

But I think it also paints the path forward to recovery because people are so close, because you don't have to go too far to have somebody be able to reach out and grab your shoulder in order to give you a little bit of a boost, a pathway back. The closeness of Newtown makes it hurt more, but the closeness of Newtown will also make us heal as well.

We've got great leaders as well. Governor Malloy was on the ground within hours, and he basically has not left and has not slept. Pat Llodra, the first selectwoman, has been just an inspiration. The superintendent of schools, the police chief, and the all-volunteer fire department, these men and women in the fire department, none of them are getting paid, and they've been down at the firehouse, out at the site, in the community almost without end since this incident.

And this final thought. On Sunday morning, Senator BLUMENTHAL and I went to the church service at the local Congregational Church, and a guy grabbed us as we were walking out, gripped our arms tight and said, "Make sure this never, ever happens again."

You know, the honest truth is we can't make sure it never happens again, but we certainly can make it much less likely; and we can certainly find ways to make sure that if someone does slip through the cracks and they set themselves on a path of destruction, the path of destruction is nowhere near the scale we saw in Newtown.

We're grieving right now, and we're going to join this process of figuring

out where we go from here very soon, but it helps to know that we have the support and the love and the sympathy and the thoughts of the United States House of Representatives. It will help me to be able to bring back this resolution to the people of Newtown and the people of Connecticut. And we know that very shortly we will join you, we will join the President in figuring out a way to make sure that, within our power, this doesn't happen again.

Mr. Speaker, I yield back the balance of my time.

Mr. FARR. Mr. Speaker, over the weekend, like so many Americans, I tried to process the news of this horrible shooting at Sandy Hook Elementary School.

There simply is no way to understand what could lead an individual to want to inflict that much harm and pain on so many innocent lives.

As I dealt with a range of emotions that surfaced not just as a Member of Congress but as a father and grandfather, I could not help but shake the feeling that there is more we could have done as a legislators to prevent this tragedy.

More that could have been done to help the shooter get the mental health treatment he so desperately needed.

More that could have done to prevent such a powerful weapon from getting into the hands of a troubled soul.

More that could have been done to protect the children of Newtown, Connecticut.

Today, I too pray for their community and those who lost their lives on Friday.

Today, I pray . . . but tomorrow, I vow to return to this Chamber and fight every day so that no other community has to deal with this gun madness.

May God bless the victims, their families and the people of Newtown, Connecticut.

Ms. JACKSON LEE of Texas. Mr. Speaker, today I rise to join my colleagues in honoring and remembering all of the victims of the tragic shootings at the Sandy Hook Elementary School in Newton, CT. My condolences and prayers go to the families and loved ones of the women and children who lost their lives in this senseless tragedy.

I also recognize and applaud the heroic efforts made by the teachers, administrators, and law enforcement officials who acted quickly to secure and protect the lives of the children who survived this deadly encounter.

As the founder and Co-Chair of the Congressional Children's Caucus and a senior Member of the Judiciary Committee, I have listened to the tragic testimony of individuals who have survived or lost loved ones as a result of gun violence.

The parents and grandparents who dropped off their children and grandchildren in the early morning hours of December 14, 2012, could never have imagined that by 10 a.m. on that morning they would have face this tragedy.

This moment will be etched in our memories and will forever remind us of other moments like those of Aurora and Columbine. Moments when lives are needlessly lost due to gun violence.

As we unite in grief, it is time for us to unite in finding a solution. Newtown, CT by all accounts is a small close-knit town. Everyone in

Newtown was in some way connected to the students, parents, teachers, and administrators from Sandy Hook Elementary School. And if asked, they would all agree that things like this sad occurrence just do not happen in Newtown.

We must join together in recognizing that things like this can happen in any community and we must immediately begin to address the underlying problems that would lead a young man to take up arms against defenseless women and children.

If we act now and work together, we can work towards preventing these types of tragedies. At around the same time that the children in Newtown, CT faced a deranged gun man, thousands of miles away in China, another man also attacked a group of school children. Again, a tragedy that no one in the community could have anticipated; however, because the man in China was armed only with a knife, he wounded instead of killed 20 children. The lives of 20 children in China were spared because their attacker did not have in his possession a gun.

I believe the solution to these acts of violence can be found by taking a multifaceted approach. There are those who will say that "guns don't kill people, people kill people." The statistics for the harm that people are capable of doing with guns to themselves and others is alarming. People are indeed killing people, with guns. We need to reform how we view guns in this country and also how we address mental health challenges in our communities.

We must act now. This is the right moment to demonstrate that the safety of our children is one of our most sacred priorities. It is imperative that this Congress brings to the House for immediate consideration the following gun safety laws.

First, there must be an immediate ban on all assault weapons.

Second, we must close gun show loopholes which allow for the sale of weapons without a background check.

Third, we must reform our current mental health system to provide support for families to enable them to get immediate assistance for mental health issues. In addition, there should be pathways for families who are facing these challenges to gain emergency access to publicly funded or private counseling services.

Fourth, we must look at the design of primary and secondary schools in which these schools may need to have reinforced bullet proof window and reinforced secure entrances.

Lastly, we must expand current state laws to hold adults accountable and responsible for the security of their weapons. We can help to prevent tragedies like this one from happening again.

According to the U.S. Centers for Disease Control and Prevention, gun violence, claims the lives of over 30,000 people. For every person who dies from a gunshot wound, two others are wounded. Every year, approximately 100,000 Americans are victims of gun violence.

In addition to those who are killed or injured, there are countless others whose lives are forever changed by the deaths of and injuries to their loved ones.

In 2010, guns took the lives of 31,076 Americans in homicides, suicides and unintentional shootings. This is the equivalent of more than 85 deaths each day and more than three deaths each hour.

There were 73,505 Americans treated in hospital emergency departments for non-fatal gunshot wounds in 2010.

Firearms were the third-leading cause of injury-related deaths nationwide in 2010, following poisoning and motor vehicle accidents.

Between 1955 and 1975, the Vietnam War killed over 58,000 American soldiers—less than the number of civilians killed with guns in the U.S. in an average two-year period.

In the first seven years of the U.S.-Iraq War, over 4,400 American soldiers were killed. Almost as many civilians are killed with guns here in the U.S. over the course of 7 weeks rather than 7 years.

#### HOMICIDE

U.S. homicide rates are 6.9 times higher than rates in 22 other populous high-income countries combined, despite similar non-lethal crime and violence rates. The firearm homicide rate in the U.S. is 19.5 times higher. Guns were used in 11,078 homicides in the U.S. in 2010, comprising almost 35% of all gun deaths, and over 68% of all homicides.

Over a million people have been killed with guns in the United States since 1968, when Dr. Martin Luther King, Jr. and Robert F. Kennedy were assassinated.

On average, 33 gun homicides were committed each day for the years 2005–2010.

Regions and states with higher rates of gun ownership have significantly higher rates of homicide than states with lower rates of gun ownership.

Where guns are prevalent, there are significantly more homicides, particularly gun homicides.

#### SUICIDE

Firearms were used in 19,392 suicides in the U.S. in 2010, constituting almost 62% of all gun deaths.

Over 50% of all suicides are committed with a firearm.

On average, 49 gun suicides were committed each day for the years 2005–2010.

White males, about 40% of the U.S. population, accounted for over 80% of firearm suicides in 2010.

A study of California handgun purchasers found that in the first year after the purchase of a handgun, suicide was the leading cause of death among the purchasers.

Firearms were used in nearly 44% of suicide deaths among persons under age 25 in 2010.

More than 75% of guns used in suicide attempts and unintentional injuries of 0–19 year-olds were stored in the residence of the victim, a relative, or a friend.

The risk of suicide increases in homes where guns are kept loaded and/or unlocked.

#### UNINTENTIONAL DEATHS AND INJURIES

In 2010, unintentional firearm injuries caused the deaths of 606 people.

From 2005–2010, almost 3,800 people in the U.S. died from unintentional shootings.

Over 1,300 victims of unintentional shootings for the period 2005–2010 were under 25 years of age.

People of all age groups are significantly more likely to die from unintentional firearm injuries when they live in states with more guns, relative to states with fewer guns. On average, states with the highest gun levels had nine times the rate of unintentional firearms deaths compared to states with the lowest gun levels.

A federal government study of unintentional shootings found that 8% of such shooting deaths resulted from shots fired by children under the age of six.

The U.S. General Accounting Office has estimated that 31% of unintentional deaths caused by firearms might be prevented by the addition of two devices: a child-proof safety lock (8%) and a loading indicator (23%).

For years, I have introduced and reintroduced gun safety legislation and supported the efforts of my colleagues who have also worked diligently to protect the lives of our nation's children through adequate gun safety.

I re-introduced H.R. 277 the Child Gun Safety And Gun Access Prevention Act of 2011. This legislation would prevent anyone under the age of 21 from being eligible to own a handgun and would prohibit youth from possessing semiautomatic assault weapons.

Under this legislation parents and supervising adults will be held accountable if a juvenile is able to gain possession of dangerous firearms that are located in their household.

The statistics are clear, firearms in a household must be properly and adequately stored.

A gun in the home is 22 times more likely to be used in a completed or attempted suicide (11x), criminal assault or homicide (7x), or unintentional shooting death or injury (4x) than to be used in a self-defense shooting.

Higher household gun ownership correlates with higher rates of homicides, suicides, and unintentional shootings.

Keeping a firearm in the home increases the risk of suicide by a factor of 3 to 5 and increases the risk of suicide with a firearm by a factor of 17.

Keeping a firearm in the home increases the risk of homicide by a factor of 3.

A 2009 study found that people in possession of a gun are 4.5 times more likely to be shot in an assault.

My legislation also requires a parent to accompany a minor when attending a gun show.

Our focus should also be on the owners of guns. Parents need to keep guns and ammunition out of the reach of teenagers. Parents should be responsible for securing from their minor children access to dangerous firearms.

Further, my bill is a preventative measure, my legislation encourages school districts to prove or participate in firearm safety programs.

It also addresses the underlying concerns related to violence and suicide. It amends the Public Health Service Act to direct the Secretary of Health and Human Services to support programs to promote mental health services among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This is a multifaceted approach to address this multifaceted issue.

As in years past, I once again will join Senator DIANNE FEINSTEIN in advocating for additional gun safety laws. I support Senator FEINSTEIN's bill which she intends to introduce

once again in the 113th Congress to ban the sale of automatic assault weapons and ban the sale of big clips, drums or strips of more than 10 bullets. I appreciate Senator FEINSTEIN's leaderships and will continue to join her in advocating to pass this legislation in the 113th Congress.

Mr. Speaker, it is our responsibility to do all that we can do to reverse this level of gun violence. We must pass common sense gun safety.

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Res. 833, and in support of the greater Newtown community in the wake of the tragic Sandy Hook Elementary School shooting.

Twenty seven lives have been lost and countless others have been affected by the shooting in Newtown, Connecticut on December 15, 2012.

Twenty first-graders were killed in their classroom.

And teachers and school administrators died while protecting their students.

As a nation, we are heartsick.

As a mother and grandmother of eight, I cannot even begin to fathom what the families of Newtown are going through.

As they have just begun the long and slow process of grieving and healing, our nation's hearts, prayers, and deepest sympathies are with them.

This horrible crime reminds us that our time here is precious and short.

And it reminds us that even though we cannot prevent every single senseless violent act, we must come together to all we can to reduce the gun violence that contributed to these losses.

For too long we have neglected to take the steps necessary to stem the damage and harm inflicted by gun violence.

I pray that this horrific event will remind us that our highest priority is to keep our children safe—and right now we are not doing enough.

There is so much more that we can do to protect our families and communities from gun violence.

But there is also much more that we can and must do to strengthen our mental health care systems—to treat those in need, avert future violence, and support those whose lives have been affected by it.

In the coming days, weeks, and months, and as time passes for the community of Newtown, the nation will reflect on this tragedy.

I hope that through this soul searching we will conclude that we have a moral responsibility to take strong, effective action to reduce the harm caused by gun violence.

We owe it to the victims and their families to take every step possible to prevent another horrific tragedy like this one.

If not now, when?

Ms. RICHARDSON. Mr. Speaker, I rise today with a heart full of sorrow over the horrific violence at Sandy Hook Elementary School in Newtown, Connecticut, which claimed the innocent lives of twenty children and six school employees. The loss of life and innocence at Sandy Hook is a tragedy over which all Americans mourn, and the thoughts and prayers of Americans everywhere go out to all the victims and their families.

This tragedy represents the fourth time the Nation has been horrified to learn that inno-

cent lives have been ended by gun violence in the past few months. I believe the time has come—indeed, the time has long passed—for this Nation to reevaluate the accessibility and control, in particular, of military assault weapons in our country.

I therefore call upon the President and the Congress to place sensible gun control legislation at the top of their legislative agenda, beginning with the reposition of the expired assault weapons ban. Although such action cannot undo last week's tragedy, I believe it will help to prevent a similar occurrence in the future. For the sake of those lost in Connecticut and all Americans who mourn, we should act without delay.

Words cannot express the deep grief of the families and loved ones of the victims, nor can they properly offer comfort. My thoughts and prayers are with the children, parents, teachers, staff members, and families affected by the violence. I ask my colleagues to join me in a moment of silence.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

#### MOURNING THE PASSING OF SENATOR INOUE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Our country joins the people of Newtown in their grief and loss.

Tonight, we also mourn the sudden passing of our friend and patriot, Senator INOUE of Hawaii. Senator INOUE loved his family. Our thoughts and prayers are with Irene, Ken, Jessica, and little Maggie. Our sympathies also to his hardworking staff.

Senator INOUE loved Hawaii, and his work on behalf of Hawaii is legendary. There is no one person who did more to ensure Hawaii's future than Senator INOUE. He loved his country and received the Medal of Honor in her service.

Senator INOUE never forgot where he came from. And I'm proud to say that I represented his dear mother, Kame Inouye, in 1980 when I first ran for the State legislature. I'm proud to count Senator INOUE as my friend since that time. We can best honor Senator INOUE's legacy by continuing

to be strong for Hawaii and our country.

□ 2040

#### EXTENDING SYMPATHY TO THE PEOPLE OF NEWTOWN, CONNECTICUT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I would like to rise in support of my dear colleagues from Connecticut and throughout our Nation in extending deepest sympathy and affection to the people of Newtown, Connecticut, as they bear the pain of human loss in the recent Sandy Hook Elementary School tragedy. Despite the heavy burden of grief they are carrying, the citizens of Newtown have truly inspired our entire Nation. Their spirit has lifted ours as they pay tribute to their children and the heroic teachers and school personnel who so nobly acted to save lives. Surely their extraordinary grace under pressure exemplifies what President John Kennedy defined as courage.

Mr. Speaker, I am including in the RECORD the remarks of Liza Long in an article she published about her son, Michael. We must listen to her. And we must listen to the people of Newtown in memory of each of the precious spirits that have graced it, for their highest aspirations, for an America where this never happens again.

In aiding us in this journey of faith, this article poignantly describes the condition of so many children in our country who are hurting and ill with unquiet minds that even medical science cannot fully explain. I commend President Obama for proposing a special commission to listen to mothers like Liza and to the people of Newtown as we shape a better future for us all.

Mr. Speaker, I also wish to commend the new Senator-elect from Hawaii for her very poignant tribute of Senator DANIEL INOUE with whom we had the privilege of serving these many years.

[From The Blue Review, Dec. 16, 2012]

"I AM ADAM LANZA'S MOTHER": A MOM'S PERSPECTIVE ON THE MENTAL ILLNESS CONVERSATION IN AMERICA

[By Liza Long]

Friday's horrific national tragedy—the murder of 20 children and six adults at Sandy Hook Elementary School in Newtown, Connecticut—has ignited a new discussion on violence in America. In kitchens and coffee shops across the country, we tearfully debate the many faces of violence in America: gun culture, media violence, lack of mental health services, overt and covert wars abroad, religion, politics and the way we raise our children. Liza Long, a writer based in Boise, says it's easy to talk about guns. But it's time to talk about mental illness.

While every family's story of mental illness is different, and we may never know the whole of the Lanza's story, tales like this one need to be heard—and families who live them deserve our help.

Three days before 20 year-old Adam Lanza killed his mother, then opened fire on a classroom full of Connecticut kindergartners, my 13-year old son Michael (name changed) missed his bus because he was wearing the wrong color pants.

"I can wear these pants," he said, his tone increasingly belligerent, the black-hole pupils of his eyes swallowing the blue irises.

"They are navy blue," I told him. "Your school's dress code says black or khaki pants only."

"They told me I could wear these," he insisted. "You're a stupid bitch. I can wear whatever pants I want to. This is America. I have rights!"

"You can't wear whatever pants you want to," I said, my tone affable, reasonable. "And you definitely cannot call me a stupid bitch. You're grounded from electronics for the rest of the day. Now get in the car, and I will take you to school."

I live with a son who is mentally ill. I love my son. But he terrifies me.

A few weeks ago, Michael pulled a knife and threatened to kill me and then himself after I asked him to return his overdue library books. His 7 and 9 year old siblings knew the safety plan—they ran to the car and locked the doors before I even asked them to. I managed to get the knife from Michael, then methodically collected all the sharp objects in the house into a single Tupperware container that now travels with me. Through it all, he continued to scream insults at me and threaten to kill or hurt me.

That conflict ended with three burly police officers and a paramedic wrestling my son onto a gurney for an expensive ambulance ride to the local emergency room. The mental hospital didn't have any beds that day, and Michael calmed down nicely in the ER, so they sent us home with a prescription for Zyprexa and a follow-up visit with a local pediatric psychiatrist.

We still don't know what's wrong with Michael. Autism spectrum, ADHD, Oppositional Defiant or Intermittent Explosive Disorder have all been tossed around at various meetings with probation officers and social workers and counselors and teachers and school administrators. He's been on a slew of antipsychotic and mood altering pharmaceuticals, a Russian novel of behavioral plans. Nothing seems to work.

At the start of seventh grade, Michael was accepted to an accelerated program for highly gifted math and science students. His IQ is off the charts. When he's in a good mood, he will gladly bend your ear on subjects ranging from Greek mythology to the differences between Einsteinian and Newtonian physics to Doctor Who. He's in a good mood most of the time. But when he's not, watch out. And it's impossible to predict what will set him off.

Several weeks into his new junior high school, Michael began exhibiting increasingly odd and threatening behaviors at school. We decided to transfer him to the district's most restrictive behavioral program, a contained school environment where children who can't function in normal classrooms can access their right to free public babysitting from 7:30-1:50 Monday through Friday until they turn 18.

The morning of the pants incident, Michael continued to argue with me on the drive. He would occasionally apologize and seem remorseful. Right before we turned into his school parking lot, he said, "Look, Mom, I'm really sorry. Can I have video games back today?"

"No way," I told him. "You cannot act the way you acted this morning and think you

can get your electronic privileges back that quickly."

His face turned cold, and his eyes were full of calculated rage. "Then I'm going to kill myself," he said. "I'm going to jump out of this car right now and kill myself."

That was it. After the knife incident, I told him that if he ever said those words again, I would take him straight to the mental hospital, no ifs, ands, or buts. I did not respond, except to pull the car into the opposite lane, turning left instead of right.

"Where are you taking me?" he said, suddenly worried. "Where are we going?"

"You know where we are going," I replied.

"No! You can't do that to me! You're sending me to hell! You're sending me straight to hell!"

I pulled up in front of the hospital, frantically waving for one of the clinicians who happened to be standing outside. "Call the police," I said. "Hurry."

Michael was in a full-blown fit by then, screaming and hitting. I hugged him close so he couldn't escape from the car. He bit me several times and repeatedly jabbed his elbows into my rib cage. I'm still stronger than he is, but I won't be for much longer.

The police came quickly and carried my son screaming and kicking into the bowels of the hospital. I started to shake, and tears filled my eyes as I filled out the paperwork—"Were there any difficulties with... at what age did your child... were there any problems with... has your child ever experienced... does your child have..."

At least we have health insurance now. I recently accepted a position with a local college, giving up my freelance career because when you have a kid like this, you need benefits. You'll do anything for benefits. No individual insurance plan will cover this kind of thing.

For days, my son insisted that I was lying—that I made the whole thing up so that I could get rid of him. The first day, when I called to check up on him, he said, "I hate you. And I'm going to get my revenge as soon as I get out of here."

By day three, he was my calm, sweet boy again, all apologies and promises to get better. I've heard those promises for years. I don't believe them anymore.

On the intake form, under the question, "What are your expectations for treatment?" I wrote, "I need help."

And I do. This problem is too big for me to handle on my own. Sometimes there are no good options. So you just pray for grace and trust that in hindsight, it will all make sense.

I am sharing this story because I am Adam Lanza's mother. I am Dylan Klebold's and Eric Harris's mother. I am James Holmes's mother. I am Jared Loughner's mother. I am Seung-Hui Cho's mother. And these boys—and their mothers—need help. In the wake of another horrific national tragedy, it's easy to talk about guns. But it's time to talk about mental illness.

According to Mother Jones, since 1982, 61 mass murders involving firearms have occurred throughout the country. Of these, 43 of the killers were white males, and only one was a woman. Mother Jones focused on whether the killers obtained their guns legally (most did). But this highly visible sign of mental illness should lead us to consider how many people in the U.S. live in fear, like I do.

When I asked my son's social worker about my options, he said that the only thing I could do was to get Michael charged with a crime. "If he's back in the system, they'll

create a paper trail," he said. "That's the only way you're ever going to get anything done. No one will pay attention to you unless you've got charges."

I don't believe my son belongs in jail. The chaotic environment exacerbates Michael's sensitivity to sensory stimuli and doesn't deal with the underlying pathology. But it seems like the United States is using prison as the solution of choice for mentally ill people. According to Human Rights Watch, the number of mentally ill inmates in U.S. prisons quadrupled from 2000 to 2006, and it continues to rise—in fact, the rate of inmate mental illness is five times greater (56 percent) than in the non-incarcerated population.

With state-run treatment centers and hospitals shuttered, prison is now the last resort for the mentally ill—Rikers Island, the LA County Jail and Cook County Jail in Illinois housed the nation's largest treatment centers in 2011.

No one wants to send a 13-year old genius who loves Harry Potter and his snuggle animal collection to jail. But our society, with its stigma on mental illness and its broken healthcare system, does not provide us with other options. Then another tortured soul shoots up a fast food restaurant. A mall. A kindergarten classroom. And we wring our hands and say, "Something must be done."

I agree that something must be done. It's time for a meaningful, nation-wide conversation about mental health. That's the only way our nation can ever truly heal.

God help me. God help Michael. God help us all.

#### SENATOR DANIEL INOUE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I join my colleague in speaking about how sad we are in the passing of Senator DANIEL INOUE. His passing marks the end of an era but the beginning of a great future built on the legacy he brought to the Congress.

For the people of Hawaii and the country, he was a public servant from start to finish. He was a war hero, earning a Medal of Honor for his actions on the battlefields of World War II before his State was even admitted to the Union. And imagine, of Japanese American heritage; at a time when Japanese Americans were in camps, he was fighting for the freedom that they were not enjoying. He is a true patriot.

He was Hawaii's first Representative in the House, a source of great pride for all Members past and present that we could call him colleague.

Senator INOUE was a patriarch of Hawaii, and all Hawaiians will long remember his unyielding devotion to the economic vitality, progress, and success of his beloved home State.

Senator INOUE led a life of principle, passion, service, and sacrifice. He was the highest ranking Asian American in our country, and he was for a long time. His story—as an Asian American who lived the American Dream, a soldier who served with bravery and courage, an elected Representative who

served with dignity—reflects the best of America. We only hope it is a comfort to his wife, Irene; his son, Ken, and the entire Inouye family; and his many, many friends that so many share in their grief at this sad time.

I want to praise him personally but also bring words of comfort to his family from my constituents in California who considered him a very, very special leader in our country.

PELOSI STATEMENT ON THE PASSING OF  
SENATOR DANIEL INOUE

WASHINGTON, D.C.—Democratic Leader Nancy Pelosi released the following statement tonight on the passing of longtime Hawaii Senator and the Senate's President Pro Tempore Daniel Inouye:

"Senator Daniel Inouye's passing marks the end of an era—for the people of Hawaii, the country, and the United States Senate. He was a public servant from start to finish. He was a war hero—earning a Medal of Honor for his actions on the battlefields of World War II before his state was even admitted to the union. He was Hawaii's first Representative in the House, a source of great pride to all Members, past and present.

"Senator Inouye was a patriarch of Hawaii, and all Hawaiians will long remember his unyielding devotion to the economic vitality, progress, and success of his beloved home state. He was the second-longest serving Senator in American history, and his fellow Americans will long remember his leadership in protecting our men and women in uniform, strengthening our national security, reaching across the aisle, and investing in a future of prosperity for all. By his actions, he stood firm for the independence of the Congress, the strength of our democracy, and the values of the American people.

"Senator Inouye led a life of principle, passion, service, and sacrifice. He was the highest ranking Asian American in our country. His story—as an Asian American who lived the American Dream, a soldier who served with bravery and courage, an elected representative who served with dignity—reflects the best of America. We only hope it is a comfort to his wife Irene, his son Ken, and the entire Inouye family that so many share in their grief at this sad time."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of personal reasons.

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for today on account of flight cancellation.

Mr. JONES (at the request of Mr. CANTOR) for today on account of official business.

Mr. TERRY (at the request of Mr. CANTOR) for today on account of travel delays.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. HOLT (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. MOORE (at the request of Ms. PELOSI) for today on account of district business.

Mr. REYES (at the request of Ms. PELOSI) for today and for the balance of the week on account of family medical reasons.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2045. An act to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes; to the Committee on Veterans' Affairs.

S. 3313. An act to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes; to the Committee on Veterans' Affairs.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Education and the Workforce.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes; to the Committee on Transportation and Infrastructure. In addition to the Committee on Natural Resources; and to the Committee on the Judiciary for a period to be subsequently determined by a Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify

screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

BILLS PRESENTED TO THE  
PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 12, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 3187. To require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

H.R. 6582. To allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

Karen L. Haas, Clerk of the House, reported that on December 13, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 4014. To amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

H.R. 3319. To allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 4367. To amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

H.R. 2467. Bridgeport Indian Colony Land Trust, Health and Economic Development Act of 2012.

Karen L. Haas, Clerk of the House, reported that on December 14, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 2838. To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

ADJOURNMENT

Ms. PELOSI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 18, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8787. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act in the Department of Veterans Affairs Construction, Minor Projects, Treasury Symbol 36X0111, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8788. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of



Lieutenant General Purl K. Keen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8789. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Supervisory and Company-Run Stress Test Requirements for Covered Companies [Regulation YY; Docket No.: 1438] (RIN: 7100-AD-86) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8790. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Annual Company-Run Stress Test Requirements for Banking Organizations with Total Consolidated Assets over \$10 Billion Other than Covered Companies [Regulation YY; Docket No.: 1438] (RIN: 7100-AD-86) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8791. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's Fair Lending Report; to the Committee on Financial Services.

8792. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8793. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Dates for Certain Requirements of Rule 19b-4(n)(1) and Rule 19b-4(o)(2) and Amendment of Form 19b-4 [Release No.: 34-68357; File No. S7-44-10] (RIN: 3235-AK87) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8794. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material: Technical Amendments (RIN: 1992-AA36) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8795. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "The Children's Health Insurance Program Reauthorization Act (CHIPRA) Mandated Evaluation of Express Lane Eligibility: First Year Findings"; to the Committee on Energy and Commerce.

8796. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FDA-1999-F-1267] (formerly Docket No.: 1999F-5322) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8797. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FDA-1999-F-4617] (formerly Docket No.: 1999F-5321) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8798. A letter from the Program Manager, Department of Health and Human Services,

transmitting the Department's final rule — Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction; Proposed Modification of Dispensing Restrictions for Buprenorphine and Buprenorphine Combination as Used in Approved Treatment Medications (RIN: 0930-AA14) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8799. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology; Revisions to the 2014 Edition Electronic Health Record Certification Criteria; and Medicare and Medicaid Programs; Revisions to the Electronic Health Record Incentive Program [CMS-0046-IFC] (RIN: 0991-AB89) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8800. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance for Performing the Integrated Assessment for External Flooding [JLD-ISG-2012-05] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8801. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-68, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8802. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-69, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8803. A letter from the Acting Secretary of Commerce, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

8804. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Editorial Corrections to the Commerce Control List of the Export Administration Regulations [Docket No.: 120320200-2296-01] (RIN: 0694-AF62) received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8805. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 24, 2012 — October 22, 2012 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

8806. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, April 1, 2012 — September 30, 2012; to the Committee on Oversight and Government Reform.

8807. A letter from the Secretary, Department of Education, transmitting the forty-seventh Semiannual Report to Congress on Audit Follow-up, covering the six month period ending September 30, 2012 in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

8808. A letter from the Secretary, Department of Housing and Urban Development,

transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8809. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8810. A letter from the Chief Operating Officer/Acting Executive Director, Election Assistance Commission, transmitting Semiannual Report of the Inspector General for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8811. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8812. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1 through September 30, 2012; to the Committee on Oversight and Government Reform.

8813. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Free Trade Agreement-Panama [FAC 2005-62; FAR Case 2012-027; Item III; Docket 2012-0027, Sequence 01] (RIN: 9000-ZA02) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8814. A letter from the Acting Deputy Chief Financial Officer, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8815. A letter from the Board, Railroad Retirement Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2012, including the Office of Inspector General's Auditor's Report; to the Committee on Oversight and Government Reform.

8816. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report for fiscal year 2012 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

8817. A letter from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Yellowstone National Park [NPS-YELL-11802; PPWONRADE2, PMP00E105.YP0000] (RIN: 1024-AE10) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8818. A letter from the Acting Director, Office of Regulatory Affairs and Collaborative Action, Department of the Interior, transmitting the Department's final rule — Residential, Business, and Wind and Solar Resource Leases on Indian Land [Docket ID: BIA-2011-0001] (RIN: 1076-AE73) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.



8819. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska Management Area [Docket No.: 111207737-2141-02] (RIN: 0648-XC346) received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8820. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Western Regulatory Area of the Gulf of Alaska Management Area [Docket No.: 111207737-2141-02] (RIN: 0648-XC333) received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8821. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0424; Directorate Identifier 2011-NM-004-AD; Amendment 39-17205; AD 2012-19-10] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8822. A letter from the Director for Internal Control and Management Systems, National Aeronautics and Space Administration, transmitting the Administration's final rule — Removal of Obsolete Regulation [Docket Number: NASA-2012-0004] (RIN: 2700-AD78) received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8823. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Contracts and Provider Agreements for State Home Nursing Home Care (RIN: 2900-AO57) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8824. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Technical Revisions to Part 53 — State Veterans Homes (RIN: 2900-AO54) received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8825. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Addition of Bozeman Yellowstone International Airport, Belgrade, Montana [CBP Dec. 12-20] received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust

for the Barona Band of Mission Indians, and for other purposes (Rept. 112-702). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 3548. A bill to facilitate United States access to North American oil resources, and for other purposes; with an amendment (Rept. 112-703, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

[The following actions occurred on December 14, 2012]

Pursuant to clause 2 of rule XIII, Committee on Agriculture discharged from further consideration. H.R. 3283 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, Committee on Veterans' Affairs discharged from further consideration. H.R. 4297 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

[Submitted on December 17, 2012]

Pursuant to clause 2 of rule XIII, Committees on Transportation and Infrastructure and Natural Resources discharged from further consideration. H.R. 3548 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on December 14, 2012]

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than December 21, 2012.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLATTE (for himself, Mr. SENSENBRENNER, Mr. COBLE, Ms. ZOE LOFGREN of California, Ms. LINDA T. SANCHEZ of California, Ms. CHU, Mr. ISSA, Mr. PITTS, Ms. ESHOO, Mr. PETERS, and Mr. LANCE):

H.R. 6671. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mr. WAXMAN, Mr. PALLONE, Ms. ESHOO, Mr. BURGESS, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. PITTS, and Mr. UPTON):

H.R. 6672. A bill to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Energy and Commerce, and in addition to

the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 6673. A bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 6674. A bill to simplify and improve the Federal student loan program through income-contingent repayment to provide stronger protections for borrowers, encourage responsible borrowing, and save money for taxpayers; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself,

Mr. BERMAN, Mr. ENGEL, Mr. ROYCE, Mr. BURTON of Indiana, Mr. TURNER of New York, Mr. FALCONE, Mr. CONNOLLY of Virginia, Mr. CHABOT, Mr. JOHNSON of Ohio, and Mr. SMITH of New Jersey):

H. Con. Res. 145. Concurrent resolution calling for universal condemnation of the North Korean missile launch of December 12, 2012; to the Committee on Foreign Affairs.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Ms. DELAUNO, Mr. COURTNEY, and Mr. HIMES):

H. Res. 833. A resolution condemning the horrific attacks in Newtown, Connecticut and expressing support and prayers for all those impacted by this tragedy; to the Committee on Education and the Workforce; considered and agreed to.

By Mr. KELLY (for himself and Mr. DEUTCH):

H. Res. 834. A resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOODLATTE:

H.R. 6671.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8

By Mr. ROGERS of Michigan:

H.R. 6672.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ISRAEL:

H.R. 6673.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. PETRI:

H.R. 6674.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. CARTER.

H.R. 591: Ms. MOORE, Mr. BISHOP of New York, Mr. GRIJALVA, and Mr. HIMES.

H.R. 773: Mr. WELCH.

H.R. 860: Mr. BURTON of Indiana.

H.R. 905: Mr. DAVID SCOTT of Georgia.

H.R. 998: Mr. COSTA.

H.R. 1506: Mr. LEVIN.

H.R. 1642: Mr. GRIJALVA.

H.R. 1781: Mr. BISHOP of New York and Mr. COURTNEY.

H.R. 1831: Mr. AMASH.

H.R. 2376: Ms. BONAMICI.

H.R. 2721: Mr. LARSON of Connecticut.

H.R. 3027: Ms. SCHWARTZ.

H.R. 3130: Mr. CONAWAY.

H.R. 3658: Mr. HANNA, Ms. DELAURO, Mr. CROWLEY, Ms. WATERS, and Mr. WELCH.

H.R. 4277: Ms. EDWARDS and Mr. CURSON of Michigan.

H.R. 4373: Ms. CHU and Mr. FORTENBERRY.

H.R. 6027: Ms. SCHWARTZ.

H.R. 6241: Ms. MCCOLLUM.

H.R. 6388: Mr. HOLT.

H.R. 6428: Mr. ELLISON.

H.R. 6448: Mr. POLIS.

H.R. 6470: Mr. DEFAZIO.

H.R. 6606: Ms. SCHAKOWSKY.

H. Con. Res. 144: Mr. LATTI, Mr. HERGER, and Mrs. BACHMANN.

H. Res. 220: Mr. PERLMUTTER.

H. Res. 832: Mr. PETERS.

## EXTENSIONS OF REMARKS

### TEXAS TECH UNIVERSITY SCHOOL OF LAW CELEBRATES 45 YEARS OF EXCELLENCE

#### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. NEUGEBAUER. Mr. Speaker, this year, the Texas Tech University School of Law marked its 45th anniversary, and I rise today to congratulate the faculty, staff, students, and alumni on this milestone.

The School of Law was the first graduate professional school at Texas Tech, and it owes its existence primarily to the efforts of one man—Alvin Allison of Levelland. As Texas evolved from an agricultural state to one with a greater focus on industry and professional services, there was a growing need for lawyers. Mr. Allison saw an opportunity for Texas Tech to fulfill that role, and the idea for the law school was born.

The first class consisted of 72 students, who were trained to practice law, “in accordance with the highest traditions of professional responsibility,” according to an early history of the school. Today, students are still taught to fulfill their greatest potential as they serve their communities.

Texas Tech Law has grown tremendously since its founding in 1967, but it has remained true to its core principles. Although today’s incoming classes are nearly three times as large as the first class, they maintain a focus on practical instruction to prepare students for professional success.

Students can take advantage of joint degrees and nationally recognized programs in advocacy, law and science, military law, and health law. Alumni have consistently high rates of employment and bar passage, and work throughout the state and the nation as lawyers and judges, public servants and executives.

Today, Dean Darby Dickerson is leading Texas Tech into the 21st century with an ambitious strategic plan. Thanks to her hard work, and the vision and dedication of her predecessors, generations of students will continue to flourish at Texas Tech Law. And our country will benefit from the expertise and passion that Tech’s lawyers bring to their work.

I hope you’ll join me today in congratulating Texas Tech Law on this milestone, and wishing them well for many years to come.

Guns up.

### TRIBUTE TO EAGLE SCOUT CODY GULDNER

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Cody Guldner of Altoona, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Cody saved the City of Altoona nearly \$3,000 in labor costs by moving four planting beds with a total of eighty plants to a new site along a bicycle tunnel. This project involved extensive labor and took nearly 60 hours to complete. The work ethic Cody has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Cody and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

### IN REMEMBRANCE OF CHESTER E. GORDON

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. KUCINICH. Mr. Speaker, I rise to remember Chester E. Gordon, a resident of Lakewood, Ohio, for the last 50 years and a constituent of Ohio’s 10th Congressional District. Chester, who was 81, died on September 15, 2012.

Chester Gordon was an attorney, scholar, soldier, and citizen. A 1948 graduate of Cleveland Heights High School, a 1952 graduate of Harvard College, and an alumnus of the 1955 class of Western Reserve (now Case Western Reserve University) School of Law, Chester started practicing law in 1956. He assumed the practice of his uncle, Harry Hemple, in

Lakewood in 1963. He served in the U.S. Army on active duty in Washington, DC as an attorney from 1956 through 1958, and then practiced as a reserve officer until receiving his honorable discharge in 1963.

Chester was a lifelong Democrat and political enthusiast. He met his wife Stephanie, who shared his enthusiasm, on the presidential campaign trail of John F. Kennedy. They married soon after Kennedy’s victory. They worked on and supported many candidates for political office. Their children learned politics alongside their parents. Their daughter Merle, whose first baby-steps were on door-to-door political campaigns with Chester and Stephanie, went on to serve several terms as a Cleveland city councilwoman representing Cleveland’s Old Brooklyn and Brooklyn Centre neighborhoods in the 10th Congressional District. I am proud to be among the candidates for office for whom the Gordons campaigned.

Chester was a man of diverse interests. He was a long-time member and past president of Beth Israel the West Temple in Cleveland and a member of Beth El—The Heights Synagogue in Cleveland Heights. He was a subscriber and supporter of the Cleveland Orchestra for over 60 years. A wood turner, Chester was a member of the North Coast Woodturners. A loyal member of the City Club of Cleveland, Chester could usually be found at its Friday Forums each week. On Saturdays, Chester was a faithful shopper at Cleveland’s West Side Market with his son David. Chester was also active in his alumni associations, was a long-serving member of the Harvard Scholarship Committee, and attended his 60th Harvard College reunion this summer.

In addition to Merle, David, and Stephanie, his wife of 51 years, Chester is survived by his son Abram and daughter-in-law Bess and their daughters Annie and LuLu of Cincinnati; daughter Rachel and son-in-law Joseph of Israel; son Derek and daughter-in-law Jen and their children Sam, Henry, and Sophie of Tuscon, Arizona; and sister Sue Winter of Pepper Pike, Ohio. Mr. Speaker and colleagues, please join me in remembering Chester Gordon and joining with his family and many friends who are mourning his loss.

### CELEBRATING COMPUTER SCIENCE EDUCATION WEEK

#### HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. POLIS. Mr. Speaker, I express my support of Computer Science Education Week, which occurs this week to celebrate the teaching and learning of computer science in our public schools. The week highlights activities and advocacy to elevate computer science education for students at all levels.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Computer science is central to our Nation's global economic competitiveness. Half of the estimated 9.2 million STEM jobs that will be created by the year 2020 will be in computing. Major U.S. companies—Microsoft, Oracle and others—have such jobs available now but can't fill them because our schools aren't offering them. Despite this employment need, public schools in two-thirds of the states treat computer science as an elective and only 9 states require computer science for high school graduation. Meanwhile, very few states have computer science teacher certification and professional development, and public schools lack coherent computer science standards and assessments.

My bill, the Computer Science Education Act (H.R. 3014) would address these problems through supports to states, local school districts and higher education. So I urge you to cosponsor this bill, while joining advocates and businesses across the country in honoring Computer Science Education Week and supporting a concrete effort to increase American jobs.

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AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT (ASTD)

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**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. MORAN. Mr. Speaker, I rise today to acknowledge the American Society for Training and Development (ASTD) as the largest association dedicated to the training and development profession, recognizing them for their annual Employee Learning Week, held December 3rd through the 7th, 2012.

Members of ASTD come from more than 100 countries and connect locally in 120 U.S. chapters with 16 international partners. They work in thousands of organizations of all sizes, in government, as independent consultants, and as suppliers.

Established in 1943, ASTD is a leader in the training and development field. As businesses seek competitive advantages and growth, learning and development professionals make sure an organization's best asset, its employees, have the skills they need to help achieve business growth. ASTD serves this important community of professionals with research and resources.

To further these goals, ASTD has declared December 3rd through December 7th, 2012, as "Employee Learning Week" and designated time for organizations to recognize the strategic value of employee learning. I applaud ASTD and its members for their dedication to developing knowledgeable and skilled employees during Employee Learning Week.

I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

RECOGNIZING DR. MICHAEL OCHS'S 25 YEARS OF SERVICE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. SMITH of New Jersey. Mr. Speaker, Dr. Michael Ochs has announced his retirement from the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, which I chair. So at this time I'd like to pay tribute to him for his 25 years of service to the Commission. Michael began his work as a member of the professional staff on October 1, 1987, a time when the changes to come in what was then the Soviet Union were unimaginable. Yet within a few years, the Soviet Union had disintegrated, succeeded by newly independent states facing difficult and sometimes complex transition periods.

Dr. Ochs joined the staff of the Commission after completing his doctoral work in Russian history, and began his career by monitoring human rights abuses in the Soviet Union. He participated in the first international human rights conference to be convened in the Soviet Union, a meeting eventually interrupted by the KGB.

Following the breakup of the Soviet Union, Michael was an early voice promoting democracy, human rights, and the rule of law in post-Soviet states, particularly in the Caucasus and Central Asia. In the early 1990s, he traveled regularly to the region, working with authorities, opposition representatives, journalists and human rights activists to promote democracy and human rights, as well as participating in early OSCE election observation missions. This early involvement in the newly independent states gave Michael a remarkable depth of understanding of the region. His extensive network of contacts has made him indispensable to the Commission as well as other U.S. government agencies. He is certainly one of our government's top experts on the Caucasus and Central Asia.

Michael's extraordinary expertise has served the Commission well over the years, and has also been recognized and called on by other U.S. government agencies. He has earned a reputation for his thoughtful and thorough analytical skills, which are respected not only within the U.S. government, but also within the region by both opposition and authorities alike. He also is known for his outstanding language skills, including near-native proficiency in Russian, as well as a command of Polish, Azeri and several other languages.

Michael's tenure at the Commission has seen color revolutions in Ukraine, Georgia, and Kyrgyzstan, tragic massacres and violence in Uzbekistan and Kyrgyzstan, and steps forward towards democracy throughout the region, and, sadly, many steps backward in the region. He has worked hard to advocate for activists, journalists, and others arrested for opposing authoritarian regimes—and, sometimes against the odds—has been successful in getting individuals released from prison.

Mr. Speaker, I am pleased to recognize and commend Dr. Michael Ochs for his faithful service to the Commission and in defense of human rights and freedom. As he will be retiring at the end of this month, this is also a sad good-bye for me—I have known Michael almost since he joined the Commission, have traveled abroad with him, benefited greatly from his expertise, enjoyed his company immensely, and will certainly miss him.

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COMMEMORATING THE CITY OF OAK PARK

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**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. LEVIN. Mr. Speaker, I rise to commemorate the City of Oak Park, and thank the residents of Oak Park who have provided me with the honor of representing them in Congress for 30 years. My beloved late wife, Vicki and I, enjoyed lasting friendships with so many in the community for many years. I have been proud to see the fabric of this community diversify racially and to watch it develop economically.

Historically, the area that was to become Oak Park existed within Royal Oak Township, and was first settled in 1840. The first major housing development came in 1914 when the township sold land to the majestic Land Company to be developed as the Oak Park subdivision. The subdivision was incorporated as a village on May 3, 1927. The village incorporated as city on October 29, 1945. Planned developments in the late 1950s resulted in Oak Park being named "America's Fastest Growing City" at one point.

I have enjoyed participating in so many activities and events in Oak Park like the annual 4th of July parade, Dr. Martin Luther King Day program and activities sponsored by your schools and your strong and vibrant religious institutions.

I was proud to host several events in the city including our Community Resource Fairs where we brought together Oak Park residents with county, state and federal agencies to that offered critical services within the community.

Mayor McClellan, who was preceded by long-time mayor Jerry Naftely, along with all of the dedicated City Council members and other local elected officials continue to move the City of Oak Park forward, and I look forward to following their success in the years to come.

As I close, I can say with confidence that the City of Oak Park and its residents are in good hands with Congressman GARY PETERS. My office will, of course, stay in close touch on issues that impact Oakland County and southeast Michigan as we all work together to revitalize our Michigan economy.

HONORING THE WORK OF MARK  
RIDLEY-THOMAS

**HON. KAREN BASS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Ms. BASS of California. Mr. Speaker, I rise today to honor the work of a distinguished public servant from Los Angeles, Mr. Mark Ridley-Thomas. In 2008, Mr. Ridley-Thomas was overwhelmingly elected as the first African American man to the Los Angeles County Board of Supervisors. This past November, Mr. Ridley-Thomas' leadership was further acknowledged and he was unanimously approved by the Board to become the first African American man to chair the Los Angeles County Board of Supervisors.

First elected to public office over twenty years ago, Mr. Ridley-Thomas served with distinction on the Los Angeles City Council for nearly a dozen years. He later served two terms in the California State Assembly, where he chaired the Assembly Democratic Caucus. Thereafter, he served as a California State Senator where he chaired the Legislative Black Caucus and initiated unprecedented levels of cooperation and collaboration between the Black, Latino, and Asian-Pacific Islander Legislative Caucuses.

Mr. Ridley-Thomas is widely regarded for uniting civic engagement and government decision-making. In an effort to encourage neighborhood-based advocacy and citizen leadership, Mr. Ridley-Thomas established the Empowerment Congress which served as a model and predecessor for the citywide Neighborhood Councils. Through education, engagement, and empowerment, Mr. Ridley-Thomas equipped and inspired his constituents to confront prevailing racial and economic disparities and improve community and public policy outcomes.

Throughout his life, Mr. Ridley-Thomas has shown a dedication and passion for improving the health and wellness of communities by inspiring participatory engagement to provoke change. After earning a baccalaureate degree in Social Relations and a master's degree in Religious Studies, he further went on to receive his Ph.D. in Social Ethics from the University of Southern California focusing on Social Criticism and Social Change. He has devoted his life to the betterment of the people of Los Angeles County and has used his leadership to bring about effective change in Los Angeles County.

In addition to this exemplary public service, Supervisor Ridley-Thomas is deeply committed to his roles as father and husband. His wife Avis and twin sons, Sebastian and Sinclair, are shining examples of love and inspiration that Mr. Ridley-Thomas derives from his family and graciously shares with the community.

Mr. Speaker, I am proud to have called Mr. Mark Ridley-Thomas a friend and partner in the fight for social and economic justice. He has left an indelible mark on Los Angeles, and continues to inspire my work in Congress and people of Los Angeles. It is a great honor to recognize his work here on the floor today.

RECOGNIZING THE SERVICE OF  
PAUL A. LEONARDI

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Paul A. Leonardi for his loyalty and commitment to the United States. He exemplifies a passion for serving others, and we must commend him for his hard work in keeping our country safe. After 28 years of dedicated service to the federal government, Paul is retiring to spend more quality time with his family.

In 1973, Paul joined the United States Air Force. He served as a Security Specialist and an Air Force Recruiter for over eight years. His various assignments in the military enabled him to travel all over the United States. Paul was stationed at the Strategic Air Command at Wurtsmith AFB, Michigan; the United States Air Forces in Europe Command at RAF Alconbury, England; the Air Force Logistics Command at Hill AFB, Utah; the Air Training Command as an Air Force Recruiter in Bay City, Michigan; and the Strategic Air Command at Minot AFB, North Dakota. Paul was honorably discharged in 1981. Paul's time in the Air Force prepared him well for his work at Immigration and Naturalization Service and the Department of Homeland Security.

Paul began working for INS in 1992 as an immigration inspector at the Orlando International Airport in Orlando, Florida. He was then transferred to Miami as a criminal investigator. Paul worked as a criminal investigator for several years before being promoted to the Joint Terrorism Task Force after September 11, 2001. A couple months later he was promoted to Supervisory Special Agent, and after a year, he relocated to Fresno, California.

In 2003, Paul continued his work as Supervisory Special Agent for Homeland Security Investigations, and in 2010, he was promoted to Resident Agent in Charge. His vast experience and knowledge made him perfect for the job.

Mr. Speaker, it should be noted that in addition to his countless gifts to our country, Paul has been a true champion for my constituents. He and his team have always been available to discuss issues and work together to make our Central Valley a better place. We are all grateful for Paul's unwavering commitment and leadership, but I know he will enjoy more time with his wife of 26 years, Barbara, his children and grandchildren. I ask my colleagues to join me today in recognizing the commitment, dedication, and success of Paul Leonardi.

IN RECOGNITION OF  
CLEVELANDPEOPLE.COM

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of ClevelandPeople.com, a website designed to promote the more than 100 dif-

ferent ethnic and cultural people and events in Northeast Ohio.

ClevelandPeople.com strives to embrace the City of Cleveland's rich and ethnically diverse ethnic and cultural groups by promoting the "tossed salad model." Opposed to the "melting pot," a tossed salad model is designed to embrace and maintain unique cultures.

ClevelandPeople.com's work is an invaluable documentation and collection of text, videos and pictures of cultural events that occur throughout Northeast Ohio. They truly are creating "an archive of this activity (ethnic and cultural events) that makes Cleveland so unique."

In addition to being an archive of cultural events, ClevelandPeople.com has proven to be an invaluable resource to Northeastern Ohio residents, tourists and people seeking to relocate to the area. ClevelandPeople.com has information on nearly every ethnic and cultural group in the city and is also a hub for ClevelandPeople.com Ambassadors. These ambassadors are leaders among the dozens of cultural groups throughout the city and have proven to be invaluable contacts for members of the community and people new to the area looking to become involved with their respective ethnic groups.

Mr. Speaker and colleagues, please join me in recognizing the work and efforts of ClevelandPeople.com.

PASSING OF MR. FELMERS  
CHANEY

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Ms. MOORE. Mr. Speaker, it is with a heavy heart that I write to express my sincere condolences to the family and friends of Mr. Felmers Chaney, a respected and influential community leader. A loving husband for 70 years, brother, relative, and friend to many in Milwaukee, he will surely be missed by all. He was loyal and committed to his family, the Milwaukee community, and the civil rights struggle. Felmers' death leaves a void, but his memory as a true "servant leader" provides a remarkable legacy and an example of a life well lived.

Felmers lived a life full of accomplishment and distinction during his time with us. He didn't shy away from controversy and exhibited extraordinary courage in the face of outright racial discrimination during his life. He was a pioneer on many fronts, starting his career in 1947 as only the fourth black officer with the Milwaukee Police Department. Due to his tenacity and failure to acquiesce to racial injustice, he was promoted and became the first black sergeant on the police force serving the department and Milwaukee for 36 years. He supervised roughly 20 officers in the department's 5th District—two or three of whom were black. These same leadership skills and his concerns for those living in Milwaukee's inner city, catapulted him into a leadership position as President of Milwaukee's NAACP in 1987. As its president for 12 years, Felmers

was a formidable advocate on behalf of the black community. He spoke out on issues involving the lack of equal access to housing, jobs, education, and he was party to the "red-lining" lawsuit that successfully challenged the practice of denying mortgages to blacks.

Felmers was not only known for his fight in the civil rights arena, but also for his role in creating economic development opportunities in the inner city. Because of his interest in building up the black community and developing job opportunities, he became the President of the Central City Development Corp., which built the Central City Plaza, a motel and shopping center on 6th and Walnut Street. This further led to his becoming the founder and president of North Milwaukee State Bank, Wisconsin's first black-owned bank. In addition to his years as NAACP president, Felmers also served as president of the Milwaukee Urban League, and in 2000, Gov. Tommy Thompson dedicated Milwaukee's new men's correctional center on N. 30th Street as the Felmers O. Chaney Correctional Center.

Mr. Speaker, the Milwaukee community stands in awe of all that Felmers did to give back to this community. He has left an indelible mark on me and on those who have chosen to enter public service as a career. Felmers has left a beautiful legacy through his family. Our community and the Fourth Congressional District of Wisconsin is a much better place to live and work because of him. I thank him for the many families and individual lives he touched over the years.

May God be with all who mourn in the days and months ahead. Along with my staff, I send my thoughts and prayers.

TRIBUTE TO EAGLE SCOUT  
MICHAEL GREENFIELD

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Michael Greenfield of Clive, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Michael presented a Food Allergy Safety Seminar to a variety of local groups. The work ethic Michael has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Michael and his family in the United States Congress.

I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

IN HONOR OF MR. ROBERT  
MACLEOD

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of Mr. Robert MacLeod, and his service to the United States of America as a member of the United States Coast Guard.

Due to his exceptional service in the Coast Guard, Mr. MacLeod was awarded the Vietnam Service Medal with two bronze stars, the National Defense Service Medal, and the Vietnam Campaign Ribbon with Device. After serving our nation during the Vietnam War, Mr. MacLeod co-founded the Metrolina Vietnam Veterans Association in Charlotte, NC. He was the inaugural president of the United States Coast Guard Lightship Sailors Association of America at its inception, and led efforts for the establishment of numerous monuments honoring men and women who have served our country.

Today, I ask all Members of Congress to join me in honoring Mr. MacLeod, a great American, and resident of North Carolina, the state which I am proud to represent.

HONORING FORMER SENATOR  
GEORGE MCGOVERN

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. MCGOVERN. Mr. Speaker, my dear friend, Senator George McGovern, passed away last October at the age of 90. He represented the best of the Democratic Party and the best of American politics. His voice and decency will be missed.

I submit two articles that pay tribute to this remarkable man.

[From the Nation, Oct. 22, 2012]

GEORGE MCGOVERN, THE "ATTICUS FINCH" OF  
AMERICAN POLITICS

(By Jim McGovern)

George McGovern lived to be 90. By any measure, he had a long and productive life. Yet I can't help but feeling sad—not just because I lost my most treasured friend—but because the world lost a consistently steady and refreshingly liberal voice of sanity and common sense.

To me, George McGovern was the "Atticus Finch" of American politics. Like the main character in Harper Lee's brilliant novel *To Kill a Mockingbird* George McGovern spoke the truth even when—especially when—it was uncomfortable.

He spoke the truth about the folly of Vietnam and our excessive military budget. He spoke the truth about corruption in the Nixon White House. And he spoke the truth about the tragedy of hunger in the United

States and around the world. He paid a heavy political price for his candor and honesty. But as he always said, "there are worse things than losing an election." George McGovern never lost his soul and he never betrayed his conscience.

In 1997, when I was being sworn-in as a freshman member of the United States House of Representatives, I asked him to stand by my side as I took the oath of office. During a rather long ceremony leading up to the big moment, I asked him if he had any advice. He gave me the same advice he received when he started out: "If you want to be a good member of Congress you have to get over the fear of losing an election."

Having just won a close, hard-fought election, I was expecting him to say: "keep your head low" or "don't make any waves." But George McGovern believed that serving in Congress was a rare privilege, that it was an opportunity to move the country forward instead of a constant struggle to get oneself re-elected.

I have tried to heed that sage advice as much as possible—although, to be perfectly honest, I haven't yet completely gotten over the fear of losing an election!

My first encounter with Senator McGovern was from a great distance in 1972. As a 7th grader in Worcester, Massachusetts, I tried mightily to get him elected President of the United States. While he lost 49 states, he did carry Massachusetts.

During my college years, I interned in his Senate office, and then in 1984, I ran his Massachusetts campaign when he tried again for the presidency. I will never forget his powerful appeal to voters to stay true to their own principles and values when he declared, "Don't throw away your conscience."

George McGovern was perhaps the most courageous man I've ever known. And it was not just because he was a bomber pilot in World War II, fighting against Hitler and winning the Distinguished Flying Cross for his service. I admired him for his guts, in being who he was, in conservative South Dakota. To oppose the war in Vietnam was not easy in the early 1960s. Yet, George McGovern's valiant and sincere position was right, and the voters of his home state sent him to the United States Senate three times.

He came across as a gentle man but he had a spine of steel. He was decent and kind. He wasn't afraid of the political consequences of his liberalism and never trimmed his sails for the convenience of the moment. His steadfastness used to drive his staff crazy. But every one of them knew they were working for a great man.

Senator McGovern was obsessed with the issue of hunger. He was ashamed that in the richest, most powerful nation on the planet, millions of our fellow citizens don't have enough to eat. He led the efforts in the Senate—along with Senator Bob Dole—to expand food and nutrition programs.

He also couldn't tolerate the hundreds of millions of people all around the world who were hungry. I will never forget attending a meeting with the Senator and President Clinton in 2000, when George McGovern proposed an international program aimed at guaranteeing every child at least one nutritious meal a day in a school setting. Bill Clinton listened intently and then said, "Let's do it." That was the magic of George McGovern; he could get you to believe that anything was possible. And today, the McGovern-Dole Food for Education Program is feeding millions of kids and helping them get an education.

At a recent celebration of his 90th birthday, he told me he wanted to live another 10

years to ensure that hunger on this planet is no more. He had a lot more work to do.

Like Atticus Finch, George McGovern never gave up. He loved his country and dedicated his life fighting for what is "just and noble in human affairs." The world is going to miss George McGovern. I already do.

[Center for American Progress, Oct. 25, 2012]

THINK AGAIN: GEORGE MCGOVERN—A  
LIFETIME OF CONSCIENCE AND COURAGE  
(By Eric Alterman)

George McGovern's passing on Sunday at the age of 90 provides further evidence, as if any were needed, that if you live long enough, even your adversaries will end up singing your praises. Consider first these attacks on the late senator and presidential candidate in the 1972 election.

Writing a few years ago in the journal *Democracy*, American historian and journalist Rick Perlstein quoted the following attacks on Democratic candidates by various Democrats and liberals:

In 2003, Al From and Bruce Reed with the Democratic Leadership Council wrote, "What activists like [Howard] Dean call the Democratic wing of the Democratic Party is an aberration: the McGovern-Mondale wing, defined principally by weakness abroad and elitist, interest-group liberalism at home."

The very next year, a Democrat worrying that Sen. John Kerry (D-MA) was veering left on Iraq during his run for the presidency was quoted in *The New York Times* saying the 2004 presidential nominee was "[c]oming off like George McGovern."

When Ned Lamont won the 2006 Connecticut Democratic primary for the U.S. Senate but lost in the general election to Sen. Joe Lieberman (I-CT) who ran as an independent, political journalist Jacob Weisberg recalled in the *Financial Times* how McGovern lost 49 states in his presidential run because of "his tendency toward isolationism and ambivalence about the use of American power in general."

Then there's Martin Peretz, the former owner and publisher of *The New Republic*, America's alleged flagship liberal publication for 37 years, who explained, "I bought *The New Republic* to take back the Democratic Party from the McGovernites."

This clichéd version of McGovern's politics was never accurate, but it became a stick with which hawkish journalists and politicians tried to beat back dovish ones. In fact, no Democrat, and perhaps no modern politician at all, can be said to have shown more courage, more grit, and more determination than George Stanley McGovern.

Yes, folks, the "elitist" liberal was born in the 600-person farming community of Avon, South Dakota, and grew up nearby in the equally small town of Mitchell. A bashful son of a Methodist minister, McGovern grew wary of "the excessive emotionalism of some evangelists" as he came of age in an America where his father was occasionally compensated not in cash but in cabbage.[1]

As his Wikipedia entry explains:

[McGovern] volunteered for the U.S. Army Air Forces upon the country's entry into World War II and as a B-24 Liberator pilot flew 35 missions over German-occupied Europe. Among the medals bestowed upon him was a Distinguished Flying Cross for making a hazardous emergency landing of his damaged plane and saving his crew.

Upon returning and earning a bachelor's degree from tiny Dakota Wesleyan University, the young veteran did a brief stint at Garrett Seminary in Chicago before enrolling in the graduate history program at

Northwestern University, eventually earning his doctorate. There, McGovern would both anticipate and then echo revisionist Cold War historians, among them William Appleman Williams and Fred Harvey Harrington, who held that Harry Truman and company, rather than Stalin's Soviet Union, were largely responsible for causing the Cold War. McGovern explained that "we not only overreacted" to the Soviet Union but "indeed helped trigger" the Cold War "by our own post-World War II fears." [2] He wrote his doctoral dissertation on the 1913 Colorado coal strike, and his research would later lead him to demonstrate much greater sympathy for unionized workers than pretty much any other Farm Belt politician.

McGovern taught briefly at Dakota Wesleyan College before returning home to South Dakota to undertake yet another unlikely and quite daring adventure—to almost single-handedly build the state Democratic Party organization. He had to scrounge to stay afloat, sleeping on friendly couches or in his car as he crisscrossed the state, personally recruiting 35,000 new Democrats.[3]

He then deployed the organization to run for Congress in 1956 and later for the U.S. Senate. He lost his 1960 Senate bid (and lost his House seat in the process) but succeeded two years later—serving as the head of the Kennedy administration's Food for Peace program in-between, marking a lifelong commitment to feeding the hungry worldwide, and making valuable friends inside the administration.

McGovern first came to national prominence toward the end of the 1968 campaign for the Democratic nomination for the presidency. Following the June 6 assassination of presidential candidate Robert F. Kennedy in Los Angeles, his devastated supporters first tried to convince his younger brother Ted Kennedy to assume the mantle of RFK's peace-and-civil-rights-themed campaign. But Ted was in no shape, physically or emotionally, to do so. In one of history's forgotten footnotes, McGovern took up the cause.

Announcing his candidacy in the Senate caucus room in August 1968, McGovern explained what prompted his decision:

Vietnam—the most disastrous political and military blunder in our national experience. That war must be ended now—not next year or the year following, but right now. Beyond this, we need to harness the full spiritual and political resources of this nation to put an end to the shameful remnants of racism and poverty that still afflict our land.[4]

McGovern's goal was to try to reanimate the antiwar passion of the Kennedy crusade with his own brand of simple Midwestern morality. "I wear no claim to the Kennedy mantle, but I believe deeply in the twin goals for which Robert Kennedy gave his life—an end to the war in Vietnam and a passionate commitment to heal the division in our own society." [5] Though he was not well known, Robert Kennedy had judged McGovern to be "the most decent man in the Senate," and he was hardly alone in this view.[6]

Following the disastrous 1968 presidential contest, which saw Richard Nixon elected (beating then-Vice President Hubert Humphrey), McGovern returned to the Senate and became its leading voice on Vietnam. He co-sponsored an amendment with liberal Republican Sen. Mark Hatfield of Oregon to cut off funding for the war by the end of December 1970. McGovern was so committed to the cause that he refinanced his house to pay for airtime on behalf of his bill.

Taking to the floor of the Senate, McGovern broke all previous protocol and accused

"every senator in this chamber" of being "partly responsible for sending 50,000 young Americans to an early grave. This chamber reeks of blood," he said.[7] It was only his colleagues' fondness for him and their appreciation for his sincere anguish over the war, which inspired this unprecedented attack, that allowed his relationships in the body to survive this serious break with the Senate's tradition of comity and collegiality.

After failing to move his Senate colleagues, however, McGovern took his arguments to America's universities where antiwar fervor was high among both students and faculty.[8] His traveling and his remarking of the Democratic Party went hand in hand as students and peace activists flocked to his cause. McGovern announced his presidential candidacy in January 1971.

McGovern's young staff worked until exhaustion pushing their candidate to frontrunner status in the Democratic primaries and eventually to winning the party's 1972 presidential nomination. But it was in many respects a pyrrhic victory, as the Democratic party was broken in half, with its more conservative and establishment-oriented members sticking firmly to the "Anybody but McGovern" stance—a strategy that had failed to slow the McGovern juggernaut on its way to the Miami convention.

McGovern's organization, together with the party's new rules that he had helped to draft, changed the nature of the nominating process and were key to his convention victory. While women at the 1968 Democratic National Convention constituted just 13 percent of delegates, they comprised 40 percent in 1972.[9] Just as important, old-style political bosses and their minions were successfully kept away. The delegation from Illinois, led by Chicago Mayor Richard J. Daley, was rejected for its dearth of women and younger members and replaced by one led by the Rev. Jesse Jackson.[10] And of the New York delegation, AFL-CIO president George Meany reportedly complained, "They've got six open fags and only three AFL-CIO representatives!" [11]

As liberal a candidate as any major party had ever nominated, McGovern gave a magnificent acceptance speech at the 1972 Democratic National Convention, but almost nobody saw it as the chaotic convention could not be brought to order for it to be delivered before 2:45 a.m., long after its television audience had gone to bed. Almost all that was remembered of his speech were the words "Come home, America," which even in the age of declining support for the disastrous Vietnam War would prove a decidedly double-edged sword. The slogan was manipulated by his opponents to imply the unfair "isolationism" charge, rather than McGovern's clear intent, which was to prioritize America's problems at home, rather than abroad. [12]

In a 2004 interview McGovern said he thought "if the country had heard me for 45 minutes in prime time, it might have changed the outcome of the election. . . . it doesn't mean we would have won, but the first impression would have been a very favorable one."

The press, however, was never enamored with McGovern nor the changes his supporters sought to bring to American politics—this despite the widespread belief that Nixon and company were up to no good, especially with regard to that odd break-in at Democratic headquarters at the Watergate complex. Columnists Rowland Evans and Robert Novak quoted an anonymous Democratic colleague—later revealed, amazingly,



to be the man who ended up (briefly) as McGovern's running mate, Sen. Thomas Eagleton—saying McGovern was the candidate of “acid, amnesty and abortion.”

That label was repeated endlessly, to the point where America's most influential pundit, The New York Times's James Reston, in his column the Sunday before Election Day, said “the thought that the American people are going to give Mr. Nixon and his policies and anonymous hucksters and twisters in the White House a landslide popular victory . . . is a little hard to imagine.” And yet of the 1,054 dailies surveyed by Editor and Publisher, 753, or 71.4 percent, endorsed Nixon; only 56 papers backed McGovern.[13]

Of course the view of McGovern that permeated the media for decades was exactly wrong. Not only was he no elitist, pacifist isolationist, or hippie, but he was actually more willing to use military force than most of his Senate colleagues, whether Republican or Democrat, under the proper circumstances. In 1978, for example, he called for an international military force to oust the genocidal dictator, Pol Pot, from Cambodia—a move that, had it happened, might have saved millions of innocent lives.

Clearly, McGovern had the kind of courage that led him to say and do whatever he thought was right, regardless of what it led others to say about him. When he felt that his party was moving too far right in 1984, he risked ridicule again by challenging his party's presidential candidates in the primary season, even suggesting that one of his opponents and the party's eventual nominee Walter Mondale's calls for higher taxes to pay for essentially Republican goals was not the best direction for the Democratic Party to take. His key phrase, “Don't throw away your conscience,” was a decidedly politics-free declaration at the time (and ours).

McGovern was mocked and attacked for this by most pundits, including the “dean” of the national press corps, The Washington Post's David Broder. Still McGovern campaigned on distinguishing himself by forcing the rest of the Democratic candidates to direct themselves to a panoply of issues they would have preferred to ignore. By the time he bowed out of the primary race, Broder issued an apology in his syndicated column, which McGovern framed and hung on the wall of his dingy Washington, D.C., campaign office above a Dupont Circle Greek deli.

McGovern spent the balance of his post-political career working to reduce world hunger. As writer and blogger Rich Yeselson writes in *The American Prospect*, with “Robert Dole, a Prairie politician of a different, but also recognizable ideological lineage—the rationalized the Depression era food stamp program, and it became one of the most important low-income stabilizers of the American social insurance state.”

In McGovern's final book, *What It Means to Be a Democrat*, released in November 2011, he worries about what he calls the “insidious” political air of Washington, driven in part by liberals' inability to expose and defeat the “extremism” of the new conservative movement. “We are the party that believes we can't let the strong kick aside the weak,” he writes. “Our party believes that poor children should be as well educated as those from wealthy families. We believe that everyone should pay their fair share of taxes and that everyone should have access to health care.”

Such unapologetic open-heartedness might not appeal to many pundits but it took more courage, toughness, and patriotism to keep fighting for them for more than seven dec-

ades without rest despite the mockery and derision of those deemed to be the “responsible” ones.

I had dinner with McGovern during the 2008 presidential campaign. We discussed our hopes for that election, and he told me that at no time during those years did not he feel himself to be fighting for causes that were, in most politicians' minds, marginal. And neither, I can tell you, did McGovern ever consider dropping those issues and causes and allowing himself a more pleasant and less demanding life.

A final footnote: The only staffer working in that dingy Greek deli in 1984 was a youngster also named James McGovern (no relation). Thirteen years later, George McGovern stood by a still-pretty-young James as he took the oath as a freshman member of the 105th Congress, representing the 3rd Congressional District in Massachusetts, where he remains today as one of America's most far-sighted, idealistic, and simultaneously, tough-minded representatives—in other words, a genuine “McGovernite.”

#### ENDNOTES

[1] George McGovern, *Grassroots: The Autobiography of George McGovern* (New York: Random House, 1977), 5.

[2] *Ibid.*, 41.

[3] Bruce Miroff, *The Liberals' Moment: The McGovern Insurgency and the Identity Crisis of the Democratic Party* (Lawrence: University Press of Kansas, 2007), 33.

[4] Quoted in: Gloria Steinem, *Outrageous Acts and Everyday Rebellions* (New York: Holt, Rinehart, and Winston, 1983), 87–88.

[5] McGovern, *Grassroots*, 121.

[6] Quoted in: Hunter S. Thompson, *Fear and Loathing: On the Campaign Trail '72* (New York: Warner, 1973), 127.

[7] Miroff, *The Liberals' Moment*, 38.

[8] *Ibid.*, 43.

[9] Bruce Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: DaCapo, 2001), 166.

[10] Justin Vaisse, *Neoconservatism: The Biography of a Movement* (Cambridge: Harvard University Press, 2010), 84.

[11] Meany is quoted in: Philip A. Klinkner, *The Losing Parties: Out-Party National Committees, 1956–1993* (New Haven: Yale University Press, 1994), 106.

[12] Theodore White, *The Making of the President, 1972* (New York: Atheneum, 1973), 196–197.

[13] James Baughman, *The Republic of Mass Culture: Journalism, Filmmaking, and Broadcasting in America Since 1941* (Baltimore: Johns Hopkins University Press, 1992), 177.

“I'M EOD”—A TRIBUTE TO AN AMERICAN HERO—SSGT JOHNNY MORRIS, 2ND EOD, THE UNITED STATES MARINES

#### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Mrs. MYRICK. Mr. Speaker, I rise today to honor a great Son of The South, SSGT Johnny Morris of 2nd EOD The United States Marines and his family of Loxley, Alabama. Johnny has one of the most dangerous jobs in The United States Marines, and on July 2nd 2011 SSGT Morris was almost killed in an IED blast as he was sweeping for explosives. He lost

his leg and almost his life, but he never lost his faith or his courage. Him and his lovely wife Natalie and their new son Gage are a great American story and family. All you need to do is spend 10 minutes with this young man and you will walk away inspired and impressed. They make us all proud to be Americans. I submit this poem penned in his honor by Albert Caswell.

I'M EOD

I'm EOD . . .

So don't mess with me . . .

I'm country and I like it . . .

I'm a United States Marine!

And I Roll with The Tide . . .

And whenever they win National Championship,

it makes me so all warm so inside . . .

I've got a beautiful wife,

and Natalie she's but the love of my life . . .

And I'm EOD and I'm as bad as can be!

And now our baby son Gage,

he makes it three!

Because,

in this US of A . . .

there's nothing you can not so be!

And I'm all dressed in those Most Magnificent Shades of Green,

that's where you'll see me convene!

For as long as you work hard,

and in your self so believe . . .

That's why this Father's son,

became oh yes one of those few ones so indeed . . .

Who stand ever so tall,

and so protect us all . . .

Yea, and so fight to be free . . .

yea that's The Leather Neck all in me!

All dressed all in Those Most Magnificent Shades of Green . . .

Oh yes,

I am so proud as can be . . .

But to be a United States Marine!

So let it be said,

that I'm ajar Head and so proud so to be!

Yes, I'm EOD,

and I'm as bad as can be!

Because, me and my brothers . . .

my fellow Marines . . .

So go where angels so fear to tread,

as ever we're seen!

Right there but on that very edge death,

if you know what I mean . . .

Because, we are EOD and we are as bad as can be!

While, in one another we all do so believe!

As a Band of Brothers so all dressed in Green!

Doing what most people would not so choose to be!

Being EOD!

But, I do it all again . . .

But for my sweet Country 'Tis of Thee,

as to her all of our lives are so pledged and that's how it's going to be!

For it's better to die for something,

than to live for nothing at all!

And that's why I put my boots on,

and I so answered that call . . .

That Call To Arms!

Because, I'm EOD . . .

so don't dare mess with me!

And I'm as bad as can be!

With nerves of such steel!

Remember, Superman is not real!

But I am you see!

But, we are the 2nd EOD!

As on each new day,

it's with death that we so play!

Yea, I lost my leg . . .

but I won't moan, and I won't beg . . .

And I'd do it all over again,

because I'm so proud to say that I took that stand!

All so my wife Natalie,  
and my son Gage can live in a free land that  
is so free . . .

As here I so stand,  
with my family in hand and a smile on my  
face . . .

It's just a speed bump on the road of life,  
and I have no regrets and as I'm not losing  
pace!

So you better start running,  
if you want to catch up to me so don't wait  
. . .

Because, I got nothing to complain about  
. . .

compared to all of my Brothers who are now  
in the ground . . .

As why I so honor them on each new day,  
as I so awake with a smile on my face . . .  
And for them I will always so feel the wind  
in my face,

and so carry them with me so every place!  
As I take what my Lord has so given to me,  
as I'm just glad to be back in these here The  
United States!

All in this most beautiful place . . .  
That we call The U. S. Of A.

In soon back in sweet Alabama hip . . . hip  
. . . hooray!

And when I'm so done my rehab,  
I'm going back to my sweet home Bama one  
day . . .

Living large,  
and grow old and so grey!  
Because, when you've lived on the edge of  
death . . .

And you've so witnessed your magnificent  
Brother's own death . . .

With tears in your eyes,  
while holding them tight,  
as they give them last rites . . .  
As than you so understand,  
just how lucky you are man, just to be alive!  
And how you are so very blessed,  
to have so known such magnificent men such  
as this!

And carry them in your hearts each day!  
And for all of them now,  
I will so live a great life to make them so  
proud!

And to all of their children and to all of their  
wives,

and to their moms and their dads standing  
here with tears in my eyes . . .

I will always let them know that they were  
but the best,

and in our hearts so keep them alive!  
Because they were EOD,

and were as brave as could be!  
Yea, Heroes like you SSGT Morris,

have our Country 'Tis of Thee So Blessed!  
As They So Teach Us!

And So Beseech Us!  
As we so watch their fine hearts so crest . . .

Yea, Johnny your EOD . . .  
and oh how do you make me so proud but be  
an American you see!

I could climb way up,  
but to the highest mountain top . . .

But still,  
I could never so reach as high as you Morris,

where you now so stand high atop!  
As an American Hero,

and you and your family are but the very  
best that we've got!

For Only The Few!  
For Only The Brave!

For our Nation their hearts so gave!  
And so teach all just how to behave,

yea SSGT Morris you're the cream of the  
crop!

And that's why you and your family,  
America so loves and we will never stop!

And yea You are EOD,  
and You are as bad and as brave as can be!

And if ever I have a son,  
I wish he could be like this one!

One of Alabama's bravest of all ones!  
For Heaven so awaits,

for such men of courage and faith,  
all so dressed all in green!

Because, he's EOD and as bad as can be!  
And his name is Johnny!

## REDUCING GUN VIOLENCE

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Ms. SLAUGHTER. Mr. Speaker, I rise today to mourn those who were killed in Newtown, Connecticut last Friday, and begin the urgent work of stopping tragedies like this from ever happening again.

Let us be clear—there can be no better tribute to the innocent children and educators who were killed in Newtown than to finally address the out-of-control gun violence that kills tens of thousands of Americans every year.

In answering the call, Congress must look to enact a comprehensive and commonsense reform to our nation's gun laws, and renew our commitment to a mental health system that has been neglected for far too long.

We can begin by taking the most dangerous and deadly weapons off our streets. That means we must do more than simply reinstate the Assault Weapons Ban of 1994. We must strengthen that law by including language that retroactively applies to weapons already in possession, so that law enforcement can finally remove all assault weapons from our communities.

These weapons serve no purpose other than to kill human beings. Our colleague, Senator JOE MANCHIN, today said the following: "I just came with my family from deer hunting. I've never had more than three shells in a clip. Sometimes you don't get more than one shot anyway. It's time to get beyond rhetoric, it's time to sit down and move in a responsible way." He continued to say that limiting the size of a gun magazine to even 10 bullets should be on the table when it comes to reforming our laws and ending gun violence. I couldn't agree more, and believe that no weapon that is designed with the primary intent to kill people should be out on our streets.

This also means that this Congress must look at the types of bullets that are sold today. The perpetrator who murdered more than 20 innocent children took their lives with bullets that were designed to break up inside a victim's body and inflict the maximum amount of damage to internal organs, bones and tissue. There is no legal activity in our country that requires the use of such deadly bullets. They should be included under any renewal of an Assault Weapons Ban.

In addition to removing the most deadly weapons from our streets, we must also close the so-called "fire sale loophole" and "gun show loophole"—two products of a powerful gun lobby that must be brought to heel. Because of these loopholes, more than 40 percent of all guns sold in the United States are

sold without the buyer undergoing a federal background check.

We require anyone who wishes to drive a car to prove that they can safely operate a vehicle, yet when it comes to buying a gun, almost half all buyers do not have to prove they will safely operate such deadly weapons. In a country of 315 million people, there are almost 280 million guns owned. Of those 280 million guns, almost 112 million of them will have been purchased without a background check. Were they purchased by law-abiding citizens or by troubled individuals who may endanger lives? Because of irresponsible legal loopholes, we simply do not know.

No more. It is time that we require anyone in the United States wishing to purchase a gun to pass a federal background check. I am a co-sponsor of H.R. 263, the "Fire Sale Loophole Closing Act" and H.R. 1781, the "Fix Gun Checks Act", and urge the Leadership of this Congress to bring both bills to the floor for a vote.

Finally, our work is not complete unless we improve our nation's mental health system. For years, experts have known how to improve our mental health care system, but a lack of political will has led to its continual decay.

Such failure has a very real impact on the health and well being of thousands of our fellow citizens everyday. Instead of accessing the care they need, they are often left on their own to deal with illnesses that they have little power to control. Place these troubled individuals in the vicinity of a deadly weapon, instead of the care of a mental health care provider, and tragedy can result.

If we are to succeed in our efforts to prevent more gun violence tragedies then an improved mental health care system is part of the solution.

I believe we must respond by drastically improving our community-based mental health services—including mobile crisis services, assertive community treatment, peer supports and supportive housing. These important mental health programs are in short supply all across our nation, which means that thousands of our friends and neighbors who desperately need help are stranded with nowhere to turn.

While no legislation can undo the terror that was done in Newtown, Connecticut, our nation has a moral obligation to act with the utmost urgency to reduce gun violence and save innocent lives. It is long past time to get to work, and I am ready to begin that work today.

**"FOLLOW ME"—IN HONOR OF RET. SPC. JIM MAYER, THE UNITED STATES ARMY, THE MILKSHAKE MAN, AND HIS AID AND COMFORT TO OUR WOUNDED WARRIORS**

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mrs. MYRICK. Mr. Speaker, I rise today to honor a great American, Ret. Spc. Jim Mayer and all of the thousands of Disabled American

Veterans out across America who are making a difference in the lives of our newly returning wounded warriors. He is a former native of Missouri, who lost both of his legs when he stepped on a mine two months in his first tour in Vietnam. I submit this poem penned in his honor by Albert Caswell.

## FOLLOW ME

Follow Me . . .  
I'll walk with You . . .  
Follow me in all I do . . .  
For I was once just like you . . .  
A young man, who went off to war . . .  
All for my Country Tis Thee, with such burdens bore . . .  
So strong and bold, and so self assured . . .  
So dashing there, all in uniform . . .  
Follow me, I'll lead the way . . .  
to somehow help you move on this day . . .  
As I bow down my head, and for you I now so pray . . .  
For I was once like you, just moments away from my grave . . .  
As I too, remember that fateful morning as I awoke . . .  
While, against all odds there seemed no hope!  
As I so too, had such tears in my eyes as invoked!  
And too so wondered, so wondered how I would cope!  
When, all that I had so left . . . was but only hope!  
Follow me, they call me The Milkshake Man!  
For I have walked that walk!  
And I know you can!  
All in your shoes, as I so too have had all of those same such thoughts!  
As I so understand, how much you have to gain!  
And how much so too you have lost, all in your pain!  
So don't give up! And don't give in!  
Let go of such thoughts, my friend!  
Lift up your head, and raise that chin!  
Follow me, for this is how your first steps begin!  
So begins with you my friend . . .  
For you will learn to walk again . . .  
Or somehow replace your arms, your hands, your eyes my friend . . .  
All with that heart which beats with in!  
For you can live or you can die?  
Or you can so feel so very sorry for yourself, with tear in eye . . .  
Or with each new step, you can but let your fine soul rise!  
And oh yes, you will have many . . . many . . . dark days ahead . . .  
Follow Me, take my hand . . . and listen to what my life has said!  
Walk with me, listen to your heart instead!  
For your fine Life is worth living, and you're not dead!  
Live for all of your Brothers and Sisters, who so died for you instead!  
For them, feel the breeze on your face . . .  
And at night take them with you to bed!  
Follow me, there's so much more to be said!  
For my Son, my Daughter . . . I was once like you . . .  
With all of that anger and hate inside of me, and such self doubt too!  
For I know where you are going, and I know where you have been!  
And oh yes, I know that its not fair . . . but these are war's deadly sins!  
All in what it can so do, to such magnificent women and men . . .  
For I was once like you, right on that edge!  
All between life and death!  
Follow me, and I promise you . . . your fine life will be blessed!

As you Bless Our World, with all of your gifts . . .  
As you so teach us all, that hope and faith are alive and still exists!  
And that your fine life, is one that is so worth to living this!  
For what you give, is what you get!  
For the best is still yet to come, as so is yet!  
Follow me, and yes it will be hard!  
For now it's time, to do your part!  
Lead my Son, lead my Daughter . . . lead but with your great heart!  
Rise Up . . . Rise Up my Son . . . my Daughter,  
into now such a fine work of art!  
Follow me, and take my hand . . .  
As all of your great pain, I do now so understand!  
For up in Heaven you need not arms or legs . . . nor eyes so made!  
And that's where we will all so meet again, on one fine day . . .  
Listen to these words I say, and you will find your way!  
As over this hospital bed, I now so stand . . .  
With tear in eye . . .  
Looking at you, finding it so hard not to cry . . .  
As these words I will say, "Follow Me . . . and Take My Hand!"  
Walk with me, and one day because of your faith and courage you will stand!  
And I will be the one, following you my friend!

## COSPONSORSHIP OF H. RES. 832

## HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Mr. CONYERS. Mr. Speaker, I rise today to express my appreciation to my colleague, Mr. PETERS of Michigan, for joining as a cosponsor of my resolution, H. Res. 832, observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy. Due to an error by my staff, Mr. PETERS was not added as an original cosponsor of the resolution.

"I'M YOUR CAPTAIN"—IN HONOR OF CAPTAIN ATOINE BATES, 1ST BATTALION 5TH MARINES, THE UNITED STATES MARINES

## HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Mrs. MYRICK. Mr. Speaker, I rise today in honor of a great American Son from Ohio, Captain Atoine Bates of The United States Marine Corps. Captain Bates, while out on patrol with his men on June 26, 2011 in Sangin in Afghanistan, almost lost his life in a IED explosion. He lost his leg and sustained numerous other life threatened injuries at the time. Captain Bates has always been a leader. Already, in such a short time he's made a great recovery over at Walter Reed. His example to our nation and to his men inspire us all. He plans to stay in the Marines, for he was born to be a United States Marine. Families are the key component to recovery, and his has been

there for him from the very beginning. His father like many other families has stopped what he was doing to be with him every step of the way. I submit this poem penned in honor and his recovery by Albert Caswell.

## I'M YOUR CAPTAIN

I'm . . .  
I'm your Captain . . .  
Follow me . . .  
I will lead!  
For we all so proudly wear those most magnificent shades of green!  
For we all are The United States Marines!  
One of the greatest things, that this country has ever seen!  
Men and Women, of honor bright . . .  
Who so go off to war to win that battle, to win that fight!  
All for God and Country, are but our burdens bore . . .  
As we all so march off out into that darkness for sure!  
For we all so live and so die, for something far much more greater and do not ask why!  
While, marching out into that face of hell as our colors fly . . .  
For where you go men, will go I!  
Out in front, into that face of death as upon each other we so rely!  
As Brothers In Arms, for each other we are all so willing to die!  
All in that name of freedom, we all so wear that uniform to reach new heights!  
As one, together we all so bond!  
As brave hearts we move out and move on!  
To so soar!  
For We Are All The United States Marine Corps!  
Follow me, and I will lead!  
So willingly for you Marine, I will die and I will bleed!  
So proudly, all in those Magnificent Shades of Green!  
As it was out on that fateful day!  
While, on patrol . . .  
when an IED explosion almost took your fine life away . . .  
Right there on that edge of death, as when your fine heart so sung and began to crest!  
As you so pledged to yourself near death, to get up and run again no less!  
Because, pity is not where your friend!  
And Faith and Courage, are what you are so armed with my son!  
And as we so listen to your fine heart so very deep down within!  
As with each new step, your recovery has so gained so much then!  
For Captain Bates, you've got a life to so live . . .  
And its where you are going, not where you've been!  
And Marine you were so born to lead!  
And Captain Bates, your fine heart will not so stop . . . nor so heed!  
Because, failure is not an option for this here United States Marine!  
As You So Teach Us . . .  
So Reach Us . . .  
and in every way To So Beseech Us!  
For you are but an American Hero, A Leader . . . one of a special breed!

For you are a United States Marine!  
 I am your Captain . . .  
 you are my women and my men!  
 Where you go,  
 I will go time and again!  
 For I will always have your back against the  
 wind!  
 Because, I'd rather die with you . . .  
 than live without!  
 All In That Fight,  
 I am with you each and every step of the way  
 no doubt!  
 Because, Moments are all that we so have!  
 To Make A Difference!  
 To Grab Hearts!  
 I'm your Captain!  
 Follow Me!  
 I will lead!  
 All in my Most Magnificent Shades of Green!  
 Because,  
 you Captain Bates were but born to lead!  
 And you so give to your Brothers and Sisters  
 In Arms in the battle all they need!  
 Oooh Rah Jar Head,  
 for you are fine United States Marine!  
 I'm your Captain let me lead!

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and

any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 18, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### DECEMBER 19

Time to be announced

Veterans' Affairs

Business meeting to consider the nominations of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, and William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims.

S-216, Capitol

8:30 a.m.

Foreign Relations

To receive a closed briefing on the Accountability Review Board.

SVC-217

10 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine consumer credit reports.

SD-538

Judiciary

To hold hearings to examine the state of the right to vote after the 2012 election.

SD-226

##### DECEMBER 20

9 a.m.

Foreign Relations

To hold hearings to examine Benghazi, focusing on the attacks and the lessons learned.

SH-216

10 a.m.

Finance

To hold hearings to examine the nominations of William B. Shultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services, and Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury.

SD-215

Judiciary

Business meeting to consider S. 1560, to enhance access to controlled substances for residents of institutional long-term care facilities.

SD-226

11 a.m.

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine recovering from superstorm Sandy, focusing on rebuilding our infrastructure.

SD-538

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219